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HOUSE BILL NO. 803

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 23-9.2:13.1, relating to public institutions of higher education; students and officially recognized student organizations; right to representation at proceedings; appeal.*

Patron—Morris

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 23-9.2:13.1 as follows:**

§ 23-9.2:13.1. Students and officially recognized student organizations; right to representation at proceedings; appeal.

A. For the purposes of this section, "fully participate" includes making opening and closing statements, examining and cross-examining witnesses, and providing support, guidance, and advice.

B. The State Council of Higher Education for Virginia shall develop a procedure for disciplinary proceedings involving students and officially recognized student organizations at public institutions of higher education that is uniform across each such institution, except as otherwise provided in this section, and includes the following requirements:

1. Except in cases that involve academic misconduct and cases for which the sanctions do not include suspension or expulsion, any student or student organization officially recognized by a public institution of higher education alleged to have violated a public institution of higher education's policies for the conduct of students has the right to be represented, at the expense of the student or student organization, by an advocate who may fully participate for the duration of any disciplinary proceeding, appeal, or other institutional proceeding regarding the alleged violation.

2. Any student or student organization officially recognized by a public institution of higher education found to be in violation of a public institution of higher education's policies for the conduct of students as a result of any disciplinary proceeding or other institutional proceeding has the right to appeal such decision, no later than one year from the date on which the student or student organization received notice of such decision, to any institutional administrator or body other than the institutional administrator or body that made such decision. As part of such appeal, the student or student organization may present new evidence, including police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal. Upon consideration of the evidence, the institutional administrator or body considering the appeal may grant or deny the appeal, order a new hearing, or reduce or modify the sanction. If a suspended or expelled student's appeal results in the reversal of the decision or a reduction or modification of the sanction, the institution may reimburse the student for any unrefunded portion of tuition and fees paid to the institution for the period of suspension or expulsion.

3. Upon discovery of any exculpatory evidence related to a student under investigation for or charged with a crime, each public institution of higher education shall immediately notify such student in writing of such evidence.

C. Nothing in this section shall be construed to:

1. Preclude any public institution of higher education from granting any right set forth in this section to any victim or accuser in any such disciplinary proceeding, appeal, or other institutional proceeding; or

2. Require any public institution of higher education to use formal rules of evidence in any such disciplinary proceeding, appeal, or other institutional proceeding, provided that the institution makes a good faith effort to admit relevant and probative evidence and exclude irrelevant and nonprobative evidence.

INTRODUCED

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