

HOUSE BILL NO. 1467

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Laufer)

A BILL to amend and reenact §§ 23.1-1300, 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, relating to baccalaureate public institutions of higher education; boards of visitors; membership.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23.1-1300, 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 as follows:**

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

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of four 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; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

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

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

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

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

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

47 G. ~~The governing board of each public institution of higher education~~ State Board and each local  
48 community college board may appoint one or more nonvoting, advisory faculty representatives to its  
49 respective board. In the case of local community college boards ~~and boards of visitors~~, such  
50 representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or  
51 its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected

52 by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at  
53 least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for  
54 such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory  
55 Committee, or by the local community college board ~~or the board of visitors~~, and the institution's faculty  
56 senate or its equivalent.

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

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

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

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

72 **§ 23.1-1401. Membership.**

73 The board shall be composed of a total of 16 members that shall consist of 14 members who shall  
74 serve with voting privileges and two advisory members who shall serve with nonvoting privileges. The  
75 14 members with voting privileges shall be appointed by the Governor, of whom at least six shall be  
76 alumni of the University. The two advisory members shall be appointed by the board and shall consist of  
77 (i) one faculty member of the University who is an officer of the University's faculty senate or faculty-at-  
78 large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member of the

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

82 **§ 23.1-1501. Membership.**

83 A. The board shall be composed of a total of 18 members that shall consist of 16 members who  
84 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
85 The 16 members with voting privileges shall be appointed by the Governor. At least one member  
86 appointed each year shall be an alumnus of the University. The two advisory members shall be appointed  
87 by the board and shall consist of (i) one faculty member of the University who is an officer of the  
88 University's faculty senate or faculty-at-large and is chosen by majority vote of such senate or faculty-at-  
89 large and (ii) one staff member of the University who is an officer of the University's staff senate or staff-  
90 at-large and is chosen by majority vote of such senate or staff-at-large. Any vacancy of such an advisory  
91 member shall be filled in the same manner as the original selection, whether the vacancy occurs by  
92 expiration of a term or otherwise.

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

97 **§ 23.1-1601. Membership.**

98 A. The board shall be composed of a total of 17 members that shall consist of 15 members who  
99 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
100 The 15 members with voting privileges shall be appointed by the Governor, of whom at least 13 shall be  
101 residents of the Commonwealth. The two advisory members shall be appointed by the board and shall  
102 consist of (i) one faculty member of the University who is an officer of the University's faculty senate or  
103 faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member  
104 of the University who is an officer of the University's staff senate or staff-at-large and is chosen by

105 majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in  
106 the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

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

111 **§ 23.1-1701. Membership.**

112 A. The board shall be composed of a total of 15 members that shall consist of 13 members who  
113 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
114 The 13 members with voting privileges shall be appointed by the Governor, of whom at least two shall be  
115 alumni of the University and at least 11 shall be residents of the Commonwealth. The two advisory  
116 members shall be appointed by the board and shall consist of (i) one faculty member of the University  
117 who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority vote of  
118 such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the  
119 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.  
120 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,  
121 whether the vacancy occurs by expiration of a term or otherwise.

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

125 **§ 23.1-1801. Membership.**

126 A. The board shall be composed of a total of 14 members that shall consist of 12 members who  
127 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
128 The 12 members with voting privileges shall be appointed by the Governor, of whom at least nine shall  
129 be residents of the Commonwealth and at least six shall be alumni of the University. The two advisory  
130 members shall be appointed by the board and shall consist of (i) one faculty member of the University  
131 who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority vote of

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

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

139 **§ 23.1-1901. Membership; executive committee.**

140 A. The board of visitors shall be composed of a total of 15 members that shall consist of 13  
141 members who shall serve with voting privileges and two advisory members who shall serve with  
142 nonvoting privileges. The 13 members with voting privileges shall be appointed by the Governor, of whom  
143 at least four shall be alumni of the University. Of the alumni appointed, at least one shall be a resident of  
144 the Commonwealth. The two advisory members shall be appointed by the board and shall consist of (i)  
145 one faculty member of the University who is an officer of the University's faculty senate or faculty-at-  
146 large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member of the  
147 University who is an officer of the University's staff senate or staff-at-large and is chosen by majority vote  
148 of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in the same  
149 manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

