

## Comparison of House Substitute for SB 494 (SB494H1) and Senate Substitute for HB 1385 (HB1385S1)

The following chart summarizes the principal substantive differences between the two substitutes based on the text of the bills.

Issue	House Substitute for SB 494 (SB494H1)	Senate Substitute for HB 1385 (HB1385S1)	Substantive Difference
<b>Overall focus</b>	Primarily restructures the appointments and confirmation process for governing boards of visitors and modifies the Virginia Commission on Higher Education Board Appointments. Adds detailed confirmation mechanics, modifies board duties, and directs an Attorney General work group on legal counsel.	Primarily restructures board governance. Extends terms, mandates faculty, staff, and student advisory representatives, requires shared governance policies, creates academic freedom protections, and directs SCHEV work groups.	The two bills address different governance mechanisms. SB494H1 focuses on appointments and confirmation architecture. HB1385S1 focuses on board structure and internal governance.
<b>Board member term length (23.1-1300)</b>	Retains four year terms for members of boards of visitors.	Changes terms from four years to six years.	This is a direct statutory conflict between the two substitutes.
<b>Repeat service</b>	Maintains the current structure	Allows a single six year term	HB1385S1 materially alters

	of two consecutive four year terms with a waiting period before reappointment.	followed by a two year waiting period before returning to the same board.	tenure and reappointment limits.
<b>Confirmation procedures</b>	Adds extensive confirmation procedures governing interim appointments, committee review, and consequences of rejection.	Contains confirmation language but does not build out the same procedural framework.	SB494H1 creates a more detailed confirmation mechanism.
<b>Virginia Commission on Higher Education Board Appointments</b>	Expands and modifies the structure of the Commission including membership limits.	Does not modify the Commission structure.	This feature is unique to SB494H1.
<b>Shared governance</b>	No comparable statutory requirement directing institutions to adopt shared governance policies.	Requires governing boards to adopt policies implementing shared governance among boards, faculty, staff, and administration.	This requirement appears only in HB1385S1.
<b>Faculty and staff advisory representatives</b>	Retains permissive authority for boards to appoint	Requires each institution governing board and community	HB1385S1 imposes mandatory advisory representation.

	advisory representatives.	college board to appoint faculty and staff representatives.	
<b>Student advisory representatives</b>	Allows boards to appoint one or more student advisory representatives.	Requires each baccalaureate institution board to appoint one student representative.	HB1385S1 standardizes the student representation structure.
<b>Board duties and conduct</b>	Creates a new duties section emphasizing that governing boards and individual members shall not use board authority to advance partisan objectives.	Creates a new duties section emphasizing viewpoint neutrality, academic freedom, and restrictions on ideological censorship.	Both create new statutory duties but focus on different governance concerns.
<b>Legal counsel</b>	Directs the Attorney General to convene a work group studying whether boards should control decisions relating to employment of legal counsel.	Creates a framework for review of adequacy of legal representation and potential approval of additional or alternate counsel.	SB494H1 orders a feasibility study while HB1385S1 outlines a more operational review mechanism.
<b>Recusal standards</b>	No comparable work group or statutory direction regarding recusal standards.	Directs development of policies requiring recusal when a board member	Unique to HB1385S1.

has personal,  
pecuniary,  
partisan, or  
ideological  
conflicts.

## **Section by Section Redline Style Comparison**

### **§ 23.1-1300 Governing boards of visitors; terms; confirmation**

SB494H1 retains four year terms and maintains the existing two consecutive term structure. It adds detailed confirmation procedures governing appointments made when the General Assembly is not in regular session, including committee review and rejection procedures.

HB1385S1 changes the term of service from four years to six years and revises the reappointment structure so that an individual may serve one six year term followed by a two year waiting period before serving again on the same board.

### **§ 23.1-1303 Powers and duties of governing boards**

SB494H1 retains the existing powers and duties structure but adds language addressing the proper exercise of board authority and emphasizes limitations on using governing board authority to advance partisan objectives.

HB1385S1 amends the duties section to include an express requirement that boards adopt policies implementing shared governance among the board, chief executive officer, faculty, staff, and students.

### **New § 23.1-1303.1 Additional duties / primary duties**

SB494H1 creates a new section emphasizing that governing boards and members must not use their authority to advance partisan objectives and must exercise duties in collaboration with institutional leadership.

HB1385S1 creates a separate section emphasizing academic freedom and viewpoint neutrality and prohibiting censorship of professors or institutional policies restricting expression based on ideological conformity.

### **§ 23.1-1304 Educational programming for board members**

SB494H1 revises the educational programming requirements to include instruction on governing board duties, conflict avoidance, and the limits of board authority.

HB1385S1 revises educational programming requirements to incorporate instruction regarding shared governance and academic freedom principles.

### **Advisory representation provisions**

SB494H1 retains discretionary authority for boards to appoint faculty and student advisory representatives.

HB1385S1 requires each governing board to appoint faculty, staff, and student advisory representatives under specified structures.

### **Legal counsel provisions**

SB494H1 directs the Office of the Attorney General to convene a work group to examine the feasibility of governing boards controlling employment decisions relating to legal counsel.

HB1385S1 establishes a study process evaluating whether governing boards may request additional representation when institutional counsel is not acting in the institution's best interests.