

SENATE BILL NO. 381

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend and reenact §§ 2.2-106, 2.2-107, 2.2-108, 2.2-406, 2.2-507, 23.1-200, as it shall become effective, 23.1-1006, 23.1-1300, 23.1-1301, 23.1-1303, 23.1-1304, 23.1-1306, 23.1-1401, 23.1-1402, 23.1-1501, 23.1-1502, 23.1-1601, 23.1-1701, 23.1-1801, 23.1-1802, 23.1-1901, 23.1-2001, 23.1-2002, 23.1-2101, 23.1-2106, 23.1-2107, 23.1-2201, 23.1-2202, 23.1-2209, 23.1-2303, 23.1-2304, 23.1-2501, 23.1-2502, 23.1-2601, 23.1-2602, 23.1-2605, 23.1-2701, 23.1-2801, and 23.1-2902 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 23.1-102.2, 23.1-1303.1, and 23.1-1303.2; and to repeal § 23.1-2504 of the Code of Virginia, relating to public institutions of higher education; governing boards; appointment and composition of members; powers and duties; legal counsel.

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Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106, 2.2-107, 2.2-108, 2.2-406, 2.2-507, 23.1-200, as it shall become effective, 23.1-1006, 23.1-1300, 23.1-1301, 23.1-1303, 23.1-1304, 23.1-1306, 23.1-1401, 23.1-1402, 23.1-1501, 23.1-1502, 23.1-1601, 23.1-1701, 23.1-1801, 23.1-1802, 23.1-1901, 23.1-2001, 23.1-2002, 23.1-2101, 23.1-2106, 23.1-2107, 23.1-2201, 23.1-2202, 23.1-2209, 23.1-2303, 23.1-2304, 23.1-2501, 23.1-2502, 23.1-2601, 23.1-2602, 23.1-2605, 23.1-2701, 23.1-2801, and 23.1-2902 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 23.1-102.2, 23.1-1303.1, and 23.1-1303.2 as follows:

§ 2.2-106. Appointment of agency heads; disclosure of resumes; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Executive Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Wildlife Resources;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;

7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; and
9. Executive Director of the Board of Accountancy.

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. ~~For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.~~ No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 22.1-346, 23.1-1100, 23.1-3210, and 23.1-3216; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

90 E. Severance benefits provided to any departing agency head, whether or not appointed by the Governor,
91 shall be publicly announced by the appointing authority prior to such departure.

92 **§ 2.2-107. Appointment of members of commissions, boards, and other collegial bodies; disclosure**
93 **of resumes.**

94 A. Except as provided in the Constitution of Virginia, or where the manner of selection of members of
95 boards and commissions is by election by the General Assembly, or as provided in Title 3.2 or § 54.1-901,
96 but notwithstanding any other provision of law to the contrary, the Governor shall appoint all members of
97 boards, commissions, councils or other collegial bodies created by the General Assembly in the executive
98 branch of state government to terms of office as prescribed by law. Each member appointed pursuant to this
99 section shall be subject to confirmation by the General Assembly and shall have the professional
100 qualifications prescribed by law.

101 As part of the confirmation process for each gubernatorial appointee, the Secretary of the Commonwealth
102 shall provide copies of the resume and statement of economic interests filed pursuant to § 2.2-3117 or
103 2.2-3118, as appropriate, to the chairs of the House of Delegates and Senate Committees on Privileges and
104 Elections. ~~For the purposes of this section and § 2.2-106, there shall be a joint subcommittee of the House of~~
105 ~~Delegates and Senate Committees on Privileges and Elections consisting of five members of the House~~
106 ~~Committee and three members of the Senate Committee appointed by the respective chairs of the committees~~
107 ~~to review the resumes and statements of economic interests of gubernatorial appointees. The members of the~~
108 ~~House of Delegates shall be appointed in accordance with the principles of proportional representation~~
109 ~~contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall~~
110 ~~be subject to challenge by reason of a failure to comply with the provisions of this paragraph pertaining to the~~
111 ~~confirmation process.~~

112 B. The resumes and applications for appointment submitted by persons who are appointed by the
113 Governor pursuant to this section shall be available to the public upon request.

114 **§ 2.2-108. Removal of members of certain boards, commissions, etc.**

115 A. Notwithstanding any provision of law to the contrary, the Governor may remove from office for
116 malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests,
117 failure to carry out the policies of the Commonwealth as established in the Constitution or by the General
118 Assembly, or refusal to carry out a lawful directive of the Governor any member of any board, commission,
119 council or other collegial body established by the General Assembly in the executive branch of state
120 government except those boards provided for in subsection ~~C~~ D of § 23.1-1300, subsection A of § 23.1-3100,

and subsection A of § 23.1-3200 and fill the vacancy resulting from the removal subject to confirmation by the General Assembly.

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

§ 2.2-406. Secretary of Commonwealth to report list of appointments requiring confirmation; other appointments; timing; limitations.

A. The Secretary of the Commonwealth shall ~~periodically~~, *once each calendar week* during the interim between *regular* sessions of the General Assembly, present to the ~~chairmen~~ *Chairs* of the Senate and House Committees on Privileges and Elections ~~a list of the names~~ *notice* of all persons appointed by the Governor that require confirmation by the General Assembly. ~~A list shall be presented by June 1, August 1, October 1, and December 1, and since the notice presented the preceding calendar week.~~ *Each such notice* shall include the ~~names~~ *name* of ~~all persons~~ *each person* so appointed ~~since adjournment or since the last required report~~ *notice presented the preceding calendar week*, the position to which appointed, and the person whom the appointee will succeed.

B. The Secretary of the Commonwealth shall report to the General Assembly by December 1 of each year, the number of persons appointed to any state board, commission, agency or authority, categorized by race, gender and national origin. Information on the race, gender and national origin of appointees shall be obtained through voluntary self-identification following appointment. Such information shall be used solely for the purpose of compiling the statistical information required under this section and any personally identifiable information collected under this section shall be confidential and shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.).

C. *The appointment of any person by the Governor between February 1 and December 31 of each year shall not be effective for at least 30 days after the date on which the Secretary of the Commonwealth presents to the Chairs of the Senate and House Committees on Privileges and Elections notice of such appointment pursuant to subsection A. No such person appointed by the Governor shall be eligible to take his oath of office or be counted toward a quorum until the conclusion of such 30-day period.*

§ 2.2-507. Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the

Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts. *The governing board of each public institution of higher education shall be responsible for all decisions relating to the employment of legal counsel for such institution, provided, however, that the Attorney General shall provide legal service for a public institution of higher education only (i) upon the request of the governing board, as defined in § 23.1-100, of such institution or (ii) in accordance with the provisions of subsection E of § 23.1-102.2. Nothing herein shall be construed to prohibit the Attorney General from, upon timely application, intervening as a separate party on behalf of the Commonwealth in any matter, subject to a showing that the Commonwealth has a separate and independent interest in the matter.*

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents, or employees of the Virginia Alcoholic Beverage Control Authority;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents, or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Local and Regional Jails, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;

182 5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or
183 the Department of Rail and Public Transportation;

184 6. Persons employed by the Commissioner of Motor Vehicles;

185 7. Persons appointed by the Commissioner of Marine Resources;

186 8. Police officers appointed by the Superintendent of State Police;

187 9. Conservation police officers appointed by the Department of Wildlife Resources;

188 10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;

189 11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to
190 Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

191 12. Any emergency medical services agency that is a licensee of the Department of Health in any civil
192 matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors
193 or omissions in the discharge of his court-appointed duties;

194 13. Conservation officers of the Department of Conservation and Recreation; or

195 14. A person appointed by written order of a circuit court judge to run an existing corporation or company
196 as the judge's representative, when that person is acting in execution of a lawful order of the court and the
197 order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

198 Upon request of the affected individual, the Attorney General may represent personally or through one of
199 his assistants (i) any basic or advanced emergency medical care attendant or technician possessing a valid
200 certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity
201 from liability is raised pursuant to § 8.01-225 or (ii) any member of the General Assembly in any civil matter
202 alleging that such member in his official capacity violated the Virginia Freedom of Information Act
203 (§ 2.2-3700 et seq.) pursuant to § 2.2-3713 or 2.2-3714.

204 C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to
205 be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose
206 compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be
207 paid out of the funds appropriated for the administration of the board, commission, division, or department
208 being represented or whose members, officers, inspectors, investigators, or other employees are being
209 represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the
210 Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any

211 justice, is a party.

212 D. Nothing herein shall limit the powers granted in § 16.1-88.03.

213 **§ 23.1-102.2. Legal counsel; office of general counsel; employment; duties and administration.**

214 A. The governing board of each public institution of higher education shall have the authority to hire or
215 retain legal counsel for the provision of all legal services, subject to the provisions of subsection B, including
216 to (i) appear for, commence, prosecute, or defend any action, suit, matter, cause, or proceeding in any court;
217 (ii) enter into, terminate, or alter contracts on behalf of the institution; (iii) purchase and sell real estate and
218 other tangible and intellectual property on behalf of the institution; (iv) audit, supervise, and administer
219 funds appropriated to the institution by governmental and nongovernmental entities; or (v) otherwise provide
220 legal advice and counsel on questions, legal risks, and opportunities that, as determined by the governing
221 board, are related to the affairs of the institution.

222 B. The governing board of each public institution of higher education shall ensure that any legal counsel
223 it hires or retains using public funds is hired or retained solely for the provision of legal services for or
224 relating to the interests of the public institution of higher education served by such governing board and not
225 for the provision of legal services for or relating to the interests of any private entity, organization, or
226 venture with which such institution may have a partnership or other business relationship.

227 C. The governing board of each public institution of higher education shall, in consultation with the chief
228 executive officer, appoint a general counsel to serve as the chief legal officer of such institution. The chief
229 legal officer shall, under the direction of the governing board and the chief executive officer of such
230 institution, conduct the legal affairs of and provide legal advice and representation for such institution on
231 any matter the governing board determines to be in the interest of the institution. The chief legal officer shall
232 have the authority to contract for and manage outside legal services when deemed necessary and appropriate
233 by the governing board of such institution. The chief legal officer shall report solely to the governing board
234 and chief executive officer of such institution in conducting and overseeing the legal affairs and services set
235 forth in this subsection.

236 D. The Attorney General may, in accordance with § 2.2-507, appear for, commence, prosecute, or defend
237 any action, suit, matter, cause, or proceeding in any court or provide legal advice on questions related to the
238 affairs of the public institution of higher education only upon (i) request of the governing board or the chief
239 executive officer of such institution or (ii) the governing board's delegation of authority pursuant to
240 subsection E. Approval of the Attorney General shall be required for any (a) legal settlement involving
241 consideration in excess of \$5 million and (b) agreement with the United States Department of Education or

the United States Department of Justice.

