

SENATE BILL NO. 506

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Senator Surovell)

A BILL to amend and reenact §§ 2.2-507, 23.1-1300, 23.1-1303, 23.1-1304, 23.1-1401, 23.1-1501, 23.1-1601, 23.1-1701, 23.1-1801, 23.1-1901, 23.1-2001, as it is currently effective and as it may become effective, 23.1-2101, 23.1-2201, 23.1-2303, 23.1-2501, 23.1-2601, 23.1-2701, and 23.1-2801 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-102.2, relating to public institutions of higher education; governing boards; membership; duties and powers; legal counsel.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-507, 23.1-1300, 23.1-1303, 23.1-1304, 23.1-1401, 23.1-1501, 23.1-1601, 23.1-1701, 23.1-1801, 23.1-1901, 23.1-2001, as it is currently effective and as it may become effective, 23.1-2101, 23.1-2201, 23.1-2303, 23.1-2501, 23.1-2601, 23.1-2701, and 23.1-2801 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-102.2 as follows:

§ 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,

27 agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in
28 the same civil or administrative proceeding and may represent multiple interests within the same
29 department, institution, division, commission, board, bureau, agency, or entity. The soil and water
30 conservation district directors or districts may request legal advice from local, public, or private sources;
31 however, upon request of the soil and water conservation district directors or districts, the Attorney
32 General shall provide legal service in civil matters for such district directors or districts. The governing
33 board of each public institution of higher education shall be responsible for all decisions relating to the
34 employment of legal counsel for such institution, provided, however, that the Attorney General shall
35 provide legal service for a public institution of higher education only (i) upon the request of the governing
36 board, as defined in § 23.1-100, of such institution; (ii) in the case of any legal settlement involving
37 consideration in excess of \$5 million; or (iii) in accordance with the provisions of subsection D of § 23.1-
38 102.2. Nothing herein shall be construed to prohibit the Attorney General from, upon timely application,
39 intervening as a separate party on behalf of the Commonwealth in any matter, subject to a showing that
40 the Commonwealth has a separate and independent interest in the matter.

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

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

- 53 5. Persons employed by the Commonwealth Transportation Board, the Department of
54 Transportation, or the Department of Rail and Public Transportation;
- 55 6. Persons employed by the Commissioner of Motor Vehicles;
- 56 7. Persons appointed by the Commissioner of Marine Resources;
- 57 8. Police officers appointed by the Superintendent of State Police;
- 58 9. Conservation police officers appointed by the Department of Wildlife Resources;
- 59 10. Hearing officers appointed to hear a teacher's grievance pursuant to § 22.1-311;
- 60 11. Staff members or volunteers participating in a court-appointed special advocate program
61 pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
- 62 12. Any emergency medical services agency that is a licensee of the Department of Health in any
63 civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged
64 errors or omissions in the discharge of his court-appointed duties;
- 65 13. Conservation officers of the Department of Conservation and Recreation; or
- 66 14. A person appointed by written order of a circuit court judge to run an existing corporation or
67 company as the judge's representative, when that person is acting in execution of a lawful order of the
68 court and the order specifically refers to this section and appoints such person to serve as an agent of the
69 Commonwealth.

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

76 C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal
77 service to be rendered by him or one of his assistants, he may employ special counsel for this purpose,
78 whose compensation shall be fixed by the Attorney General. The compensation for such special counsel
79 shall be paid out of the funds appropriated for the administration of the board, commission, division, or

80 department being represented or whose members, officers, inspectors, investigators, or other employees
81 are being represented pursuant to this section. Notwithstanding any provision of this section to the
82 contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in
83 which it, or any justice, is a party.

