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HOUSE BILL NO. 1875

Offered January 9, 2013

Prefiled January 8, 2013

A *BILL to amend and reenact §§ 23-9.2:4.1, 23-41, 23-49.14, 23-49.25, 23-50.6, 23-70, 23-91.26, 23-91.36, 23-93, 23-115, 23-155.4, 23-164.3, 23-165.4, 23-174.4, 23-185, and 23-216 of the Code of Virginia, relating to faculty members on boards of visitors and the State Board for Community Colleges.*

Patron—McClellan

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-9.2:4.1, 23-41, 23-49.14, 23-49.25, 23-50.6, 23-70, 23-91.26, 23-91.36, 23-93, 23-115, 23-155.4, 23-164.3, 23-165.4, 23-174.4, 23-185, and 23-216 of the Code of Virginia are amended and reenacted as follows:

§ 23-9.2:4.1. Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors.

A. The State Board for Community Colleges, local community college boards, and the boards of visitors of any four-year state institution of higher education ~~may shall~~ appoint one ~~or more nonvoting~~ advisory faculty representatives ~~member~~ to their respective boards. In the case of local community college boards and boards of visitors, the ~~representatives faculty member~~ appointed ~~by to~~ the boards shall be ~~chosen from individuals~~ elected by the faculty or the institution's faculty senate or other equivalent group of the relevant institution. In the case of the State Board for Community Colleges, ~~representatives the faculty member~~ appointed ~~by to~~ the Board shall be ~~chosen from individuals~~ elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve terms of not less than one 12-month period, which shall be coterminous with the institution's fiscal year, or for such terms as may be mutually agreed to by the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, as the case may be, and the institution's faculty senate or other equivalent group ~~four years~~.

B. Nothing in this section shall prohibit the State Board for Community Colleges, local community college boards, or any boards of visitors from excluding such representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries, or other matters, at the discretion of the relevant board.

§ 23-41. Appointment of visitors; number and terms; vacancies.

The board of visitors is to consist of 17 members to be appointed by the Governor, four of whom may be nonresidents of Virginia, ~~and one faculty member to be appointed pursuant to § 23-9.2:4.1.~~

All appointments shall be for terms of four years each, except appointments to fill unexpired vacancies, which shall be made by the Governor for the remainder of the unexpired terms. However, the term of the member holding the office of Rector on March 1, 2005, shall be extended for one year to June 30, 2006. The Governor may make an appointment for the member whose term is so extended to June 30, 2006, as though this service extension had not been granted and the term had expired as scheduled.

The board of visitors may be expanded to no more than 18 members from July 1, 2005, to June 30, 2006. Thereafter, the membership shall revert to 17 members. Reappointment by the Governor of any member eligible for the service extension shall be for the term of four years.

No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. For the purpose of determining service eligibility, any term of service extended to June 30 of the respective year pursuant to this section shall be treated as a four-year term. Hereafter, all appointments shall expire June 30 of the year in which the term expires.

All appointments ~~by the Governor~~ are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, at its next succeeding session.

§ 23-49.14. Appointment of visitors; number and terms; vacancies; confirmation.

(a) A. The board of visitors is to consist of ~~seventeen~~ 17 members to be appointed by the Governor, three of whom may be nonresidents of the Commonwealth of Virginia and at least three of whom shall be alumni of Old Dominion University, ~~and one faculty member to be appointed pursuant to § 23-9.2:4.1.~~

(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose terms expire

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59 in 1980 for terms of four years and four additional members, one for a term of one year, one for a term
60 of two years, one for a term of three years and one for a term of four years. Annually thereafter, the
61 Governor shall appoint members to fill vacancies caused by the expiration of terms B. Members shall be
62 appointed for terms of four years.

63 (e) C. All vacancies, whether occasioned by failure to make an appointment within the sixty 60 days
64 preceding any regular expiration as required, or otherwise, are to be filled by the Governor for the
65 unexpired term.

66 (d) D. All appointments by the Governor are subject to confirmation by the General Assembly if in
67 session when such appointments are made, and if not in session, then at its next succeeding session.
68 Visitors shall continue to discharge their duties after their terms have expired until their successors have
69 been appointed and have qualified.

70 **§ 23-49.25. Appointments of visitors; terms; confirmation.**

71 A. The board shall consist of fourteen 14 members appointed by the Governor and one faculty
72 member to be appointed pursuant to § 23-9.2:4.1.