E. Notwithstanding the provisions of subsections A, B, and C, the governing board of any public institution of higher education with fewer than 7,500 full-time students may choose to delegate all authority conferred pursuant to subsection A or C to the Attorney General in accordance with the provisions of § 2.2-507. Any such governing board intending to delegate the authority conferred pursuant to subsection A shall submit notice of such intention to the Council and the Chairs of the Senate Committees on Finance and Appropriations and Education and Health and the House Committees on Appropriations and Education no later than January 1, 2027, or by January 1 of the immediately succeeding odd-numbered year thereafter. Any governing board intending thereafter to rescind a prior delegation of such authority made pursuant to this subsection shall submit notice of such intention to the Council and the Chairs of the Senate Committees on Finance and Appropriations and Education and Health and the House Committees on Appropriations and Education no later than January 1 of the immediately succeeding odd-numbered year.

F. The governing board of each public institution of higher education shall report annually to the Attorney General and the Council on such institution's use of outside legal services for or relating to the interests of such institution. Any information in such report may be altered as necessary to protect the privacy interests of students and faculty and to comply with the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g). Such report shall include:

1. The name of and total financial amount paid to each individual law firm hired or retained to provide legal services relating to the interests of such institution;
2. The types of matters handled by outside legal services;
3. The number of litigation matters handled by outside legal services; and
4. The total financial cost of outside legal services, disaggregated by the type of matter handled by any such outside legal services.

§ 23.1-200. (Effective July 1, 2026) State Council of Higher Education for Virginia established; purpose; membership; terms; officers.

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of

273 higher education and their governing boards on board development.

274 B. The Council shall be composed of individuals selected from the Commonwealth at large without regard
275 to political affiliation but with due consideration of geographical representation. Nonlegislative citizen
276 members shall have demonstrated experience, knowledge, and understanding of higher education and
277 workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall
278 be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and
279 confidence. No officer, employee, trustee, or member of the governing board of any institution of higher
280 education, employee of the Commonwealth, member of the General Assembly, or member of the Board of
281 Education is eligible for appointment to the Council except as specified in this section. All members of the
282 Council are members at large who shall serve the best interests of the whole Commonwealth. No member
283 shall act as the representative of any particular region or of any particular institution of higher education.

284 C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed ~~by the~~
285 ~~Governor~~ *in accordance with this subsection* and one ex officio member. ~~At least~~ *The 12 nonlegislative*
286 *citizen members shall be appointed as follows: (i) four members appointed by the Governor, of whom one*
287 ~~nonlegislative citizen member~~ shall have served as a chief executive officer of a public institution of higher
288 education. ~~At least, one nonlegislative citizen member~~ shall have served as a chief executive officer of an
289 accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate,
290 graduate, or professional education and not to provide religious training or theological education. ~~At least,~~
291 ~~one nonlegislative citizen member~~ shall have served as a chief executive officer of one of the
292 Commonwealth's historically black colleges or universities as defined in § 2.2-1604. ~~At least, and one~~
293 ~~nonlegislative citizen member~~ shall be a division superintendent or the Superintendent of Public Instruction;
294 *(ii) four members appointed by the Senate Committee on Rules; and (iii) four members appointed by the*
295 *House Committee on Rules.* The President of the Virginia Economic Development Partnership Authority
296 shall serve ex officio with voting privileges.

297 D. All terms shall begin July 1.

298 E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by
299 expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for
300 more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired
301 term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served
302 two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since

the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

I. As used in this section, "chief executive officer" includes the president of any accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.

§ 23.1-1006. Management agreement; contents and scope.

A. Each covered institution that complies with the requirements of this article shall have the powers set forth in this article that are expressly included in the management agreement.

B. Each management agreement shall include:

1. A copy of the governing board's resolution in support of a request for restructured operational authority;
2. The institution's express agreement to reimburse the Commonwealth for any additional costs that the Commonwealth incurs to provide health or other group insurance benefits to employees and undertake any risk management program that are attributable to the institution's exercise of restructured operational authority;

3. The institution's undergraduate Virginia student enrollment, financial aid requirements and capabilities, and tuition policy for undergraduate Virginia students; and

4. A statement of the Governor's power to void the management agreement pursuant to subsection E of § 23.1-1007.

C. There is a presumption that restructured operational authority is not included in the management

agreement, and such authority shall only be granted to a covered institution if it is expressly included in the management agreement. The only implied authority that is granted to a covered institution is that which is necessary to carry out the express grant of restructured operational authority. Each covered institution shall be governed and administered in the manner provided in (i) this article but subject to the expressed terms of the management agreement, (ii) the general appropriation act, and (iii) the institution's enabling statutes.

D. Except as specifically made inapplicable under this article or the express terms of a management agreement, the provisions of Title 2.2 relating generally to the operation, management, supervision, regulation, and control of public institutions of higher education are applicable to covered institutions as provided by the express terms of the management agreement.

E. In the event of a conflict between any provision of Title 2.2 and any provision of the management agreement, the provisions of the management agreement control. In the event of a conflict between any provision of this article and an institution's enabling statutes, the enabling statutes control.

F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) that are applicable to officers and employees of a state governmental agency shall continue to apply to the members of the governing board and the covered employees of a covered institution.

G. A covered institution, its officers, directors, employees, and agents, and the members of its governing board are entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this article.

H. The Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries remain applicable to covered institutions.

I. A management agreement with a public institution of higher education shall not grant restructured operational authority to the Virginia Cooperative Extension Service and Agricultural Experiment Station Division, the University of Virginia's College at Wise, the Virginia Institute of Marine Science, or an affiliated entity of the institution unless the intent to grant such authority and the degree to which such authority is granted is expressly included in the management agreement.

J. For purposes of §§ 23.1-101, 23.1-102, 23.1-103, 23.1-104, and 23.1-107, Chapter 2 (§ 23.1-200 et seq.), §§ 23.1-306, 23.1-402, 23.1-403, and 23.1-404, Chapter 5 (§ 23.1-500 et seq.), Chapter 6 (§ 23.1-600 et seq.), Chapter 7 (§ 23.1-700 et seq.), §§ 23.1-800, 23.1-801, 23.1-901, and 23.1-1001, Chapter 11 (§ 23.1-1100 et seq.), Chapter 12 (§ 23.1-1200 et seq.), subsections *G*, *H*, *I*, and *J* of § 23.1-1300, § 23.1-1302, and subdivision B of § 23.1-1303, each covered institution shall remain a public institution of

higher education following its conversion to a covered institution governed by this article and shall retain the authority granted and any obligations required by such provisions.

K. State government-owned or operated and state-owned teaching hospitals that are a part of a covered institution as of the effective date of the covered institution's initial management agreement shall continue to be characterized as state government-owned or operated and state-owned teaching hospitals for purposes of payments under the state plan for medical assistance services adopted pursuant to § 32.1-325, provided that the covered institution commits to serve indigent and medically indigent patients. If such covered institution commits to serve indigent and medically indigent patients, the Commonwealth, through the Department of Medical Assistance Services, shall, subject to the appropriation in the current general appropriation act, continue to reimburse the full cost of the provision of care, treatment, health-related services, and educational services to indigent and medically indigent patients and continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior to the effective date of the covered institution's initial management agreement as Type One Hospitals for purposes of such reimbursement.

L. Consistent with the terms of the management agreement, the governing board of each covered institution shall assume full responsibility for management of the institution, subject to the requirements and conditions set forth in this article and the management agreement, and shall be fully accountable for meeting the requirements of §§ 23.1-206, 23.1-306, and 23.1-310 and such other provisions as may be set forth in the management agreement.

§ 23.1-1300. Members of governing boards; removal; terms; faculty, staff, and student members; residency.

~~A. Members~~ Each governing board of a public institution of higher education shall consist of (i) 18 members appointed by the Governor; (ii) three ex officio members, of whom one shall be a faculty member, one shall be a staff member, and one shall be a student member, selected to serve on the governing board with rights of participation in accordance with the requirements of subsection H; and (iii) such other ex officio members as may be required pursuant to the provisions of this subtitle who shall serve a term coincident with their term of office. All members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of ~~four~~ six years, which shall begin on July 1 of the year of the appointment. 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~~ one six-year term until at least two years have passed since the end of such six-year term; however, a member appointed by the Governor to serve an unexpired term is eligible to serve ~~two~~

393 consecutive four-year terms one six-year term immediately succeeding such unexpired term. Except as
394 otherwise provided in § 23.1-2601, all. All appointments by the Governor are subject to confirmation by the
395 General Assembly and shall be made in accordance with the following requirements:

396 1. The Governor shall submit to the Chair of the Senate Committee on Privileges and Elections by
397 January 1 of each year or, for any gubernatorial inauguration year, within three days of the Governor's
398 inauguration a list of each individual that the Governor has nominated for appointment to the governing
399 board of a public institution of higher education and, for each such individual, copies of the resume and
400 statement of economic interests, as appropriate, pursuant to subsection A of § 2.2-107. No person appointed
401 by the Governor shall be sworn in or assume a position on a governing board except upon confirmation by
402 the General Assembly. Members appointed by the Governor to the governing board of a public institution of
403 higher education shall continue to hold office until their successors have been appointed and qualified. Ex
404 officio members shall serve a term coincident with their term of office. confirmed by the General Assembly.
405 The confirmation of any member appointed by the Governor to the governing board of a public institution of
406 higher education shall occur within the first 30 days of each regular session of the General Assembly;

407 2. In the event that the General Assembly refuses to confirm any individual nominated by the Governor for
408 appointment to the governing board of any public institution of higher education pursuant to subdivision 1,
409 such individual, pursuant to § 2.2-105, shall not enter upon, or continue in office after the General Assembly
410 has refused to confirm his appointment and shall not be eligible for reappointment during the recess of the
411 General Assembly to fill the vacancy caused by the refusal to confirm. Any vacancy caused by a refusal to
412 confirm shall be filled in accordance with the provisions of subdivision 3;

413 3. When a vacancy occurs by reason of a refusal to confirm by the General Assembly pursuant to
414 subdivision 2 while the General Assembly is convened in a regular session, the Governor shall, within 30
415 days from the date of the communication or no later than adjournment sine die of the regular session,
416 nominate another individual for appointment to the governing board of the applicable public institution of
417 higher education. The General Assembly shall have 30 days from the date of notice of such nomination to
418 take action on such appointment in accordance with the rules of each house; and

419 4. When a vacancy occurs by reason of the death, resignation, or removal of a member or by any reason
420 other than by expiration of term at any point during which the General Assembly is not convened in a regular
421 session:

