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SENATE BILL NO. 494

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 12, 2026)

(Patrons Prior to Substitute—Senators Deeds and Surovell [SB 381])

A *BILL to amend and reenact §§ 23.1-1300, 23.1-1303, 23.1-1304, and 23.1-2303 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered § 23.1-1303.1, relating to public institutions of higher education; governing boards; powers and duties relating to legal counsel; membership appointment, terms, and composition; duties relating to shared governance; requirements; work group.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-1300, 23.1-1303, 23.1-1304, and 23.1-2303 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-1303.1 as follows:

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

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of ~~four~~ six years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the Governor to such a governing board shall serve for more than ~~two consecutive four-year 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 consecutive four-year terms~~ *one six-year term* immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. *As a part of the confirmation process, the Senate and House Committees on Privileges and Elections shall meet as soon as practicable upon receiving from the Secretary of the Commonwealth copies of the resume and statement of economic interests for each gubernatorial appointee pursuant to subsection A of § 2.2-107 to begin considering such appointees for confirmation. The appointment of each member appointed by the Governor shall be effective upon approval by the Senate and House Committees on Privileges and Elections provided, however, that no gubernatorial appointee shall assume a position on a governing board except upon confirmation by the General Assembly.* Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the Governor to the governing board of a public institution of higher education who has served ~~two consecutive four-year 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. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

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

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

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

G. The governing board of each *baccalaureate* public institution of higher education and each local community college board ~~may~~ *shall* appoint ~~one or more~~ nonvoting, advisory faculty ~~representatives~~ *representative and one nonvoting, advisory staff representative* to its respective board. ~~In the case of local community college boards and boards of visitors, such representatives, each of whom shall be chosen from individuals (i) elected (a) in the case of the faculty representative, by the majority of the institution's faculty~~

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60 or the institution's faculty senate or its equivalent. ~~In the case of the State Board, such representatives shall be~~
 61 ~~chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall~~
 62 ~~be and (b) in the case of the staff representative, by the majority of the institution's staff and (ii) appointed to~~
 63 ~~serve (i) (a) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal~~
 64 ~~year or (ii) (b) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty~~
 65 ~~Advisory Committee, or by the local community college board or the board of visitors; and the institution's~~
 66 ~~faculty senate or its equivalent. Any vacancy of such a nonvoting, advisory representative shall be filled in the~~
 67 ~~same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise. The~~
 68 ~~State Board may appoint one or more nonvoting, advisory faculty representatives to its board from a list of~~
 69 ~~individuals elected by the Chancellor's Faculty Advisory Committee. Any such representatives appointed by~~
 70 ~~the State Board shall be appointed to serve for such terms as may be mutually agreed to by the State Board~~
 71 ~~and the Chancellor's Faculty Advisory Committee.~~

72 H. The governing board of visitors of ~~any~~ each baccalaureate public institution of higher education shall
 73 appoint to its respective board one ~~or more students~~ as nonvoting, advisory ~~representatives student~~
 74 ~~representative, to be selected from a list of individuals nominated by such institution's student government or~~
 75 ~~an equivalent student governance organization or body. Such representatives student representative shall be~~
 76 ~~appointed under such circumstances and serve for such terms as the board of visitors of the institution shall~~
 77 ~~prescribe.~~

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

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

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

89 L. *Unless otherwise specially provided by law or unless the bylaws of the applicable governing board*
 90 *require more than a quorum for certain action, (i) the governing board of any baccalaureate public*
 91 *institution of higher education may exercise any of the powers conferred upon it pursuant to this subtitle at*
 92 *any meeting of the governing board, regular, special, or adjourned, at which a quorum is present and (ii) the*
 93 *executive committee of a governing board appointed pursuant to § 23.1-1306 may exercise any of the powers*
 94 *conferred upon it pursuant to this subtitle only at any meeting of the executive committee (a) convened during*
 95 *a recess of the full governing board and (b) at which a quorum of the executive committee is present. A*
 96 *majority of the members of the governing board and a majority of the members of any such executive*
 97 *committee shall constitute a quorum of the respective board, except as otherwise provided pursuant to*
 98 *applicable law.*