73 Appointments shall be for terms of four years; however, appointments to fill vacancies occurring
74 otherwise than by expiration of terms shall be for the unexpired terms.

75 B. All appointments of the Governor shall be subject to confirmation by the General Assembly.
76 Members shall continue to hold office until their successors have been appointed and have qualified.

77 **§ 23-50.6. Appointment of visitors; terms; confirmation.**

78 (a) A. The board of visitors is to consist of sixteen 16 members to be appointed by the Governor and
79 one faculty member to be appointed pursuant to § 23-9.2:4.1 for four-year terms except that vacancies
80 other than by expiration of term shall be filled as provided in subsection (d) and except that the initial
81 term of the member appointed to increase the board of visitors to sixteen members shall be three years
82 for the unexpired terms.

83 (b) [Repealed.]

84 (e) B. Members shall be eligible for service for two consecutive terms of four years only (exclusive
85 of that portion of any unexpired term or any term on the board of less than four years to which he may
86 have been appointed).

87 (d) All vacancies shall be filled by the Governor for the unexpired terms.

88 (e) C. All appointments by the Governor are subject to confirmation by the General Assembly if in
89 session when such appointments are made, and if not in session, at its next succeeding session. Visitors
90 shall continue to discharge their duties after their terms have expired until their successors have been
91 appointed and have qualified.

92 (f), (g) [Repealed.]

93 **§ 23-70. Appointment of visitors; number and terms of office; confirmation.**

94 A. The board of visitors is to consist of 17 visitors appointed by the Governor, of whom (i) at least
95 12 shall be appointed from the Commonwealth at large, (ii) at least 12 shall be alumni of the University
96 of Virginia, and (iii) at least one shall be a physician with administrative and clinical experience in an
97 academic medical center, and one faculty member to be appointed pursuant to § 23-9.2:4.1.

98 B. All appointments on or after July 1, 2008, shall be for terms of four years and commence July 1
99 of the first year of appointment, except that appointments to fill vacancies shall be made for the
100 unexpired terms. Members shall complete their service on June 30 of the year in which their respective
101 terms expire, including appointments made prior to July 1, 2008. All appointments by the Governor for
102 full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the
103 Senate and the House of Delegates.

104 **§ 23-91.26. Appointment and terms of visitors; confirmation.**

105 (a) A. The board shall consist of sixteen 16 members; who shall to be appointed by the Governor
106 and one faculty member to be appointed pursuant to § 23-9.2:4.1. Of the sixteen 17 members, two may
107 be nonresidents of Virginia.

108 (b) In 1972 the Governor shall appoint the members of the board for terms beginning July 1, 1972.
109 At least one of the members appointed each year beginning in 1978 shall be an alumnus of George
110 Mason University or of the George Mason College Division of the University of Virginia and, insofar as
111 is possible, ten of the sixteen members shall be representative of the principal political subdivisions
112 comprising Planning District Number Eight and of Fauquier County. Four of such appointments shall be
113 for terms of four years each, four for terms of three years, four for terms of two years, and four for
114 terms of one year. Subsequent appointments B. Appointments shall be for terms of four years; provided,
115 however, except that appointments to fill vacancies occurring otherwise other than by expiration of terms
116 shall be for the unexpired terms.

117 (e) C. All appointments by the Governor shall be subject to confirmation by the General Assembly.
118 Members shall continue to hold office until their successors have been appointed and have qualified.

119 **§ 23-91.36. Appointment of visitors; terms; confirmation.**

120 (a) A. The board shall consist of twelve 12 members; who shall to be appointed by the Governor and

one faculty member to be appointed pursuant to § 23-9.2:4.1. Of the ~~twelve~~ 13 members, no more than three may be nonresidents of Virginia.

(b) In 1972 the Governor shall appoint the members of the board for terms beginning July 1, 1972. Three of such appointments shall be for terms of four years each, three for terms of three years, three for terms of two years, and three for terms of one year. Subsequent appointments *B. Appointments* shall be for terms of four years; ~~provided, however, except~~ that appointments to fill vacancies occurring ~~otherwise other~~ than by expiration of terms shall be for the unexpired terms.

(c) *C.* All appointments *by the Governor* shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-93. Appointment of visitors; confirmation.