422 a. The Governor shall, within 30 days of the death, resignation, or removal of the member or the
423 occurrence of the vacancy, nominate another individual for appointment to the governing board of the

applicable public institution of higher education;

b. If the nomination to fill such vacancy occurs at any point when the General Assembly is not in a regular or special session or otherwise fails to take action on such nomination within 30 days of receiving notice of any such nomination, the person so nominated shall be deemed eligible to take the oath of office and be counted toward the quorum, and his appointment shall be subject to confirmation by the General Assembly at its next regular session, upon which such individual shall be confirmed or rejected by the General Assembly in accordance with the provisions of subdivision 1; and

c. If the nomination to fill such vacancy occurs while the General Assembly is convened in a special session and operating under a procedural resolution for such, the Senate Committee on Privileges and Elections or the House Committee on Privileges and Elections shall meet within 30 days of the Governor making a nomination to fill a vacancy to take action on such nomination. If either committee or a subcommittee thereof fails to take any action on the appointment by the end of such 30-day period, the person so nominated shall be deemed eligible to take the oath of office and be counted toward the quorum, provided that his appointment shall be subject to confirmation by the General Assembly at its next regular session, upon which such individual shall be confirmed or rejected by the General Assembly in accordance with the provisions of subdivision 1. If either committee or a subcommittee thereof holds a provisional vote on such nominee and votes to reject such nomination by a majority vote of such body in accordance with the rules of its house before the end of such 30-day period, such rejection shall be deemed a refusal of the General Assembly to confirm such appointment pursuant to § 2.2-105. The Governor may, upon any such majority vote to reject a nomination to fill a vacancy, elect to nominate a new individual to fill such vacancy. Any new individual nominated by the Governor after withdrawal of a provisionally rejected nominee may also be provisionally rejected by a majority vote of the members on either committee in accordance with the provisions of this subdivision.

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~~ one six-year term on such board is eligible to serve on the same board until at least ~~four~~ two years have passed since the end of his ~~second consecutive four-year~~ first six-year term.

C. Each member appointed by the Governor to the governing board of a public institution of higher education shall, as a part of his oath of office, certify that he shall comply with (i) the duties and principles of trusteeship set forth in applicable law, including the duties required pursuant to §§ 23.1-1303.1 and 23.1-1303.2, and (ii) the conflict of interest standards developed by the Council.

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

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

461 ~~E~~. F. If any member of the governing board of a public institution of higher education fails to attend (i)
462 the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board,
463 or (ii) the educational programs required by § 23.1-1304 in his first two years of membership without
464 sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall
465 record such failure in the minutes at its next meeting and notify the Governor, and the office of such member
466 shall be vacated. No member of the board of visitors of a baccalaureate public institution of higher education
467 or the State Board for Community Colleges who fails to attend the educational programs required by
468 § 23.1-1304 during his ~~first four-year~~ six-year term is eligible for reappointment to such board.

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

472 ~~G~~. H. The governing board of each public institution of higher education, *the State Board*, and each local
473 community college board ~~may~~ shall appoint *three ex officio members to serve on its respective board, of*
474 *whom one or more nonvoting, advisory shall be (i) a member of the institution's faculty representatives to its*
475 ~~respective board. In the case of local community college boards and boards of visitors, such representatives~~
476 ~~shall be chosen~~ *selected from a list of individuals elected by the faculty or the institution's faculty senate or its*
477 ~~equivalent. In or, in the case of the State Board, such representatives shall be chosen~~ *from individuals elected*
478 *by the Chancellor's Faculty Advisory Committee; (ii) a member of the institution's staff, selected by the*
479 *institution's staff senate or its equivalent or, if such institution does not have a staff senate, by the staff of*
480 *such institution in the manner deemed appropriate by such staff members; and (iii) a student at such*
481 *institution, selected by the governing board from a list of three students selected by such institution's student*
482 *governance body upon consideration of input received from the general student body in such manner as the*
483 *student governance body deems appropriate. Such representatives faculty and staff members shall be*
484 *appointed to serve (i) (a) at least one term of at least 12 months, which shall be coterminous with the*
485 *institution's fiscal year or (ii) (b) for such terms as may be mutually agreed to by the State Board and the*

Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, and the institution's faculty or staff senate or its equivalent. *Such student member shall serve for such terms as the governing board of the institution shall prescribe. Any vacancy of such a member shall be filled in the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.*

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

~~I. Nothing in subsections G and H shall prohibit the~~ *The three ex officio members appointed pursuant to this subsection shall have rights of participation, including voting rights, and the governing board of any public institution of higher education or any local community college board from excluding shall not exclude such nonvoting, advisory faculty, staff, or student representatives members from any discussions of the board, provided that any such faculty, staff, or student member shall be required to recuse himself from and not participate in any discussion or vote of the governing board on any matter in which he has a personal or pecuniary interest, such as discussions on matters relating to faculty grievances; or faculty or staff disciplinary matters or salaries; or any other matter, or on any other matter in which such member's full participation would result in a violation of or conflict with the fiduciary duties of the governing board.*

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

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

K. Unless otherwise specially provided by law or unless the bylaws of the applicable governing board require more than a quorum for certain action, (i) the governing board of any baccalaureate public institution of higher education may exercise any of the powers conferred upon it pursuant to this subtitle at any meeting of the governing board, regular, special, or adjourned, at which a quorum is present and (ii) the executive committee of a governing board appointed pursuant to § 23.1-1306 may exercise any of the powers conferred upon it pursuant to this subtitle only at any meeting of the executive committee convened during a recess of the full governing board and at which a quorum of the executive committee is present, in accordance with the provisions of subdivision A 9 of § 23.1-1306. A majority of the members of the governing

517 board and a majority of the members of any such executive committee shall constitute a quorum of the
518 respective board, except as otherwise provided pursuant to applicable law. The ex officio members appointed
519 pursuant to subsection H shall count toward a quorum of the full governing board except to the extent that
520 such ex officio members are not entitled to vote at a particular meeting pursuant to subsection H.

521 **§ 23.1-1301. Governing boards; powers.**

522 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 523 1. Make regulations and policies concerning the institution;
524 2. Manage the funds of the institution and approve an annual budget;
525 3. Appoint the chief executive officer of the institution;
526 4. Appoint professors and fix their salaries; and
527 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

528 B. The governing board of each public institution of higher education or its designee may:

- 529 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative
530 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has
531 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and
532 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the
533 same manner as all other gifts and bequests;

- 534 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes
535 on any property owned by the institution;

- 536 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,
537 or controlled by the institution;

- 538 4. Adopt regulations or institution policies for the employment and ~~dismissal~~ removal of professors,
539 teachers, instructors, and other employees, *provided that any such regulations or institution policies shall*
540 *prohibit the governing board from removing a professor by unilateral action of the governing board and be*
541 *consistent with the provisions of subsection C;*

- 542 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the
543 regulations or institution policies required pursuant to § 23.1-1303;

- 544 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission
545 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such
546 regulations or policies;

7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;

9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through electronic communication means pursuant to § 2.2-3708.3; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

C. The governing board of each public institution of higher education shall adopt policies and procedures for the removal of any professor in accordance with the following requirements:

1. The governing board shall be prohibited from removing any professor by unilateral action of the governing board, including with the assent of a majority of its members or otherwise;

2. No professor shall be removed or recommended for removal pursuant to subdivision 3 except with adequate cause. Adequate cause for removal shall be directly and substantially related to the fitness of the professor in his professional capacity as an educator or researcher;

3. Upon an allegation of adequate cause for removal, pursuant to subdivision 2, a faculty hearing committee, consisting of faculty members and such administrative officers and members of the governing

board, as appropriate, shall be convened to consider whether there is adequate cause for such professor's removal and, upon finding that adequate cause exists, provide for the removal of such professor; and

4. The faculty hearing committee shall ensure that:

a. Appropriate records are kept and maintained of the allegation of adequate cause for removal, discussions of the faculty hearing committee, and any statements of the professor or other individuals;

b. The professor is provided a reasonable opportunity to be heard by the faculty hearing committee; and

c. The removal proceedings are not used as a means to (i) advance or promote a partisan objective, as that term is defined in § 23.1-1303.1 or (ii) punish any professor for exercising his academic freedom or freedom of expression pursuant to the First Amendment to the United States Constitution or Article I, § 12 of the Constitution of Virginia.

§ 23.1-1303. Governing boards; duties.

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

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

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

2. Establish and maintain on the institution's website (i) a listing of all board members, including the name of the Governor who made each the appointment, if applicable, and the date of each appointment; (ii) a listing of all committees created by the board and the membership of each committee; (iii) a schedule of all upcoming meetings of the full board and its committees and instructions for the public to access such meetings; (iv) an archive of agendas and supporting materials for each meeting of the governing board and its

committees that was held; and (v) an email address or email addresses that allow board members to receive public communications pertaining to board business;

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

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

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

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

638 request;

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

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

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

650 10. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations
651 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1
652 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research
653 committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution
654 or his designee at least annually a report on the human research projects reviewed and approved by the
655 committee and require the committee to report any significant deviations from approved proposals;

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

659 12. No later than December 1 of each year, report to the Council and make publicly available on the
660 institution's website (i) the value of investments as reflected on the Statement of Net Position as of June 30 of
661 the previous fiscal year, excluding any funds derived from endowment donations, endowment income, or
662 other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year; and (iii) the use
663 of the cash earnings on such balances. In the event that the commitment of any such investment earnings
664 spans more than one fiscal year, the report shall reflect the commitments made in each future fiscal year. The
665 reports of the Boards of Visitors of Virginia Commonwealth University and the University of Virginia shall
666 exclude the value of and earnings on any investments held by the Virginia Commonwealth University Health
667 System Authority and the University of Virginia Medical Center, respectively. As used in this subdivision,

"investments" includes all short-term, long-term, liquid, and illiquid Statement of Net Position accounts, and subaccounts thereof, in which moneys have been invested in securities;

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

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

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

16. Adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution; ~~and~~

17. Solicit the input of representatives of the institution's faculty senate or its equivalent (i) at least twice per academic year on topics of general interest to the faculty and (ii) in advance of decisions to be made on the search for the institution's new chief executive officer; *and*

18. Adopt policies that support and advance shared governance as essential to institutional credibility, resilience, and success, including policies that (i) protect faculty stewardship of curriculum and research and ensure faculty have a key role in matters relating to curriculum, academic progress, and student assessment and (ii) provide opportunities for faculty, administration, and students to provide input and participate in decisions of institutional or strategic importance.

§ 23.1-1303.1. Governing boards; additional duties; primary duties; partnership and collaboration.

