

1 CHAPTER 8.

2 HEALTH AND CAMPUS SAFETY.

3 **Drafting note: Provisions of existing Chapters 1 and 17 relating to student health**
4 **and campus safety are consolidated in proposed Chapter 8, and technical changes are**
5 **made.**

6 Article 1.

7 Student Health.

8 **Drafting note: Provisions of existing Chapter 1 relating to student health are**
9 **consolidated in proposed Article 1, and technical changes are made.**

10 § ~~23-7.5~~ 23.1-800. Health histories ~~required; and~~ immunizations required; exemptions.

11 A. No full-time student ~~shall be enrolled~~ who enrolls for the first time in any ~~four-year,~~
12 baccalaureate public institution of higher education ~~in this Commonwealth shall be eligible to~~
13 register for his second semester or quarter unless he (i) has furnished, before the beginning of
14 the second semester or quarter of enrollment, a health history consistent with guidelines adopted
15 by each institution's board of visitors, ~~pursuant to the requirements of this section. Any student~~
16 ~~who fails to furnish the history will not be eligible for registration for the second semester or~~
17 ~~quarter. Any student who~~ that includes documented evidence, provided by a licensed health
18 professional or health facility, of the diseases for which the student has been immunized, the
19 numbers of doses given, the date on which the immunization was administered, and any further
20 immunizations indicated or (ii) objects to such health history requirement on religious grounds,
21 in which case he shall be exempt from ~~the health history such~~ requirement ~~set forth in this~~
22 section.

23 B. ~~The health history shall include documented evidence, provided by a licensed health~~
24 ~~professional or health facility, of the diseases for which the student has been immunized, the~~
25 ~~numbers of doses given, the dates when administered and any further immunizations indicated.~~

26 Prior to enrollment, ~~all students~~ for the first time in any baccalaureate public institution of
27 higher education, each student shall be immunized by vaccine against diphtheria, tetanus,

28 poliomyelitis, measles (rubeola), German measles (rubella), and mumps according to the
29 guidelines of the American College Health Association.

30 C. ~~In addition to the immunization requirements set forth in subsection B, all incoming~~
31 ~~full-time students, prior~~ Prior to enrollment ~~for the first time~~ in any ~~baccalaureate~~ public ~~four-~~
32 ~~year~~ institution of higher education, ~~each full-time student~~ shall be vaccinated against ~~(i)~~
33 meningococcal disease and ~~(ii)~~ hepatitis B.

34 ~~However, if the institution of higher education provides the student or, if the student is a~~
35 ~~minor, the student's parent or other legal representative, detailed information on the risks~~
36 ~~associated with meningococcal disease and hepatitis B and on the availability and effectiveness~~
37 ~~of any vaccine, unless~~ the student or, if the student is a minor, the student's parent or other legal
38 representative ~~may sign~~ signs a written waiver stating that he has received and reviewed ~~the~~
39 detailed information on the risks associated with meningococcal disease and hepatitis B and the
40 availability and effectiveness of any vaccine and has chosen not to be or not to have the student
41 vaccinated.

42 D. Any student shall be exempt from the immunization requirements set forth in ~~this~~
43 ~~section~~ subsections B and C who (i) objects on the grounds that administration of immunizing
44 agents conflicts with his religious tenets or practices, unless the Board of Health has declared an
45 emergency or epidemic of disease ~~has been declared by the Board of Health~~, or (ii) presents a
46 statement from a licensed physician ~~which that~~ states that his physical condition is such that
47 administration of one or more of the required immunizing agents would be detrimental to his
48 health.

49 E. The Board and Commissioner of Health shall cooperate with any board of visitors
50 seeking assistance in the implementation of this section.

51 F. ~~Further, the State~~ The Council ~~of Higher Education~~ shall, in cooperation with the
52 Board and Commissioner of Health, encourage private ~~colleges and universities~~ institutions of
53 higher education to develop a procedure for providing information about the risks associated

54 with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine
55 against meningococcal disease and hepatitis B.

56 **Drafting note: Technical changes.**

57 § ~~23-9.2:3.2~~ 23.1-801. ~~Education~~ Educational program on human immunodeficiency
58 virus infection.

59 ~~Virginia~~ Each public ~~institutions~~ institution of higher education, in cooperation with the
60 Department of Health, shall develop and implement ~~education~~ educational programs for college
61 students on the etiology, effects, and prevention of infection with human immunodeficiency
62 virus.

63 **Drafting note: Technical changes.**

64 § ~~23-9.2:8~~ 23.1-802. Student mental health; policies; website resource.

65 A. The governing board of each public institution of higher education shall develop and
66 implement policies that (i) advise students, faculty, and staff, including residence hall staff, of
67 the proper procedures for identifying and addressing the needs of students exhibiting suicidal
68 tendencies or behavior; and (ii) provide for training; where appropriate. Such policies shall
69 require procedures for notifying the institution's student health or counseling center for the
70 purposes set forth in ~~subsection C~~ subdivision B 4 of § ~~23-9.2:3~~ 23.1-1303 when a student
71 exhibits suicidal tendencies or behavior.