99 **§ 23.1-1303. Governing boards; duties.**

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

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

104 1. Adopt and post conspicuously on its website bylaws for its own governance, including provisions that
 105 (i) establish the requirement of transparency, to the extent required by law, in all board actions; (ii) describe
 106 the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), as set forth in
 107 subdivision B 10 of § 23.1-1301, including the requirements that (a) the board record minutes of each open
 108 meeting and post the minutes on the board's website, in accordance with subsection I of § 2.2-3707 and
 109 § 2.2-3707.1, (b) discussions and actions on any topic not specifically exempted by § 2.2-3711 be held in an
 110 open meeting, (c) the board give public notice of all meetings, in accordance with subsection D of
 111 § 2.2-3707, and (d) any action taken in a closed meeting be approved in an open meeting before it can have
 112 any force or effect, in accordance with subsection B of § 2.2-3711; and (iii) require that the board invite the
 113 Attorney General's appointee or representative to all meetings of the board, executive committee, and board
 114 committees;

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

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

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

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

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

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

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

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

161 10. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations
 162 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1
 163 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research
 164 committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution
 165 or his designee at least annually a report on the human research projects reviewed and approved by the
 166 committee and require the committee to report any significant deviations from approved proposals;

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

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

181 13. Submit to the General Assembly and the Governor and make publicly available on the institution's
 182 website an annual executive summary of its interim activity and work no later than the first day of each
 183 regular session of the General Assembly. The executive summary shall be submitted as provided in the

184 procedures of the Division of Legislative Automated Systems for the processing of legislative documents and
185 reports and shall be posted on the General Assembly's website;

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

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

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

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

201 **§ 23.1-1303.1. Governing boards; primary duties; additional duties; academic freedom.**

202 A. As used in this section, "partisan objective" means any objective or goal directly relating to (i) an
203 ideology or platform of a political party, political candidate, or individual elected to a partisan public office,
204 as that term is defined in § 30-391; (ii) a political party; (iii) a political candidate or political campaign; or
205 (iv) an individual holding an elective partisan public office. "Partisan objective" does not include any action
206 or decision that is not intentionally aimed at or motivated by advancing or promoting any partisan objective
207 but incidentally or unintentionally has the effect of advancing or promoting a partisan objective.

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

211 C. The governing board of each public institution of higher education shall not:

212 1. Adopt any campus policies or make any decisions that would (i) have the primary effect of restricting
213 or censoring expression on the basis of viewpoint or (ii) otherwise restrict or censor expression for the
214 purpose of ideological correction or conformity or advancing or promoting any partisan objective; or

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

219 **§ 23.1-1304. Governing boards; additional duties; educational programs.**

220 A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with
221 public institutions of higher education and members of their governing boards, and annually deliver
222 educational programs for the governing boards of such institutions. *The Council shall not enter into a*
223 *contract for or otherwise outsource the development or delivery of any educational program for or training*
224 *of the members of governing boards by any organization or entity that (i) has not had as its primary mission*
225 *for at least 10 years or (ii) cannot satisfactorily demonstrate a consistent, unbroken organizational*
226 *commitment to the primary mission of the preparation of members of governing boards of postsecondary*
227 *institutions and foundations to fulfill their duties and trusteeship responsibilities. New members of such*
228 governing boards shall participate, at least once during their first two years of membership, in the programs,
229 which shall be designed to address the role, duties, and responsibilities of the governing boards and may
230 include in-service programs on current issues in higher education. In developing such programs, the Council
231 may consider similar educational programs for institutional governing boards in other states. In addition, the
232 Council shall develop educational materials for board members with more than two years of service on the
233 governing board. Each such board member shall participate in further training on board governance at least
234 once every two years, and the Council shall develop criteria by which such board members shall demonstrate
235 compliance with this requirement.

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

238 1. Board members' primary duty to the citizens of the Commonwealth;

239 2. Governing board committee structure and function;

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

241 4. Professional accounting and reporting standards;

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

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

245 7. Institutional ethics and conflicts of interest;

