

# 2026 SESSION

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## SENATE BILL NO. 494

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 23.1-1300, 23.1-1303, and 23.1-2303 of the Code of Virginia, relating to public institutions of higher education; governing boards; membership appointment, terms, and composition; duties relating to shared governance; requirements; work group.

Patron—Deeds

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-1300, 23.1-1303, and 23.1-2303 of the Code of Virginia are 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~~ six 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~~ six-year terms; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive ~~four-year~~ six-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. *As a part of the confirmation process, the Senate and House Committees on Privileges and Elections shall meet as soon as practicable upon receiving from the Secretary of the Commonwealth copies of the resume and statement of economic interests for each gubernatorial appointee pursuant to subsection A of § 2.2-107 to begin considering such appointees for confirmation. The appointment of each member appointed by the Governor shall be effective upon approval by the Senate and House Committees on Privileges and Elections provided, however, that no gubernatorial appointee shall assume a position on a governing board except upon 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~~ six-year terms on such board is eligible to serve on the same board until at least ~~four~~ six years have passed since the end of his second consecutive ~~four-year~~ six-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~~ six-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~~ State Board and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. In the case of local community college boards and boards of visitors, such representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. 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

INTRODUCED

SB494

59 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be  
60 mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local  
61 community college board ~~or the board of visitors~~, and the institution's faculty senate or its equivalent. *Any  
62 vacancy of such a representative shall be filled in the same manner as the original selection, whether the  
63 vacancy occurs by expiration of a term or otherwise.*

64 H. The governing board ~~of visitors~~ of ~~any~~ each baccalaureate public institution of higher education shall  
65 appoint to its respective board (i) one ~~or~~ more students as nonvoting, advisory representatives faculty  
66 representative as a voting member, to be selected from a list of individuals nominated by the institution's  
67 faculty senate or its equivalent; (ii) one staff representative as a voting member, to be selected from a list of  
68 individuals nominated by the institution's staff senate or its equivalent; and (iii) one student representative as  
69 a voting member, to be selected from a list of individuals nominated by such institution's student government  
70 or an equivalent student governance organization or body. Such ~~representatives~~ shall be appointed under  
71 such circumstances and faculty representative and staff representative shall be appointed to serve (a) at least  
72 one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (b) for such  
73 terms as may be mutually agreed to by the board of visitors and the institution's faculty senate or its  
74 equivalent or staff senate or its equivalent, respectively. Such student representative serve for such terms as  
75 the board of visitors of the institution shall prescribe.

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

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

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

87 **§ 23.1-1303. Governing boards; duties.**

88 A. For purposes of this section, "intellectual property" means (i) a potentially patentable machine, article  
89 of manufacture, composition of matter, process, or improvement in any of those; (ii) an issued patent; (iii) a  
90 legal right that inheres in a patent; or (iv) anything that is copyrightable.

91 B. The governing board of each public institution of higher education shall:

92 1. Adopt and post conspicuously on its website bylaws for its own governance, including provisions that  
93 (i) establish the requirement of transparency, to the extent required by law, in all board actions; (ii) describe  
94 the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), as set forth in  
95 subdivision B 10 of § 23.1-1301, including the requirements that (a) the board record minutes of each open  
96 meeting and post the minutes on the board's website, in accordance with subsection I of § 2.2-3707 and  
97 § 2.2-3707.1, (b) discussions and actions on any topic not specifically exempted by § 2.2-3711 be held in an  
98 open meeting, (c) the board give public notice of all meetings, in accordance with subsection D of  
99 § 2.2-3707, and (d) any action taken in a closed meeting be approved in an open meeting before it can have  
100 any force or effect, in accordance with subsection B of § 2.2-3711; and (iii) require that the board invite the  
101 Attorney General's appointee or representative to all meetings of the board, executive committee, and board  
102 committees;

103 2. Establish and maintain on the institution's website (i) a listing of all board members, including the name  
104 of the Governor who made each appointment and the date of each appointment; (ii) a listing of all committees  
105 created by the board and the membership of each committee; (iii) a schedule of all upcoming meetings of the  
106 full board and its committees and instructions for the public to access such meetings; (iv) an archive of  
107 agendas and supporting materials for each meeting of the governing board and its committees that was held;  
108 and (v) an email address or email addresses that allow board members to receive public communications  
109 pertaining to board business;

110 3. Establish regulations or institution policies for the acceptance and assistance of students that include  
111 provisions (i) that specify that individuals who have knowingly and willfully failed to meet the federal  
112 requirement to register for the selective service are not eligible to receive any state direct student assistance,  
113 (ii) that specify that the accreditation status of a public high school in the Commonwealth shall not be  
114 considered in making admissions determinations for students who have earned a diploma pursuant to the  
115 requirements established by the Board of Education, and (iii) relating to the admission of certain graduates of  
116 comprehensive community colleges as set forth in § 23.1-907;

117 4. Assist the Council in enforcing the provisions relating to eligibility for financial aid;

118 5. Notwithstanding any other provision of state law, establish policies and procedures requiring the  
119 notification of the parent of a dependent student when such student receives mental health treatment at the  
120 institution's student health or counseling center and such treatment becomes part of the student's educational