A. As used in this section:

"Partisan objective" means any objective or goal directly relating to (i) an ideology or platform of a political party, political candidate, or individual elected to a partisan public office, as that term is defined in § 30-391; (ii) a political party; (iii) a political candidate or political campaign; or (iv) an individual holding

698 *an elective partisan public office.*

699 *"Political candidate" means any person who has made known an intention to seek or campaign for local*
700 *or state office in a general, primary, or special election.*

701 *"Political party" means any party, organization, or group having as its purpose the promotion of political*
702 *candidates or political campaigns.*

703 *B. The governing board of each public institution of higher education shall act at all times in accordance*
704 *with its primary duties of advancing the interests of the institution and the interests of the people of the*
705 *Commonwealth.*

706 *C. In accordance with the primary duties set forth in subsection B, the governing board of each public*
707 *institution of higher education shall:*

708 *1. Exercise in its collective capacity its best judgment in carrying out the powers and duties of the*
709 *governing board;*

710 *2. Ensure that in making any decisions or policy relating to institutional governance and in exercising the*
711 *powers and duties of the governing board, the mission of the institution is used as the guiding principle and*
712 *any partisan objective or personal aims that are inconsistent with that mission are rejected;*

713 *3. Commit to and ensure that all decisions of the governing board reflect the primary institutional*
714 *objectives of:*

715 *a. The advancement of the long-term sustainability of the institution;*

716 *b. The promotion of public trust in the institution; and*

717 *c. The advancement of the public good through providing higher education to the residents of the*
718 *Commonwealth and others, pursuant to subsection A of § 23.1-1303.2;*

719 *4. Not make any decision or exercise any of the powers and duties of the governing board for the primary*
720 *purpose of advancing or promoting a partisan objective; and*

721 *5. Collaborate with institutional leadership and administration in a manner that facilitates mutual respect*
722 *and emphasizes shared purpose in advancing the goals, mission, and long-term success of the institution.*

723 *D. In accordance with the primary duties set forth in subsection B, each member of the governing board*
724 *of each public institution of higher education, in his individual capacity, shall:*

725 *1. Ensure that, for the duration of his term, such individual is equipped to engage in high-level policy,*
726 *planning, and oversight, including by (i) staying informed of such institution's developments and such other*
727 *matters relevant to making educated decisions on institutional policy, planning, and oversight, and (ii)*
728 *participating in the educational programs developed pursuant to § 23.1-1304;*

2. Exercise his own individual best judgement in carrying out the powers and duties of the governing board;

3. Ensure that, in serving as a member of the governing board, he (i) acts as a part of a collective body and not as an individual actor with separate ideological, personal, or partisan objectives and (ii) collaborates with other members of the governing board as a strategic partner in advancing the mission of the institution and the primary institutional objectives set forth in subdivision C 3;

4. Encourage open discussion and respectful disagreement in discussions of the governing board but commit to publicly respecting final decisions of the governing board; and

5. Not use his individual role to intentionally advance or promote any partisan objective, including by (i) influencing or attempting to influence a decision or policy of the governing board or institutional leadership for the primary purpose of advancing or supporting a partisan objective or (ii) acting with the primary motivation of loyalty to a partisan objective in conflict with the primary duties of the governing board, the mission of the institution, and the primary institutional objectives set forth in this section.

E. Nothing in this section shall be construed to prohibit or preclude any action or decision of any member of the governing board that is not motivated by or aimed at advancing or promoting any partisan objective but incidentally or unintentionally impacts or has the effect of advancing or promoting any partisan objective.

§ 23.1-1303.2. Governing boards; additional duties; academic freedom and civic engagement.

A. The governing board of each public institution of higher education, in advancing the primary institutional objective of advancing the public good through the provision of higher education pursuant to subdivision C 3 of § 23.1-1303.1, shall:

1. Support and facilitate the advancement of knowledge, research, innovation, and academic pursuits in the Commonwealth and the nation;

2. Promote student academic achievement and success;

3. Facilitate the development of an educated, responsible citizenry capable of contributing to the progress of society;

4. Promote the civic role of higher education in preparing students for democratic participation and civic engagement;

5. Support and protect freedom of speech as the foundation of academic freedom and democratic education, including by:

a. Facilitating civil discourse on campus by ensuring that its policies (i) enable and encourage respectful

discourse, free inquiry, and participation across differing viewpoints and promote opportunities for engagement among students, faculty, and campus administrators on matters relating to campus policies, decisions, and affairs; (ii) do not restrict or censor expression on the basis of viewpoint; and (iii) are not used as tools for enforcing or controlling ideological conformity; and

b. Protecting and promoting academic freedom for students and faculty, including by respecting and protecting the academic freedom and role of faculty in accordance with subdivision B 18 of § 23.1-1303.

B. The governing board of each public institution of higher education, in accordance with the provisions of subsection A, shall not:

1. Adopt any campus policies or make any decisions that would (i) have the primary effect of restricting or censoring expression on the basis of viewpoint or (ii) otherwise restrict or censor expression for the purpose of ideological correction or conformity or advancing or promoting any partisan objective, as that term is defined in § 23.1-1303.1; or

2. Restrict or censor any professor in his exercise of his rights of free speech or academic freedom pursuant to the First Amendment to the Constitution of the United States and Article I, Section 12 of the Constitution of Virginia, including by taking or threatening to take any disciplinary action against any professor, including removal from his position at the institution, for exercising such rights.

§ 23.1-1304. Governing boards; additional duties; educational programs.

A. As used in this section, "partisan objective," "political candidate," and "political party" mean the same as those terms are defined in § 23.1-1301.1.

B. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. The Council shall not enter into a contract for or otherwise outsource the development or delivery of any educational program for or training of the members of governing boards by any organization or entity that (i) has not had as its primary mission for at least 10 years or (ii) cannot satisfactorily demonstrate a consistent, unbroken organizational commitment to the primary mission of the preparation of members of governing boards of postsecondary institutions and foundations to fulfill their duties and trusteeship responsibilities. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. In addition, the

Council shall develop educational materials for board members with more than two years of service on the governing board. Each such board member shall participate in further training on board governance at least once every two years, and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.

~~B.~~ C. Educational programs for the governing boards of public institutions of higher education shall include presentations relating to:

1. Board members' ~~primary duty to the citizens of the Commonwealth~~ *duties in accordance with subsection B of § 23.1-1303, subsection C of § 23.1-1303.1, and subsection D of § 23.1-1303.1, which shall include training and information on:*

a. The duty of each member of the governing board to ensure that the governing board acts at all times in accordance with the mission of the institution and the primary institutional objectives set forth in subdivision C 3 of § 23.1-1303.1 and does not act with the primary purpose of advancing or promoting a partisan objective;

b. The duty of each member of a governing board, in his individual capacity, not to use his individual role to advance or promote any partisan objectives in violation of the provisions of § 23.1-1303.1; and

c. The exercise of independent judgment and avoiding, in the exercise of the powers and duties of governing, improper influence by any partisan objective;

2. Governing board committee structure and function;

3. The duties of the executive committee set forth in § 23.1-1306;

4. Professional accounting and reporting standards;

5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;

6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;

7. Institutional ethics and conflicts of interest;

8. Creating and implementing regulations and institution policies;

9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;

10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of student debt trends;

11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the

institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;

12. Workforce planning, strategy, and investment;

13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;

14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;

15. Current national and state issues in higher education;

16. Future national and state issues in higher education;

17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;

18. Best practices for board governance, including perspectives from current board members; and

19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

~~C.~~ D. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 23.1-1306. Governing board executive committee; duties.

A. A governing board of any public institution of higher education may appoint an executive committee for the transaction of business in the recess of the full governing board. A majority of the members of the executive committee shall constitute a quorum. The executive committee of the governing board of each any public institution of higher education shall ~~(i) organize:~~

1. Organize the working processes of the board; ~~(ii) recommend~~

2. Recommend best practices for board governance; ~~(iii) develop~~

3. Develop and recommend to the board a statement of governance setting out the board's role; ~~(iv) periodically~~

4. Periodically review the board's bylaws and recommend amendments; ~~(v) provide~~

5. Provide advice to the board on committee structure, appointments, and meetings; ~~(vi) develop~~

6. *Develop* an orientation and continuing education process for board members that includes training on the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); ~~(vii) create,~~

7. *Create*, monitor, oversee, and review compliance with a code of ethics for board members; ~~and (viii) develop~~

8. *Develop* a set of qualifications and competencies for membership on the board for approval by the board and recommendation to the Governor; *and*

9. *During the recess of the full governing board, convene and exercise the full power and authority of the board as may be necessary to conduct the affairs of the institution during such recess, except as otherwise provided in the bylaws of the applicable governing board and in accordance with the following requirements:*

a. *The executive committee shall take action only (i) at a meeting at which a quorum of the executive board is present; (ii) by a majority vote of the full executive committee; and (iii) if the full governing board had a quorum at the meeting of the full governing board held immediately prior to going into recess;*

b. *The executive committee shall act at all times in accordance with the primary duties of the governing board as set forth in subsection B of § 23.1-1303.1; and*

c. *The full governing board shall be notified of all actions taken by the executive committee at the next full meeting of the governing board and, for any action of the executive committee that requires the confirmation or ratification of the full governing board to remain in effect, shall confirm or ratify each such action at such time.*

B. *The executive committee of the governing board of each public institution of higher education shall ensure that the code of ethics for board members created pursuant to subdivision A 7 is consistent with the duties of the governing board set forth in subsection B of § 23.1-1303 and §§ 23.1-1303.1 and 23.1-1303.2. In monitoring, overseeing, and reviewing compliance with such code of ethics for board members pursuant to subdivision A 7, the executive committee shall proactively address any conduct by an individual board member that would undermine institutional trust in the governing board or public trust in the institution.*

§ 23.1-1401. Membership.

The board shall consist of ~~14~~ 21 members, of whom (i) 18 members shall be appointed by the Governor; ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed pursuant to subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at least ~~six~~ eight shall be alumni of the University and at least 12 shall be residents of the Commonwealth.

§ 23.1-1402. Meetings; officers; committees.

A. The board shall meet at the University at least once a year and at such other times as it determines.

882 Special meetings of the board may be called by the rector or any three members. The secretary shall provide
883 notice of any special meeting to each member.

884 B. ~~Seven~~ *A majority of the members shall constitute a quorum. Unless otherwise specially provided by*
885 *law or unless the bylaws of the governing board require more than a quorum for certain action, pursuant to*
886 *subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this*
887 *subtitle at any meeting of the governing board at which a quorum is present.*

888 C. The board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at
889 its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector
890 and vice-rector.

891 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
892 vice-rector, and secretary.

893 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
894 unexpired term.

