Duties

SELECTED DUTIES ASSIGNED FROM TITLE 5 - CHAPTER 23 OF THE CODE OF VIRGINIA

Purpose
The purpose of the Council shall be, through the exercise of the powers and performance of the duties set forth in this chapter, to advocate and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth of Virginia and to lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23-38.87:10 and subsection B of § 23-38.88. The Council shall also seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and shall work with institutions of higher education and their boards on board development. (23-9.3)

Duties
Coordinating council for state-supported institutions of higher education.
The Council shall constitute a coordinating council for the College of William and Mary in Virginia, George Mason University, Longwood University, James Madison University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, Christopher Newport University and the Virginia Community College System, branches, divisions or colleges of any of the foregoing, and such other state-supported institutions of higher education as may in the future be established. (23-9.5)

Duties Generally (23-9.6:1)
In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, each public institution’s six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans
at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. Study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. Review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective
until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution that has been created and established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act, the Virginia Unemployment Compensation Act, and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth. For the purposes of this section, "de-identified student records" means records in which all personally identifiable information has been removed.

10. Develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

11. Develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education may propose, and to make a report to the Governor and the General Assembly with respect thereto. No such change shall be made until
30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters. The Council may also review and advise on joint activities, including contracts for services between such public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

15. Adopt such rules and regulations as the Council believes necessary to implement all of the Council’s duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a student’s academic and disciplinary record to a student’s parent.

17. Require that each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An institution may provide for the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event an institution closes, or has its approval to operate in the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student to his own transcripts; nor shall this section authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between two-year and four-year public institutions of higher education in Virginia.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for the various public institutions.

20. Develop a uniform certificate of general studies program, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at
each community college in Virginia. Such program shall ensure that a community college student who completes the one-year certificate program shall be able to transfer all credits earned in academic subject coursework to a four-year public institution of higher education in the Commonwealth upon acceptance to the institution.

In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.

**Participation in or eligibility for state-supported financial aid programs (23-7.1:02)** Persons who have completed a program of home school instruction in accordance with § 22.1-254.1 and persons who have been excused from school attendance pursuant to subsection B of § 22.1-254 shall be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. When a high school grade point average, class rank, or other academic criteria is specified as a condition of participating in a program, the State Council of Higher Education for Virginia shall develop empirical alternative equivalent measures that may be required for such programs.

**Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety (23-7.4:1)** Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution. The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

**Determinations of eligibility; appeals and guidelines. (23-7.4:3)** To ensure the application of uniform criteria in administering this section and determining eligibility for in-state tuition charges, the State Council of Higher Education shall issue and from time to time revise guidelines, including domiciliary statutes questions to be incorporated by all state institutions of higher education in their admissions applications. These guidelines shall not be subject to the Administrative Process Act.....An advisory committee, composed of at least ten representatives of higher education, shall be appointed by the Council each year to cooperate with the Council in developing guidelines for determining eligibility or revisions thereof the Council of Higher Education shall consult the Office of the Attorney General and provide opportunity for public comment prior to issuing any such guidelines.

**Education program on meningococcal virus and hepatitis (23-7.5)** SCHEV shall, in cooperation with the Board and Commissioner of Health, encourage private colleges and universities to
develop a procedure for providing information about the risks associated with meningococcal virus and hepatitis and the availability and effectiveness of any vaccine against both diseases.

Articulation, dual admissions, and guaranteed admissions agreements; admission of certain community college graduates (23-9.2:3.02)
The governing board of each four-year public institution of higher education shall develop, consistent with the State Council of Higher Education Guidelines and the institution's six-year plan as set forth in § 23-38.87:17, articulation, dual admissions, and guaranteed admissions agreements with all institutions within the Virginia Community College System and any two-year public institution of higher education. A Uniform Certificate of General Studies shall be developed by the State Council of Higher Education, the Virginia Community College System, and the public institutions of higher education as set forth in subdivision 20 of § 23-9.6:1. All credits earned in academic subject coursework by students attending a two-year college who complete an approved one-year certificate of general studies program shall be transferrable to a four-year public institution of higher education in accordance with Council guidelines. The State Council of Higher Education for Virginia shall prepare an annual report on the pertinent aspects of the pipeline of students transferring from institutions within the Virginia Community College System to four-year public institutions of higher education. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23-9.6:1 and 23-9.14:2, shall develop guidelines for such agreements.