121 record in accordance with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d  
 122 et seq.) and may be disclosed without prior consent as authorized by the federal Family Educational Rights  
 123 and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part 99). Such notification shall only  
 124 be required if it is determined that there exists a substantial likelihood that, as a result of mental illness the  
 125 student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent  
 126 behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect  
 127 himself from harm or to provide for his basic human needs. However, notification may be withheld if any  
 128 person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board  
 129 within the Department of Health Professions who is treating the student has made a part of the student's  
 130 record a written statement that, in the exercise of his professional judgment, the notification would be  
 131 reasonably likely to cause substantial harm to the student or another person. No public institution of higher  
 132 education or employee of a public institution of higher education making a disclosure pursuant to this  
 133 subsection is civilly liable for any harm resulting from such disclosure unless such disclosure constitutes  
 134 gross negligence or willful misconduct by the institution or its employees;

135 6. Establish policies and procedures requiring the release of the educational record of a dependent student,  
 136 as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), to a parent at his  
 137 request;

138 7. Establish programs to seek to ensure that all graduates have the technology skills necessary to compete  
 139 in the twenty-first century and that all students matriculating in teacher-training programs receive instruction  
 140 in the effective use of educational technology;

141 8. Establish policies for the discipline of students who participate in varsity intercollegiate athletics,  
 142 including a provision requiring an annual report by the administration of the institution to the governing  
 143 board regarding enforcement actions taken pursuant to such policies;

144 9. In addition to all meetings prescribed in Chapters 14 (§ 23.1-1400 et seq.) through 29 (§ 23.1-2900 et  
 145 seq.), meet with the chief executive officer of the institution at least once annually, in a closed meeting  
 146 pursuant to subdivision A 1 of § 2.2-3711 and deliver an evaluation of the chief executive officer's  
 147 performance. Any change to the chief executive officer's employment contract during any such meeting or  
 148 any other meeting of the board shall be made only by a vote of the majority of the board's members;

149 10. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations  
 150 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1  
 151 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research  
 152 committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution  
 153 or his designee at least annually a report on the human research projects reviewed and approved by the  
 154 committee and require the committee to report any significant deviations from approved proposals;

155 11. Submit and make publicly available on the institution's website the annual financial statements for the  
 156 fiscal year ending the preceding June 30 and the accounts and status of any ongoing capital projects to the  
 157 Auditor of Public Accounts for the audit of such statements pursuant to § 30-133;

158 12. No later than December 1 of each year, report to the Council and make publicly available on the  
 159 institution's website (i) the value of investments as reflected on the Statement of Net Position as of June 30 of  
 160 the previous fiscal year, excluding any funds derived from endowment donations, endowment income, or  
 161 other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year; and (iii) the use  
 162 of the cash earnings on such balances. In the event that the commitment of any such investment earnings  
 163 spans more than one fiscal year, the report shall reflect the commitments made in each future fiscal year. The  
 164 reports of the Boards of Visitors of Virginia Commonwealth University and the University of Virginia shall  
 165 exclude the value of and earnings on any investments held by the Virginia Commonwealth University Health  
 166 System Authority and the University of Virginia Medical Center, respectively. As used in this subdivision,  
 167 "investments" includes all short-term, long-term, liquid, and illiquid Statement of Net Position accounts, and  
 168 subaccounts thereof, in which moneys have been invested in securities;

169 13. Submit to the General Assembly and the Governor and make publicly available on the institution's  
 170 website an annual executive summary of its interim activity and work no later than the first day of each  
 171 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
 172 procedures of the Division of Legislative Automated Systems for the processing of legislative documents and  
 173 reports and shall be posted on the General Assembly's website;

174 14. Make available to any interested party upon request a copy of the portion of the most recent report of  
 175 the Uniform Crime Reporting Section of the Department of State Police entitled "Crime in Virginia"  
 176 pertaining to institutions of higher education;

177 15. Adopt policies or institution regulations regarding the ownership, protection, assignment, and use of  
 178 intellectual property and provide a copy of such policies or institution regulations to the Governor and the  
 179 Joint Commission on Technology and Science. All employees, including student employees, of public  
 180 institutions of higher education are bound by the intellectual property policies or institution regulations of the  
 181 institution employing them;

182 16. Adopt policies that are supportive of the intellectual property rights of matriculated students who are

183 not employed by such institution; and

184 17. *Solicit the input of representatives of the institution's faculty senate or its equivalent (i) at least twice*  
185 *per academic year on topics of general interest to the faculty and (ii) in advance of decisions to be made on*  
186 *the search for the institution's new Adopt policies defining and implementing shared governance among the*  
187 *components of such institution's organizational structure, including the governing board, chief executive*  
188 *officer, and the faculty, staff, and students of such institution.*

189 **§ 23.1-2303. Membership.**

190 A. The board shall consist of 16 members appointed by the Governor.

191 B. Notwithstanding § 23.1-1300, members are eligible to serve for a total of two ~~four-year~~ *six-year* terms  
192 which may be served consecutively; however, a member appointed by the Governor to serve an unexpired  
193 term is eligible to serve two additional ~~four-year~~ *six-year* terms.

