

CHRISTOPHER NEWPORT UNIVERSITY.

Drafting note: Existing Chapter 5.3 of Title 23 is logically reorganized as proposed Chapters 13 and 14 of Title 23.1. Existing provisions that apply generally to governing boards of public institutions of higher education are consolidated in proposed Chapter 13. Existing provisions relating to the incorporation, membership and meetings, and powers and duties of the governing board that are unique to the University are retained in proposed Chapter 14.

~~§ 23-49.23 23.1-xxx. Board of visitors a corporation and under control of General Assembly~~ Corporate name; name of the University.

~~There is hereby established a corporate body composed of the~~ A. The board of visitors of Christopher Newport University (the board) shall be a corporation under the name and style of "The Rector and Visitors of Christopher Newport University;" ~~hereafter referred to in this chapter as "the board" or "the board of visitors," which and~~ shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1; ~~except in those cases where, by the express terms of the provisions thereof, it is~~ powers that are confined to corporations created ~~under such title, and the board shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. Such corporation pursuant to Title 13.1. The board~~ shall ~~be subject~~ at all times ~~to be under~~ the control of the General Assembly.

B. The ~~University institution~~ shall be known as Christopher Newport University (the University).

108 **Drafting note: Technical changes are made to conform the language in this section**
109 **to that of each other four-year public institution of higher education.**

110 ~~§ 23-49.24. Transfer and control of certain property in Newport News.~~

111 ~~All real estate and personal property now existing and heretofore standing in the name~~
112 ~~and under the control of the corporate body designated "The College of William and Mary" that~~
113 ~~is located in Newport News and that was heretofore exclusively used by Christopher Newport~~
114 ~~University is hereby transferred to and shall be known and taken as standing in the name and~~
115 ~~under the control of the rector and visitors of Christopher Newport University. The term~~
116 ~~"control" shall include, without limitation, management, control, operation and maintenance.~~
117 ~~Such real estate and personal property shall be the property of the Commonwealth.~~

118 **Drafting note: The provisions of existing § 23-49.24 are stricken as obsolete.**

119 ~~§ 23-49.25 23.1-xxx. Appointments of visitors generally; terms Membership.~~

120 ~~A. The board shall consist of 14 members appointed by the Governor, of whom at least~~
121 ~~six of whom shall be alumni of Christopher Newport the University.~~

122 ~~Appointments shall be for terms of four years; however, appointments to fill vacancies~~
123 ~~occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

124 ~~B. All appointments of the Governor shall be subject to confirmation by the General~~
125 ~~Assembly. Members shall continue to hold office until their successors have been appointed and~~
126 ~~have qualified.~~

127 **Drafting note: Existing provisions relating to the terms and removal of members of**
128 **the board are stricken and incorporated instead into proposed Chapter 13, and technical**
129 **changes are made to conform the language to that of each other four-year public**
130 **institution of higher education.**

131 ~~§ 23-49.26. Eligibility to serve for more than two terms.~~

132 ~~No person shall be eligible to serve on the board of visitors for or during more than two~~
133 ~~successive four-year terms; but after the expiration of a term of two years or less, or after the~~

134 ~~expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve~~
135 ~~two additional four year terms if appointed thereto.~~

136 **Drafting note: The provisions of existing § 23-49.26 are stricken and incorporated**
137 **instead into proposed Chapter 13.**

138 ~~§ 23-49.27. Removal of visitors.~~

139 ~~If any visitor fails to perform the duties of his office for one year without sufficient~~
140 ~~cause shown to the board, the board of visitors shall, at its next meeting after the end of such~~
141 ~~year, cause the fact of such failure to be recorded in the minutes of its proceedings, and certify~~
142 ~~the same to the Governor. The office of such visitor shall be vacated. If so many of such visitors~~
143 ~~fail to perform their duties that a quorum thereof do not attend for a year, upon a certificate~~
144 ~~thereof being made to the Governor by the rector or any member of the board or by the~~
145 ~~president of the University, the offices of all visitors so failing to attend shall be vacated.~~

146 **Drafting note: The provisions of existing § 23-49.27 are stricken and incorporated**
147 **instead into proposed Chapter 13.**

148 ~~§ 23-49.28 23.1-xxx. Powers and duties of visitors generally; meetings; rector, secretary~~
149 ~~and vice rector; executive committee Meetings; officers; committees.~~