72 B. The governing board of each baccalaureate public ~~four-year~~ institution of higher
73 education shall establish a written memorandum of understanding with its local community
74 services board or behavioral health authority and with local hospitals and other local mental
75 health facilities in order to expand the scope of services available to students seeking treatment.
76 The memorandum shall designate a contact person to be notified when a student is involuntarily
77 committed; or when a student is discharged from a facility and consents to such notification.
78 The memorandum shall ~~also~~ provide for the inclusion of the institution in the post-discharge
79 planning of a student who has been committed and intends to return to campus, to the extent
80 allowable under state and federal privacy laws.

81 ~~§ 23-9.2:14. Mental health resources website page required.~~

82 C. Each four-year baccalaureate public institution of higher education shall create and
83 feature on its website a page with information dedicated solely to the mental health resources
84 available to students at the institution.

85 **Drafting note: The provisions of existing §§ 23-9.2:8 and 23-9.2:14 are logically**
86 **combined as proposed § 23.1-802. Technical changes are made.**

87 Article 2.

88 Campus Safety; General Provisions.

89 **Drafting note: Provisions of existing Chapter 1 relating to campus safety generally**
90 **are consolidated in proposed Article 2 of Chapter 8, and technical changes are made.**

91 ~~§ 23-9.2:11~~ 23.1-803. First warning notification and emergency ~~notification~~ broadcast
92 system required.

93 ~~By January 1, 2009, the A. The~~ governing ~~boards~~ board of each public institution of
94 higher education shall establish a comprehensive, prompt, and reliable first warning notification
95 and emergency broadcast system for their students, faculty, and staff, both on and off campus.
96 Such system shall be activated in the case of an emergency and may rely on website
97 announcements; email notices; phone, cellular phone, and text messages; alert lines; public
98 address systems; and other means of communication. ~~In addition, each~~

99 B. Each public institution of higher education shall designate individuals authorized to
100 activate the first warning notification and emergency broadcast system and provide such
101 individuals with appropriate training for its use.

102 **Drafting note: An obsolete 2009 deadline is stricken, and technical changes are**
103 **made.**

104 ~~§ 23-9.2:9~~ 23.1-804. Institutional crisis and emergency management plan; ~~review~~
105 ~~required; annual functional exercise required.~~

106 A. The ~~board of visitors or other~~ governing ~~body~~ board of each public institution of
107 higher education shall develop, adopt, and keep current a written crisis and emergency

108 management plan. The plan shall ~~include a provision that~~ (i) require the Department of Criminal
109 Justice Services and the Virginia Criminal Injuries Compensation Fund ~~shall to~~ be contacted
110 immediately to deploy assistance in the event of an emergency as defined in the emergency
111 response plan when there are victims as defined in § 19.2-11.01 and (ii) include current contact
112 information for both agencies. The Department of Criminal Justice Services and the Virginia
113 Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those
114 individuals determined to be victims, ~~and the plan shall also contain current contact information~~
115 for both agencies.

116 B. Every four years, each public institution of higher education shall conduct a
117 comprehensive review and revision of its crisis and emergency management plan to ensure that
118 the plan remains current, and the revised plan shall be adopted formally by the ~~board of visitors~~
119 ~~or other~~ governing body board. Such review shall also be certified in writing to the Department
120 of Emergency Management. The institution shall coordinate with the local emergency
121 management organization, as defined by in § 44-146.16, to ensure integration into the local
122 emergency operations plan.

123 C. ~~In addition, the~~ The Chancellor of the System and the president and vice-president of
124 each baccalaureate public institution of higher education, or in the case of the Virginia Military
125 Institute, the superintendent, shall annually (i) review the institution's crisis and emergency
126 management plan; (ii) certify in writing to the Department of Emergency Management that the
127 Chancellor, president and vice-president, or ~~the~~ superintendent, have has reviewed the plan; and
128 (iii) make recommendations to the institution for appropriate changes to the plan.

129 D. Each public institution of higher education shall annually conduct a functional
130 exercise in accordance with the protocols established by the institution's crisis and emergency
131 management plan and certify in writing to the Department of Emergency Management that such
132 exercise was conducted.

133 **Drafting note: Technical changes.**

134 § ~~23-9.2-10~~ 23.1-805. Violence prevention committee; threat assessment team.

135 A. Each public ~~college or university~~ institution of higher education shall ~~have in place~~
136 establish policies and procedures for the prevention of violence on campus, including
137 assessment of and intervention with individuals whose behavior poses a threat to the safety of
138 the campus community.