- 246 8. Creating and implementing regulations and institution policies;
- 247 9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves,
- 248 including a segment on endowment management;
- 249 10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of student debt
- 250 trends;
- 251 11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the
- 252 institution's consolidated infrastructure, physical facilities, and natural environment, including its lands,
- 253 improvements, and capital equipment;
- 254 12. Workforce planning, strategy, and investment;
- 255 13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni
- 256 programming, communications and media, government and public relations, and community affairs;
- 257 14. Student welfare issues, including academic studies; curriculum; residence life; student governance and
- 258 activities; and the general physical and psychological well-being of undergraduate and graduate students;
- 259 15. Current national and state issues in higher education;
- 260 16. Future national and state issues in higher education;
- 261 17. Relations between the governing board and the chief executive officer of the institution, including
- 262 perspectives from chief executive officers of public institutions of higher education;
- 263 18. Best practices for board governance, including perspectives from current board members; and
- 264 19. Any other topics that the Council, public institutions of higher education, and members of their
- 265 governing boards deem necessary or appropriate.
- 266 C. The Council shall submit to the General Assembly and the Governor an annual executive summary of
- 267 the interim activity and work of the Council pursuant to this section no later than the first day of each regular
- 268 session of the General Assembly. The executive summary shall be submitted as provided in the procedures of
- 269 the Division of Legislative Automated Systems for the processing of legislative documents and reports and
- 270 shall be posted on the General Assembly's website.
- 271 **§ 23.1-2303. Membership.**
- 272 A. The board shall consist of 16 members appointed by the Governor.
- 273 B. ~~Notwithstanding Pursuant to § 23.1-1300, members are shall not be eligible to serve for a total of two~~
- 274 ~~four-year terms which may be served consecutively more than one six-year term until at least two years have~~
- 275 ~~passed since the end of such six-year term; however, a member appointed by the Governor to serve an~~
- 276 ~~unexpired term is eligible to serve two one additional four-year terms six-year term immediately succeeding~~
- 277 ~~such unexpired term.~~
- 278 **2. That any person serving on the governing board of each public institution of higher education**
- 279 **pursuant to § 23.1-1300 of the Code of Virginia for a term that began prior to or on the effective date**
- 280 **of this act shall continue to serve for the remainder of the term to which he was appointed.**
- 281 **3. That the Governor's appointments of members to the governing board of Richard Bland College**
- 282 **pursuant to § 23.1-2106 of the Code of Virginia for terms beginning after the effective date of this act**
- 283 **shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the**
- 284 **Governor shall appoint three members, of whom one member shall be appointed for a term of five**
- 285 **years, to expire on June 30, 2032, and two members shall be appointed for a term of three years, to**
- 286 **expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor**
- 287 **shall appoint three members, of whom two members shall be appointed for a term of four years, to**
- 288 **expire on June 30, 2032, and one member shall be appointed for a term of two years, to expire on June**
- 289 **30, 2030; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall**
- 290 **appoint three members for a term of five years, to expire on June 30, 2034. After such staggering of**
- 291 **terms, members shall be appointed by the Governor for terms of six years in accordance with**
- 292 **§ 23.1-1300 of the Code of Virginia, as amended by this act.**
- 293 **4. That the Governor's appointments of members to the governing board of the University of Mary**
- 294 **Washington pursuant to § 23.1-1801 of the Code of Virginia for terms beginning after the effective date**
- 295 **of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027,**
- 296 **the Governor shall appoint three members, of whom two members shall be appointed for a term of five**
- 297 **years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to**
- 298 **expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor**
- 299 **shall appoint three members, of whom one member shall be appointed for a term of six years, to expire**
- 300 **on June 30, 2034, and two members shall be appointed for a term of four years, to expire on June 30,**
- 301 **2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint**
- 302 **three members for a term of five years, to expire on June 30, 2034. After such staggering of terms,**
- 303 **members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of**
- 304 **the Code of Virginia, as amended by this act.**
- 305 **5. That the Governor's appointments of members to the governing board of Longwood University**
- 306 **pursuant to § 23.1-1701 of the Code of Virginia for terms beginning after the effective date of this act**
- 307 **shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the**

308 Governor shall appoint three members, of whom two members shall be appointed for a term of five
309 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to
310 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor
311 shall appoint three members, of whom one member shall be appointed for a term of six years, to expire
312 on June 30, 2034, and two members shall be appointed for a term of four years, to expire on June 30,
313 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint
314 four members, of whom three shall be appointed for a term of five years, to expire on June 30, 2034,
315 and one member shall be appointed for a term of three years, to expire on June 30, 2032. After such
316 staggering of terms, members shall be appointed by the Governor for terms of six years in accordance
317 with § 23.1-1300 of the Code of Virginia, as amended by this act.

318 6. That the Governor's appointments of members to the governing board of Norfolk State University
319 pursuant to § 23.1-1901 of the Code of Virginia for terms beginning after the effective date of this act
320 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the
321 Governor shall appoint three members for a term of five years, to expire on June 30, 2032; (ii) upon the
322 expiration of terms set to expire on June 30, 2028, the Governor shall appoint two members, of whom
323 one member shall be appointed for a term of six years, to expire on June 30, 2034, and one member
324 shall be appointed for a term of four years, to expire on June 30, 2032; and (iii) upon the expiration of
325 terms set to expire on June 30, 2029, the Governor shall appoint three members for a term of five
326 years, to expire on June 30, 2034. After such staggering of terms, members shall be appointed by the
327 Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by
328 this act.