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

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

155 **§ 23.1-2001. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Membership.**

156 A. The board shall be composed of a total of 19 members that shall consist of 17 members who  
157 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
158 The 17 members with voting privileges shall be appointed by the Governor, of whom at least 14 shall be

159 residents of the Commonwealth and at least three shall be alumni of the University. The two advisory  
160 members shall be appointed by the board and shall consist of (i) one faculty member of the University  
161 who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority vote of  
162 such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the  
163 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.  
164 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,  
165 whether the vacancy occurs by expiration of a term or otherwise.

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

169 **§ 23.1-2001. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Membership.**

170 A. The board shall be composed of a total of 19 members that shall consist of 17 members who  
171 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
172 The 17 members with voting privileges shall be appointed by the Governor, of whom at least (i) 14 shall  
173 be residents of the Commonwealth, (ii) four shall be physicians or other medical or health professionals  
174 with administrative or clinical experience in an academic medical center, and (iii) three shall be alumni of  
175 the University. The two advisory members shall be appointed by the board and shall consist of (a) one  
176 faculty member of the University who is an officer of the University's faculty senate or faculty-at-large  
177 and is chosen by majority vote of such senate or faculty-at-large and (b) one staff member of the University  
178 who is an officer of the University's staff senate or staff-at-large and is chosen by majority vote of such  
179 senate or staff-at-large. Any vacancy of such an advisory member shall be filled in the same manner as  
180 the original selection, whether the vacancy occurs by expiration of a term or otherwise.

181 B. The alumni association of the University may submit to the Governor a list of at least three  
182 nominees for each vacancy of a member with voting privileges on the board, whether the vacancy occurs  
183 by expiration of a term or otherwise. The Eastern Virginia Medical School Foundation or any successor  
184 foundation may submit to the Governor a list of at least three nominees for each vacancy of a member  
185 with voting privileges on the board that is required to be filled by a physician or other medical or health

186 professional with administrative or clinical experience in an academic medical center pursuant to clause  
187 (ii) of subsection A. The Governor may appoint a member from the relevant list of nominees.

188 **§ 23.1-2101. Membership.**

189 A. The board shall be composed of a total of 17 members that shall consist of 15 members who  
190 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
191 The 15 members with voting privileges shall be appointed by the Governor, of whom at least 11 shall be  
192 residents of the Commonwealth. The two advisory members shall be appointed by the board and shall  
193 consist of (i) one faculty member of the University who is an officer of the University's faculty senate or  
194 faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member  
195 of the University who is an officer of the University's staff senate or staff-at-large and is chosen by  
196 majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in  
197 the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

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

201 **§ 23.1-2201. Membership.**

202 A. The board shall be composed of a total of 19 members that shall consist of 17 members who  
203 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
204 The 17 members with voting privileges shall be appointed by the Governor, of whom at least (i) 12 shall  
205 be appointed from the Commonwealth at large, (ii) 12 shall be alumni of the University, and (iii) one shall  
206 be a physician with administrative and clinical experience in an academic medical center. The two  
207 advisory members shall be appointed by the board and shall consist of (i) one faculty member of the  
208 University who is an officer of the University's faculty senate or faculty-at-large and is chosen by majority  
209 vote of such senate or faculty-at-large and (ii) one staff member of the University who is an officer of the  
210 University's staff senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large.  
211 Any vacancy of such an advisory member shall be filled in the same manner as the original selection,  
212 whether the vacancy occurs by expiration of a term or otherwise.