139 B. The ~~board of visitors or other~~ governing body board of each public institution of
140 higher education shall determine a violence prevention committee structure on campus
141 composed of individuals charged with education on and prevention of violence on campus. Each
142 violence prevention committee shall include representatives from student affairs, law
143 enforcement, human resources, counseling services, residence life, and other constituencies as
144 needed. ~~Such committee and~~ shall ~~also~~ consult with legal counsel as needed. ~~Once formed, each~~
145 Each violence prevention committee shall develop a clear statement of: ~~(i)~~ mission, ~~(ii)~~
146 membership, and ~~(iii)~~ leadership. Such statement shall be published and made available to the
147 campus community.

148 C. Each violence prevention committee shall ~~be charged with~~: (i) ~~providing~~ provide
149 guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior
150 that may represent a physical threat to the community; (ii) ~~identifying~~ identify members of the
151 campus community to whom threatening behavior should be reported; (iii) ~~establishing~~ establish
152 policies and procedures that outline circumstances under which all faculty and staff are required
153 to report behavior that may represent a physical threat to the community, provided that such
154 report is consistent with state and federal law; and (iv) ~~establishing~~ establish policies and
155 procedures for (a) the assessment of individuals whose behavior may present a threat, (b)
156 appropriate means of intervention with such individuals, and (c) sufficient means of action,
157 including interim suspension, referrals to community services boards or health care providers
158 for evaluation or treatment, medical separation to resolve potential physical threats, ~~or~~ and
159 notification of family members or guardians, or both, unless such notification would prove
160 harmful to the individual in question, consistent with state and federal law.

161 D. The ~~board of visitors or other~~ governing body board of each public institution of
162 higher education shall establish a ~~specific~~ threat assessment team that ~~shall include~~ includes
163 members from law enforcement, mental health professionals, representatives of student affairs
164 and human resources, and, if available, college or university counsel. ~~Such~~ Each threat
165 assessment team shall implement the assessment, intervention, and action policies set forth by
166 the violence prevention committee pursuant to subsection C.

167 E. Each threat assessment team shall establish relationships or utilize existing
168 relationships with mental health agencies and local and state law-enforcement agencies ~~as well~~
169 ~~as mental health agencies~~ to expedite assessment of and intervention with individuals whose
170 behavior may present a threat to safety. Upon a preliminary determination that an individual
171 poses a threat of violence to self or others, or exhibits significantly disruptive behavior or a need
172 for assistance, ~~a the~~ threat assessment team may obtain criminal history record information, as
173 provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03.

174 F. No member of a threat assessment team shall redisclose any criminal history record
175 information or health information obtained pursuant to this section or otherwise use any record
176 of an individual beyond the purpose for which such disclosure was made to the threat
177 assessment team.

178 **Drafting note: Technical changes.**

179 § ~~23-9.2:15~~ 23.1-806. Reporting of acts of sexual violence.

180 A. For purposes of this section:

181 "Campus" means (i) any building or property owned or controlled by an institution of
182 higher education within the same reasonably contiguous geographic area of the institution and
183 used by the institution in direct support of, or in a manner related to, the institution's educational
184 purposes, including residence halls, and (ii) any building or property that is within or reasonably
185 contiguous to the area described in clause (i) that is owned by the institution but controlled by
186 another person, is frequently used by students, and supports institutional purposes, such as a
187 food or other retail vendor.

188 "Noncampus building or property" means (i) any building or property owned or
189 controlled by a student organization officially recognized by an institution of higher education
190 or (ii) any building or property owned or controlled by an institution of higher education that is
191 used in direct support of, or in relation to, the institution's educational purposes, is frequently
192 used by students, and is not within the same reasonably contiguous geographic area of the
193 institution.

194 "Public property" means all public property, including thoroughfares, streets, sidewalks,
195 and parking facilities, that is within the campus, or immediately adjacent to and accessible from
196 the campus.

197 "Responsible employee" means a person employed by a public institution of higher
198 education or ~~private~~ nonprofit private institution of higher education who has the authority to
199 take action to redress sexual violence, who has been given the duty of reporting acts of sexual
200 violence or any other misconduct by students to the Title IX coordinator or other appropriate
201 institution designee, or whom a student could reasonably believe has this authority or duty.

202 "Sexual violence" means physical sexual acts perpetrated against a person's will or
203 where a person is incapable of giving consent.

204 "Title IX coordinator" means an employee designated by a public institution of higher
205 education or ~~private~~ nonprofit private institution of higher education to coordinate the
206 institution's efforts to comply with and carry out the institution's responsibilities under Title IX
207 (20 U.S.C. § 1681 et seq.). If no such employee has been designated by the institution, the
208 institution shall designate an employee who will be responsible for receiving information of
209 alleged acts of sexual violence from responsible employees in accordance with subsection B.

210 B. Any responsible employee who in the course of his employment obtains information
211 that an act of sexual violence may have been committed against a student attending the
212 institution or may have occurred on campus, in or on a noncampus building or property, or on
213 public property shall report such information to the Title IX coordinator as soon as practicable
214 after addressing the immediate needs of the victim.