Authority to establish incentives for voluntary early retirement; eligibility; contents of plans. (23-9.2:3.1) The Governor may establish, with the assistance of the SCHEV, uniform criteria for such compensation plans.

Military Education. (23-9.2:3.7) The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the State Council of Higher Education for Virginia, implement policies for the purpose of awarding academic credit to students for educational experience gained from service in the armed forces of the United States. The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the State Council of Higher Education for Virginia, implement policies that recognize the scheduling difficulties and obligations encountered by active duty members of the United States armed forces.

Student Advisory Committee (23-9.3:1). The State Council of Higher Education shall appoint a student advisory committee comprised of students enrolled in public institutions of higher education in the Commonwealth and students enrolled in private and accredited institutions of higher education in the Commonwealth, whose primary purpose is to provide collegiate or graduate education and not to provide religious training. Appointments shall be made in a manner to ensure broad student representation from among such institutions.

Assessment of institutional performance (23-9.6:1.01) The State Council shall develop and revise from time to time, in consultation with the respective chairmen of the House Committees on
Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 of § 23-38.88.

**Tuition relief, refunds, and reinstatement for certain students. (23-9.6:2)** The Council shall issue and from time to time revise guidelines for tuition relief, refunds, and reinstatement for students whose active military duty during a defense crisis has required their sudden withdrawal or prolonged absence from their enrollment in a public institution of higher education and shall provide for the required reenrollment of such students by the relevant institution. These guidelines shall be excluded from the provisions of the Administrative Process Act pursuant to § 2.2-4002.

**Cooperation with State Board of Education (23-9.8).** The Council shall cooperate with the State Board of Education in matters of interest to both the public schools and the state-supported institutions of higher education, particularly in connection with coordination of the college admission requirements and teacher training programs with the public school program. In accomplishing this responsibility, the Council shall consult with the Board on its Six-Year Educational Technology Plan for Virginia and shall encourage the public institutions of higher education to design programs which include the skills necessary for the successful implementation of the Plan.

**State Council of Higher Education to advise the Brown v. Board of Education Scholarship Awards Committee. (23-9.8:1)** Consistent with its statutory responsibilities for higher education in the Commonwealth, the Council shall advise and provide technical assistance to the Brown v. Board of Education Scholarship Awards Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program.

**Preparation of budget requests; submission of budget requests to Council; coordinating requests; submission of recommendations to Governor and General Assembly (23-9.9).** The Council of Higher Education shall develop policies, formulae and guidelines for the fair and equitable distribution and use of public funds among the public institutions of higher education, taking into account enrollment projections and recognizing differences as well as similarities in institutional missions. Such policies, formulae and guidelines as are developed by the Council shall include provisions for operating expenses and capital outlay programs and shall be utilized by all public institutions of higher education in preparing requests for appropriations. The Council shall consult with the Department of Planning and Budget in the development of such policies, formulae and guidelines to insure that they are consistent with the requirements of the Department of Planning and Budget.
Nothing herein shall prevent any institution from appearing through its representatives or otherwise before the Governor and his advisory committee on the budget, the General Assembly or any committee thereof at any time.

**Reports of Expenditures (23-9.9:01).** The governing body of each public institution of higher education shall provide the State Council of Higher Education annual data indicating the apportionment and amounts of expenditures that the relevant institution expends by category, including academic costs, administration, research, and public service, as defined by the Council. The Council shall compile and submit a report of such data annually to the Governor and the General Assembly.

**Funds for graduate marine science consortium (23-9.9:1).** Funds for any consortium created by the College of William and Mary, Old Dominion University, the University of Virginia and Virginia Polytechnic Institute and State University for the purpose of promoting graduate marine science education may be included in the budget request of and the appropriations to the State Council of Higher Education.

**Coordinating agency for post-secondary educational programs for health professions and occupations (23-9.10:1).** The State Council of Higher Education is hereby designated the planning and coordinating agency for all post-secondary educational programs for all health professions and occupations. The Council shall make recommendations, including those relating to financing, whereby adequate and coordinated educational programs may be provided to produce an appropriate supply of properly trained personnel. The Council is authorized to conduct such studies as it deems appropriate. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this section.

**Advisory services to private nonprofit colleges and universities; Private College Advisory Committee continued as Private College Advisory Board (23-9.10:2).** The Council shall provide advisory services to, and with respect to, the private, accredited, nonprofit colleges and universities within the Commonwealth on academic and administrative matters. The Council may also review and advise on joint activities, including contracts for services, between private and public colleges and universities and between private colleges and universities and any agency of the Commonwealth or political subdivision thereof. The Council may collect and analyze such data as may be pertinent to such activities.

