

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 160

An Act to amend and reenact § 23.1-808 of the Code of Virginia, relating to institutions of higher education; immunity from disciplinary action in certain cases involving a good faith report of an act of sexual violence.

[H 1870]

Approved March 22, 2023

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; disciplinary immunity 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 nonprofit private institution of higher education and each public institution of higher education ~~except~~, *including* the Virginia Military Institute *in accordance with the provisions of subsection C*, shall include as part of its policy, code, rules, or set of standards governing sexual violence a provision for immunity from disciplinary action based on (i) *curfew violation* or (ii) *personal consumption of drugs or alcohol where such in any case in which disclosure of such violation or personal consumption is made in conjunction with a good faith report of an act of sexual violence.*

C. *The Virginia Military Institute shall be subject to the requirement in subsection B, provided, however, that the Virginia Military Institute may include a provision stipulating that in the event that a cadet discloses personal consumption of drugs or alcohol in conjunction with a good faith report of an act of sexual violence and the superintendent of the Virginia Military Institute determines that such cadet's personal consumption of drugs or alcohol constitutes a threat to the cadet's well-being or the well-being of others, the superintendent may require such cadet to attend drug or substance use disorder counseling.*