895 F. The board may appoint an executive committee for the transaction of business in the recess of the
896 board, to serve for a period of one year or until the next regular annual meeting, *subject to the provisions of*
897 *subsection A of § 23.1-1306.*

898 **§ 23.1-1501. Membership.**

899 A. The board shall consist of ~~16~~ *21 members, of whom (i) 18 members shall be appointed by the Governor*
900 *in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed*
901 *in accordance with subsection H of § 23.1-1300. At Of the 18 members appointed by the Governor, at least*
902 ~~one member appointed each year~~ *eight shall be an alumnus alumni of the University and at least 12 shall be*
903 *residents of the Commonwealth.*

904 B. The alumni association of the University and the board may submit to the Governor a list of at least
905 three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or
906 otherwise. The Governor may appoint, *subject to confirmation by the General Assembly and in accordance*
907 *with § 23.1-1300, a member from the list of nominees.*

908 **§ 23.1-1502. Meetings; officers; committees.**

909 A. The board shall meet at the University once a year and at such other times as it determines. Special
910 meetings of the board may be called by the rector or any three members. The secretary shall provide notice of
911 any special meeting to each member.

912 B. ~~Eight~~ A majority of members shall constitute a quorum. Unless otherwise specially provided by law or
913 unless the bylaws of the governing board require more than a quorum for certain action, pursuant to
914 subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this
915 subtitle at any meeting of the governing board at which a quorum is present.

916 C. Every other year, the board shall appoint from its membership a rector to preside at its meetings, a
917 vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in
918 the absence of the rector and vice-rector.

919 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
920 vice-rector, and secretary.

921 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
922 unexpired term.

923 F. At every regular annual meeting of the board, the board may appoint an executive committee for the
924 transaction of business in the recess of the board, consisting of at least three and not more than five members,
925 to serve for a period of one year or until the next regular annual meeting, *subject to the provisions of*
926 *subsection A of § 23.1-1306.*

927 **§ 23.1-1601. Membership; quorum; executive committee.**

928 A. The board shall consist of ~~15~~ 21 members, *of whom (i) 18 members shall be appointed by the*
929 *Governor, of whom in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio*
930 *members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the*
931 *Governor, at least 13 eight shall be alumni of the University and at least 12 shall be residents of the*
932 *Commonwealth.*

933 B. The alumni association of the University may submit to the Governor a list of at least three nominees
934 for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The
935 Governor may appoint a member from the list of nominees, *subject to confirmation by the General Assembly*
936 *and in accordance with § 23.1-1300.* The Governor is not limited in his appointments to the individuals so
937 nominated.

938 C. A majority of voting members shall constitute a quorum. Unless otherwise specially provided by law or
939 unless the bylaws of the governing board require more than a quorum for certain action, pursuant to
940 subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this
941 subtitle at any meeting of the governing board at which a quorum is present.

942 D. The board may appoint an executive committee for the transaction of business in the recess of the

board, to serve for a period of one year or until the next regular annual meeting, subject to the provisions of subsection A of § 23.1-1306.

§ 23.1-1701. Membership; quorum; executive committee.

A. The board shall consist of ~~13~~ 21 members, of whom (i) 18 members shall be appointed by the Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at least ~~two~~ eight shall be alumni of the University and at least ~~11~~ 12 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may, subject to confirmation by the General Assembly and in accordance with § 23.1-1300, appoint a member from the list of nominees.

C. A majority of the members shall constitute a quorum. Unless otherwise specially provided by law or unless the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any meeting of the governing board at which a quorum is present.

D. The board may appoint an executive committee for the transaction of business in the recess of the board, to serve for a period of one year or until the next regular annual meeting, subject to the provisions of subsection A of § 23.1-1306.

§ 23.1-1801. Membership.

A. The board shall consist of ~~12~~ 21 members, of whom (i) 18 members shall be appointed by the Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at least ~~nine~~ 12 shall be residents of the Commonwealth and at least ~~six~~ eight shall be alumni of the University.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may, subject to confirmation by the General Assembly and in accordance with § 23.1-1300, appoint a member from the list of nominees.

§ 23.1-1802. Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines.

974 B. A majority of the members shall constitute a quorum. *Unless otherwise specially provided by law or*
975 *unless the bylaws of the governing board require more than a quorum for certain action, pursuant to*
976 *subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this*
977 *subtitle at any meeting of the governing board at which a quorum is present.*

978 C. At the first meeting after July 1 in every even-numbered year, the board shall appoint from its
979 membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the
980 rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

981 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
982 vice-rector, and secretary.

983 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
984 unexpired term.

985 F. Special meetings of the board may be called by the rector or any three members. In either case, the
986 secretary shall give notice of the time of meetings to each member.

987 G. At every regular annual meeting of the board, it may appoint an executive committee for the
988 transaction of business in the recess of the board, consisting of at least three and not more than five members,
989 to serve for a period of one year or until the next regular annual meeting, *subject to the provisions of*
990 *subsection A of § 23.1-1306.*

991 **§ 23.1-1901. Membership; quorum; executive committee.**

992 A. The board of visitors shall consist of ~~13~~ 21 members, of whom (i) 18 members shall be appointed by
993 the Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex
994 officio members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by
995 the Governor, at least ~~four~~ eight shall be alumni of the University. ~~Of the alumni appointed, at least one and~~
996 ~~at least 12 shall be a resident~~ residents of the Commonwealth.

997 B. The alumni association of the University may submit to the Governor a list of four nominees for each
998 vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may,
999 *subject to confirmation by the General Assembly and in accordance with § 23.1-1300,* appoint a member
1000 from the list of nominees.

1001 C. A majority of members shall constitute a quorum. *Unless otherwise specially provided by law or unless*
1002 *the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K*
1003 *of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any*
1004 *meeting of the governing board at which a quorum is present.*

1005 D. The board may appoint at least three and not more than five of its members to an executive committee
1006 *for the transaction of business in the recess of the board*, that has and may exercise such powers as the board
1007 may prescribe, *subject to the provisions of subsection A of § 23.1-1306*.

1008 **§ 23.1-2001. Membership.**

1009 A. The board shall consist of ~~17~~ 21 members, of whom (i) 18 members shall be appointed by the
1010 Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio
1011 members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the
1012 Governor, at least ~~(i) 14~~ (a) 12 shall be residents of the Commonwealth, ~~(ii) 4~~ (b) four shall be physicians or
1013 other medical or health professionals with administrative or clinical experience in an academic medical
1014 center, *including at least one physician and one nurse*, and ~~(iii) three~~ (c) eight shall be alumni of the
1015 University.

1016 B. The alumni association of the University may submit to the Governor a list of at least three nominees
1017 for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Eastern
1018 Virginia Medical School Foundation or any successor foundation may submit to the Governor a list of at least
1019 three nominees for each vacancy on the board that is required to be filled by a physician or other medical or
1020 health professional with administrative or clinical experience in an academic medical center pursuant to
1021 clause (ii) of subsection A. The Governor may, *subject to confirmation by the General Assembly and in*
1022 *accordance with § 23.1-1300*, appoint a member from the relevant list of nominees.

1023 **§ 23.1-2002. Meetings; officers; committees.**

1024 A. The board shall meet at the University once a year and at such other times as it determines. Special
1025 meetings of the board may be called by the rector or any three members. The secretary shall provide notice of
1026 any special meeting to each member.

1027 B. A majority of members shall constitute a quorum. *Unless otherwise specially provided by law or unless*
1028 *the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K*
1029 *of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any*
1030 *meeting of the governing board at which a quorum is present.*

1031 C. In every even-numbered year, the board shall elect from its membership a rector to preside at its
1032 meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its
1033 meetings in the absence of the rector and vice-rector. Such officers shall assume their duties on July 1 of such
1034 year.

1035 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
1036 vice-rector, and secretary.

1037 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
1038 unexpired term.

1039 F. At every regular annual meeting of the board, an executive committee for the transaction of business in
1040 the recess of the board may be appointed, consisting of at least five members, *subject to the provisions of*
1041 *subsection A of § 23.1-1306*. The executive committee shall consist of the officers of the board and such other
1042 members as the rector may appoint.

1043 G. The board shall have a standing committee to serve as the board of directors of the Eastern Virginia
1044 Health Sciences Center at the University, which shall oversee the Eastern Virginia Health Sciences Center at
1045 the University and exercise such decision-making authority over the Eastern Virginia Health Sciences Center
1046 at the University as the standing committee deems necessary or appropriate under the authority of and in
1047 accordance with the bylaws of the board. The standing committee shall oversee financial management of the
1048 Eastern Virginia Health Sciences Center at the University and approve and recommend to the board the
1049 budget for the Eastern Virginia Health Sciences Center at the University. The standing committee shall
1050 consist of no more than 17 members, consisting of two ex officio members and no more than 15 appointed
1051 members who are appointed as follows: two nonlegislative citizen members appointed by the Governor; one
1052 nonlegislative citizen member appointed by the Senate Committee on Rules; one nonlegislative citizen
1053 member appointed by the Speaker of the House of Delegates; four members of the board appointed by the
1054 rector of the board; and no more than seven nonlegislative citizen members appointed by the Eastern Virginia
1055 Medical School Foundation or any successor foundation. The president of the University and the executive
1056 vice president for health sciences at the University shall serve as ex officio nonvoting members of the
1057 standing committee. The primary teaching hospital affiliated with the University may submit to the Governor
1058 a list of at least three nominees for any vacancy on the standing committee that is to be filled by the
1059 Governor. Any such nominee shall be an expert in a relevant sector of the health care industry and shall have
1060 no business or financial relationship with the primary teaching hospital affiliated with the University in order
1061 to be considered for appointment as a member of the standing committee by the Governor. In support of good
1062 long-term governance, the members appointed to the standing committee by the Eastern Virginia Medical
1063 School Foundation or any successor foundation shall file, as a condition to assuming office, a disclosure
1064 statement of their personal interests and such other information as is required on the form prescribed by the
1065 Virginia Conflict of Interest and Ethics Advisory Council pursuant to § 2.2-3117 and thereafter shall file such

1066 a statement annually on or before February 1.

1067 H. The standing committee shall meet four times per year and at such other times as it determines.

1068 I. After the initial staggering of terms, members of the standing committee shall be appointed for a term of
1069 four years.

1070 **§ 23.1-2101. Membership; quorum; executive committee.**

1071 A. The board shall consist of ~~15~~ 21 members, of whom (i) 18 members shall be appointed by the
1072 Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio
1073 members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the
1074 Governor, at least ~~11~~ eight shall be alumni of the university and at least 12 shall be residents of the
1075 Commonwealth.

1076 B. The alumni association of the University may submit to the Governor a list of at least three nominees
1077 for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The
1078 Governor may, *subject to confirmation by the General Assembly and in accordance with § 23.1-1300*,
1079 appoint a member from the list of nominees.

1080 C. A majority of members shall constitute a quorum. Unless otherwise specially provided by law or unless
1081 the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K
1082 of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any
1083 meeting of the governing board at which a quorum is present.

1084 D. The board may appoint an executive committee for the transaction of business in the recess of the
1085 board, to serve for a period of one year or until the next regular annual meeting, subject to the provisions of
1086 subsection A of § 23.1-1306.

