

301 CHAPTER ~~9.1~~ 15.

302 GEORGE MASON UNIVERSITY.

303 **Drafting note: Existing Chapter 9.1 of Title 23 is logically reorganized as proposed**
304 **Chapters 13 and 15 of Title 23.1. Existing provisions that apply generally to governing**
305 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
306 **Existing provisions relating to the incorporation, membership, and meetings, and powers**
307 **and duties of the governing board that are unique to the University are retained in**
308 **proposed Chapter 15.**

309 ~~§ 23-91.24 23.1-1500. Board of visitors a corporation and under control of General~~
310 ~~Assembly~~ Corporate name; name of the University.

311 ~~There is hereby established a corporate body composed of the~~ A. The board of visitors of
312 George Mason University (the board) shall be a corporation under the name and style of "The
313 Rector and Visitors of George Mason University" ~~hereinafter referred to in this chapter as the~~
314 ~~board. Such corporation~~ and shall have, in addition to its other powers, all the corporate powers
315 given to corporations by the provisions of Title 13.1 except those powers that are confined to
316 corporations created pursuant to Title 13.1. The board shall ~~be subject~~ at all times ~~to be under~~
317 the control of the General Assembly.

318 B. The ~~University institution~~ shall be known as George Mason University (the
319 University).

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

322 ~~§ 23-91.25. Transfer of property.~~

323 ~~All the real estate and personal property now existing and heretofore standing in the~~
324 ~~name of the rector and visitors of the University of Virginia, located in Fairfax and heretofore~~
325 ~~exclusively used by the George Mason College Division of the University of Virginia, shall be~~
326 ~~transferred to and be known and taken as standing in the name and under the control of the~~

327 ~~rector and visitors of George Mason University. Such real estate and personal property shall be~~
328 ~~the property of the Commonwealth.~~

329 **Drafting note: The provisions of existing § 23-91.25 are stricken here and**
330 **incorporated instead into proposed § 23.1-1310.**

331 ~~§ 23-91.26 23.1-1501. Appointment and terms of visitors generally Membership.~~

332 ~~(a) A. The board shall consist of sixteen 16 members, who shall be appointed by the~~
333 ~~Governor. Of the sixteen members, two may be nonresidents of Virginia. At least one member~~
334 ~~appointed each year shall be an alumnus of the University.~~

335 ~~B. The alumni association of the University and the board may submit to the Governor a~~
336 ~~list of at least three nominees for each vacancy on the board of visitors, whether the vacancy~~
337 ~~occurs by expiration of a term or otherwise. The Governor may appoint a member from the list~~
338 ~~of nominees.~~

339 ~~(b) In 1972 the Governor shall appoint the members of the board for terms beginning~~
340 ~~July 1, 1972. At least one of the members appointed each year beginning in 1978 shall be an~~
341 ~~alumnus of George Mason University or of the George Mason College Division of the~~
342 ~~University of Virginia and, insofar as is possible, ten of the sixteen members shall be~~
343 ~~representative of the principal political subdivisions comprising Planning District Number Eight~~
344 ~~and of Fauquier County. Four of such appointments shall be for terms of four years each, four~~
345 ~~for terms of three years, four for terms of two years, and four for terms of one year. Subsequent~~
346 ~~appointments shall be for terms of four years; provided, however, that appointments to fill~~
347 ~~vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

348 ~~(c) All appointments shall be subject to confirmation by the General Assembly.~~
349 ~~Members shall continue to hold office until their successors have been appointed and have~~
350 ~~qualified.~~

351 **Drafting note:** Existing provisions relating to the membership of the board of
352 visitors are logically combined in this proposed section, existing provisions relating to the
353 terms and removal of members of the board are stricken and incorporated instead into
354 proposed § 23.1-1300, existing provisions related to the initial staggering of terms are
355 stricken as obsolete, and technical changes are made to conform the language to that of
356 each other four-year public institution of higher education. The provision in existing
357 subsection (a) related to nonresidents members is stricken as inconsistent with current
358 practice. The provision in existing subsection (b) related to members from Planning
359 District Eight and Fauquier County is recommended for repeal as obsolete. Proposed
360 subsection B is relocated from existing § 23-91.27.

361 ~~§ 23-91.27. Appointment of visitors from nominees submitted by board and association.~~

362 ~~(a) The Governor may, if his discretion so dictates appoint visitors from a list of~~
363 ~~qualified persons submitted to him by the board of visitors and the alumni association of George~~
364 ~~Mason University on or before the first day of July of any year next preceding a year in which~~
365 ~~the terms of any of such visitors will expire.~~

366 ~~(b) Every list of prospective appointees submitted by the board and such alumni~~
367 ~~association shall contain at least three names for each vacancy to be filled.~~

368 ~~(c) The Governor is not to be limited in his appointments to the persons so nominated.~~

369 **Drafting note:** The July deadline for alumni association nominations is
370 recommended for repeal as obsolete. The remaining provisions of existing § 23-91.27 are
371 stricken and incorporated instead into proposed § 23.1-1501.