A. The board of visitors shall consist of ~~sixteen~~ 16 visitors to be appointed by the Governor and, the Adjutant General, *serving ex officio, and one faculty member to be appointed pursuant to § 23-9.2:4.1.* Of the visitors appointed by the Governor, ~~twelve~~ 12 shall be alumni of the Institute and four shall not be alumni of the Institute. The four visitors appointed by the Governor who are not alumni of the Institute shall be residents of the Commonwealth. ~~Until June 30, 1985, nine of the twelve alumni~~ visitors shall be residents of the Commonwealth. ~~Thereafter eight~~ *Eight* of the ~~twelve~~ 12 alumni visitors shall be residents of the Commonwealth. The remaining alumni visitors shall be nonresidents.

B. Each appointive visitor in office on July 1, 1980, shall continue in office until the expiration of the term for which he was appointed. Of the visitors to be appointed for terms commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of four years. One of such visitors appointed for a four-year term and one appointed for a three-year term shall not be alumni of the Institute. One of such visitors appointed for a four-year term and one appointed for a three-year term shall be nonresident alumni. ~~Thereafter all~~ *All* appointments shall be for terms of four years and one visitor appointed each year shall not be an alumnus of the Institute. ~~Beginning in 1985 and thereafter,~~ one visitor appointed each year shall be a nonresident alumnus.

All appointments *by the Governor* for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the General Assembly.

§ 23-115. Appointment of visitors; number and eligibility; confirmation.

The board of visitors is to consist of ~~fourteen~~ 15 members, ~~thirteen~~ 13 of whom shall be appointed by the Governor, and one of whom shall be the President of the Board of Agriculture and Consumer Services, *serving ex officio, and one faculty member to be appointed pursuant to § 23-9.2:4.1.* Of the members appointed by the Governor, three may be nonresidents. The visitors in the office on April 9, 1945, are continued in office until the end of their respective terms, or until June 30, 1945, whichever last occurs.

As soon as practicable after April 9, 1945, the Governor shall appoint four members to fill the unexpired portions of the terms which began on July 1, 1944, and shall appoint three additional members for new terms of two years and two for new terms of four years, each term beginning July 1, 1945. He shall, in addition, appoint the President of the State Board of Agriculture and Consumer Services as an ex officio member for a term of four years to begin July 1, 1945; provided that, if the tenure in office as President of such ex officio member expires within that time, the Governor shall appoint such member's successor to fill the unexpired term. Such President shall remain eligible for appointment as an ex officio member so long as he continues in office as President. All appointments *by the Governor* for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate.

§ 23-155.4. Appointment of visitors; terms; vacancies; confirmation.

(a) A. The board shall consist of 15 members who shall be appointed by the Governor *and one faculty member who shall be appointed pursuant to § 23-9.2:4.1.*

(b) B. Of the four members taking new seats of the board to be appointed by the Governor for terms beginning July 1, 2007, two shall be appointed for initial terms of three years each and two for terms of four years each. Successors to all members shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed, four may be nonresidents of the Commonwealth.

(c) *C.* All appointments *by the Governor* shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

§ 23-164.3. Appointment of members of board of visitors; terms; vacancies; confirmation.

The board shall consist of ~~fifteen~~ 15 members who shall be appointed by the Governor *and one faculty member to be appointed pursuant to § 23-9.2:4.1.*

Of the four members of the board appointed for terms beginning July 1, 1989, two members shall be appointed for initial terms of two years and two members shall be appointed for initial terms of three years. Successors to the members so appointed *Appointments* shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired

182 term. Of the persons so appointed, two may be nonresidents of the Commonwealth.

183 All appointments *by the Governor* shall be subject to confirmation by the General Assembly.
184 Members shall continue to hold office until their successors have been appointed and have qualified.

185 **§ 23-165.4. Members of board; appointment; terms; vacancies; confirmation.**

186 A. The board shall consist of 15 members appointed by the Governor, of whom three shall be alumni
187 of the university; and at least 10 shall be residents of Virginia, *and one faculty member who shall be*
188 *appointed pursuant to § 23-9.2:4.1.* All appointments shall be for a term of four years. No member shall
189 serve for more than two consecutive four-year terms. Vacancies shall be filled in the same manner as
190 the original appointments. Appointments to fill vacancies, other than by expiration of a term, shall be
191 for the unexpired terms. The remainder of any term to which a member is appointed to fill a vacancy
192 shall not constitute a term in determining the member's eligibility for reappointment. Of the four
193 additional members appointed to the board on July 1, 2008, the Governor shall appoint two members for
194 an initial term of four years, and two members for an initial term of two years. Thereafter, such
195 members and their successors shall be appointed for a term of four years, in accordance with the
196 provisions of this section.