150 ~~A. The board of visitors shall be vested with all the rights and powers conferred by the~~
151 ~~provisions of this title insofar as the same are not inconsistent with the provisions of this chapter~~
152 ~~and the general laws of the Commonwealth.~~

153 ~~The board shall control and expend the funds of the University and any appropriation~~
154 ~~hereafter provided; make all needful rules and regulations concerning the University; appoint~~
155 ~~the president, who shall be its chief executive officer, and all teachers; fix their salaries; provide~~
156 ~~for the employment of other personnel as required; and generally direct the affairs of the~~
157 ~~University.~~

158 ~~B. The board of visitors shall meet at the University at least four times a year and at such~~
159 ~~other times as it shall determine, the days of meetings to be fixed by the board determines.~~

160 Special meetings of the board may be called by the rector or any three members. The secretary
161 shall provide notice of any special meeting to each member.

162 B. Seven members shall constitute a quorum.

163 C. At the first meeting after July 1 in every even-numbered year, the board shall elect
164 from its membership a rector, ~~who shall to~~ preside at its meetings, ~~a secretary and~~ a vice-rector.
165 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and in the~~
166 ~~absence of all three, the~~ to preside at its meetings in the absence of the rector, and a secretary to
167 preside at its meetings in the absence of the rector and vice-rector.

168 D. The board may appoint a pro tempore officer to preside at its meetings in the absence
169 of the rector, vice-rector, and secretary.

170 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
171 filled by the board for the unexpired term. ~~Special meetings of the board may be called by the~~
172 ~~rector or any three members. In either of such cases, notice of the time of meetings shall be~~
173 ~~given by the secretary to every member.~~

174 ~~C. F.~~ At every regular annual meeting of the board, the board may appoint an executive
175 committee for the transaction of business in the recess of the board, to serve for a period of one
176 year or until the next regular annual meeting.

177 **Drafting note: Technical changes are made to conform provisions relating to**
178 **meetings, officers, and committees of the board of visitors to those of each other four-year**
179 **public institution of higher education.**

180 ~~§ 23-49.29. Rates, fees and charges.~~

181 ~~The board may fix, in its discretion, the rates charged the students of the University for~~
182 ~~tuition, fees and other necessary charges.~~

183 **Drafting note: The provisions of existing § 23-49.29 are stricken here and**
184 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

185 ~~§ 23-49.30. Degrees.~~

186 ~~The board shall have the right to confer degrees.~~

187 **Drafting note: The provisions of existing § 23-49.30 are stricken here and**
188 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

189 § ~~23-49.31~~ 23.1-xxx. Curriculum Academic programs.

190 ~~The existing collegiate curriculum of the University shall be continued; however,~~
191 Subject to the provisions of § 23.1-xxx [23-9.6:1], the board may make such alterations therein
192 as it shall from time to time deem necessary approve new academic programs and discontinue
193 academic programs offered by the University.

194 **Drafting note: Technical changes.**

195 § ~~23-49.32. Sale, etc., of real estate.~~

196 ~~The rector and visitors of Christopher Newport University, with the approval of the~~
197 Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to
198 which it has acquired title by gift, devise or purchase since the commencement of the University
199 under any previous names, or which may hereafter be conveyed or devised to it. The proceeds
200 derived from any such lease, sale or conveyance shall be held by the rector and the visitors of
201 Christopher Newport University, upon identical trusts, and subject to the same uses, limitations
202 and conditions, if any, that are expressed in the original deed or will under which its title was
203 derived; or if there be no such trusts, uses, limitations or conditions expressed in such original
204 deed or will, then such funds shall be applied by the rector and visitors of the University to such
205 purposes as the board may deem best for the University.

206 **Drafting note: The provisions of existing § 23-49.32 are stricken here and**
207 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

208 § ~~23-49.33~~ 23.1-xxx. Use of library; sharing of faculty and facilities Shared use with the
209 College of William and Mary in Virginia.

210 A. ~~Use of the library of the University shall be granted to students~~ The board shall
211 permit students and faculty of the College of William and Mary in Virginia to use the library of
212 the University.

213 B. The board ~~of visitors~~ shall ~~make~~ enter cooperative agreements with the board of
214 visitors of the College of William and Mary in Virginia ~~for the sharing of~~ to share faculty ~~and of~~
215 ~~laboratory and~~ laboratories, and other facilities.

216 **Drafting note: Technical changes.**