

## HOUSE BILL NO. 1385

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health  
on February 26, 2026)

(Patrons Prior to Substitute—Delegates Callsen [HB 780], Franklin, L.V. [HB 939], and Laufer  
[HB 1069])

*A BILL to amend and reenact §§ 23.1-1300, 23.1-1303, 23.1-1304, 23.1-2303, and 23.1-2601 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, 23.1-2303, and 23.1-2601 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~~ *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

33 successors have been appointed and qualified. Ex officio members shall serve a term coincident with their  
34 term of office.

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

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

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

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

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

56 G. The governing board of each *baccalaureate* public institution of higher education and each local  
57 community college board ~~may shall~~ appoint one ~~or more~~ nonvoting, advisory faculty ~~representatives~~  
58 *representative and one nonvoting, advisory staff representative* to its respective board. ~~In the case of local~~  
59 ~~community college boards and boards of visitors, such representatives, each of whom shall be chosen from~~  
60 ~~individuals (i) elected (a) in the case of the faculty representative, by the majority of the institution's faculty~~  
61 ~~or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be~~  
62 ~~chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall~~  
63 ~~be and (b) in the case of the staff representative, by the majority of the institution's staff and (ii) appointed to~~

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

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

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

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

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

90 L. *Unless otherwise specially provided by law or unless the bylaws of the applicable governing board*  
91 *require more than a quorum for certain action, (i) the governing board of any baccalaureate public*  
92 *institution of higher education may exercise any of the powers conferred upon it pursuant to this subtitle at*  
93 *any meeting of the governing board, regular, special, or adjourned, at which a quorum is present and (ii) the*

94 *executive committee of a governing board appointed pursuant to § 23.1-1306 may exercise any of the powers*  
95 *conferred upon it pursuant to this subtitle only at any meeting of the executive committee (a) convened during*  
96 *a recess of the full governing board and (b) at which a quorum of the executive committee is present. A*  
97 *majority of the members of the governing board and a majority of the members of any such executive*  
98 *committee shall constitute a quorum of the respective board, except as otherwise provided pursuant to*  
99 *applicable law.*

100 **§ 23.1-1303. Governing boards; duties.**

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

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

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

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

123 3. Establish regulations or institution policies for the acceptance and assistance of students that include

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

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

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

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

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

153 in the effective use of educational technology;

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

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

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

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

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

182 13. Submit to the General Assembly and the Governor and make publicly available on the institution's

183 website an annual executive summary of its interim activity and work no later than the first day of each  
184 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
185 procedures of the Division of Legislative Automated Systems for the processing of legislative documents and  
186 reports and shall be posted on the General Assembly's website;

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

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

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

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

202 **§ 23.1-1303.1. Governing boards; primary duties; additional duties; academic freedom.**

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

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

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

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

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

220 **§ 23.1-1304. Governing boards; additional duties; educational programs.**

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

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

- 239 1. Board members' primary duty to the citizens of the Commonwealth;
- 240 2. Governing board committee structure and function;
- 241 3. The duties of the executive committee set forth in § 23.1-1306;
- 242 4. Professional accounting and reporting standards;
- 243 5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;

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

246 7. Institutional ethics and conflicts of interest;

247 8. Creating and implementing regulations and institution policies;

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

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

252 11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the  
253 institution's consolidated infrastructure, physical facilities, and natural environment, including its lands,  
254 improvements, and capital equipment;

255 12. Workforce planning, strategy, and investment;

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

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

260 15. Current national and state issues in higher education;

261 16. Future national and state issues in higher education;

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

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

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

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

272 § 23.1-2303. **Membership.**

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

274 B. ~~Notwithstanding~~ Pursuant to § 23.1-1300, members ~~are~~ shall not be eligible to serve for a total of two  
275 ~~four-year terms which may be served consecutively~~ more than one six-year term until at least two years have  
276 ~~passed since the end of such six-year term~~; however, a member appointed by the Governor to serve an  
277 unexpired term is eligible to serve ~~two one~~ additional ~~four-year terms~~ six-year term immediately succeeding  
278 such unexpired term.

279 **§ 23.1-2601. Membership.**

280 A. The board shall consist of 14 members, of whom 13 shall be appointed by the Governor and one shall  
281 be the president of the Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13  
282 members appointed by the Governor, at least 10 members shall be residents of the Commonwealth and at  
283 least six members shall be alumni of the University. ~~All appointments by the Governor are subject to~~  
284 ~~confirmation by the Senate.~~

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

288 **2. That any person serving on the governing board of each public institution of higher education**  
289 **pursuant to § 23.1-1300 of the Code of Virginia for a term that began prior to or on the effective date**  
290 **of this act shall continue to serve for the remainder of the term to which he was appointed.**