194 **2. That the unexpired term of any person serving as a member of the governing board of any public**  
195 **institution of higher education, pursuant to §§ 23.1-1401, 23.1-1501, 23.1-1601, 23.1-1701, 23.1-1801,**  
196 **23.1-1901, 23.1-2001, 23.1-2101, 23.1-2106, 23.1-2201, 23.1-2303, 23.1-2501, 23.1-2601, 23.1-2701, and**  
197 **23.1-2801 of the Code of Virginia, prior to the effective date of this act, shall expire on the effective date**  
198 **of this act.**

199 **3. That the Governor's initial appointments of members to the governing board of Richard Bland**  
200 **College pursuant to § 23.1-2106 of the Code of Virginia shall be staggered as follows: three members**  
201 **for a term of six years, three members for a term of four years, and three members for a term of two**  
202 **years. After the initial staggering of terms, members shall be appointed by the Governor for terms of**  
203 **six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.**

204 **4. That the Governor's initial appointments of members to the governing board of the University of**  
205 **Mary Washington pursuant to § 23.1-1801 of the Code of Virginia shall be staggered as follows: four**  
206 **members for a term of six years, four members for a term of four years, and four members for a term**  
207 **of two years. After the initial staggering of terms, members shall be appointed by the Governor for**  
208 **terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.**

209 **5. That the Governor's initial appointments of members to the governing board of Longwood**  
210 **University pursuant to § 23.1-1701 of the Code of Virginia, the governing board of Norfolk State**  
211 **University pursuant to § 23.1-1901 of the Code of Virginia, and the governing board of Virginia**  
212 **Polytechnic Institute and State University pursuant to § 23.1-2601 of the Code of Virginia, shall be**  
213 **staggered as follows: five members for a term of six years, four members for a term of four years, and**  
214 **four members for a term of two years. After the initial staggering of terms, members shall be appointed**  
215 **by the Governor for terms of six years in accordance with § 23.1-1300 of the Code of**  
216 **Virginia, as amended by this act.**

217 **6. That the Governor's initial appointments of members to the governing board of Christopher**  
218 **Newport University pursuant to § 23.1-1401 of the Code of Virginia shall be staggered as follows: five**  
219 **members for a term of six years, five members for a term of four years, and four members for a term**  
220 **of two years. After the initial staggering of terms, members shall be appointed by the Governor for**  
221 **terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.**

222 **7. That the Governor's initial appointments of members to the governing board of James Madison**  
223 **University pursuant to § 23.1-1601 of the Code of Virginia, the governing board of Radford University**  
224 **pursuant to § 23.1-2101 of the Code of Virginia, and the governing board of Virginia State University**  
225 **pursuant to § 23.1-2701 of the Code of Virginia, shall be staggered as follows: five members for a term**  
226 **of six years, five members for a term of four years, and five members for a term of two years. After the**  
227 **initial staggering of terms, members shall be appointed by the Governor for terms of six years in**  
228 **accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.**

229 **8. That the Governor's initial appointments of members to the governing board of George Mason**  
230 **University pursuant to § 23.1-1501 of the Code of Virginia, the governing board of Virginia**  
231 **Commonwealth University pursuant to § 23.1-2303 of the Code of Virginia, and the governing board of**  
232 **the Virginia Military Institute pursuant to § 23.1-2501 of the Code of Virginia, shall be staggered as**  
233 **follows: six members for a term of six years, five members for a term of four years, and five members**  
234 **for a term of two years. After the initial staggering of terms, members shall be appointed by the**  
235 **Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by**  
236 **this act.**

237 **9. That the Governor's initial appointments of members to the governing board of Old Dominion**  
238 **University pursuant to § 23.1-2001 of the Code of Virginia, the governing board of the University of**  
239 **Virginia pursuant to § 23.1-2201 of the Code of Virginia, and the governing board of the College of**  
240 **William and Mary in Virginia pursuant to § 23.1-2801 of the Code of Virginia, shall be staggered as**  
241 **follows: six members for a term of six years, six members for a term of four years, and five members**  
242 **for a term of two years. After the initial staggering of terms, members shall be appointed by the**  
243 **Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by**  
244 **this act.**

245 **10. That the State Council of Higher Education for Virginia (the Council) shall convene a work group**  
246 **consisting of members of governing boards of public institutions of higher education, administrators of**  
247 **public institutions of higher education, and members of faculty, staff, and student governance bodies or**  
248 **organizations at public institutions of higher education, for the purpose of developing model shared**  
249 **governance policies in accordance with subdivision of B 17 of § 23.1-1303 of the Code of Virginia, as**  
250 **amended by the first enactment of this act. Such model shared governance policies developed by the**  
251 **Council pursuant to this enactment shall include provisions relating to the establishment, membership**  
252 **and roles of elected faculty governance bodies for institutions of higher education. The Council shall**  
253 **make available to the governing board of each public institution of higher education by January 1,**  
254 **2027, the model shared governance policies developed in accordance with this enactment.**

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SB494