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

85 **§ 23.1-102.2. Legal counsel; office of general counsel; employment; duties and**
86 **administration.**

87 A. The governing board of each public institution of higher education shall have the authority to
88 hire or retain legal counsel for the provision of all legal services, including to appear, commence,
89 prosecute, or defend any action, suit, matter, cause, or proceeding in any court; to enter, terminate, or alter
90 contracts on behalf of the institution; to purchase and sell real estate and other tangible and intellectual
91 property on behalf of the institution; to audit, supervise, and administer funds appropriated to the
92 institution by governmental and nongovernmental entities; or to otherwise provide legal advice and
93 counsel on questions, legal risks, and opportunities the governing board determines are related to the
94 affairs of the institution. The governing board of each public institution of higher education shall, in
95 consultation with the chief executive officer, appoint a general counsel to serve as the chief legal officer
96 of such institution. The chief legal officer and the vice president or similarly situated executive officer of
97 such institution shall, under the direction of the governing board of such institution, conduct the legal
98 affairs of and provide legal advice and representation for such institution on any matter the governing
99 board determines to be in the interest of the institution. The chief legal officer and the vice president or
100 similarly situated executive office of such institution shall have the authority to contract for and manage
101 outside legal services when deemed necessary and appropriate by the governing board of such institution.
102 The chief legal officer shall report solely to the governing board and chief executive officer of such
103 institution in conducting and overseeing the legal affairs and services set forth in this subsection.

104 B. The governing board of each public institution of higher education shall ensure that any legal
105 counsel it hires or retains using public funds is hired or retained solely for the provision of legal services
106 for or relating to the interests of the public institution of higher education served by such governing board

107 and not for the provision of legal services for or relating to the interests of any private entity, organization,
108 or venture with which such institution may have a partnership or other business relationship.

109 C. The Attorney General may, in accordance with § 2.2-507, appear, commence, prosecute, or
110 defend any action, suit, matter, cause, or proceeding in any court or provide legal advice on questions
111 related to the affairs of the public institution of higher education only upon request of the governing board
112 of such institution or upon the governing board's delegation of authority pursuant to subsection D. Any
113 legal settlement involving consideration in excess of \$5 million shall be subject to the approval of the
114 Attorney General.

115 D. Notwithstanding the provisions of subsection A or B, the governing board of any public
116 institution of higher education with fewer than 7,500 full-time students may choose to delegate all
117 authority conferred pursuant to subsection A to the Attorney General in accordance with the provisions of
118 § 2.2-507. Any such governing board intending to delegate the authority conferred pursuant to subsection
119 A shall submit to the Council, the Chairmen of the House Committees on Appropriations and Education
120 and the Senate Committees on Finance and Appropriations and Education and Health notice of such
121 intention no later than January 1, 2025. Any such governing board intending thereafter to delegate the
122 authority conferred pursuant to subsection A or to rescind a prior delegation of such authority made
123 pursuant to this subsection shall submit to the Council, the Chairmen of the House Committees on
124 Appropriations and Education and the Senate Committees on Finance and Appropriations and Education
125 and Health notice of such intention no later than January 1 of the immediately succeeding odd-numbered
126 year.

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

- 132 1. The types of matters handled by outside legal services;
- 133 2. The number of litigation matters handled by outside legal services; and

134 3. The total financial cost of outside legal services, disaggregated by the type of matter handled by
135 any such outside legal services.

136 **§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory**
137 **representatives; residency.**

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

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

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

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

157 E. If any member of the governing board of a public institution of higher education fails to attend
158 (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the
159 board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership
160 without sufficient cause, as determined by a majority vote of the board, the remaining members of the

161 board shall record such failure in the minutes at its next meeting and notify the Governor, and the office
162 of such member shall be vacated. No member of the board of visitors of a baccalaureate public institution
163 of higher education or the State Board for Community Colleges who fails to attend the educational
164 programs required by § 23.1-1304 during his first four-year term is eligible for reappointment to such
165 board.

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

169 G. ~~The governing board of each public institution of higher education~~ State Board and each local
170 community college board may appoint one or more nonvoting, advisory faculty representatives to its
171 respective board. In the case of local community college boards ~~and boards of visitors~~, such
172 representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or
173 its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected
174 by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at
175 least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for
176 such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory
177 Committee; ~~or by the local community college board or the board of visitors~~, and the institution's faculty
178 senate or its equivalent.

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

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

186 J. The president or any one of the vice presidents of the board of visitors of Virginia Military
187 Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the

188 governing board of each other public institution of higher education shall be a resident of the
189 Commonwealth.

