

RESOLUTION FOR REVISIONS TO THE BY-LAWS OF THE BOARD OF VISITORS

WHEREAS, Virginia Tech is in the midst of preparing for its reaccreditation review by the Southern Association of Colleges and Schools - Commission on Colleges (SACS-COC), which occurs every ten years; and

WHEREAS, in order to comply fully with one of the SACS standards, the By-laws of the Board of Visitors, Article VI "Miscellaneous Provisions," Section 2, which discusses Board member dismissal, should be expanded to provide additional clarification that members of the Board can only be dismissed for cause and by due process, with appropriate references to the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED, that effective immediately Article VI, Section 2 of the Board of Visitors By-laws be amended to read as follows: The members of the Board of Visitors are protected by Virginia law from being removed without appropriate reasons and by an unfair process. If any Visitor fails to perform the duties of his office for one year without good cause shown to the Board, the Board shall, at the next meeting after the end of such year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify the same to the Governor, and the office of such Visitor shall thereupon be vacant (§ 23-120, Code of Virginia, as amended). Dismissal of a Board member for cause will be pursued in accordance with Virginia Code § 2.2-108 and §24.2-231, as amended, which provides the process for removal of a Board member from office for malfeasance, misfeasance, incompetence, gross neglect of duty, or conviction of a felony.

RECOMMENDATION:

That the Board of Visitors' By-laws be amended, effective immediately, to clarify the conditions under which a Board member may be removed in accordance with the provisions of the Code of Virginia.

June 1, 2009