1087 **§ 23.1-2106. Membership.**

1088 The board shall consist of ~~nine~~ 21 members, of whom (i) 18 members shall be appointed by the Governor
1089 in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed
1090 in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at least eight
1091 shall be alumni of the University and at least 12 shall be residents of the Commonwealth.

1092 **§ 23.1-2107. Meetings; officers; committees.**

1093 A. The board shall meet at the College at least once a year and at such other times as it determines.
1094 Special meetings of the board may be called by the rector or any three members. The secretary shall provide
1095 notice of any special meeting to each member.

1096 B. A majority of members shall constitute a quorum. *Unless otherwise specially provided by law or unless*

1097 *the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K*
1098 *of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any*
1099 *meeting of the governing board at which a quorum is present.*

1100 C. At the first meeting after July 1 in every even-numbered year, the board shall elect from its
1101 membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the
1102 rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

1103 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
1104 vice-rector, and secretary.

1105 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
1106 unexpired term.

1107 F. At every regular annual meeting of the board, the board may appoint an executive committee for the
1108 transaction of business in the recess of the board, to serve for a period of one year or until the next regular
1109 annual meeting, *subject to the provisions of subsection A of § 23.1-1306.*

1110 **§ 23.1-2201. Membership.**

1111 A. The board shall consist of ~~17~~ 21 members, of whom (i) 18 members shall be appointed by the
1112 Governor; ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio
1113 members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the
1114 Governor, at least ~~(i)~~ (a) 12 shall be appointed from residents of the Commonwealth at large, ~~(ii)~~ 12 (b) eight
1115 shall be alumni of the University, and ~~(iii)~~ (c) one shall be a physician ~~with~~ and one shall be a nurse, each of
1116 whom shall have administrative and clinical experience in an academic medical center.

1117 B. The alumni association of the University may submit to the Governor a list of at least three nominees
1118 for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The
1119 Governor may, *subject to confirmation by the General Assembly and in accordance with § 23.1-1300,*
1120 appoint members from the list of nominees.

1121 **§ 23.1-2202. Meetings; officers; committees.**

1122 A. The board shall meet at the University at least once a year and at such other times and places as it
1123 determines. Special meetings of the board may be called by the rector or any three members. The secretary
1124 shall provide notice of any special meeting to each member.

1125 B. ~~Five~~ A majority of members shall constitute a quorum. *Unless otherwise specially provided by law or*
1126 *unless the bylaws of the governing board require more than a quorum for certain action, pursuant to*

1127 subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this
1128 subtitle at any meeting of the governing board at which a quorum is present.

1129 C. The board shall appoint from its membership a rector to preside at its meetings and a vice-rector to
1130 preside at its meetings in the absence of the rector. The board may appoint a substitute pro tempore to preside
1131 in the absence of the rector and vice-rector. The rector and the vice-rector shall perform any additional duties
1132 as prescribed by the board. The terms of the rector and vice-rector shall be for two years, commencing and
1133 expiring as provided in the board's bylaws.

1134 D. The board shall appoint a secretary who shall serve a term and perform duties as prescribed by the
1135 board.

1136 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
1137 unexpired term.

1138 F. At every annual meeting of the board, the board shall appoint an executive committee for the
1139 transaction of business in the recess of the board, consisting of at least three and not more than seven
1140 members, to serve for the period of one year or until the next regular annual meeting, *subject to the*
1141 *provisions of subsection A of § 23.1-1306.*

1142 **§ 23.1-2209. Powers and duties.**

1143 A. The board shall (i) care for and preserve all property belonging to the University, (ii) grant to the
1144 president of the University supreme administrative direction over all the schools, colleges, divisions, and
1145 branches of the University, and (iii) examine the progress of the students in each year and give to those who
1146 excel in any course of study such honors as it deems proper.

1147 B. The board may (i) remove the president of the University ~~or any professor~~ with the assent of two-thirds
1148 of its members, (ii) prescribe the duties of each professor and the course and mode of instruction, (iii) appoint
1149 a comptroller and proctor and employ any other agent or servant, (iv) regulate the renting of the rooms and
1150 dormitories, and (v) to enable the board to procure a supply of water and construct and maintain a system of
1151 waterworks, drainage, and sewerage for the University, acquire such springs, lands, and rights-of-way as may
1152 be necessary, according to the provisions of Title 25.1.

1153 **§ 23.1-2303. Membership.**

1154 A. The board shall consist of ~~46~~ 21 members, of whom (i) 18 members shall be appointed by the Governor
1155 in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members appointed
1156 in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at least eight

1157 *shall be alumni of the University and at least 12 shall be residents of the Commonwealth.*

1158 B. Notwithstanding § 23.1-1300, members are eligible to serve for a ~~total of two four-year terms which~~
1159 ~~may be served consecutively~~ *one six-year term*; however, a member appointed by the Governor to serve an
1160 unexpired term is eligible to serve ~~two one additional four-year terms~~ *six-year term*.

1161 **§ 23.1-2304. Principal office; meetings; officers; committees.**

1162 A. The principal office of the board shall be located, and all meetings of the board held, as far as
1163 practicable, in the City of Richmond.

1164 B. The board shall meet at least once a year and at such other times as it determines. Notice of all
1165 meetings shall be provided to each member.

1166 C. A majority of the members shall constitute a quorum. *Unless otherwise specially provided by law or*
1167 *unless the bylaws of the governing board require more than a quorum for certain action, pursuant to*
1168 *subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this*
1169 *subtitle at any meeting of the governing board at which a quorum is present.*

1170 D. The board shall appoint from its membership a rector, a vice-rector, a secretary, and any other officers
1171 as determined by the board. The board shall prescribe their duties and term of office and fix their
1172 compensation, if any.

1173 E. The board shall determine the number of members of and appoint an executive committee *for the*
1174 *transaction of business in the recess of the board* and determine the number of members of the executive
1175 committee that shall constitute a quorum. The executive committee shall perform duties prescribed by the
1176 board, *subject to the provisions of subsection A of § 23.1-1306.*

1177 F. Reasonable expenses incurred by members shall be paid out of the funds of the University.

1178 **§ 23.1-2501. Membership.**

1179 A. The board shall consist of ~~17~~ 22 members, of whom ~~16~~ *(i) 18 members* shall be appointed by the
1180 Governor *in accordance with subsection A of § 23.1-1300, (ii) three members shall be ex officio members*
1181 *with rights of participation appointed in accordance with subsection H of § 23.1-1300, and (iii) one shall be*
1182 the Adjutant General, who shall serve as an ex officio nonvoting member. Of the ~~16~~ 18 members appointed
1183 by the Governor, ~~(i) at least (a) 12 shall be alumni of the Institute, of whom eight shall be residents of the~~
1184 ~~Commonwealth and four shall be nonresidents, and (ii) four (b) eight shall be nonalumni residents alumni of~~
1185 ~~the Commonwealth Institute.~~

1186 B. *Members appointed by the Governor shall serve terms of six years and shall be subject to confirmation*
1187 *by the General Assembly.*

1188 C. The alumni association of the Institute may submit to the Governor a list of not more than three
1189 nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise.
1190 The Governor may appoint a member from the list of nominees.

1191 **§ 23.1-2502. Meetings; officers; committees.**

1192 A. The board shall meet at the Institute at least once a year and at any other times and places as
1193 determined by the board, the superintendent of the Institute, or the president of the board. Special meetings
1194 may be called at any time by the superintendent of the Institute or the president of the board. Notice of the
1195 time and place of each meeting shall be provided to each member.

1196 B. ~~Six~~ A majority of members shall constitute a quorum. *Unless otherwise specially provided by law or*
1197 *unless the bylaws of the governing board require more than a quorum for certain action, pursuant to*
1198 *subsection K of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this*
1199 *subtitle at any meeting of the governing board at which a quorum is present.*

1200 C. The board shall appoint from its membership a president and shall appoint a secretary to the board.

1201 D. The board may appoint a president pro tempore or secretary pro tempore to preside in the absence of
1202 the president or secretary.

1203 E. Vacancies in the offices of president and secretary may be filled by the board for the unexpired term.

1204 F. The board may appoint an executive committee for the transaction of business during the recess of the
1205 board, consisting of at least three and not more than five members, one of whom shall be the president,
1206 *subject to the provisions of subsection A of § 23.1-1306.*

1207 **§ 23.1-2601. Membership.**

1208 A. The board shall consist of ~~14~~ 22 members, of whom ~~13~~ (i) 18 members shall be appointed by the
1209 Governor *in accordance with subsection A of § 23.1-1300, (ii) three members shall be ex officio members*
1210 *with rights of participation appointed in accordance with subsection H of § 23.1-1300, and (iii) one shall be*
1211 *the president of the Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 18*
1212 *members appointed by the Governor, at least 10 12 members shall be residents of the Commonwealth and at*
1213 *least six eight members shall be alumni of the University. All appointments by the Governor are subject to*
1214 *confirmation by the Senate.*

1215 B. *Members appointed by the Governor shall serve terms of six years.*

1216 C. The alumni association of the University may submit to the Governor a list of three nominees for each
1217 vacancy on the board, whether it occurs by expired term or otherwise. The Governor may appoint a member
1218 from the list of nominees.

1219 **§ 23.1-2602. Meetings; officers; committees.**

1220 A. The board shall meet in Blacksburg, in the County of Montgomery, at least once a year and at such
1221 other times and places as it determines. Special meetings of the board may be called by the Governor, the
1222 rector, or any three members. Notice of the time and place of each meeting shall be provided to each member.

1223 B. A majority of the board shall constitute a quorum. A majority of each committee shall constitute a
1224 quorum. *Unless otherwise specially provided by law or unless the bylaws of the governing board require*
1225 *more than a quorum for certain action, pursuant to subsection K of § 23.1-1300, the board may exercise any*
1226 *of the powers conferred upon it pursuant to this subtitle at any meeting of the governing board at which a*
1227 *quorum is present.*

1228 C. The board shall appoint from its membership a rector to preside at its meetings and a president pro
1229 tempore to preside at its meetings in the absence of the rector.

1230 D. The board shall appoint a secretary.

1231 E. The board shall also appoint from its membership an executive committee, *consisting of at least three*
1232 *but not more than six members that are empowered, for the transaction of business during the interim*
1233 *between recess of the board meetings, to exercise such powers of the board as the board may prescribe by*
1234 *resolution, subject to the provisions of subsection A of § 23.1-1306.*

1235 F. The board may appoint special committees and prescribe their duties and powers.

1236 G. Each committee shall report its actions to the board at the board's annual meeting and at such other
1237 times as the board may require.