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

194 **§ 23.1-1303. Governing boards; duties.**

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

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

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

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

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

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

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

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

241 unless such disclosure constitutes gross negligence or willful misconduct by the institution or its
242 employees;

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

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

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

252 9. In addition to all meetings prescribed in Chapters 14 (§ 23.1-1400 et seq.) through 29 (§ 23.1-
253 2900 et seq.), meet with the chief executive officer of the institution at least once annually, in a closed
254 meeting pursuant to subdivision A 1 of § 2.2-3711 and deliver an evaluation of the chief executive officer's
255 performance. Any change to the chief executive officer's employment contract during any such meeting
256 or any other meeting of the board shall be made only by a vote of the majority of the board's members;

257 10. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations
258 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1
259 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research
260 committee to submit to the Governor, the General Assembly, and the chief executive officer of the
261 institution or his designee at least annually a report on the human research projects reviewed and approved
262 by the committee and require the committee to report any significant deviations from approved proposals;

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

266 12. No later than December 1 of each year, report to the Council and make publicly available on
267 the institution's website (i) the value of investments as reflected on the Statement of Net Position as of

268 June 30 of the previous fiscal year, excluding any funds derived from endowment donations, endowment
269 income, or other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year;
270 and (iii) the use of the cash earnings on such balances. In the event that the commitment of any such
271 investment earnings spans more than one fiscal year, the report shall reflect the commitments made in
272 each future fiscal year. The reports of the Boards of Visitors of Virginia Commonwealth University and
273 the University of Virginia shall exclude the value of and earnings on any investments held by the Virginia
274 Commonwealth University Health System Authority and the University of Virginia Medical Center,
275 respectively. As used in this subdivision, "investments" includes all short-term, long-term, liquid, and
276 illiquid Statement of Net Position accounts, and subaccounts thereof, in which moneys have been invested
277 in securities;

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

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

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

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

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

296 18. Exercise in its collective capacity best judgment in carrying out the powers and duties of the
297 governing board and act at all times in accordance with the duty of loyalty owed primarily to such
298 institution and secondarily to the citizens of the Commonwealth, and each member shall, in his individual
299 capacity, stay informed on such institution's developments in order to make educated decisions, act with
300 loyalty to such institution and the Commonwealth, and exercise his own individual best judgment in
301 carrying out the powers and duties of the governing board.

302 **§ 23.1-1304. Governing boards; additional duties; educational programs.**

303 A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation
304 with public institutions of higher education and members of their governing boards, and annually deliver
305 educational programs for the governing boards of such institutions. New members of such governing
306 boards shall participate, at least once during their first two years of membership, in the programs, which
307 shall be designed to address the role, duties, and responsibilities of the governing boards and may include
308 in-service programs on current issues in higher education. In developing such programs, the Council may
309 consider similar educational programs for institutional governing boards in other states. In addition, the
310 Council shall develop educational materials for board members with more than two years of service on
311 the governing board. Each such board member shall participate in further training on board governance at
312 least once every two years, and the Council shall develop criteria by which such board members shall
313 demonstrate compliance with this requirement.

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

316 1. Board members' ~~primary duty to the citizens of the Commonwealth~~ duties set forth in subsection
317 B of § 23.1-1303;

318 2. Governing board committee structure and function;

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

- 320 4. Professional accounting and reporting standards;
- 321 5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
- 322 6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed
323 and delivered in conjunction with the Freedom of Information Advisory Council;
- 324 7. Institutional ethics and conflicts of interest;
- 325 8. Creating and implementing regulations and institution policies;
- 326 9. Business operations, administration, budgeting, financing, financial reporting, and financial
327 reserves, including a segment on endowment management;
- 328 10. Fixing student tuition, mandatory fees, and other necessary charges, including a review of
329 student debt trends;
- 330 11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect
331 the institution's consolidated infrastructure, physical facilities, and natural environment, including its
332 lands, improvements, and capital equipment;
- 333 12. Workforce planning, strategy, and investment;
- 334 13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni
335 programming, communications and media, government and public relations, and community affairs;
- 336 14. Student welfare issues, including academic studies; curriculum; residence life; student
337 governance and activities; and the general physical and psychological well-being of undergraduate and
338 graduate students;
- 339 15. Current national and state issues in higher education;
- 340 16. Future national and state issues in higher education;
- 341 17. Relations between the governing board and the chief executive officer of the institution,
342 including perspectives from chief executive officers of public institutions of higher education;
- 343 18. Best practices for board governance, including perspectives from current board members; and
- 344 19. Any other topics that the Council, public institutions of higher education, and members of their
345 governing boards deem necessary or appropriate.

