

CHAPTER ~~9.2~~ 18.

UNIVERSITY OF MARY WASHINGTON.

Drafting note: Existing Chapter 9.2 of Title 23 is logically reorganized as proposed Chapters 13 and 18 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 18.

~~§ 23-91.34 23.1-1800. 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 the University of Mary Washington (the board) shall be a corporation under the name and style of "The Rector and Visitors of the University of Mary Washington" ~~hereinafter referred to in this chapter as the board, 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 exercise of such corporate powers shall not be deemed a waiver or relinquishment of any sovereign immunity to which the board or any of its members is otherwise entitled. The board shall ~~be subject~~ at all times ~~to be under~~ the control of the General Assembly.

B. The institution shall be known as the University of Mary Washington (the University).

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

~~§ 23-91.35. Transfer of certain property.~~

3409 Upon July 1, 1972, all real estate and personal property held by the University of Mary
3410 Washington prior to its union with the rector and visitors of the University of Virginia; control
3411 of the real estate acquired from Corinne Lawton Melchers and known as "Belmont" (see
3412 Chapter 51 of the Acts of Assembly, 1960), and the real estate known as the James Monroe Law
3413 Office—Museum and Memorial Library (see Chapter 641 of the Acts of Assembly, 1964),
3414 together with the personal property associated with the respective real estate, all of such real and
3415 personal properties existing and standing in the name of the Commonwealth of Virginia but
3416 controlled by the rector and visitors of the University of Virginia; and all real and personal
3417 property acquired in the name of the rector and visitors of the University of Virginia for the use
3418 of the University of Mary Washington during the time in which the University of Mary
3419 Washington was a part of the University of Virginia, hereby is transferred to and shall be known
3420 and taken as standing in the name and under the control of the rector and visitors of the
3421 University of Mary Washington (the term "control" shall include, without limitation,
3422 "management, control, operation and maintenance"). Such real estate and personal property
3423 shall be the property of the Commonwealth.

3424 **Drafting note: The provisions of existing § 23-91.35 are stricken here and**
3425 **incorporated instead into proposed § 23.1-1310.**

3426 ~~§ 23-91.36~~ 23.1-1801. Appointment of visitors generally; terms Membership.

3427 (a) ~~A.~~ The board shall consist of ~~twelve~~ 12 members, ~~who shall be~~ appointed by the
3428 Governor. ~~Of the twelve members, no more than three may be nonresidents of Virginia, of~~
3429 whom at least nine shall be residents of the Commonwealth and at least six shall be alumni of
3430 the University.

3431 (b) ~~In 1972 the Governor shall appoint the members of the board for terms beginning~~
3432 ~~July 1, 1972. Three of such appointments shall be for terms of four years each, three for terms of~~
3433 ~~three years, three for terms of two years, and three for terms of one year. Subsequent~~
3434 ~~appointments shall be for terms of four years; provided, however, that appointments to fill~~
3435 ~~vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.~~

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

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

Drafting note: Existing provisions relating to the membership of the board of visitors are logically combined in this proposed section, existing provisions relating to the terms and removal of members of the board are stricken and incorporated instead into proposed § 23.1-1300, existing provisions related to the initial staggering of terms are stricken as obsolete, and technical changes are made to conform the language to that of each other four-year public institution of higher education.

~~§ 23-91.37. Appointment of visitors from nominees of alumni association.~~

~~(a) The Governor may, if his discretion so dictates, appoint visitors from a list of qualified persons submitted to him by the alumni association of the University of Mary Washington on or before the first day of December of any year next preceding a year in which the terms of any of such visitors will expire.~~

~~(b) Whenever a vacancy occurs otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons. The Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.~~

~~(c) Every such list of prospective appointees shall contain at least three names for each vacancy to be filled.~~

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

~~(e) At no time shall fewer than six of the members of the board be alumni or alumnae of the University.~~

Drafting note: The provisions of existing § 23-91.37 are stricken and incorporated instead into proposed § 23.1-1801.