1238 **§ 23.1-2605. Employees.**

1239 A. The board shall appoint a treasurer of the University. The treasurer or the officer who controls the
1240 funds of the University shall give bond in the sum of \$50,000, payable to the Commonwealth, with condition
1241 for the faithful discharge of the duties of his office. The bond shall be approved by the board, entered on the
1242 board's journal, and transmitted to the Comptroller and shall remain filed in the Comptroller's office.

1243 B. The board may appoint a vice-president of the University and prescribe his authority, duties, and
1244 compensation, if any. The vice-president shall hold office at the pleasure of the board.

1245 C. The board may employ a secretary of the University, a clerk to the board, and such other agents,
1246 servants, officers, assistants, and deputies as may be necessary to conduct the business and affairs of the
1247 University.

1248 D. The board may remove any officer of the University with the assent of two-thirds of its members,

1249 subject to such human resources programs as may be established by the board pursuant to § 23.1-1021.

1250 E. The board shall prescribe the duties of professors and the course and mode of instruction. ~~The board~~
1251 ~~may remove any professor with the assent of two-thirds of its members.~~

1252 **§ 23.1-2701. Membership; quorum; executive committee.**

1253 A. The board shall consist of ~~15~~ 21 members, of whom (i) 18 members shall appointed by the Governor;
1254 ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio members
1255 appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the Governor, at
1256 least ~~three~~ eight shall be alumni of the University and at least ~~10~~ 12 shall be residents of the Commonwealth.

1257 B. The alumni association of the University may submit to the Governor a list of three nominees for each
1258 vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may,
1259 subject to confirmation by the General Assembly in accordance with § 23.1-1300, appoint a member from the
1260 list of nominees.

1261 C. A majority of members shall constitute a quorum. Unless otherwise specially provided by law or unless
1262 the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K
1263 of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any
1264 meeting of the governing board at which a quorum is present.

1265 D. The board may appoint an executive committee for the transaction of business in the recess of the
1266 board, to serve for a period of one year or until the next regular annual meeting, subject to the provisions of
1267 subsection A of § 23.1-1306.

1268 **§ 23.1-2801. Membership; quorum; executive committee.**

1269 A. The board shall consist of ~~17~~ 21 members, of whom (i) 18 members shall be appointed by the
1270 Governor, ~~of whom~~ in accordance with subsection A of § 23.1-1300 and (ii) three members shall be ex officio
1271 members appointed in accordance with subsection H of § 23.1-1300. Of the 18 members appointed by the
1272 Governor, at least ~~13~~ 12 shall be residents of the Commonwealth *and at least eight shall be alumni of the*
1273 *University.*

1274 B. The alumni association of the university may submit to the Governor a list of at least three nominees
1275 for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The
1276 Governor may, subject to confirmation by the General Assembly in accordance with § 23.1-1300, appoint a
1277 member from the list of nominees.

1278 C. A majority of members shall constitute a quorum. Unless otherwise specially provided by law or unless
1279 the bylaws of the governing board require more than a quorum for certain action, pursuant to subsection K

1280 of § 23.1-1300, the board may exercise any of the powers conferred upon it pursuant to this subtitle at any
1281 meeting of the governing board at which a quorum is present.

1282 D. The board may appoint an executive committee for the transaction of business in the recess of the
1283 board, to serve for a period of one year or until the next regular annual meeting, subject to the provisions of
1284 subsection A of § 23.1-1306.

1285 **§ 23.1-2902. State Board; membership.**

1286 A. The State Board shall consist of ~~15~~ 21 nonlegislative citizen members, of whom (i) 18 members shall
1287 be appointed by the Governor subject to confirmation by the General Assembly for a term of six years and
1288 (ii) three members shall be ex officio members appointed in accordance with subsection H of § 23.1-1300.

1289 B. Each member shall be a resident of the Commonwealth. No officer, employee, or member of the
1290 governing board of any public institution of higher education or of any school subject to the control of the
1291 State Board and no member of the Board of Education is eligible for appointment to the State Board. All
1292 members of the State Board are members at large charged with the responsibility of serving the best interests
1293 of the whole Commonwealth, and no member shall act as the representative of any particular region or
1294 institution of higher education.

1295 **2. That § 23.1-2504 of the Code of Virginia is repealed.**

1296 **3. That the initial appointment of members of the State Council of Higher Education for Virginia**
1297 **pursuant to § 23.1-200 of the Code of Virginia, as amended by this act, shall be staggered as follows: (i)**
1298 **upon the expiration of the three terms set to expire on June 30, 2026, the Governor shall appoint nine**
1299 **members, of whom three shall be appointed for a term of six years; three shall be appointed for a term**
1300 **of five years; two shall be appointed for a term of four years; and one shall be appointed for a term of**
1301 **one year; (ii) upon the expiration of the terms set to expire on June 30, 2027, the Governor shall**
1302 **appoint three members for a term of six years; (iii) upon the expiration the of terms set to expire on**
1303 **June 30, 2028, the Governor shall appoint three members for a term of six years; and (iv) upon the**
1304 **expiration of the terms set to expire on June 30, 2029, the Governor shall appoint four members, of**
1305 **whom three shall be appointed for a term of six years and one shall be appointed for a term of one**
1306 **year. After the initial appointments of members of the State Council of Higher Education for Virginia**
1307 **pursuant to this enactment, appointments shall be made in accordance with the provisions of**
1308 **§ 23.1-200 of the Code of Virginia, as amended by this act.**

1309 **4. That the initial appointment of members of the governing board of Christopher Newport University**
1310 **pursuant to §§ 23.1-1300 and 23.1-1401 of the Code of Virginia, as amended by this act, shall be**

1311 staggered as follows: upon the expiration of the five terms set to expire on June 30, 2026, the Governor
1312 shall appoint nine members, of whom (i) three shall be appointed for a term of six years, (ii) three shall
1313 be appointed for a term of five years, and (iii) three shall be appointed for a term of four years. After
1314 the initial appointments of members to the governing board of Christopher Newport University
1315 pursuant to this enactment, appointments shall be made in accordance with the provisions of
1316 §§ 23.1-1300 and 23.1-1401 of the Code of Virginia, as amended by this act.

1317 5. That the initial appointment of members of the governing board of George Mason University
1318 pursuant to §§ 23.1-1300 and 23.1-1501 of the Code of Virginia, as amended by this act, shall be
1319 staggered as follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the
1320 Governor shall appoint six members, of whom two shall be appointed for a term of six years, two shall
1321 be appointed for a term of five years, and two shall be appointed for a term of four years; (ii) upon the
1322 expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members, of whom
1323 three shall be appointed for a term of six years and one shall be appointed for a term of three years;
1324 (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint four
1325 members, of whom three shall be appointed for a term of six years and one shall be appointed for a
1326 term of three years; and (iv) upon the expiration of terms set to expire on June 30, 2029, the Governor
1327 shall appoint four members, of whom three shall be appointed for a term of six years and one shall be
1328 appointed for a term of three years. After the initial appointments of members to the governing board
1329 of George Mason University pursuant to this enactment, appointments shall be made in accordance
1330 with the provisions of §§ 23.1-1300 and 23.1-1501 of the Code of Virginia, as amended by this act.

1331 6. That the initial appointment of members of the governing board of James Madison University
1332 pursuant to §§ 23.1-1300 and 23.1-1601 of the Code of Virginia, as amended by this act, shall be
1333 staggered as follows: (i) upon the expiration of the five terms set to expire on June 30, 2026, the
1334 Governor shall appoint eight members, of whom two shall be appointed for a term of six years, two
1335 shall be appointed for a term of five years, two shall be appointed for a term of four years; and two
1336 shall be appointed for a term of three years; (ii) upon the expiration of terms set to expire on June 30,
1337 2027, the Governor shall appoint five members, of whom three shall be appointed for a term of six
1338 years, one shall be appointed for a term of three years, and one shall be appointed for a term of two
1339 years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint five
1340 members, of whom three shall be appointed for a term of six years, one shall be appointed for a term of
1341 four years, and one shall be appointed for a term of three years. After the initial appointments of

1342 members to the governing board of James Madison University pursuant to this enactment,
1343 appointments shall be made in accordance with the provisions of §§ 23.1-1300 and 23.1-1601 of the
1344 Code of Virginia, as amended by this act.

1345 7. That the initial appointment of members of the governing board of Longwood University pursuant
1346 to §§ 23.1-1300 and 23.1-1701 of the Code of Virginia, as amended by this act, shall be staggered as
1347 follows: (i) upon the expiration of the three terms set to expire on June 30, 2026, the Governor shall
1348 appoint eight members, of whom two shall be appointed for a term of six years, three shall be
1349 appointed for a term of five years, and three shall be appointed for a term of four years; (ii) upon the
1350 expiration of terms set to expire on June 30, 2027, the Governor shall appoint three members for a
1351 term of six years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall
1352 appoint three members for a term of six years; and (iv) upon the expiration of terms set to expire on
1353 June 30, 2029, the Governor shall appoint four members, of whom three shall be appointed for a term
1354 of six years and one shall be appointed for a term of three years. After the initial appointments of
1355 members to the governing board of Longwood University pursuant to this enactment, appointments
1356 shall be made in accordance with the provisions of §§ 23.1-1300 and 23.1-1701 of the Code of Virginia,
1357 as amended by this act.

1358 8. That the initial appointment of members of the governing board of the University of Mary
1359 Washington pursuant to §§ 23.1-1300 and 23.1-1801 of the Code of Virginia, as amended by this act,
1360 shall be staggered as follows: upon the expiration of the three terms set to expire on June 30, 2026, the
1361 Governor shall appoint nine members, of whom three shall be appointed for a term of six years, three
1362 shall be appointed for a term of five years, and three shall be appointed for a term of four years. After
1363 the initial appointments of members to the governing board of the University of Mary Washington
1364 pursuant to this enactment, appointments shall be made in accordance with the provisions of
1365 §§ 23.1-1300 and 23.1-1801 of the Code of Virginia, as amended by this act.

1366 9. That the initial appointment of members of the governing board of Norfolk State University
1367 pursuant to §§ 23.1-1300 and 23.1-1901 of the Code of Virginia, as amended by this act, shall be
1368 staggered as follows: (i) upon the expiration of the five terms set to expire on June 30, 2026, the
1369 Governor shall appoint 10 members, of whom three shall be appointed for a term of six years, three
1370 shall be appointed for a term of five years, three shall be appointed for a term of four years, and one
1371 shall be appointed for a term of two years; (ii) upon the expiration of terms set to expire on June 30,
1372 2027, the Governor shall appoint three members for a term of six years; and (iii) upon the expiration of

1373 terms set to expire on June 30, 2028, the Governor shall appoint three members for a term of six years.
1374 After the initial appointments of members to the governing board of Norfolk State University pursuant
1375 to this enactment, appointments shall be made in accordance with the provisions of §§ 23.1-1300 and
1376 23.1-1901 of the Code of Virginia, as amended by this act.