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

351 **§ 23.1-1401. Membership.**

352 The board shall be composed of a total of at least 16 members that shall consist of 14 members
353 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
354 privileges. The 14 members with voting privileges shall be appointed by the Governor, of whom at least
355 six shall be alumni of the University. Two advisory members shall be appointed by the board and shall
356 consist of (i) one faculty member of the University who is an officer of the University's faculty senate or
357 faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member
358 of the University who is an officer of the University's staff senate or staff-at-large and is chosen by
359 majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in
360 the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

361 **§ 23.1-1501. Membership.**

362 A. The board shall be composed of a total of at least 18 members that shall consist of 16 members
363 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
364 privileges. The 16 members with voting privileges shall be appointed by the Governor. At least one
365 member appointed each year shall be an alumnus of the University. Two advisory members shall be
366 appointed by the board and shall consist of (i) one faculty member of the University who is an officer of
367 the University's faculty senate or faculty-at-large and is chosen by majority vote of such senate or faculty-
368 at-large and (ii) one staff member of the University who is an officer of the University's staff senate or
369 staff-at-large and is chosen by majority vote of such senate or staff-at-large. Any vacancy of such an
370 advisory member shall be filled in the same manner as the original selection, whether the vacancy occurs
371 by expiration of a term or otherwise.

372 B. The alumni association of the University and the board may submit to the Governor a list of at
373 least three nominees for each vacancy of a member with voting privileges on the board, whether the
374 vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list
375 of nominees.

376 **§ 23.1-1601. Membership.**

377 A. The board shall be composed of a total of at least 17 members that shall consist of 15 members
378 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
379 privileges. The 15 members with voting privileges shall be appointed by the Governor, of whom at least
380 13 shall be residents of the Commonwealth. Two advisory members shall be appointed by the board and
381 shall consist of (i) one faculty member of the University who is an officer of the University's faculty senate
382 or faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff
383 member of the University who is an officer of the University's staff senate or staff-at-large and is chosen
384 by majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled
385 in the same manner as the original selection, whether the vacancy occurs by expiration of a term or
386 otherwise.

387 B. The alumni association of the University may submit to the Governor a list of at least three
388 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
389 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees. The
390 Governor is not limited in his appointments to the individuals so nominated.

391 **§ 23.1-1701. Membership.**

392 A. The board shall be composed of a total of at least 15 members that shall consist of 13 members
393 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
394 privileges. The 13 members with voting privileges shall be appointed by the Governor, of whom at least
395 two shall be alumni of the University and at least 11 shall be residents of the Commonwealth. Two
396 advisory members shall be appointed by the board and shall consist of (i) one faculty member of the
397 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority
398 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the

399 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.
400 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
401 whether the vacancy occurs by expiration of a term or otherwise.

402 B. The alumni association of the University may submit to the Governor a list of at least three
403 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
404 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

405 **§ 23.1-1801. Membership.**

406 A. The board shall be composed of a total of at least 14 members that shall consist of 12 members
407 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
408 privileges. The 12 members with voting privileges shall be appointed by the Governor, of whom at least
409 nine shall be residents of the Commonwealth and at least six shall be alumni of the University. Two
410 advisory members shall be appointed by the board and shall consist of (i) one faculty member of the
411 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority
412 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the
413 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.
414 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
415 whether the vacancy occurs by expiration of a term or otherwise.