291 **3. That the Governor's appointments of members to the governing board of Richard Bland College**  
292 **pursuant to § 23.1-2106 of the Code of Virginia for terms beginning after the effective date of this act**  
293 **shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the**  
294 **Governor shall appoint three members, of whom one member shall be appointed for a term of five**  
295 **years, to expire on June 30, 2032, and two members shall be appointed for a term of three years, to**  
296 **expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor**  
297 **shall appoint three members, of whom two members shall be appointed for a term of four years, to**  
298 **expire on June 30, 2032, and one member shall be appointed for a term of two years, to expire on June**  
299 **30, 2030; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall**  
300 **appoint three members for a term of five years, to expire on June 30, 2034. After such staggering of**  
301 **terms, members shall be appointed by the Governor for terms of six years in accordance with**  
302 **§ 23.1-1300 of the Code of Virginia, as amended by this act.**

303 **4. That the Governor's appointments of members to the governing board of the University of Mary**

304 Washington pursuant to § 23.1-1801 of the Code of Virginia for terms beginning after the effective date  
305 of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027,  
306 the Governor shall appoint three members, of whom two members shall be appointed for a term of five  
307 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to  
308 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor  
309 shall appoint three members, of whom one member shall be appointed for a term of six years, to expire  
310 on June 30, 2034, and two members shall be appointed for a term of four years, to expire on June 30,  
311 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint  
312 three members for a term of five years, to expire on June 30, 2034. After such staggering of terms,  
313 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of  
314 the Code of Virginia, as amended by this act.

315 5. That the Governor's appointments of members to the governing board of Longwood University  
316 pursuant to § 23.1-1701 of the Code of Virginia for terms beginning after the effective date of this act  
317 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
318 Governor shall appoint three members, of whom two members shall be appointed for a term of five  
319 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to  
320 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor  
321 shall appoint three members, of whom one member shall be appointed for a term of six years, to expire  
322 on June 30, 2034, and two members shall be appointed for a term of four years, to expire on June 30,  
323 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint  
324 four members, of whom three shall be appointed for a term of five years, to expire on June 30, 2034,  
325 and one member shall be appointed for a term of three years, to expire on June 30, 2032. After such  
326 staggering of terms, members shall be appointed by the Governor for terms of six years in accordance  
327 with § 23.1-1300 of the Code of Virginia, as amended by this act.

328 6. That the Governor's appointments of members to the governing board of Norfolk State University  
329 pursuant to § 23.1-1901 of the Code of Virginia for terms beginning after the effective date of this act  
330 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
331 Governor shall appoint three members for a term of five years, to expire on June 30, 2032; (ii) upon the  
332 expiration of terms set to expire on June 30, 2028, the Governor shall appoint two members, of whom  
333 one member shall be appointed for a term of six years, to expire on June 30, 2034, and one member  
334 shall be appointed for a term of four years, to expire on June 30, 2032; and (iii) upon the expiration of

335 terms set to expire on June 30, 2029, the Governor shall appoint three members for a term of five  
336 years, to expire on June 30, 2034. After such staggering of terms, members shall be appointed by the  
337 Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by  
338 this act.

339 7. That the Governor's appointments of members to the governing board of Virginia Polytechnic  
340 Institute and State University pursuant to § 23.1-2601 of the Code of Virginia for terms beginning after  
341 the effective date of this act shall be staggered as follows: (i) upon the expiration of terms set to expire  
342 on June 30, 2027, the Governor shall appoint three members for a term of five years, to expire on June  
343 30, 2032; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor shall appoint  
344 four members, of whom two members shall be appointed for a term of six years, to expire on June 30,  
345 2034, and two members shall be appointed for a term of four years, to expire on June 30, 2032; and (iii)  
346 upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint two members  
347 for a term of five years, to expire on June 30, 2034. After such staggering of terms, members shall be  
348 appointed by the Governor for terms of six years in accordance with § 23.1-1300 of the Code of  
349 Virginia, as amended by this act.

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

362 9. That the Governor's appointments of members to the governing board of James Madison University  
363 pursuant to § 23.1-1601 of the Code of Virginia for terms beginning after the effective date of this act  
364 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
365 Governor shall appoint five members for a term of five years, to expire on June 30, 2032, and (ii) upon

366 the expiration of terms set to expire on June 30, 2028, the Governor shall appoint five members for a  
367 term of six years, to expire on June 30, 2034. After such staggering of terms, members shall be  
368 appointed by the Governor for terms of six years in accordance with § 23.1-1300 of the Code of  
369 Virginia, as amended by this act.

370 10. That the Governor's appointments of members to the governing board of Radford University  
371 pursuant to § 23.1-2101 of the Code of Virginia for terms beginning after the effective date of this act  
372 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
373 Governor shall appoint three members, of whom two members shall be appointed for a term of five  
374 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to  
375 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor  
376 shall appoint five members, of whom two members shall be appointed for a term of six years, to expire  
377 on June 30, 2034, and three members shall be appointed for a term of four years, to expire on June 30,  
378 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint  
379 three members for a term of five years, to expire on June 30, 2034. After such staggering of terms,  
380 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of  
381 the Code of Virginia, as amended by this act.

