

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23.1-808 of the Code of Virginia, relating to public institutions of higher*
 3 *education; disciplinary immunity for certain individuals who make reports; Virginia Military Institute.*

4 [H 22]
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 23.1-808 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 23.1-808. Sexual violence; policy review; disciplinary immunity for certain individuals who make**
 9 **reports.**

10 A. By October 31 of each year, the System, Richard Bland College, each baccalaureate public institution
 11 of higher education, and each nonprofit private institution of higher education shall certify to the Council that
 12 it has reviewed its sexual violence policy and updated it as appropriate. The Council and the Department of
 13 Criminal Justice Services shall establish criteria for the certification process and may request information
 14 relating to the policies for the purposes of sharing best practices and improving campus safety. The Council
 15 and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification
 16 status of each such institution by November 30 of each year.

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

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

ENROLLED

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