215 C. Upon receipt of information pursuant to subsection B, the Title IX coordinator or his
216 designee shall promptly report the information, including any personally identifiable
217 information, to a review committee established pursuant to subsection D. Nothing in this section
218 shall prevent the Title IX coordinator or any other responsible employee from providing any
219 information to law enforcement with the consent of the victim.

220 D. Each public institution of higher education—~~or and nonprofit~~ private—~~nonprofit~~
221 institution of higher education shall establish a review committee for the purposes of reviewing
222 information related to acts of sexual violence, including information reported pursuant to
223 subsection C. Such review committee shall consist of three or more persons and shall include
224 the Title IX coordinator or his designee, a representative of law enforcement, and a student
225 affairs representative. If the institution has established a campus police department pursuant to
226 [Chapter 17 Article 3](#) (§ ~~23-232~~ [23.1-809](#) et seq.)—~~of this title~~, the representative of law
227 enforcement shall be a member of such department; ~~;~~ otherwise, the representative of law
228 enforcement shall be a representative of campus security. The review committee may be the
229 threat assessment team established under § ~~23-9.2:10~~ [23.1-805](#) or a separate body. The review
230 committee may obtain law-enforcement records, criminal history record information as provided
231 in §§ 19.2-389 and 19.2-389.1, health records as provided in § 32.1-127.1:03, available
232 institutional conduct or personnel records, and known facts and circumstances of the
233 information reported pursuant to subsection C or information or evidence known to the
234 institution or to law enforcement. The review committee shall be considered to be a threat
235 assessment team established pursuant to § ~~23-9.2:10~~ [23.1-805](#) for purposes of (i) obtaining
236 criminal history record information and health records and (ii) the Virginia Freedom of
237 Information Act (§ 2.2-3700 et seq.). The review committee shall conduct its review in
238 compliance with federal privacy law.

239 E. Upon receipt of information of an alleged act of sexual violence reported pursuant to
240 subsection C, the review committee shall meet within 72 hours to review the information and
241 shall meet again as necessary as new information becomes available.

242 F. If, based on consideration of all factors, the review committee, or if the committee
243 cannot reach a consensus, the representative of law enforcement on the review committee,
244 determines that the disclosure of the information, including personally identifiable information,
245 is necessary to protect the health or safety of the student or other individuals as set forth in 34
246 C.F.R. § 99.36, the representative of law enforcement on the review committee shall
247 immediately disclose such information to the law-enforcement agency that would be responsible
248 for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of
249 investigation and other actions by law enforcement. Upon such disclosure, the Title IX
250 coordinator or his designee shall notify the victim that such disclosure is being made. The
251 provisions of this subsection shall not apply if the law-enforcement agency responsible for
252 investigating the alleged act of sexual violence is located outside the United States.

253 G. In cases in which the alleged act of sexual violence would constitute a felony
254 violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, the representative of law
255 enforcement on the review committee shall inform the other members of the review committee
256 and shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor
257 responsible for prosecuting the alleged act of sexual violence and provide to him the
258 information received by the review committee without disclosing personally identifiable
259 information, unless such information was disclosed pursuant to subsection F. In addition, if such
260 consultation does not occur and any other member of the review committee individually
261 concludes that the alleged act of sexual violence would constitute a felony violation of Article 7
262 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, that member shall within 24 hours consult with the
263 attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act
264 of sexual violence and provide to him the information received by the review committee without
265 disclosing personally identifiable information, unless such information was disclosed pursuant
266 to subsection F.

267 H. At the conclusion of the review, the Title IX coordinator and the law-enforcement
268 representative shall each retain (i) the authority to proceed with any further investigation or

269 adjudication allowed under state or federal law and (ii) independent records of the review team's
270 considerations, which shall be maintained under applicable state and federal law.

271 I. No responsible employee shall be required to make a report pursuant to subsection B
272 if:

273 1. The responsible employee obtained the information through any communication
274 considered privileged under state or federal law or the responsible employee obtained the
275 information in the course of providing services as a licensed health care professional, an
276 employee providing administrative support for such health care professionals, a professional
277 counselor, an accredited rape crisis or domestic violence counselor, a campus victim support
278 personnel, a member of clergy, or an attorney; or

279 2. The responsible employee has actual knowledge that the same matter has already been
280 reported to the Title IX coordinator or to the attorney for the Commonwealth or the law-
281 enforcement agency responsible for investigating the alleged act of sexual violence.

282 J. Any responsible employee who makes a report required by this section or testifies in a
283 judicial or administrative proceeding as a result of such report shall be immune from any civil
284 liability alleged to have resulted therefrom unless such person acted in bad faith or with
285 malicious intent.

286 K. The provisions of this section shall not require a person who is the victim of an
287 alleged act of sexual violence to report such violation.

