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CHAPTER 4.

GENERAL PROVISIONS.

**Drafting note: Provisions of existing Chapter 1 relating to students generally are consolidated in proposed Chapter 4.**

§ ~~23-9.2:12~~ 23.1-400. Student organizations; rights and recognition.

A. To the extent allowed by state and federal law:

~~1. A.~~ a religious or political student organization may determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities; and

~~2. B.~~ No public institution of higher education that has granted recognition of and access to any student organization or group shall discriminate against any such student organization or group that exercises its rights pursuant to ~~subdivision 1~~ subsection A.

**Drafting note: Technical changes.**

§ ~~23-2.1~~ 23.1-401. Collection and dissemination of information concerning religious preferences and affiliations.

Notwithstanding any provision of law to the contrary, any ~~state public~~ public institution of higher ~~learning education~~ may collect and disseminate information concerning the religious preferences and affiliations of its students; ~~provided that no student may be required such institution shall (i) require any student~~ provided that no student may be required such institution shall (i) require any student to indicate his religious preference or affiliation ~~and that no dissemination of the or (ii) disseminate such information shall be made except to categories of persons as to whom without the student has given his student's consent that dissemination may be made.~~

**Drafting note: Technical changes.**

26 | § ~~23-2.1:1~~ 23.1-402. Access to campus and student directory ~~for~~ provided to certain  
27 | persons and groups.

28 | ~~If a~~ Any public institution of higher education that provides access to its campus and  
29 | student directory to persons or groups for occupational, professional, or educational recruitment,  
30 | ~~the institution~~ shall provide access on the same basis to official recruiting representatives of the  
31 | military forces of the Commonwealth and the United States.

32 | **Drafting note: Technical changes.**

33 | § ~~23-2.1:2~~ 23.1-403. Retention of certain documents; authorized.

34 | ~~If any~~ Any public institution of higher education ~~in Virginia, as a condition of~~  
35 | enrollment, that requests that ~~a student~~ an applicant who has been accepted for admission  
36 | present a certified copy of his birth certificate, ~~a copy may be retained by the institution as a~~  
37 | condition of enrollment may retain a copy of the birth certificate in the student's record.

38 | **Drafting note: Technical changes.**

39 | § ~~23-2.1:3~~ 23.1-404. Student records and personal information.

40 | A. ~~Each~~ Any public ~~and or~~ private institution of higher education may require ~~that~~ any  
41 | student who attends, or any applicant who has been accepted to and ~~who~~ has committed to  
42 | attend, ~~or is attending~~, such institution to provide, to the extent available, from the originating  
43 | secondary school and, if applicable, any institution of higher education he has attended a  
44 | complete student record, including any mental health records held by the previous school or  
45 | institution. ~~These~~ Such records shall be kept confidential as required by state and federal law,  
46 | including the Family Educational Rights and Privacy Act, (20 U.S.C. § 1232g).

47 | B. No public institution of higher education shall sell students' personal information,  
48 | including names, addresses, phone numbers, and email addresses, to any person. This subsection  
49 | shall not apply to transactions involving credit, debit, employment, finance, identity verification,  
50 | risk assessment, fraud prevention, or other transactions initiated by the student.

51 **Drafting note: Technical changes.**

52 § ~~23-2.2~~ 23.1-405. Reporting of certain students issued student visas.

53 A. Each associate-granting and baccalaureate public and private ~~two and four year~~  
54 institution of higher education ~~in the Commonwealth~~ and the governing board, president, or  
55 director of any ~~correspondence school~~, postsecondary school, ~~or proprietary career school~~, as  
56 defined in § ~~23-276.1~~ 23.1-213, or flight school in the Commonwealth shall ~~inform~~ notify the  
57 Attorney General of the Commonwealth whenever ~~a student~~ (i) an applicant who has been  
58 accepted for admission to such ~~an educational~~ institution pursuant to a student visa fails to enroll  
59 or (ii) a student who has been attending such ~~an educational~~ institution pursuant to a student visa  
60 ~~and~~ withdraws at from such institution or violates the terms of his visa. ~~The~~ Such notification  
61 shall contain all available information from ~~the~~ U.S. Citizenship and Immigration ~~and~~  
62 Naturalization Service form Services Form I-20 and shall be submitted ~~not no~~ later than ~~thirty~~  
63 30 days after ~~the~~ discovery of the ~~reportable~~ event for which notification is required.

64 B. The Attorney General shall notify ~~the~~ U.S. Citizenship and Immigration ~~and~~  
65 Naturalization Service Services and all other appropriate national, state, and local agencies of  
66 any such failure to enroll, withdrawal, or student visa ~~violations~~ violation.

