

22103970D

SENATE BILL NO. 439

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, relating to institutions of higher education; hazing; policies.*

Patrons—Boysko, Hashmi, McClellan and Ebbin; Delegate: Murphy

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 23.1 an article numbered 4, consisting of sections numbered 23.1-819 through 23.1-822, as follows:

*Article 4.**Campus Safety; Hazing.***§ 23.1-819. Definitions.**

For the purposes of this article, unless the context requires a different meaning:

"Hazing" means the same as that term is defined in § 18.2-56.

"Institution" or "institution of higher education" means any nonprofit private institution of higher education and any public institution of higher education as defined in § 23.1-100.

"Local organization" means a group that is not chartered or recognized by an institution or a national organization but is composed of members who are students at such institution and the institution is aware of the local organization's existence or becomes aware of its existence after a hazing incident is reported to the institution.

"New member" means an individual who has been offered an invitation for membership in a student organization with new members but has not yet been initiated and is not recognized as a full member of the organization.

"New member event" means an official event or gathering hosted by a student organization with new members prior to new members of such organization being initiated into the organization to which all new members and members of the student organization hosting the event are invited or are instructed to attend.

"Potential new member" means an individual who has expressed interest in joining a student organization with new members by signing up to go through a recruitment process for such organization or organizations.

"Student organization recognized by an institution of higher education" means any group or organization on campus, including varsity intercollegiate and club athletic teams, recognized by an institution of higher education.

"Student organization with new members" means a student organization officially recognized by an institution of higher education structured in such a way that upon invitation for membership, individuals do not automatically become members of such organization and have a period of time between invitation for membership and being initiated into membership. "Student organization with new members" does not include any varsity intercollegiate or club athletic team.

§ 23.1-820. Advisor; new member events.

A. Each student organization with new members shall have an advisor present at all new member events. Such advisor shall not be a student or a former member of the student organization with new members or if applicable, the national organization with which such student organization with new members is affiliated. The student organization with new members may select the advisor who shall subsequently be approved by the institution prior to serving as such advisor or the organization may request that the institution provide an advisor for such events. For new member events that are ceremonies, rituals, or other such events that are only permitted to be attended by the new members and members of the student organization, the advisor shall be present on the premises at all times but upon the request of the leadership of the organization, shall leave the room where such ceremonies, rituals, or other such events only permitted to be attended by the new members and members are conducted.

B. The advisor for each student organization with new members as described in subsection A shall undergo hazing prevention training and provide all members and new members with extensive, current, and in-person education about hazing, the dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and with information explaining that the institution's disciplinary process is not to be considered a substitute for the criminal legal process.

59 C. Each institution shall provide hazing prevention training to all potential new members for student
60 organizations with new members with extensive, current, and in-person education about hazing, the
61 dangers of hazing, including alcohol intoxication, and hazing laws and institution policies and with
62 information explaining that the institution's disciplinary process is not to be considered a substitute for
63 the criminal legal process.

64 **§ 23.1-821. Hazing; disciplinary immunity for certain individuals who make reports; requirement**
65 **to investigate.**

66 A. The governing board of each institution of higher education shall include as part of its policy,
67 code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary
68 action based on hazing or personal consumption of drugs or alcohol where such disclosure is made in
69 conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing
70 that causes injury to a person.

71 B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to
72 investigate such acts and the students involved in such acts.

73 **§ 23.1-822. Institution reports of hazing violations.**

74 A. Each institution shall maintain and publicly report actual findings of violations of the institution's
75 code of conduct or of federal or state laws pertaining to hazing that are reported to campus authorities
76 or local law enforcement. Investigations that do not result in findings of violations of codes of conduct
77 or convictions in a court of law shall not be included in the report. The report shall include:

78 1. The name of the student organization recognized by an institution of higher education or local
79 organization, as such name of the local organization is known to the institution;

80 2. When the student organization recognized by an institution of higher education or local
81 organization was found responsible or convicted of misconduct pertaining to hazing;

82 3. The date on which such hazing misconduct occurred and the dates that the investigation was
83 initiated and concluded by the institution or local law enforcement; and

84 4. A comprehensive description of the incident, including the findings, charges, and sanctions placed
85 on the organization.

86 B. Any reports made pursuant to subsection A shall not include any personally identifiable
87 information of any students involved in the hazing misconduct and shall be subject to the Family
88 Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

89 C. Each institution shall update the report described in subsection A at least 10 calendar days before
90 the start of fall and spring academic semesters.

91 D. Reports required pursuant to this section shall be available on each institution's homepage and
92 Greek Life homepage, or its equivalent in a prominent location, and a hardcopy notice of the nature
93 and availability of the reports, including the website address where they can be found, shall be provided
94 to all attendees at student orientations.

95 E. Each institution shall publicly maintain reports for a minimum of 10 years from the date of the
96 initial disclosure of a report.

97 F. Each institution shall annually update and report actual findings of violations of the institution's
98 code of conduct or of federal or state laws pertaining to hazing made pursuant to this section to the
99 Timothy J. Piazza Center for Fraternity and Sorority Research and Reform at The Pennsylvania State
100 University to update each organization's national card and provide easily accessible documentation of
101 all hazing incidents and provide additional awareness and easily accessible information on hazing.

102 **2. That beginning with the 2022-2023 academic year, each institution shall maintain and publicly**
103 **report actual findings of violations of the institution's code of conduct or of federal or state laws**
104 **pertaining to hazing that are reported pursuant to § 23.1-822 of the Code of Virginia, as created**
105 **by this act, to campus authorities or local law enforcement.**