~~§ 23-91.38. Eligibility to serve for more than two terms.~~

~~No person shall be eligible to serve on the board of visitors for or during more than two successive four year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve two additional four year terms if appointed thereto.~~

Drafting note: The December deadline for alumni association nominations is recommended for repeal as obsolete. The remaining provisions of existing § 23-91.38 are stricken and incorporated instead into proposed § 23.1-1300.

~~§ 23-91.39.~~

Drafting note: Repealed by Acts 2015, c. 560.

~~§ 23-91.40 23.1-1802. Powers and duties of visitors generally; meetings; rector, secretary and vice rector; executive committee Meetings; officers; committees.~~

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

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

~~(b) A. The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meetings to be fixed by them it determines.~~

~~B. A majority of the members shall constitute a quorum.~~

~~C. At the first meeting after July 1, 1972, and every second year thereafter, they in every even-numbered year, the board shall appoint from their own body its membership a rector, who~~

3489 ~~shall to~~ preside at ~~their its~~ meetings, ~~a secretary and~~ a vice-rector to preside at its meetings in the
3490 absence of the rector, and a secretary who shall preside at its meetings in the absence of the
3491 rector and vice-rector.

3492 ~~In the absence of the rector or vice rector at any meeting, the secretary shall preside, and~~
3493 ~~in the absence of all three, the~~ D. The board may appoint a pro tempore officer to preside at its
3494 meetings in the absence of the rector, vice-rector, and secretary.

3495 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
3496 filled by the board for the unexpired term.

3497 F. Special meetings of the board may be called by the rector or any three members. In
3498 either ~~of such cases~~ case, the secretary shall give notice of the time of meetings ~~shall be given~~
3499 ~~by the secretary~~ to every each member.

3500 ~~(e)~~ G. At every regular annual meeting of the board ~~they, it~~ may appoint an executive
3501 committee for the transaction of business in the recess of the board, ~~not less than~~ consisting of at
3502 least three ~~nor and not~~ more than five members, to serve for a period of one year or until the
3503 next regular annual meeting.

3504 **Drafting note: Technical changes are made to conform provisions relating to**
3505 **meetings, officers, and committees of the board of visitors to those of each other four-year**
3506 **public institution of higher education. Board duties set forth in subsection (a) of existing §**
3507 **23-91.40 are stricken and incorporated instead into proposed § 23.1-1301, if the duty**
3508 **applies generally to boards of public institutions of higher education, or § 23.1-1803, if the**
3509 **duty applies specifically to the University.**

3510 ~~§ 23-91.41. Rates, fees and charges.~~

3511 ~~The board may fix, in its discretion, the rates charged the students of the University for~~
3512 ~~tuition, fees and other necessary charges.~~

3513 **Drafting note: The provisions of existing § 23-91.41 are stricken and incorporated**
3514 **instead into proposed § 23.1-1301.**

3515 ~~§ 23-91.42~~ 23.1-1803. Degrees Powers and duties.

A. The board shall appoint all teachers and fix their salaries, provide for the employment of other personnel as required, and generally direct the affairs of the University.

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

~~§ 23-91.43. Curriculum.~~

~~The existing collegiate curriculum of the University shall be continued; however, the board may make such alterations therein as it shall from time to time deem necessary and, subject to the provisions of § 23.1-203, approve new academic programs and discontinue academic programs offered by the University.~~

Drafting note: Subsection A incorporates board duties set forth in subsection (a) of existing § 23-91.40. Board powers related to degrees (existing § 23-91.42) and curriculum (existing § 23-91.43) are combined in subsection B of this proposed section. A clarifying reference to the Council's powers related to academic programs is proposed in subsection B. Technical changes are made.

~~§ 23-91.44. Sale, etc., of real estate.~~

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

Drafting note: The provisions of existing § 23-91.44 are stricken and incorporated instead into proposed § 23.1-1301.