288 L. The institution shall ensure that a victim of an alleged act of sexual violence is
289 informed of (i) the available law-enforcement options for investigation and prosecution; (ii) the
290 importance of collection and preservation of evidence; (iii) the available options for a protective
291 order; (iv) the available campus options for investigation and adjudication under the institution's
292 policies; (v) the victim's rights to participate or decline to participate in any investigation to the
293 extent permitted under state or federal law; (vi) the applicable federal or state confidentiality
294 provisions that govern information provided by a victim; (vii) the available on-campus
295 resources and any unaffiliated community resources, including sexual assault crisis centers,

296 domestic violence crisis centers, or other victim support services; and (viii) the importance of
297 seeking appropriate medical attention.

298 **Drafting note: Technical changes.**

299 § ~~23-9.2-16~~ 23.1-807. Sexual assault; memorandum of understanding; policies.

300 A. ~~Each Richard Bland College and each baccalaureate public institution of higher~~
301 ~~education or and nonprofit private ~~nonprofit~~ institution of higher education shall establish,~~ and
302 the State Board ~~for Community Colleges~~ shall adopt a policy requiring each comprehensive
303 community college to establish, a written memorandum of understanding with a sexual assault
304 crisis center or other victim support service in order to provide sexual assault victims with
305 immediate access to a confidential, independent advocate who can provide a trauma-informed
306 response that includes an explanation of options for moving forward.

307 B. Each public institution of higher education ~~or and nonprofit private ~~nonprofit~~~~
308 institution of higher education shall adopt policies to provide to sexual assault victims
309 information on contacting such sexual assault crisis center or other victim support service.

310 **Drafting note: Technical changes.**

311 § ~~23-9.2-17~~ 23.1-808. Sexual violence policy review.

312 By October 31 of each year, the System, Richard Bland College, each baccalaureate
313 public institution of higher education ~~or, and each nonprofit private ~~nonprofit~~~~ institution of
314 higher education ~~and the State Board for Community Colleges~~ shall certify to the State Council
315 ~~of Higher Education for Virginia~~ that it has reviewed its sexual violence policy and updated it as
316 appropriate. The State Council ~~of Higher Education for Virginia~~ and the Department of
317 Criminal Justice Services shall establish criteria for the certification process and may request
318 information relating to the policies for the purposes of sharing best practices and improving
319 campus safety. The State Council ~~of Higher Education for Virginia~~ and the Department of
320 Criminal Justice Services shall report to the Secretary of Education on the certification status of
321 each such institution ~~and the Virginia Community College System~~ by November 30 of each
322 year.

323 **Drafting note: Technical changes.**

324 ~~CHAPTER 17.~~

325 ~~CAMPUS POLICE DEPARTMENTS.~~

326 Article 3.

327 Campus Safety; Campus Police Departments.

328 **Drafting note: Existing Chapter 17 is logically reorganized as proposed Article 3 of**
329 **Chapter 8, and technical changes are made.**

330 § ~~23-232~~ 23.1-809. Establishment Public institutions of higher education; establishment
331 of campus police departments authorized; employment of officers.

332 A. The governing board of each public institution of higher ~~learning named in § 23-14,~~
333 ~~hereafter sometimes referred to in this chapter as "institution," is authorized to~~ education may
334 establish a campus police department and ~~to~~ employ campus police officers and auxiliary police
335 forces upon appointment as provided in §§ ~~23-233~~ 23.1-811 and ~~23-233.1~~ 23.1-812. Such
336 employment shall be governed by the Virginia Personnel Act, ~~as set forth in Chapter 29~~ (§ 2.2-
337 2900 et seq.) ~~of Title 2.2,~~ except that the governing body board of a public institution of higher
338 education may direct that the employment of the chief of the campus police department is not
339 governed by the Virginia Personnel Act.

340 B. The Virginia Commonwealth University Health System Authority ~~shall be authorized~~
341 ~~to~~ may employ police officers and auxiliary forces as provided in this ~~chapter article~~ and in §
342 ~~23-50.16:10~~ 23.1-2406, except that the employment of such officers and forces shall not be
343 governed by the Virginia Personnel Act (§ 2.2-2900 et seq.).

344 **Drafting note: Technical changes.**

345 § ~~23-232.1~~ 23.1-810. Authorization for campus police departments in private institutions
346 of higher education.

347 The governing board of each private institution of higher education ~~is authorized to~~ may
348 establish, in compliance with the provisions of this ~~chapter article~~, a campus police department
349 and ~~to~~ employ campus police officers upon appointment as provided in § ~~23-233~~ 23.1-812.

