

HOUSE BILL NO. 980

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Delegate Tran)

A BILL to amend and reenact §§ 23.1-819 and 23.1-821 of the Code of Virginia, relating to institutions of higher education; students who report act of hazing or bullying experienced as result of report of act of hazing; information on mental and behavioral health support.

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-819 and 23.1-821 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-819. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Bullying" means the same as that term is defined in § 22.1-276.01.

"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

26 all new members and members of the student organization hosting the event are invited or are instructed
27 to attend.

28 "Potential new member" means an individual who has expressed interest in joining a student
29 organization with new members by signing up to go through a recruitment process for such organization
30 or organizations.

31 "Student organization recognized by an institution of higher education" means any group or
32 organization on campus, including varsity intercollegiate and club athletic teams, recognized by an
33 institution of higher education.

34 "Student organization with new members" means a student organization officially recognized by
35 an institution of higher education structured in such a way that upon invitation for membership, individuals
36 do not automatically become members of such organization and have a period of time between invitation
37 for membership and being initiated into membership. "Student organization with new members" does not
38 include any varsity intercollegiate or club athletic team.

39 **§ 23.1-821. Hazing; certain individuals who make reports; disciplinary immunity;**
40 **investigation; information on mental and behavioral health support.**

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

46 B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to
47 investigate such acts and the students involved in such acts.

48 C. Nothing in this section shall be construed to prohibit the governing board of any institution from
49 requiring access to services to support individuals who receive disciplinary immunity in accordance with
50 the provisions of subsection A, including (i) counseling specific to alcohol abuse or drug abuse, or both,
51 or (ii) inpatient or outpatient (a) alcohol counseling or treatment programs, (b) drug counseling or
52 treatment programs, or (c) both alcohol and drug counseling or treatment programs.

53 D. Each institution shall provide information about individuals or entities that are qualified to
54 provide the appropriate ongoing mental and behavioral health support to any student who reports to the
55 institution an act of hazing or an act of bullying experienced as the result of a report of an act of hazing
56 for such student.

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