416 B. The alumni association of the University may submit to the Governor a list of at least three
417 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
418 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

419 **§ 23.1-1901. Membership; executive committee.**

420 A. The board of visitors shall be composed of a total of at least 15 members that shall consist of
421 13 members who shall serve with voting privileges and at least two advisory members who shall serve
422 with nonvoting privileges. The 13 members with voting privileges shall be appointed by the Governor, of
423 whom at least four shall be alumni of the University. Of the alumni appointed, at least one shall be a
424 resident of the Commonwealth. Two advisory members shall be appointed by the board and shall consist
425 of (i) one faculty member of the University who is an officer of the University's faculty senate or faculty-

426 at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member of the
427 University who is an officer of the University's staff senate or staff-at-large and is chosen by majority vote
428 of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in the same
429 manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

430 B. The alumni association of the University may submit to the Governor a list of four nominees
431 for each vacancy of a member with voting privileges on the board, whether the vacancy occurs by
432 expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

433 C. The board may appoint at least three and not more than five of its members to an executive
434 committee that has and may exercise such powers as the board may prescribe.

435 **§ 23.1-2001. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Membership.**

436 A. The board shall be composed of a total of at least 19 members that shall consist of 17 members
437 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
438 privileges. The 17 members with voting privileges shall be appointed by the Governor, of whom at least
439 14 shall be residents of the Commonwealth and at least three shall be alumni of the University. Two
440 advisory members shall be appointed by the board and shall consist of (i) one faculty member of the
441 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority
442 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the
443 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.
444 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
445 whether the vacancy occurs by expiration of a term or otherwise.

446 B. The alumni association of the University may submit to the Governor a list of at least three
447 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
448 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

449 **§ 23.1-2001. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Membership.**

450 A. The board shall be composed of a total of at least 19 members that shall consist of 17 members
451 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
452 privileges. The 17 members with voting privileges shall be appointed by the Governor, of whom at least

453 (i) 14 shall be residents of the Commonwealth, (ii) four shall be physicians or other medical or health
454 professionals with administrative or clinical experience in an academic medical center, and (iii) three shall
455 be alumni of the University. Two advisory members shall be appointed by the board and shall consist of
456 (a) one faculty member of the University who is an officer of the University's faculty senate or faculty-at-
457 large and is chosen by majority vote of such senate or faculty-at-large and (b) one staff member of the
458 University who is an officer of the University's staff senate or staff-at-large and is chosen by majority vote
459 of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in the same
460 manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

461 B. The alumni association of the University may submit to the Governor a list of at least three
462 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
463 by expiration of a term or otherwise. The Eastern Virginia Medical School Foundation or any successor
464 foundation may submit to the Governor a list of at least three nominees for each vacancy of a member
465 with voting privileges on the board that is required to be filled by a physician or other medical or health
466 professional with administrative or clinical experience in an academic medical center pursuant to clause
467 (ii) of subsection A. The Governor may appoint a member from the relevant list of nominees.

468 **§ 23.1-2101. Membership.**

469 A. The board shall be composed of a total of at least 17 members that shall consist of 15 members
470 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
471 privileges. The 15 members with voting privileges shall be appointed by the Governor, of whom at least
472 11 shall be residents of the Commonwealth. Two advisory members shall be appointed by the board and
473 shall consist of (i) one faculty member of the University who is an officer of the University's faculty senate
474 or faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff
475 member of the University who is an officer of the University's staff senate or staff-at-large and is chosen
476 by majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled
477 in the same manner as the original selection, whether the vacancy occurs by expiration of a term or
478 otherwise.

479 B. The alumni association of the University may submit to the Governor a list of at least three
480 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
481 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

482 **§ 23.1-2201. Membership.**

483 A. The board shall be composed of a total of at least 19 members that shall consist of 17 members
484 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
485 privileges. The 17 members with voting privileges shall be appointed by the Governor, of whom at least
486 (i) 12 shall be appointed from the Commonwealth at large, (ii) 12 shall be alumni of the University, and
487 (iii) one shall be a physician with administrative and clinical experience in an academic medical center.
488 Two advisory members shall be appointed by the board and shall consist of (i) one faculty member of the
489 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority
490 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the
491 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.
492 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
493 whether the vacancy occurs by expiration of a term or otherwise.

494 B. The alumni association of the University may submit to the Governor a list of at least three
495 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
496 by expiration of a term or otherwise. The Governor may appoint members from the list of nominees.

497 **§ 23.1-2303. Membership.**

498 A. The board shall be composed of a total of at least 18 members that shall consist of 16 members
499 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
500 privileges. The 16 members with voting privileges shall be appointed by the Governor. Two advisory
501 members shall be appointed by the board and shall consist of (i) one faculty member of the University
502 who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority vote of
503 such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the
504 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.