350 Except as such provisions apply exclusively to public institutions of higher education or
351 employees, the provisions of this ~~chapter article~~ shall apply to the appointment and employment
352 of officers, and the operation, powers, duties, and jurisdiction of ~~private~~ campus police
353 departments at private institutions of higher education, and such departments shall be subject to
354 and enjoy the benefits of this ~~chapter article~~. However, to be qualified to use the word "police"
355 to describe the department or its officers, any private ~~college or university which~~ institution of
356 higher education that establishes a campus police department shall require ~~that~~ each officer to
357 comply with the training or other requirements for law-enforcement officers established by the
358 Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

359 **Drafting note: Technical changes.**

360 § ~~23-233.1~~ 23.1-811. Establishment of auxiliary police forces; ~~powers, authority and~~
361 ~~immunities generally~~.

362 The governing ~~boards~~ board of each public institution of higher education and private
363 institution of higher education, for the further preservation of public peace, safety, and good
364 order of the campus community, ~~shall have the power to~~ may establish, equip, and maintain an
365 auxiliary police ~~forces~~ force. When called into service pursuant to procedures established by the
366 governing board, members of ~~these such~~ auxiliary forces shall have all the powers, authority,
367 and immunities of ~~public institutions of higher education~~ campus police officers at public
368 institutions of higher education.

369 **Drafting note: Technical changes.**

370 § ~~23-236~~ 23.1-812. ~~Investigation of prospective officers; terms of employment;~~
371 ~~uniforms, etc~~ Appointment of campus police officers and members of an auxiliary force.

372 A. Prior to appointment as a campus police officer or member of an auxiliary force, each
373 ~~person~~ individual shall be investigated by the campus police department of the institution
374 applying for the order of appointment or, if none has been established, by the police department
375 of the ~~county, city or town~~ locality in which such institution is located. Such investigation shall

376 determine whether the ~~person~~ individual is responsible, honest, and in all ways capable of
377 performing the duties of a campus police officer.

378 ~~§ 23-233. Appointment of officers.~~

379 B. Upon application of the governing board of ~~an a public~~ institution of higher education
380 or private institution of higher education, the circuit court of the ~~county or city wherein~~ locality
381 in which the institution is located, ~~in its discretion~~, may, by order, appoint the ~~persons~~
382 individuals named in the application to be campus police officers or members of an auxiliary
383 force at such institution.

384 ~~B. C.~~ Each campus police officer and member of an auxiliary force appointed and
385 employed pursuant to this ~~chapter shall be~~ article is a state employee of the institution named in
386 the order of appointment. Insofar as it is not inconsistent with the Virginia Personnel Act (§ 2.2-
387 2900 et seq.), the governing board of such institution shall provide for the conditions and terms
388 of employment and compensation and ~~provide~~ a distinctive uniform and badge of office for such
389 officers and members of an auxiliary force.

390 **Drafting note: Technical changes are made, including (i) changing a reference in**
391 **subsection A to "county, city or town" to "locality" pursuant to § 1-221, which states that**
392 **throughout the Code "locality" means a county, city, or town; (ii) incorporating existing §**
393 **23-233, Appointment of officers, as proposed subsection B of this section; and (iii)**
394 **changing subsection B of § 23-236 to subsection C.**

395 ~~§ 23-235~~ 23.1-813. Officers and members to comply with requirements of Department
396 of Criminal Justice Services.

397 All ~~persons~~ individuals appointed and employed as campus police officers or ~~as~~
398 members of an auxiliary ~~forces~~ force pursuant to this ~~chapter~~ article shall comply with the
399 requirements for law-enforcement officers as established by the Department of Criminal Justice
400 Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

401 **Drafting note: Technical changes.**

402 § ~~23-237~~ 23.1-814. Termination of employment of campus police officers and members
403 of auxiliary police forces.

404 ~~A person~~ An individual appointed as a campus police officer or a member of an auxiliary
405 police force shall exercise his powers only as long as he remains employed or activated, as the
406 case may be, by the institution named in the order of the appointment. The appointment order
407 entered by the circuit court shall automatically be revoked upon the termination of the ~~officer's~~
408 employment of the officer or member at the institution and may be revoked by the court for
409 malfeasance, misfeasance, or nonfeasance. The institution shall notify the court upon
410 termination of the ~~officer's~~ employment of the officer or member at the institution.

411 **Drafting note: Technical changes.**

412 § ~~23-234~~ 23.1-815. ~~Powers~~ Campus police forces and auxiliary police forces; powers
413 and duties; jurisdiction.

414 A. As used in this section:

415 "Campus" means (i) any building or property owned or controlled by an institution of
416 higher education located within the same reasonably contiguous geographic area of the
417 institution and used by the institution in direct support of, or in a manner related to, the
418 institution's educational purposes, including residence halls, and (ii) any building or property
419 that is within or reasonably contiguous to the area described in clause (i) that is owned by the
420 institution but controlled by another person, is frequently used by students, and supports
421 institutional purposes, such as a food or other retail vendor.

422 "Noncampus building or property" means (i) any building or property owned or
423 controlled by a student organization that is officially recognized by an institution of higher
424 education or (ii) any building or property owned or controlled by an institution of higher
425 education that is used in direct support of, or in relation to, the institution's educational
426 purposes, is frequently used by students, and is not within the same reasonably contiguous
427 geographic area of the institution.

