

1 § 2.2-108. Removal of members of certain boards, commissions, etc.

2 A. ~~Notwithstanding any provision of law to the contrary, the Governor may remove from~~
3 ~~office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the~~
4 ~~board of any public institution of higher education or other educational institution in Virginia,~~
5 ~~and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be~~
6 ~~subject to confirmation by the General Assembly.~~

7 B. Notwithstanding any provision of law to the contrary, the Governor may remove from
8 office for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism,
9 conflict of interests, failure to carry out the policies of the Commonwealth as established in the
10 Constitution or by the General Assembly, or refusal to carry out a lawful directive of the
11 Governor any member of any board, commission, council or other collegial body established by
12 the General Assembly in the executive branch of state government except those boards provided
13 for in ~~subsection A~~ § 23.1-xxxx, and fill the vacancy resulting from the removal subject to
14 confirmation by the General Assembly.

15 C. The Governor shall set forth in a written public statement his reasons for removing
16 any member pursuant to this section at the time the removal occurs. The Governor shall be the
17 sole judge of the sufficiency of the cause for removal as set forth in this section.

18 **Drafting note: The provisions of existing regarding the removal of board members**
19 **from public institution of higher education or other educational institutions governing**
20 **boards § 2.2-108 are stricken and incorporated into proposed Chapter 13.**

21 CHAPTER 13.

22 GOVERNING BOARDS.

23 **Drafting note: Existing provisions that apply generally to governing boards of**
24 **public institutions of higher education are consolidated in Chapter 13.**

25 § 23.1-xxx. Boards of visitors; membership terms and removal.

26 A. Members shall serve for terms of four years. Vacancies occurring other than by
27 expiration of a term shall be filled for the unexpired term. No member shall serve for more than

28 two consecutive terms; however, a member appointed to serve an unexpired term shall be
29 eligible to serve two consecutive four-year terms. All appointments shall be subject to
30 confirmation by the General Assembly. Members shall continue to hold office until their
31 successors have been appointed and confirmed. Ex officio members shall serve a term
32 coincident with their term of office.

33 B. If any member fails to attend the meetings of the board without sufficient cause for
34 one year the remaining members of the board shall record such failure in the minutes at its next
35 meeting and notify the Governor, and the office of such member shall be vacated.

36 C. Notwithstanding subsection B or any other provision of law, the Governor may
37 remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any
38 member of the board of any public institution of higher education or other educational
39 institution in Virginia, and fill the vacancy resulting from the removal.

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

43 E. The board of visitors of each four-year public institution of higher education shall
44 adopt in its bylaws policies for (i) removing members pursuant to subsection B and (ii) making
45 recommendations to the Governor for the removal of members pursuant to subsection C.

46 **Drafting note: Existing provisions relating to the terms and removal of members of**
47 **the board of visitors of each public institution of higher education are incorporated into**
48 **proposed 23.1-xxxx (this section) with technical changes.**

49 § 23.1-xxx. Boards of visitors; powers.

50 A. The board of visitors of each four-year public institution of higher education may:

51 1. Make all necessary regulations and policies concerning the institution;

52 2. Generally direct the affairs of the institution;

53 3. Control and expend the funds of the institution;

54 4. Lease, sell, and convey its interest in any real property that it has acquired by
55 purchase, will, or deed of gift, subject to the approval of the Governor and any terms and
56 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and
57 administered in the same manner as all other gifts and bequests;

58 5. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines,
59 and other purposes on any property owned by the institution;

60 6. Adopt regulations and institution policies for parking and traffic on property owned,
61 leased, maintained, or controlled by the institution;

62 7. Appoint the president who shall be chief executive officer of the institution;

63 8. Adopt regulations and institution policies for the employment and dismissal of
64 professors, teachers, instructors, staff members, and other employees;

65 9. Appoint professors, teachers, instructors, staff members, and other employees and fix
66 their salaries;

67 10. Adopt regulations and institution policies for the acceptance and assistance of
68 students, except that (i) individuals who have failed to meet the federal requirement to register
69 for the selective service shall not be eligible to receive any state direct student assistance, (ii) the
70 accreditation status of a public high school in the Commonwealth shall not be considered in
71 making admissions determinations for students who have earned a diploma pursuant to the
72 requirements established by the Board of Education, and (iii) the board of visitors of each four-
73 year institution shall establish policies providing for the admission of certain graduates of
74 community colleges in the Commonwealth as set forth in § 23-9.2:3.02 [23.1-xxx];

75 11. Fix the rates charged to students for tuition, fees, and other necessary charges;

76 12. Adopt regulations and institution policies for the conduct of students in attendance
77 and the rescission or restriction of financial aid, suspension, and dismissal of students who fail
78 or refuse to abide by such regulations or policies;

79 13. Establish programs, in cooperation with the Council, the Department of Criminal
80 Justice Services, and the Office of the Attorney General, to promote (i) student compliance with

81 state laws on the use of alcoholic beverages, and (ii) the awareness and prevention of sexual
82 crimes committed upon students;

83 14. Establish guidelines for the initiation or induction of students into any social
84 fraternity or sorority in accordance with § 18.2-56; and

85 15. Confer degrees.