**Authorization for Commonwealth or any political subdivision thereof to contract to furnish or to obtain educational or other related services to or from certain nonprofit institutions of higher education (23-9.10:3).** No contract for services between private colleges on the one hand and public colleges or educational agencies of the Commonwealth, including but not limited to the State Board of Education, on the other, shall be valid unless approved by the State Council of Higher Education.

**Cooperating with and utilizing facilities of existing state departments, etc. (23-9.13).** In making the studies herein directed and in the performance of its duties hereunder the Council shall,
insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions and agencies.

**Effect upon powers of governing boards of institutions; endowment funds (23-9.14).** The powers of the governing boards of the several institutions over the affairs of such institutions shall not be impaired by the provisions of this chapter except to the extent that powers and duties are herein specifically conferred upon the State Council of Higher Education. The Council shall have no authority over the solicitation, investment or expenditure of endowment funds now held or in the future received by any of the public institutions of higher education.

**Educational programs for governing boards (23-9.14:1).** From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states.

Educational programs for the governing boards of public institutions of higher education shall include presentations related to:

1. Board members' duty to the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § 23-2.04;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing institution-wide rules and regulations;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student tuition and fees;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that impact the University's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;

12. Workforce planning, strategy, and investment;

13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;

14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;

15. Current national and state issues in higher education;

16. Future national and state issues in higher education;

17. Relations between the board of visitors and the president of the institution, including perspectives from presidents of public institutions of higher education in the Commonwealth;

18. Best practices for board governance, including perspectives from current board members; and

19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

(1996, cc. 868, 992; 2013, c. 577.)

State Transfer Tool (23-9.14:2)
A. The Council shall develop, in cooperation with the public two-year and four-year institutions of higher education, a State Transfer Tool that designates those general education courses that are offered within various associate degree programs at the public two-year institutions that are transferable for credit to the public four-year institutions.

In developing the Transfer Tool, the Council shall also seek the participation of private institutions of higher education in the Commonwealth.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between the Commonwealth's public two-year and four-year institutions of higher education. Dual admissions
agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution. Such agreements shall be subject to the admissions requirements of the four-year institutions.

C. The Council shall develop and make available to the public information identifying all general education courses offered at public two-year institutions and designating those that are accepted for purposes of transfer for course credit at four-year public and private institutions of higher education in Virginia.

**Distance learning reciprocity agreements; participation; Distance Learning Reciprocity Advisory Council. (23-9.14:3)**
The State Council of Higher Education may enter into interstate reciprocity agreements that authorize accredited degree-granting institutions of higher education located in the Commonwealth to offer postsecondary distance education. The State Council shall administer such agreements and shall approve or disapprove participation in such agreements by accredited degree-granting institutions of higher education located in the Commonwealth. Participation in the agreements shall be voluntary. The State Council shall establish the Distance Learning Reciprocity Advisory Council, which shall include representatives from each participating institution. The Advisory Council shall advise the State Council on the development of policies governing the terms of participation by eligible institutions, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the State Council.

**Two-Year College Transfer Grant Program created; State Council of Higher Education for Virginia to promulgate regulations. (23-38.10:9)** The Council shall promulgate regulations for the implementation of the provisions of this chapter and the disbursement of funds consistent therewith and appropriate to the administration of the program.

**Tuition Assistance Program, TAG (23-38.12, 13, & 18)** The State Council of Higher Education is hereby designated as the administering agency for the program established by this chapter and authorized to promulgate regulations consistent herewith and appropriate to the administration of the program. The State Council of Higher Education shall monitor the domiciliary status decisions of these institutions, and shall make final decisions on any disputes between the institutions and grant recipients. The Council shall report to the Governor and General Assembly, as the Council deems necessary, on issues related to domiciliary status determinations for students receiving tuition assistance grants.

**Virginia Guaranteed Assistance Program. (23-38.53:4-6)** The Council shall promulgate regulations for the implementation of the provisions of this chapter. The fund shall be disbursed for the purpose of making grants to be determined by the use of a needs analysis methodology approved by the Council. The amount of the Guaranteed Assistance Program grant awarded students shall be determined annually by the State Council of Higher Education.
Senior Citizen Higher Education Act. (23-38.56) A senior citizen shall be permitted, under regulations as may be prescribed by the State Council of Higher Education... The Council of Higher Education shall establish procedures to ensure that tuition-paying students are accommodated in courses before senior citizens participating in this program are enrolled.