1377 10. That the initial appointment of members of the governing board of Old Dominion University
1378 pursuant to §§ 23.1-1300 and 23.1-2001 of the Code of Virginia, as amended by this act, shall be
1379 staggered as follows: (i) upon the expiration of the five terms set to expire on June 30, 2026, the
1380 Governor shall appoint six members, of whom two shall be appointed for a term of six years, two shall
1381 be appointed for a term of five years, and two shall be appointed for a term of four years; (ii) upon the
1382 expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members, of whom
1383 three shall be appointed for a term of six years and one shall be appointed for a term of three years;
1384 (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint four
1385 members, of whom three shall be appointed for a term of six years and one shall be appointed for a
1386 term of three years; and (iv) upon the expiration of terms set to expire on June 30, 2029, the Governor
1387 shall appoint four members, of whom three shall be appointed for a term of six years and one shall be
1388 appointed for a term of three years. After the initial appointments of members to the governing board
1389 of Old Dominion University pursuant to this enactment, appointments shall be made in accordance
1390 with the provisions of §§ 23.1-1300 and 23.1-2001 of the Code of Virginia, as amended by this act.

1391 11. That the initial appointment of members of the governing board of Radford University pursuant to
1392 §§ 23.1-1300 and 23.1-2101 of the Code of Virginia, as amended by this act, shall be staggered as
1393 follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the Governor shall
1394 appoint seven members, of whom three shall be appointed for a term of six years, two shall be
1395 appointed for a term of five years, and two shall be appointed for a term of four years; (ii) upon the
1396 expiration of terms set to expire on June 30, 2027, the Governor shall appoint three members for a
1397 term of six years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall
1398 appoint five members, of whom three shall be appointed for a term of six years, one shall be appointed
1399 for a term of three years, and one shall be appointed for a term of two years; and (iv) upon the
1400 expiration of terms set to expire on June 30, 2029, the Governor shall appoint three members for a
1401 term of six years. After the initial appointments of members to the governing board of Radford
1402 University pursuant to this enactment, appointments shall be made in accordance with the provisions
1403 of §§ 23.1-1300 and 23.1-2101 of the Code of Virginia, as amended by this act.

12. That the initial appointment of members of the governing board of Richard Bland College pursuant to §§ 23.1-1300 and 23.1-2106 of the Code of Virginia, as amended by this act, shall be staggered as follows: upon the effective date of the first enactment of this act, the Governor shall appoint nine members, of whom three shall be appointed for a term of six years, three shall be appointed for a term of five years, and three shall be appointed for a term of four years. After the initial appointments of members to the governing board of Richard Bland College pursuant to this enactment, appointments shall be made in accordance with the provisions of §§ 23.1-1300 and 23.1-2106 of the Code of Virginia, as amended by this act.

13. That the initial appointment of members of the governing board of the University of Virginia pursuant to §§ 23.1-1300 and 23.1-2201 of the Code of Virginia, as amended by this act, shall be staggered as follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the Governor shall appoint five members, of whom three shall be appointed for a term of six years, one shall be appointed for a term of five years, and one shall be appointed for a term of four years; (ii) upon the expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members, of whom three shall be appointed for a term of six years and one shall be appointed for a term of three years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint five members, of whom three shall be appointed for a term of six years, one shall be appointed for a term of three years, and one shall be appointed for a term of two years; and (iv) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint four members, of whom three shall be appointed for a term of six years and one shall be appointed for a term of two years. After the initial appointments of members to the governing board of the University of Virginia pursuant to this enactment, appointments shall be made in accordance with the provisions of §§ 23.1-1300 and 23.1-2201 of the Code of Virginia, as amended by this act.

14. That the initial appointment of members of the governing board of Virginia Commonwealth University pursuant to §§ 23.1-1300 and 23.1-2303 of the Code of Virginia, as amended by this act, shall be staggered as follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the Governor shall appoint six members, of whom two shall be appointed for a term of six years, two shall be appointed for a term of five years, and two shall be appointed for a term of four years; (ii) upon the expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members, of whom three shall be appointed for a term of six years and one shall be appointed for a term of three years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint four

1435 members, of whom three shall be appointed for a term of six years and one shall be appointed for a
1436 term of three years; and (iv) upon the expiration of terms set to expire on June 30, 2029, the Governor
1437 shall appoint four members, of whom three shall be appointed for a term of six years and one shall be
1438 appointed for a term of three years. After the initial appointments of members to the governing board
1439 of Virginia Commonwealth University pursuant to this enactment, appointments shall be made in
1440 accordance with the provisions of §§ 23.1-1300 and 23.1-2303 of the Code of Virginia, as amended by
1441 this act.

1442 15. That the initial appointment of members of the governing board of the Virginia Military Institute
1443 pursuant to §§ 23.1-1300 and 23.1-2501 of the Code of Virginia, as amended by this act, shall be
1444 staggered as follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the
1445 Governor shall appoint six members, of whom two shall be appointed for a term of six years, two shall
1446 be appointed for a term of five years, and two shall be appointed for a term of four years; (ii) upon the
1447 expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members, of whom
1448 three shall be appointed for a term of six years and one shall be appointed for a term of three years;
1449 (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint four
1450 members, of whom three shall be appointed for a term of six years and one shall be appointed for a
1451 term of three years; and (iv) upon the expiration of terms set to expire on June 30, 2029, the Governor
1452 shall appoint four members, of whom three shall be appointed for a term of six years and one shall be
1453 appointed for a term of three years. After the initial appointments of members to the governing board
1454 of the Virginia Military Institute pursuant to this enactment, appointments shall be made in
1455 accordance with the provisions of §§ 23.1-1300 and 23.1-2501 of the Code of Virginia, as amended by
1456 this act.

1457 16. That the initial appointment of members of the governing board of Virginia Polytechnic Institute
1458 and State University pursuant to §§ 23.1-1300 and 23.1-2601 of the Code of Virginia, as amended by
1459 this act, shall be staggered as follows; (i) upon the expiration of the four terms set to expire on June 30,
1460 2026, the Governor shall appoint nine members, of whom three shall be appointed for a term of six
1461 years, three shall be appointed for a term of five years, and three shall be appointed for a term of four
1462 years; (ii) upon the expiration of terms set to expire on June 30, 2027, the Governor shall appoint three
1463 members for a term of six years; (iii) upon the expiration of terms set to expire on June 30, 2028, the
1464 Governor shall appoint four members, of whom three shall be appointed for a term of six years and
1465 one shall be appointed for a term of one year; and (iv) upon the expiration of terms set to expire on

1466 June 30, 2029, the Governor shall appoint three members for a term of six years. After the initial
1467 appointments of members to the governing board of Virginia Polytechnic Institute and State University
1468 pursuant to this enactment, appointments shall be made in accordance with the provisions of
1469 §§ 23.1-1300 and 23.1-2601 of the Code of Virginia, as amended by this act.

1470 17. That the initial appointment of members of the governing board of Virginia State University
1471 pursuant to §§ 23.1-1300 and 23.1-2701 of the Code of Virginia, as amended by this act, shall be
1472 staggered as follows: (i) upon the expiration of the five terms set to expire on June 30, 2026, the
1473 Governor shall appoint eight members, of whom three shall be appointed for a term of six years, three
1474 shall be appointed for a term of five years, and two shall be appointed for a term of four years; (ii)
1475 upon the expiration of terms set to expire on June 30, 2027, the Governor shall appoint three members
1476 for a term of six years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor
1477 shall appoint five members, of whom three shall be appointed for a term of six years, one shall be
1478 appointed for a term of two years, and one shall be appointed for a term of one year; and (iv) upon the
1479 expiration of terms set to expire on June 30, 2029, the Governor shall appoint three members for a
1480 term of six years. After the initial appointments of members to the governing board of Virginia State
1481 University pursuant to this enactment, appointments shall be made in accordance with the provisions
1482 of §§ 23.1-1300 and 23.1-2701 of the Code of Virginia, as amended by this act.

1483 18. That the initial appointment of members of the governing board of the College of William and
1484 Mary pursuant to §§ 23.1-1300 and 23.1-2801 of the Code of Virginia, as amended by this act, shall be
1485 staggered as follows: (i) upon the expiration of the four terms set to expire on June 30, 2026, the
1486 Governor shall appoint five members, of whom three shall be appointed for a term of six years, one
1487 shall be appointed for a term of five years, and one shall be appointed for a term of four years; (ii)
1488 upon the expiration of terms set to expire on June 30, 2027, the Governor shall appoint four members,
1489 of whom three shall be appointed for a term of six years and one shall be appointed for a term of three
1490 years; (iii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint five
1491 members, of whom three shall be appointed for a term of six years, one shall be appointed for a term of
1492 three years, and one shall be appointed for a term of two years; and (iv) upon the expiration of terms
1493 set to expire on June 30, 2029, the Governor shall appoint four members, of whom three shall be
1494 appointed for a term of six years and one shall be appointed for a term of two years. After the initial
1495 appointments of members to the governing board of the College of William and Mary pursuant to this
1496 enactment, appointments shall be made in accordance with the provisions of §§ 23.1-1300 and

1497 23.1-2801 of the Code of Virginia, as amended by this act.

1498 19. That the initial appointment of members of the State Board for Community Colleges pursuant to
1499 § 23.1-2902 of the Code of Virginia, as amended by this act, shall be staggered as follows: (i) upon the
1500 expiration of the three terms set to expire on June 30, 2026, the Governor shall appoint six members, of
1501 whom two shall be appointed for a term of six years, two shall be appointed for a term of five years,
1502 and two shall be appointed for a term of four years; (ii) upon the expiration of terms set to expire on
1503 June 30, 2027, the Governor shall appoint four members, of whom three shall be appointed for a term
1504 of six years and one shall be appointed for a term of three years; (iii) upon the expiration of terms set
1505 to expire on June 30, 2028, the Governor shall appoint four members, of whom three shall be
1506 appointed for a term of six years and one shall be appointed for a term of one year; and (iv) upon the
1507 expiration of terms set to expire on June 30, 2029, the Governor shall appoint four members, of whom
1508 three shall be appointed for a term of six years and one shall be appointed for a term of three years.
1509 After the initial appointments of members of the State Board for Community Colleges pursuant to this
1510 enactment, appointments shall be made in accordance with the provisions of § 23.1-2902 of the Code of
1511 Virginia, as amended by this act.

1512 20. That the State Council of Higher Education for Virginia shall develop, implement, and make
1513 available to the governing board of each public institution of higher education by January 1, 2027,
1514 standards for determining whether a member of the governing board of any institution of higher
1515 education has a conflict of interest that would require recusal or resignation, including any conflict of
1516 interest relating to the personal employment of any such member.