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## SENATE BILL NO. 1329

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Saslaw  
on February 10, 2015)

(Patrons Prior to Substitute—Senators Garrett, Norment [SB 1192], and Saslaw [SB 1379])

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 23 a sections numbered 23-9.2:15 and 23-9.2:16, relating to institutions of higher education; handling of sexual assault cases.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15 and 23-9.2:16 as follows:

§ 23-9.2:15. *Sexual assault; memorandum of understanding; policies.*

A. The governing board of each public or private institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each community college to establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for counseling and the different disciplinary and law-enforcement investigations that may be initiated by the victim.

B. The governing board of each public or private institution of higher education shall adopt policies that require the institution to offer to refer a sexual assault victim to the sexual assault crisis center or other victim support service, encourage victims to undergo a sexual assault examination to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report to the institution, and provide for nonretaliation by the institution against victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.

C. Nothing in this section shall be construed to prohibit the institution from offering its own support services to the victim or to require a sexual assault victim to take any action against such victim's wishes.

D. This section shall not apply to proprietary institutions as defined in § 23-276.1.

23-9.2:16. *Sexual misconduct policy review.*

At least biennially, the governing board of each public institution of higher education shall certify to the State Council that it has reviewed its sexual misconduct policy and updated it as appropriate. Such policies shall include organizational policies and environmental interventions that reduce the risk of sexual misconduct and strengthen existing policies or services on campus related to reporting and responding to sexual misconduct. The State Council of Higher Education 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. Beginning July 31, 2015, the State Council of Higher Education and the Department of Criminal Justice Services shall report to the Secretary of Education and the Secretary of Public Safety and Homeland Security on the certification status of institutions.