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**SENATE BILL NO. 439**

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health on January 20, 2022)

(Patron Prior to Substitute—Senator Boysko)

*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.*

**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. The advisor for each student organization with new members 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.*

*B. Each institution shall provide hazing prevention training to all potential new members for student organizations with 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.*

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

*A. The governing board of each institution of higher education shall include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person.*

*B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to*

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*investigate such acts and the students involved in such acts.*

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

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

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

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

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

*4. Subject to the limitations in subsection B, a comprehensive description of the incident, including the findings, charges, and sanctions placed on the organization.*

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

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

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

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

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

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