505 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
506 whether the vacancy occurs by expiration of a term or otherwise.

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

510 **§ 23.1-2501. Membership.**

511 A. The board shall be composed of a total of at least 19 members that shall ~~consist of 17 members,~~
512 ~~of whom 16~~ members who shall serve with voting privileges and shall be appointed by the Governor, at
513 least two advisory members who shall serve with nonvoting privileges, ~~and one shall be~~ the Adjutant
514 General, who shall serve as an ex officio nonvoting member. Of the 16 members appointed by the
515 Governor, (i) 12 shall be alumni of the Institute, of whom eight shall be residents of the Commonwealth
516 and four shall be nonresidents, and (ii) four shall be nonalumni residents of the Commonwealth. Two
517 advisory members shall be appointed by the board and shall consist of (a) one faculty member of the
518 Institute who is an officer of the Institute's faculty senate or faculty-at-large and is chosen by majority
519 vote of such senate or faculty-at-large and (b) one staff member of the Institute who is an officer of the
520 Institute's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large. Any
521 vacancy of such an advisory member shall be filled in the same manner as the original selection, whether
522 the vacancy occurs by expiration of a term or otherwise.

523 B. The alumni association of the Institute may submit to the Governor a list of not more than three
524 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
525 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

526 **§ 23.1-2601. Membership.**

527 A. The board shall be composed of a total of at least 16 members that shall ~~consist of 14 members,~~
528 ~~of whom 13~~ members who shall serve with voting privileges and shall be appointed by the Governor, at
529 least two advisory members who shall serve with nonvoting privileges, ~~and one shall be~~ the president of
530 the Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 members appointed
531 by the Governor, at least 10 members shall be residents of the Commonwealth and at least six members

532 shall be alumni of the University. All appointments by the Governor are subject to confirmation by the
533 Senate. Two advisory members shall be appointed by the board and shall consist of (i) one faculty member
534 of the University who is an officer of the University's faculty senate or faculty-at-large and is chosen by
535 majority vote of such senate or faculty-at-large and (ii) one staff member of the University who is an
536 officer of the University's staff senate or staff-at-large and is chosen by majority vote of such senate or
537 staff-at-large. Any vacancy of such an advisory member shall be filled in the same manner as the original
538 selection, whether the vacancy occurs by expiration of a term or otherwise.

539 B. The alumni association of the University may submit to the Governor a list of three nominees
540 for each vacancy of a member with voting privileges on the board, whether it occurs by expired term or
541 otherwise. The Governor may appoint a member from the list of nominees.

542 **§ 23.1-2701. Membership.**

543 A. The board shall be composed of a total of at least 17 members that shall consist of 15 members
544 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting
545 privileges. The 15 members with voting privileges shall be appointed by the Governor, of whom at least
546 three shall be alumni of the University and at least 10 shall be residents of the Commonwealth. Two
547 advisory members shall be appointed by the board and shall consist of (i) one faculty member of the
548 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority
549 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the
550 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.
551 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,
552 whether the vacancy occurs by expiration of a term or otherwise.

553 B. The alumni association of the University may submit to the Governor a list of three nominees
554 for each vacancy of a member with voting privileges on the board, whether the vacancy occurs by
555 expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

556 **§ 23.1-2801. Membership.**

557 A. The board shall be composed of a total of at least 19 members that shall consist of 17 members
558 who shall serve with voting privileges and at least two advisory members who shall serve with nonvoting

559 privileges. The 17 members with voting privileges shall be appointed by the Governor, of whom at least
560 13 shall be residents of the Commonwealth. Two advisory members shall be appointed by the board and
561 shall consist of (i) one faculty member of the University who is an officer of the University's faculty senate
562 or faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff
563 member of the University who is an officer of the University's staff senate or staff-at-large and is chosen
564 by majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled
565 in the same manner as the original selection, whether the vacancy occurs by expiration of a term or
566 otherwise.

567 B. The alumni association of the university may submit to the Governor a list of at least three
568 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs
569 by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

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