

SENATE OF VIRGINIA

SCOTT A. SUROVELL
MAJORITY LEADER
34TH SENATORIAL DISTRICT
PART OF FAIRFAX COUNTY

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COMMITTEE ASSIGNMENTS:
COURTS OF JUSTICE, CHAIR
COMMERCE AND LABOR
FINANCE AND APPROPRIATIONS
REHABILITATION AND SOCIAL
SERVICES
RULES

June 9, 2025

Bishop Kim W. Brown
Norfolk State University

Valerie K. Brown
Virginia State University

Robert D. Hardie
University of Virginia

Todd Haymore
Virginia Commonwealth
University

James Inman
Virginia Military Institute

Letitia A. Long
Virginia Polytechnic Institute
and State University

Christy T. Morton
Christopher Newport University

William Lee Murray
University of Mary Washington

Suzanne S. Obenshain
James Madison University

P. Murray Pitts
Old Dominion University

Charles E. Poston
College of William & Mary

Marquett Smith
Radford University

Charles Stimson
George Mason University

Terri Thompson
Virginia Community College
System

Ronald O. White
Longwood University

re: Governance of Virginia Universities

Dear Rectors:

I am writing to you to address matters of critical importance regarding the governance and oversight of Virginia's public institutions of higher education. You may have seen today that the General Assembly refused to confirm eight individuals nominated by Governor Glenn Youngkin to the Board of Visitors of the University of Virginia, the Virginia Military Institute and George Mason University. I want you to confirm our mutual understanding of your role to avoid any unnecessary misunderstandings.

Virginia is proud to maintain one of the strongest public higher education systems in America, built upon a foundation of academic excellence that spans centuries. Our Commonwealth is home to some of the nation's oldest and most prestigious institutions, including the University of Virginia (founded in 1819), the College of William & Mary (founded in 1693), and Longwood University (founded in 1839). These institutions, along with our other distinguished public universities, have educated

generations of leaders, advanced human knowledge through groundbreaking research, and served as cornerstones of Virginia's intellectual and economic development.

Virginia's public universities serve hundreds of thousands of students and contribute immeasurably to our economic development, research capabilities, and quality of life. This remarkable system of higher education—recognized nationally for its quality, innovation, and public service—deserves governance that is independent, principled, and focused solely on their academic mission and service to the Commonwealth.

As you are aware, Virginia's public universities operate under a framework established by the Code of Virginia and are subject to the ultimate authority and control of the General Assembly of the Commonwealth of Virginia. This fundamental principle of governance is not merely procedural—it reflects the will of the people of Virginia as expressed through their elected representatives and ensures that these vital public institutions remain accountable to those they serve.

In addition, it is important to understand that Virginia is currently and for the next six months will experience **divided government. This means that governance of our universities is a shared exercise between coequal branches of government.**

I wish to emphasize several key points regarding your role and responsibilities as Rector:

Legislative Authority and Oversight

Virginia's public universities, while granted operational autonomy in many areas, operate subject to the control and oversight of the General Assembly. This authority is clearly established in Virginia law. For example, § 23.1-2200 of the Code of Virginia states:

§ 23.1-2200. Corporate name; name of the University.

A. The board of visitors of the University of Virginia (the board) is a corporation under the name and style of "the Rector and Visitors of the University of Virginia" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. **The board shall at all times be under the control of the General Assembly.**

This statutory language, representative of similar provisions governing our other public institutions, unambiguously establishes the General Assembly's authority over these public entities funded by taxpayer dollars and serving the public interest.

Executive Branch Limitations

I am aware that the Governor has advised his appointees that they are to follow his directives. The Governor of Virginia, while an important partner in higher education policy, does not possess the authority to issue binding directives to Boards of Visitors regarding university operations, policies, or governance decisions. **Executive Orders do not carry the force of law - only the Constitution of Virginia and duly enacted laws of the Commonwealth carry the force of law.** Your Board operates independently of executive control in the exercise of your fiduciary duties and governance responsibilities to each of your universities.

Fiduciary Duty and Independent Judgment

As Rector, you have been entrusted with significant responsibilities that require the exercise of your best independent judgment in all matters affecting your institution. This includes, but is not limited to, decisions regarding academic programs, faculty hiring and retention, student policies, financial management, and strategic planning. The people of Virginia expect and deserve Board members who will act independently, thoughtfully, and in the best interests of their respective institutions and the Commonwealth.

Accountability Expectations

The General Assembly expects all Board of Visitors members to fulfill their duties with integrity, transparency, and a commitment to excellence. This means making decisions based on sound judgment, institutional needs, and the broader public interest rather than external political pressures or considerations unrelated to the university's mission.

In addition to the Governor's ability to remove any member of a Board of Visitors pursuant to § 23.1-1300 for "malfeasance, misfeasance, incompetence, or gross neglect of duty," I want to be clear that the General Assembly takes seriously its oversight responsibilities regarding Virginia's public universities. Should any Board of Visitors fail to exercise appropriate independent judgment or allow external influences to compromise their fiduciary duties, the General Assembly will not hesitate to examine the situation and take whatever legislative action may be necessary to ensure proper governance and accountability.

I trust that you will continue to serve with distinction and exercise the independent judgment that your position requires. Should you have any questions regarding the General Assembly's expectations or our oversight role, I encourage you to contact my office.

Finally, I remind you that § 23.1-1300 of the Code of Virginia requires that all members of Boards of Visitors be confirmed by the General Assembly. The General Assembly takes this confirmation responsibility seriously and will not confirm individuals who do not possess the judgment, character, or willingness to follow the principles articulated in this letter. The people of Virginia deserve board members who understand their fiduciary duties and are committed to the independent governance these institutions require and not individuals who have excessive partisan inclinations. **We are currently in special session and have jurisdiction and authority to take up confirmation or rejection of any new nominees through the end of the year and the 2026 Regular Session of the General Assembly.**

Please also advise all new members and any prospective members of the expectations of the General Assembly.

Please distribute this letter to all of your members and thank you for your service to the Commonwealth of Virginia and to higher education.

Respectfully,



Senator Scott A. Surovell
Senate Majority Leader
Virginia General Assembly

cc: Governor Glenn A. Youngkin
Attorney General Jason S. Miyares
Scott Fleming, Director, State Council of Higher Education for Virginia