372 ~~§ 23-91.28. No person eligible to serve more than two terms; when office of visitor~~
373 ~~deemed vacant.~~

374 ~~No person shall be eligible to serve for more than two successive terms; however, a~~
375 ~~member appointed to serve an unexpired term shall be eligible to serve two successive four-year~~
376 ~~terms.~~

377 **Drafting note: The provisions of existing § 23-91.28 are stricken and incorporated**
378 **instead into proposed § 23.1-1300.**

379 ~~§ 23-91.29 23.1-1502. Powers and duties of board generally; meetings; Meetings;~~
380 ~~officers; executive committee committees.~~

381 ~~(a) The board of visitors shall be vested with all the rights and powers conferred by the~~
382 ~~provisions of this title insofar as the same are not inconsistent with the provisions of this chapter~~
383 ~~and the general laws of the Commonwealth.~~

384 ~~The board shall control and expend the funds of the University and any appropriation~~
385 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
386 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers, staff~~
387 ~~members and agents, and fix their salaries, and generally direct the affairs of the University.~~

388 ~~(b) A. The board of visitors shall meet at the University once a year, and at such other~~
389 ~~times as they shall determine, the days of meetings to be fixed by them it determines. Special~~
390 ~~meetings of the board may be called by the rector or any three members. The secretary shall~~
391 ~~provide notice of any special meeting to each member.~~

392 ~~B. Eight members shall constitute a quorum. At the first meeting after July 1, 1972, and~~
393 ~~every second year thereafter, they~~

394 ~~C. Every other year, the board shall appoint from their own body its membership a~~
395 ~~rector, who shall to preside at their its meetings, a secretary and a vice-rector to preside at its~~
396 ~~meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of~~
397 ~~the rector and vice-rector.~~

398 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and~~
399 ~~on the absence of all three, the D. The board may appoint a pro tempore officer to preside at its~~
400 ~~meetings in the absence of the rector, vice-rector, and secretary.~~

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

405 ~~(e)~~ F. At every regular annual meeting of the board ~~they, the board~~ may appoint an
406 executive committee for the transaction of business in the recess of the board, ~~not less than~~
407 ~~consisting of at least~~ three ~~nor and not~~ more than five members, to serve for a period of one year
408 or until the next regular annual meeting.

409 **Drafting note: Duties of the board set forth in existing subsection (a) are stricken**
410 **and incorporated instead into proposed §§ 23.1-1301 and 23.1-1503. Technical changes are**
411 **made to conform provisions relating to meetings, officers, and committees of the board of**
412 **visitors to those of each other four-year public institution of higher education. An obsolete**
413 **reference to the board's first meeting after July 1, 1972 is stricken as obsolete.**

414 ~~§ 23-91.30. Tuition, fees and other charges.~~

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

417 **Drafting note: The provisions of existing § 23-91.30 are stricken here and**
418 **incorporated instead into proposed § 23.1-1301.**

419 ~~§ 23-91.31 23.1-1503. Right to confer degrees~~ Powers and duties.

420 A. The board shall appoint all teachers, staff members, and agents and fix their salaries
421 and generally direct the affairs of the University.

422 B. The board ~~shall have the right to~~ may confer degrees.

423 ~~§ 23-91.32. Curriculum.~~

424 ~~The existing collegiate curriculum shall be continued; however, the board may make~~
425 ~~such alterations therein as it shall from time to time deem necessary and, subject to the~~

426 provisions of § 23.1-203, approve new academic programs and discontinue academic programs
427 offered by the University.

428 **Drafting note: Subsection A incorporates board duties set forth in subsection (a) of**
429 **existing § 23-91.29. Board powers related to degrees (existing § 23-91.31) and curriculum**
430 **(existing § 23-91.32) are combined in subsection B of this proposed section. A reference to**
431 **the Council's powers related to academic programs is proposed in subsection B. Technical**
432 **changes are made.**

433 ~~§ 23-91.33. Conveyance of real estate; disposition of proceeds.~~

434 ~~The rector and visitors of George Mason University with the approval of the Governor~~
435 ~~first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it~~
436 ~~has acquired title by gift, devise or purchase since the commencement of the University under~~
437 ~~any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived~~
438 ~~from any such lease, sale or conveyance shall be held by the rector and visitors of George~~
439 ~~Mason University upon the identical trusts, and subject to the same uses, limitations and~~
440 ~~conditions, if any, that are expressed in the original deed or will under which its title was~~
441 ~~derived; or if there be no such trusts, uses, limitations or conditions expressed in such original~~
442 ~~deed or will, then such funds shall be applied by the rector and visitors of the University to such~~
443 ~~purposes as said board may deem best for the University.~~

444 **Drafting note: The provisions of existing § 23-91.33 are stricken and incorporated**
445 **instead into proposed § 23.1-1301.**

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