382 11. That the Governor's appointments of members to the governing board of Virginia State University  
383 pursuant to § 23.1-2701 of the Code of Virginia for terms beginning after the effective date of this act  
384 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
385 Governor shall appoint three members for a term of five years, to expire on June 30, 2032; (ii) upon the  
386 expiration of terms set to expire on June 30, 2028, the Governor shall appoint five members, of whom  
387 three members shall be appointed for a term of six years, to expire on June 30, 2034, and two members  
388 shall be appointed for a term of four years, to expire on June 30, 2032; and (iii) upon the expiration of  
389 terms set to expire on June 30, 2029, the Governor shall appoint two members for a term of five years,  
390 to expire on June 30, 2034. After such staggering of terms, members shall be appointed by the  
391 Governor for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by  
392 this act.

393 12. That the Governor's appointments of members to the governing board of George Mason University  
394 pursuant to § 23.1-1501 of the Code of Virginia, the governing board of Virginia Commonwealth  
395 University pursuant to § 23.1-2303 of the Code of Virginia, and the governing board of the Virginia  
396 Military Institute pursuant to § 23.1-2501 of the Code of Virginia, for terms beginning after the

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

407 13. That the Governor's appointments of members to the governing board of Old Dominion University  
408 pursuant to § 23.1-2001 of the Code of Virginia for terms beginning after the effective date of this act  
409 shall be staggered as follows: (i) upon the expiration of terms set to expire on June 30, 2027, the  
410 Governor shall appoint four members, of whom three members shall be appointed for a term of five  
411 years, to expire on June 30, 2032, and one member shall be appointed for a term of three years, to  
412 expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028, the Governor  
413 shall appoint four members, of whom one member shall be appointed for a term of six years, to expire  
414 on June 30, 2034, and three members shall be appointed for a term of four years, to expire on June 30,  
415 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the Governor shall appoint  
416 four members for a term of five years, to expire on June 30, 2034. After such staggering of terms,  
417 members shall be appointed by the Governor for terms of six years in accordance with § 23.1-1300 of  
418 the Code of Virginia, as amended by this act.

419 14. That the Governor's appointments of members to the governing board of the University of Virginia  
420 pursuant to § 23.1-2201 of the Code of Virginia and to the governing board of The College of William  
421 and Mary in Virginia pursuant to § 23.1-2801 of the Code of Virginia for terms beginning after the  
422 effective date of this act shall be staggered as follows: (i) upon the expiration of terms set to expire on  
423 June 30, 2027, the Governor shall appoint four members, of whom two members shall be appointed for  
424 a term of five years, to expire on June 30, 2032, and two members shall be appointed for a term of  
425 three years, to expire on June 30, 2030; (ii) upon the expiration of terms set to expire on June 30, 2028,  
426 the Governor shall appoint five members, of whom two members shall be appointed for a term of six  
427 years, to expire on June 30, 2034, and three members shall be appointed for a term of four years, to

428 expire on June 30, 2032; and (iii) upon the expiration of terms set to expire on June 30, 2029, the  
429 Governor shall appoint four members, of whom three members shall be appointed for a term of five  
430 years, to expire on June 30, 2034, and one member shall be appointed for a term of three years, to  
431 expire on June 30, 2032. After such staggering of terms, members shall be appointed by the Governor  
432 for terms of six years in accordance with § 23.1-1300 of the Code of Virginia, as amended by this act.

433 15. 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, administrators of  
435 public institutions of higher education, and members of faculty, staff, and student governance bodies or  
436 organizations at public institutions of higher education, for the purpose of developing model shared  
437 governance policies in accordance with subdivision of B 17 of § 23.1-1303 of the Code of Virginia, as  
438 amended by the first enactment of this act. Such model shared governance policies shall include  
439 provisions relating to the establishment, membership, and roles of elected faculty governance bodies  
440 for institutions of higher education. The Council shall make the model shared governance policies  
441 developed pursuant to this enactment available to the governing board of each public institution of  
442 higher education by January 1, 2027.

443 16. That the State Council of Higher Education for Virginia (the Council) shall convene a work group  
444 consisting of members of governing boards of public institutions of higher education and  
445 administrators of public institutions of higher education for the purpose of studying and making  
446 recommendations on (i) a process by which (a) the governing board of any public institution of higher  
447 education, the Governor, or the General Assembly or a committee thereof with relevant oversight  
448 responsibility, upon determining that the Office of General Counsel or other legal counsel of a public  
449 institution of higher education is not acting in the best interests of the institution, including due to a  
450 conflict of interest, failure to defend the lawful authority of the institution, or failure to comply with  
451 state law, may request the Attorney General to review the adequacy of such legal representation and  
452 (b) upon a determination by the Attorney General or the General Assembly or a committee thereof  
453 that such institution is not receiving adequate legal representation, the governing board may request  
454 additional representation or approve alternate counsel as necessary to protect the interests of the  
455 institution, and (ii) policies for requiring any individual member of a governing board to recuse himself  
456 from or not participate in any vote or decision of the governing board on any matter in which he has a  
457 personal or pecuniary interest or any partisan or ideological interest that would compromise his ability  
458 to vote or act objectively and in accordance with the primary duties set forth in subsection B of

**459 § 23.1-1303.1 of the Code of Virginia, as created by this act. The Council shall submit to the Chairs of**  
**460 the Senate Committee on Education and Health and the House Committee on Education by November**  
**461 1, 2026, a report on the work group's recommendations made pursuant this enactment.**