329 7. That the Governor's appointments of members to the governing board of Virginia Polytechnic
330 Institute and State University pursuant to § 23.1-2601 of the Code of Virginia for terms beginning after
331 the effective date of this act shall be staggered as follows: (i) upon the expiration of terms set to expire
332 on June 30, 2027, the Governor shall appoint three members for a term of five years, to expire on June
333 30, 2032; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint
334 four members, of whom two members shall be appointed for a term of six years, to expire on June 30,
335 2034, and two members shall be appointed for a term of four years, to expire on June 30, 2032; and (iii)
336 upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint two members
337 for a term of five years, to expire on June 30, 2034. After such staggering of terms, members shall be
338 appointed by the Governor for terms of six years in accordance with § 23.1-1300 of the Code of
339 Virginia, as amended by this act.

340 8. That the Governor's appointments of members to the governing board of Christopher Newport
341 University pursuant to § 23.1-1401 of the Code of Virginia for terms beginning after the effective date
342 of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027,
343 the Governor shall appoint three members for a term of five years, to expire on June 30, 2032; (ii) upon
344 the expiration of terms set to expire on June 30, 2028, the Governor shall appoint three members, of
345 whom two members shall be appointed for a term of six years, to expire on June 30, 2034, and one
346 member shall be appointed for a term of four years, to expire on June 30, 2032; and (iii) upon the
347 expiration of terms set to expire on June 30, 2029, the Governor shall appoint three members, of whom
348 two members shall be appointed for a term of five years, to expire on June 30, 2034, and one member
349 shall be appointed for a term of three years, to expire on June 30, 2032. After such staggering of terms,
350 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of
351 the Code of Virginia, as amended by this act.

352 9. That the Governor's appointments of members to the governing board of James Madison University
353 pursuant to § 23.1-1601 of the Code of Virginia for terms beginning after the effective date of this act
354 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the
355 Governor shall appoint five members for a term of five years, to expire on June 30, 2032, and (ii) upon
356 the expiration of terms set to expire on June 30, 2028, the Governor shall appoint five members for a
357 term of six years, to expire on June 30, 2034. After such staggering of terms, members shall be
358 appointed by the Governor for terms of six years in accordance with § 23.1-1300 of the Code of
359 Virginia, as amended by this act.

360 10. That the Governor's appointments of members to the governing board of Radford University
361 pursuant to § 23.1-2101 of the Code of Virginia for terms beginning after the effective date of this act
362 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the
363 Governor shall appoint three members, of whom two members shall be appointed for a term of five
364 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to
365 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor
366 shall appoint five members, of whom two members shall be appointed for a term of six years, to expire
367 on June 30, 2034, and three members shall be appointed for a term of four years, to expire on June 30,
368 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint
369 three members for a term of five years, to expire on June 30, 2034. After such staggering of terms,

370 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of
 371 the Code of Virginia, as amended by this act.

372 11. That the Governor's appointments of members to the governing board of Virginia State University
 373 pursuant to § 23.1-2701 of the Code of Virginia for terms beginning after the effective date of this act
 374 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the
 375 Governor shall appoint three members for a term of five years, to expire on June 30, 2032; (ii) upon the
 376 expiration of terms set to expire on June 30, 2028, the Governor shall appoint five members, of whom
 377 three members shall be appointed for a term of six years, to expire on June 30, 2034, and two members
 378 shall be appointed for a term of four years, to expire on June 30, 2032; and (iii) upon the expiration of
 379 terms set to expire on June 30, 2029, the Governor shall appoint two members for a term of five years,
 380 to expire on June 30, 2034. After such staggering of terms, members shall be appointed by the
 381 Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by
 382 this act.