Higher Education Advisory Committee (23-38.87:20.) The Chair of the State Council of Higher Education designates a representative to serve on the HEAC. The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

Southwest Virginia Higher Education Center. (23-231.2) Develop, in coordination with the State Council of Higher Education specific goals for higher education in Southwest Virginia.

Roanoke Higher Education Authority. (23-231.14) Develop, in coordination with the State Council of Higher Education, specific goals for higher education access and availability in the Roanoke Valley.

Council responsible for federal programs. (23-261) SCHEV shall have full authority to prepare plans, administer federal programs, and receive and disburse any federal funds in accordance with the responsibilities assigned to it by federal statutes or regulations. It shall also undertake other duties as may be additionally assigned to it by the Governor in response to agency designations requested by the federal government.

Certification of certain private and out-of-state institutions. (23-276.4.) Council certification required for the conferring of certain degrees and other awards or the offering of certain programs.
A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this chapter shall:
   1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;
   2. Enroll students;
   3. Offer degrees, courses for degree credit, programs of study leading to a degree, or nondegree credit courses, either at a site in Virginia or via telecommunications equipment located within Virginia; or
   4. Initiate other programs for degree credit or award degrees, certificates, or diplomas at a new or additional level.

(Academic Common Market) Eligibility for in-state or reduced tuition for students not domiciled in Virginia (22.1-358) Any person enrolled in one of the institution’s programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in
the institutions of higher learning of any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia.

(Editor’s note: This is a SCHEV duty that falls outside of Chapter 23)

Issuance of license plates bearing seal, symbol, emblem, or logotype of certain institutions of higher education; fees (46.2-749) The State Council of Higher Education for Virginia shall review and approve plans for each participating institution for the implementation of these scholarship programs. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

(Editor’s note: This is a SCHEV duty that falls outside of Chapter 23)

Hazing unlawful; civil and criminal liability; duty of school, etc., officials; penalty. (18.2-56) The Department of Education and the State Council of Higher Education for Virginia, with the Department of Criminal Justice Services, shall establish model policies regarding the prevention of and appropriate disciplinary action for hazing as defined in § 18.2-56 of the Code of Virginia.

(Editor’s note: This is a SCHEV duty that falls outside of Chapter 23)

SCHEV DUTIES ASSIGNED IN THE APPROPRIATION ACT

Tuition and Fee Policies (Item 4-2.01 b) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.
Capital Projects (Item 4-4.01, j.2) By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

Student Financial Assistance. (Item 4-5.01, a) The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution’s plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently.

Off-Campus Sites of Institutions of Higher Education. (Item 4-5.03, c) A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

College Access Challenge Grant (Item 144) SCHEV, in cooperation with the Virginia Department of Education and providers, shall submit a follow-up report to the 2009 Statewide Examination of College Access Services and Resources in Virginia including incorporating relevant longitudinal data now available as appropriate By October 15, 2015. The review shall evaluate progress on the previously identified areas for increased provider activity: addressing younger students, as early as kindergarten; computer skill training; test preparation assistance; financial literacy; parental programs; and the emotional and logistical transition to college for under-represented populations and first-generation students. In addition, the report shall include any further recommendations for improving statewide coordination, support, information-sharing, and data gathering to address the varied needs Identified.

Six-Year Capital Outlay Plan. (Item 146) The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan SCHEV shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general
obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.

**Outstanding Faculty Awards (Item 145)** The State Council of Higher Education for Virginia shall annually provide a grant to faculty members selected to be honored under this program from such private funds as may be designated for this purpose.

**Assignments To Authorities, Boards, Commissions, And Committees Mentioned In Code**

**SCHEV Specific**
- Student Advisory Committee
- Private College Advisory Board
- Career College Advisory Board

**SCHEV Membership Required**
- Higher Education Advisory Committee
- The Virginia College Building Authority
- Virginia College Savings Plan Board
- Southwest Virginia Higher Education Center
- Roanoke Higher Education Authority
- Southern Virginia Higher Education Center
- Advisory Board on Teacher Education and Licensure
- Higher Education Equipment Advisory Committee of Joint Commission on Technology & Science

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