428 "Public property" means all public property, including thoroughfares, streets, sidewalks,
429 and parking facilities, that is within the campus, or immediately adjacent to and accessible from
430 the campus.

431 B. A campus police officer appointed as provided in § ~~23-233~~ 23.1-812 or a member of
432 an auxiliary police force appointed and activated pursuant to § ~~23-233.1~~ § 23.1-811 and 23.1-
433 812 shall be deemed police officers of localities who may exercise the powers and duties
434 conferred by law upon such police officers ~~of cities, towns, or counties, and shall be so deemed,~~
435 including ~~but not limited to~~ the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et
436 seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the
437 ~~relevant~~ public institution of higher education or private institution of higher education, or, upon
438 request, any property owned or controlled by another public institution of higher education or
439 private institution of higher education, and upon the streets, sidewalks, and highways,
440 immediately adjacent ~~thereto, to any such property;~~ (ii) pursuant to a mutual aid agreement (a)
441 as provided for in § 15.2-1727 or (b) between the governing board of a public institution of
442 higher education or private institution of higher education and ~~such other another public or~~
443 private institution of higher education, ~~public or private,~~ in the Commonwealth or an adjacent
444 political ~~subdivisions, subdivision;~~ (iii) in close pursuit of a person as provided in § 19.2-77;
445 and (iv) upon approval by the appropriate circuit court of a petition by the local governing body
446 for concurrent jurisdiction in designated areas with the police officers of the ~~county, city, or~~
447 town locality in which the institution, its satellite campuses, or other properties are located. The
448 local governing body may only petition the circuit court for such concurrent jurisdiction
449 pursuant ~~only~~ to a request by the local law-enforcement agency ~~for concurrent jurisdiction.~~

450 B. All public or C. Each public institution of higher education and private institutions
451 institution of higher education that ~~have~~ establishes a campus police ~~forces established in~~
452 accordance with the provisions of force pursuant to this chapter article shall enter into and
453 become a party to a mutual aid ~~agreements~~ agreement with ~~one or more of the following:~~ (i) an
454 adjacent local law-enforcement agency or ~~(ii)~~ the Department of State Police, for the use of their

455 ~~regular and auxiliary~~ joint forces, ~~both regular and auxiliary~~, equipment, and materials when
456 needed in the investigation of any felony criminal sexual assault or medically unattended death
457 occurring on property owned or controlled by ~~the such~~ institution ~~of higher education~~ or any
458 death resulting from an incident occurring on such property. Such mutual aid agreements shall
459 include provisions requiring either the campus police force or the agency with which it has
460 established a mutual aid agreement pursuant to this subsection, in the event that such police
461 force or agency conducts an investigation that involves a felony criminal sexual assault as set
462 forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a
463 noncampus building or property, or on public property, to notify the local attorney for the
464 Commonwealth of such investigation within 48 hours of beginning such investigation. ~~Such No~~
465 ~~such~~ notification provision shall ~~not~~ require a campus police force or the agency with which it
466 has established a mutual aid agreement to disclose identifying information about the victim. ~~The~~
467 ~~provisions of Nothing in~~ this section ~~shall not prohibit~~ prohibits a campus police force or
468 auxiliary police force from requesting assistance from any appropriate law-enforcement agency
469 of the Commonwealth, ~~even though a with which the institution has not entered into a~~ mutual
470 aid agreement ~~has not been executed with that agency~~.

471 ~~C. All public or~~ D. Each public institution of higher education and private ~~institutions~~
472 institution of higher education that (i) ~~do not have~~ has not established a campus police ~~forces~~
473 ~~established in accordance with the provisions of~~ force or auxiliary police force pursuant to this
474 ~~chapter article~~ and (ii) ~~have~~ has a security ~~departments department,~~ rely relies on ~~municipal,~~
475 ~~county, local~~ or state police forces, or ~~contract contracts~~ for security services from private
476 parties pursuant to § ~~23-238~~ 23.1-819 shall enter into and become a party to a memorandum of
477 understanding with an adjacent local law-enforcement agency or the Department of State Police
478 (the Department) to require either such local law-enforcement agency or the Department, in the
479 event that such agency or the Department conducts an investigation that involves a felony
480 criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2
481 occurring on campus, in or on a noncampus building or property, or on public property, to notify

482 the local attorney for the Commonwealth of such investigation within 48 hours of beginning
483 such investigation. ~~Such~~ No such notification provision shall ~~not~~ require the law-enforcement
484 agency or the Department to disclose identifying information about the victim.