383 12. That the Governor's appointments of members to the governing board of George Mason University
 384 pursuant to § 23.1-1501 of the Code of Virginia, the governing board of Virginia Commonwealth
 385 University pursuant to § 23.1-2303 of the Code of Virginia, and the governing board of the Virginia
 386 Military Institute pursuant to § 23.1-2501 of the Code of Virginia, for terms beginning after the
 387 effective date of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on
 388 June 30, 2027, the Governor shall appoint four members, of whom three members shall be appointed
 389 for a term of five years, to expire on June 30, 2032, and one member shall be appointed for a term of
 390 three years, to expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028,
 391 the Governor shall appoint four members, of whom one member shall be appointed for a term of six
 392 years, to expire on June 30, 2034, and three members shall be appointed for a term of four years, to
 393 expire on June 30, 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the
 394 Governor shall appoint four members for a term of five years, to expire on June 30, 2034. After such
 395 staggering of terms, members shall be appointed by the Governor for terms of six years in accordance
 396 with § 23.1-1300 of the Code of Virginia, as amended by this act.

397 13. That the Governor's appointments of members to the governing board of Old Dominion University
 398 pursuant to § 23.1-2001 of the Code of Virginia for terms beginning after the effective date of this act
 399 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the
 400 Governor shall appoint four members, of whom three members shall be appointed for a term of five
 401 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to
 402 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor
 403 shall appoint four members, of whom one member shall be appointed for a term of six years, to expire
 404 on June 30, 2034, and three members shall be appointed for a term of four years, to expire on June 30,
 405 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint
 406 four members for a term of five years, to expire on June 30, 2034. After such staggering of terms,
 407 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of
 408 the Code of Virginia, as amended by this act.

409 14. That the Governor's appointments of members to the governing board of the University of Virginia
 410 pursuant to § 23.1-2201 of the Code of Virginia and to the governing board of The College of William
 411 and Mary in Virginia pursuant to § 23.1-2801 of the Code of Virginia for terms beginning after the
 412 effective date of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on
 413 June 30, 2027, the Governor shall appoint four members, of whom two members shall be appointed for
 414 a term of five years, to expire on June 30, 2032, and two members shall be appointed for a term of
 415 three years, to expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028,
 416 the Governor shall appoint five members, of whom two members shall be appointed for a term of six
 417 years, to expire on June 30, 2034, and three members shall be appointed for a term of four years, to
 418 expire on June 30, 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the
 419 Governor shall appoint four members, of whom three members shall be appointed for a term of five
 420 years, to expire on June 30, 2034, and one member shall be appointed for a term of three years, to
 421 expire on June 30, 2032. After such staggering of terms, members shall be appointed by the Governor
 422 for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.

423 15. That the State Council of Higher Education for Virginia (the Council) shall convene a work group
 424 consisting of members of governing boards of public institutions of higher education, administrators of
 425 public institutions of higher education, and members of faculty, staff, and student governance bodies or
 426 organizations at public institutions of higher education, for the purpose of developing model shared
 427 governance policies in accordance with subdivision of B 17 of § 23.1-1303 of the Code of Virginia, as
 428 amended by the first enactment of this act. Such model shared governance policies shall include
 429 provisions relating to the establishment, membership, and roles of elected faculty governance bodies
 430 for institutions of higher education. The Council shall make the model shared governance policies
 431 developed pursuant to this enactment available to the governing board of each public institution of

432 higher education by January 1, 2027.

433 16. That the State Council of Higher Education for Virginia (the Council) shall convene a work group
434 consisting of members of governing boards of public institutions of higher education and
435 administrators of public institutions of higher education for the purpose of studying and making
436 recommendations on (i) a process by which (a) the governing board of any public institution of higher
437 education, the Governor, or the General Assembly or a committee thereof with relevant oversight
438 responsibility, upon determining that the Office of General Counsel or other legal counsel of a public
439 institution of higher education is not acting in the best interests of the institution, including due to a
440 conflict of interest, failure to defend the lawful authority of the institution, or failure to comply with
441 state law, may request the Attorney General to review the adequacy of such legal representation and
442 (b) upon a determination by the Attorney General or the General Assembly or a committee thereof
443 that such institution is not receiving adequate legal representation, the governing board may request
444 additional representation or approve alternate counsel as necessary to protect the interests of the
445 institution, and (ii) policies for requiring any individual member of a governing board to recuse himself
446 from or not participate in any vote or decision of the governing board on any matter in which he has a
447 personal or pecuniary interest or any partisan or ideological interest that would compromise his ability
448 to vote or act objectively and in accordance with the primary duties set forth in subsection B of
449 § 23.1-1303.1 of the Code of Virginia, as created by this act. The Council shall submit to the Chairs of
450 the Senate Committee on Education and Health and the House Committee on Education by November
451 1, 2026, a report on the work group's recommendations made pursuant this enactment.