67 C. This section shall be effective until ~~superseded~~ superseded by federal action.

68 **Drafting note: References to correspondence schools and proprietary career**  
69 **schools in subsection A are stricken because such terms are neither used in proposed**  
70 **Article 2 (§ 23.1-213 et seq.) of Chapter 2 nor defined in § 23.1-213. Technical changes are**  
71 **made.**

72 § ~~23-2.2:1~~ 23.1-406. Reporting of enrollment information to Sex Offender and Crimes  
73 Against Minors Registry.

74 A. Each associate-granting and baccalaureate public and private ~~two and four year~~  
75 institution of higher education ~~physically located in the Commonwealth~~ shall electronically  
76 transmit ~~enrollment data including (i) the~~ complete name, ~~(ii)~~ social security number or other

77 identifying number, ~~(iii)~~ date of birth, and ~~(iv)~~ gender of each applicant accepted to attend the  
78 institution to the Department of State Police, in a format approved by the Department of State  
79 Police, for comparison with information contained in the Virginia Criminal Information  
80 Network and National Crime Information Center Convicted Sexual Offender Registry File, ~~for~~  
81 ~~all applicants that are offered acceptance to attend the institution. This~~ Such data shall be  
82 transmitted (i) before ~~such time that~~ an accepted applicant becomes a "student in attendance"  
83 pursuant to 20 U.S.C. § 1232g(a)(6) ~~at that institution. However, or~~ (ii) in the case of institutions  
84 with a rolling or instantaneous admissions policy ~~shall report enrollment,~~ in accordance with  
85 guidelines developed by the Department of State Police in consultation with the ~~State Council of~~  
86 ~~Higher Education and the Virginia Community College System. Such guidelines shall be~~  
87 ~~developed no later than January 1, 2007.~~

88 B. Whenever it appears from the records of the Department of State Police that ~~a person~~  
89 an accepted applicant has failed to comply with the duty to register or reregister pursuant to  
90 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly  
91 investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or  
92 assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which  
93 ~~the person was enrolled with the educational~~ institution of higher education is located.

94 **Drafting note: Technical changes.**

95 § ~~23-2.3~~ 23.1-407. Annual reporting of the use of student fees.

96 Each public ~~two and four year~~ institution of higher education ~~in the Commonwealth~~  
97 shall publish annually a descriptive report detailing (i) the ~~(i)~~ amount and distribution of student  
98 activity fees assessed each semester or during an academic year; and (ii) the name of each  
99 organization, ~~including the nature of the organization's activity,~~ that receives funding of \$100 or  
100 more from student activity fees and the nature of such organization's activity. Each such  
101 institution shall post ~~the such~~ annual descriptive report ~~of the use of student activity fees to on~~

102 its website to facilitate [its access by](#) and availability ~~of the report~~ to [enrolled](#) students ~~enrolled at~~  
103 ~~the institution~~ and their parents.

104 **Drafting note: Technical changes.**

105 § ~~23-2.6~~ [23.1-408](#). Transparency in higher education information.

106 Each ~~four-year~~ [baccalaureate](#) public institution of higher education shall maintain and  
107 update annually no later than September 30 a tab or link on the home page of its website that  
108 shall include the following information:

109 1. The institution's six-year undergraduate graduation rate for each of the past 10 years;

110 2. The institution's freshman-to-sophomore retention rate for full-time undergraduate  
111 students for each of the past 10 years;

112 3. The institution's average annual percentage increase in base undergraduate tuition for  
113 each of the past 10 years;

114 4. The institution's average annual percentage increase in mandatory undergraduate  
115 comprehensive student fees for each of the past 10 years;

116 5. A link to the annual report of the use of student fees as required by § ~~23-2.3~~ [23.1-407](#);

117 6. A link to the postsecondary education and employment data referenced in [subsection](#)  
118 [B of § 23-2.4](#) [23.1-204](#); and

119 7. A summary of the institution's budget, consistent with the institution's annual  
120 budgeting process, that includes (i) the major budget units (MBUs) in the institution and  
121 standard expenditure categories within each MBU for the current fiscal year and the previous  
122 fiscal year or (ii) a link to the annual reports required by [subdivision B 10 of § 23-1.04](#) [23.1-](#)  
123 [1303](#).

124 **Drafting note: Technical changes.**

125 § ~~23-4.3:2~~ [23.1-409](#). ~~Policies addressing student~~ [Student](#) loan vendors.

126 | A. No employee ~~at of~~ a ~~Virginia~~ public institution of higher education shall demand or  
127 | receive any payment, loan, advance, deposit of money, services, or anything, present or  
128 | promised, as an inducement for promoting any student loan vendor.

129 | B. No public institution of higher education shall enter into any agreement with any  
130 | student loan vendor that states or implies an exclusive relationship between the ~~school~~  
131 | institution and vendor regarding student loans.

132 | **Drafting note: Technical changes.**

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