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

216 **§ 23.1-2303. Membership.**

217 A. The board shall be composed of a total of 18 members that shall consist of 16 members who  
218 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
219 The 16 members with voting privileges shall be appointed by the Governor. The two advisory members  
220 shall be appointed by the board and shall consist of (i) one faculty member of the University who is an  
221 officer of the University's faculty senate or faculty-at-large and is chosen by majority vote of such senate  
222 or faculty-at-large and (ii) one staff member of the University who is an officer of the University's staff  
223 senate or staff-at-large and is chosen by majority vote of such senate or staff-at-large. Any vacancy of  
224 such an advisory member shall be filled in the same manner as the original selection, whether the vacancy  
225 occurs by expiration of a term or otherwise.

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

229 **§ 23.1-2501. Membership.**

230 A. The board shall be composed of a total of 19 members that shall consist ~~of 17 members~~, of  
231 ~~whom~~ 16 members who shall serve with voting privileges and shall be appointed by the Governor, two  
232 advisory members who shall serve with nonvoting privileges, and one shall be the Adjutant General, who  
233 shall serve as an ex officio nonvoting member. Of the 16 members appointed by the Governor, (i) 12 shall  
234 be alumni of the Institute, of whom eight shall be residents of the Commonwealth and four shall be  
235 nonresidents; and (ii) four shall be nonalumni residents of the Commonwealth. The two advisory members  
236 shall be appointed by the board and shall consist of (a) one faculty member of the Institute who is an  
237 officer of the Institute's faculty senate or faculty-at-large and is chosen by majority vote of such senate or  
238 faculty-at-large and (b) one staff member of the Institute who is an officer of the Institute's staff senate or  
239 staff-at-large and is chosen by majority vote of such senate or staff-at-large. Any vacancy of such an

240 advisory member shall be filled in the same manner as the original selection, whether the vacancy occurs  
241 by expiration of a term or otherwise.

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

245 **§ 23.1-2601. Membership.**

246 A. The board shall be composed of a total of 16 members that shall consist of 14 members, of  
247 ~~whom~~ 13 members who shall serve with voting privileges and shall be appointed by the Governor, two  
248 advisory members who shall serve with nonvoting privileges, and one shall be the president of the Board  
249 of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 members appointed by the  
250 Governor, at least 10 members shall be residents of the Commonwealth and at least six members shall be  
251 alumni of the University. All appointments by the Governor are subject to confirmation by the Senate.  
252 The two advisory members shall be appointed by the board and shall consist of (i) one faculty member of  
253 the University who is an officer of the University's faculty senate or faculty-at-large and is chosen by  
254 majority vote of such senate or faculty-at-large and (ii) one staff member of the University who is an  
255 officer of the University's staff senate or staff-at-large and is chosen by majority vote of such senate or  
256 staff-at-large. Any vacancy of such an advisory member shall be filled in the same manner as the original  
257 selection, whether the vacancy occurs by expiration of a term or otherwise.

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

261 **§ 23.1-2701. Membership.**

262 A. The board shall be composed of a total of 17 members that shall consist of 15 members who  
263 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
264 The 15 members with voting privileges shall be appointed by the Governor, of whom at least three shall  
265 be alumni of the University and at least 10 shall be residents of the Commonwealth. The two advisory  
266 members shall be appointed by the board and shall consist of (i) one faculty member of the University

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

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

275 **§ 23.1-2801. Membership.**

276 A. The board shall be composed of a total of 19 members that shall consist of 17 members who  
277 shall serve with voting privileges and two advisory members who shall serve with nonvoting privileges.  
278 The 17 members with voting privileges shall be appointed by the Governor, of whom at least 13 shall be  
279 residents of the Commonwealth. The two advisory members shall be appointed by the board and shall  
280 consist of (i) one faculty member of the University who is an officer of the University's faculty senate or  
281 faculty-at-large and is chosen by majority vote of such senate or faculty-at-large and (ii) one staff member  
282 of the University who is an officer of the University's staff senate or staff-at-large and is chosen by  
283 majority vote of such senate or staff-at-large. Any vacancy of such an advisory member shall be filled in  
284 the same manner as the original selection, whether the vacancy occurs by expiration of a term or otherwise.

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

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