

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 23.1-1300 of the Code of Virginia, relating to public institutions of higher education; governing boards; nonvoting, advisory representatives.

[H 1621]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1300 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives; residency.

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the Governor to such a governing board shall serve for more than two consecutive four-year terms; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the Governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

D. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection C at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection C.

E. If any member of the governing board of a public institution of higher education fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. No member of the board of visitors of a baccalaureate public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § 23.1-1304 during his first four-year term is eligible for reappointment to such board.

F. The governing board of each public institution of higher education shall adopt in its bylaws policies (i) for removing members pursuant to subsection E and (ii) referencing the Governor's power to remove members described in subsection C.

G. ~~The governing board of each public institution of higher education and each local community college board may~~ *State Board shall appoint one or more nonvoting, advisory faculty representatives to its respective board the State Board. The board of visitors of each baccalaureate public institution of higher education and each local community college board shall appoint two nonvoting advisory representatives to its respective board, one of whom shall be an advisory faculty representative and one of whom shall be an advisory staff representative. Such nonvoting advisory representatives shall be separate and apart from the membership of the respective board and shall not be counted in the respective board's membership. In the case of each local community college boards board and boards the board of visitors of each baccalaureate public institution of higher education, such advisory faculty and staff representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent and staff of the institution, respectively, in the manner that such faculty and staff members deem appropriate. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to (a) by the State Board and the Chancellor's Faculty Advisory Committee; or (b) by the local community college board or the board of visitors; and the institution's faculty senate or its equivalent or staff, respectively. Any vacancy of such an advisory representative shall be filled in the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.*

57 H. The board of visitors of any baccalaureate public institution of higher education shall appoint one or
58 more students as nonvoting, advisory representatives. Such representatives shall be appointed under such
59 circumstances and serve for such terms as the board of visitors of the institution shall prescribe.

60 I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher
61 education or any local community college board from excluding such nonvoting, advisory faculty, *staff*, or
62 student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries,
63 or any other matter.

64 J. The president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the
65 chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each
66 other public institution of higher education shall be a resident of the Commonwealth.

67 K. No baccalaureate public institution of higher education shall employ an individual appointed by the
68 Governor to the board of visitors of such institution within two years of the expiration of his term. Such
69 prohibition shall not apply to the employment of an individual to serve as an institution president or, in the
70 case of Virginia Military Institute, the Superintendent.