485 ~~D. For purposes of this section:~~

486 ~~"Campus" means (i) any building or property owned or controlled by an institution of~~
487 ~~higher education located within the same reasonably contiguous geographic area of the~~
488 ~~institution and used by the institution in direct support of, or in a manner related to, the~~
489 ~~institution's educational purposes, including residence halls, and (ii) any building or property~~
490 ~~that is within or reasonably contiguous to the area described in clause (i) that is owned by the~~
491 ~~institution but controlled by another person, is frequently used by students, and supports~~
492 ~~institutional purposes, such as a food or other retail vendor.~~

493 ~~"Noncampus building or property" means (i) any building or property owned or~~
494 ~~controlled by a student organization that is officially recognized by an institution of higher~~
495 ~~education or (ii) any building or property owned or controlled by an institution of higher~~
496 ~~education that is used in direct support of, or in relation to, the institution's educational~~
497 ~~purposes, is frequently used by students, and is not within the same reasonably contiguous~~
498 ~~geographic area of the institution.~~

499 ~~"Public property" means all public property, including thoroughfares, streets, sidewalks,~~
500 ~~and parking facilities, that is within the campus, or immediately adjacent to and accessible from~~
501 ~~the campus.~~

502 **Drafting note: Technical changes are made, including moving definitions to the**
503 **beginning of the proposed section.**

504 ~~§ 23-234.1~~ 23.1-816. Extending police power of public institutions of higher education
505 beyond boundaries ~~thereof~~; jurisdiction of general district courts; duty of attorneys for the
506 Commonwealth.

507 A. The governing board of any public institution of higher education that leases, rents, or
508 owns satellite campuses, public buildings, and other property located beyond the limits of such

509 institution ~~shall have and~~ has and may exercise full police power over ~~these properties such~~
510 property and ~~over persons individuals~~ using ~~the same such property~~. The governing board may
511 prescribe ~~rules policies~~ and regulations for the operation and use of ~~these such~~ properties and ~~for~~
512 the conduct of ~~all persons individuals~~ using ~~them such property~~ and may provide appropriate
513 administrative penalties for the violation of ~~these rules such policies~~ and regulations.

514 B. The general district court for the ~~county, city, or town where~~ locality in which
515 violations of law or ~~approved policies or~~ regulations established by the governing board of the
516 institution ~~occurs shall have pursuant to subsection A has~~ jurisdiction ~~of over~~ all cases ~~arising~~
517 within the county, city, or town involving such violations.

518 C. It ~~shall be~~ is the duty of ~~the each local~~ attorney for the Commonwealth ~~for the county,~~
519 ~~city, or town where the offense occurs~~ to prosecute all violators of the laws pertaining to the
520 provisions enumerated in this ~~chapter article that occur in such locality~~.

521 **Drafting note: Technical changes are made, including changing references to**
522 **"counties, cities, and towns" to "localities" pursuant to § 1-221, which states that**
523 **throughout the Code "locality" means a county, city, or town.**

524 § ~~23-232.2~~ 23.1-817. Inspection of criminal incident information.

525 A. ~~Criminal incident information, as described in subsection B,~~ of any campus police
526 department established pursuant to § ~~23-232.1~~ 23.1-810, including (i) the date, time, and general
527 location of the alleged crime; (ii) a general description of injuries suffered or property damaged
528 or stolen; and (iii) the name and address of any individual arrested as a result of felonies
529 committed against persons or property or misdemeanors involving assault, battery, or moral
530 turpitude reported to the campus police, shall be open to inspection and copying by any ~~(i)~~
531 citizen of the Commonwealth, ~~(ii)~~ currently registered student of the institution, or ~~(iii)~~ parent of
532 a registered student; during the regular office hours of the custodian of such information-

533 B. ~~Criminal incident information shall include (i) the date, time, and general location of~~
534 ~~the alleged crime; (ii) a general description of injuries suffered or property damaged or stolen;~~
535 ~~and (iii) the name and address of any individual arrested as a result of felonies committed~~

536 ~~against persons or property or misdemeanors involving assault, battery, or moral turpitude~~
537 ~~reported to the campus police, except where~~ unless such disclosure is prohibited by law;
538 ~~however, where.~~ If the release of such information is likely to jeopardize an ongoing criminal
539 investigation or the safety of an individual, cause a suspect to flee or evade detection, or result
540 in the destruction of evidence, such information may be withheld until ~~the above referenced~~
541 such damage is no longer likely to occur from the release of such information.

542 **Drafting note: Technical changes.**

543 § ~~23-238~~ 23.1-818. Security departments and other security services.

544 Nothing in this ~~chapter~~ article shall abridge the authority of the governing board of ~~an a~~
545 public institution of higher education or private institution of higher education to establish
546 security departments, whose officers and employees shall not have the powers and duties set
547 forth in § ~~23-234~~ 23.1-815, in place of or ~~supplemental~~ in addition to campus police
548 departments ~~or to~~, rely upon ~~municipal, county~~ local or state police forces, ~~or to~~ contract for
549 security services from private parties.

550 **Drafting note: Technical changes.**

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