197 B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon
198 the recommendation of the National Alumni Association of Virginia State University on or before July 1
199 of any year in which the terms of such visitors shall expire. The alumni association shall submit the
200 names of at least three qualified alumni for each such vacancy.

201 C. All appointments *by the Governor* shall be subject to the confirmation of the General Assembly.
202 Members shall continue to hold office until their successors have been appointed and have qualified.

203 **§ 23-174.4. Composition of board of visitors; appointment; terms; vacancies; confirmation.**

204 A. The board of visitors shall consist of 13 members who shall be appointed, on or before June 30
205 of any year in which their terms shall expire, by the Governor for terms of four years *and one faculty*
206 *member who shall be appointed pursuant to § 23-9.2:4.1.* Of the persons so appointed *by the Governor*,
207 four shall be alumni of Norfolk State University of which three may be nonresidents of the
208 Commonwealth. Vacancies occurring other than by expiration of term shall be filled ~~by the Governor~~ for
209 the unexpired term.

210 B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon
211 the recommendation of the National Alumni Association of Norfolk State University on or before
212 November 1 of any year in which the terms of such visitors shall expire. The National Alumni
213 Association of Norfolk State University shall submit the names of four qualified alumni for each
214 vacancy.

215 C. All appointments *by the Governor* shall be subject to confirmation by the General Assembly.
216 Members shall continue to hold office until their successors have been appointed and qualified. Members
217 shall be eligible for two consecutive terms of four years, exclusive of that portion of ~~any term on the~~
218 ~~initial board of less than four years or any unexpired term.~~

219 **§ 23-185. Composition of board; appointment and terms of visitors; vacancies; confirmation.**

220 A. The board shall consist of 13 members who shall be appointed by the Governor *and one faculty*
221 *member who shall be appointed pursuant to § 23-9.2:4.1.*

222 B. The Governor shall appoint ~~the 13 appointive~~ members of the board for terms of four years each
223 *and the faculty senate shall appoint one faculty member for a term of four years.* Members shall be
224 eligible for service for two consecutive terms of four years, exclusive of that portion of any unexpired
225 term. Successors to the members so appointed shall be appointed to serve for terms of four years each.
226 Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the
227 persons ~~so~~ appointed *by the Governor*, two shall be alumni of the University; and two may be
228 nonresidents of the Commonwealth, the remaining number to be selected from the Commonwealth at
229 large.

230 C. All appointments *by the Governor* shall be subject to confirmation by the General Assembly.
231 Members shall continue to hold office until their successors have been appointed and have qualified.

232 **§ 23-216. Number, terms, and eligibility of members of Board.**

233 (a) A. The State Board shall consist of ~~fifteen~~ 15 members appointed by the Governor subject to
234 confirmation by the General Assembly if in session, and if not, at its next succeeding session *and one*
235 *faculty member appointed pursuant to § 23-9.2:4.1.* ~~The first appointments shall be four members for~~
236 ~~one year, four members for two years, four members for three years and three members for four years,~~
237 ~~and thereafter all such~~ All appointments shall be made for terms of four years each, except that
238 appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve
239 more than two consecutive four-year terms, except that a member may be appointed to a term of less
240 than four years immediately prior to or between the four-year terms. No person shall be eligible for
241 reappointment following two consecutive four-year terms for two years thereafter. Members shall
242 continue to discharge their duties after their terms have expired until their successors have been
243 appointed and have qualified.

244 (b) B. The State Board shall be composed of persons selected from the Commonwealth at large. No
245 *Except in the case of the faculty member appointed by the board, no* officer, employee, or member of
246 the governing board of any public institution of higher education; or of any school subject to the control
247 of the State Board, or any member of the General Assembly; ~~or any member of~~ or the State Board of
248 Education; shall be eligible for appointment to the Board. All members of the Board shall be deemed
249 members at large charged with the responsibility of serving the best interests of the whole
250 Commonwealth. No member shall act as the representative of any particular region or of any particular
251 institution of higher education.

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