

HOUSE BILL NO. 1467

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Delegate Laufer)

A BILL to amend and reenact § 23.1-1300 of the Code of Virginia, relating to public institutions of higher education; governing boards; membership.

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-1300 of the Code of Virginia is 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.

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

C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any

member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

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

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

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

G. ~~The governing board of each public institution of higher education~~ State Board and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. The governing board of each baccalaureate public institution of higher education shall appoint two nonvoting advisory representatives to its respective board, one of whom shall be an advisory faculty representative and one of whom shall be an advisory staff representative. Such nonvoting advisory representatives shall be separate and apart from the membership of the governing board and shall not be counted in the governing board's membership. In the case of local community college boards ~~and boards of visitors~~ and the governing board of each baccalaureate public institution of higher education, such ~~faculty~~ representatives shall be ~~chosen from individuals~~ elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from

53 individuals elected by the Chancellor's Faculty Advisory Committee. In the case of the governing board
54 of each baccalaureate public institution of higher education, such advisory staff representative shall be
55 selected by the staff of such institution in the manner such staff members deem appropriate. Such
56 representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be
57 coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the
58 State Board and the Chancellor's Faculty Advisory Committee; or by the local community college board
59 ~~or the board of visitors~~, and the institution's faculty senate or its equivalent. Any vacancy of such an
60 advisory representative shall be filled in the same manner as the original selection, whether the vacancy
61 occurs by expiration of a term or otherwise.

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

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

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

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

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