

CHAPTER ~~5.2~~ 20.

OLD DOMINION UNIVERSITY.

Drafting note: Existing Chapter 5.2 of Title 23 is logically reorganized as proposed Chapters 13 and 20 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 20.

~~Article 1.~~~~General Provisions.~~

Drafting note: Article 2 and its contents are recommended for repeal as obsolete, which renders the Article 1 designation unnecessary in proposed Chapter 20.

§ ~~23-49.11~~ 23.1-2000. Corporate name; ~~powers; subject to control of General Assembly~~
~~name of the University.~~

A. The board of visitors of ~~the~~ Old Dominion University (the board) shall be a corporation under the name and style of "Old Dominion University;" 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 shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms creating the trust pursuant to Title 13.1.~~ The ~~rector and visitors of Old Dominion University board~~ shall at all times be ~~subject to~~ under the control of the General Assembly.

B. The institution shall be known as Old Dominion University (the University).

C. All laws relating to Norfolk College or the board of visitors of Norfolk College shall be construed as relating to the University or the board, respectively.

Drafting note: Existing §§ 23-49.11 and 23-49.12 are combined as proposed § 23.1-2000. Technical changes are made to conform the language in this section to that of each

other four-year public institution of higher education, including the specification in subsection C that all laws relating to Norfolk College relate to the University or the board.

~~§ 23-49.12. Visitors empowered to choose title.~~

~~"The board of visitors of Old Dominion University" is empowered to choose and maintain a distinctive and appropriate title, in addition to its other powers.~~

Drafting note: The corporate name and style is already delineated in proposed § 23.1-2000. As such, existing § 23-49.12 is recommended for repeal.

~~§ 23-49.14 23.1-2001. Appointment of visitors generally; number and terms; vacancies; confirmation Membership.~~

~~(a) A. The board of visitors is to shall consist of seventeen 17 members to be appointed by the Governor, three of whom may be nonresidents of whom at least 14 shall be residents of the Commonwealth of Virginia and at least three of whom shall be alumni of Old Dominion the University.~~

~~(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose terms expire in 1980 for terms of four years and four additional members, one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Annually thereafter, the Governor shall appoint members to fill vacancies caused by the expiration of terms for terms of four years.~~

~~(c) All vacancies, whether occasioned by failure to make an appointment within the sixty days preceding any regular expiration as required, or otherwise, are to be filled by the Governor for the unexpired term.~~

~~(d) All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, then at its next succeeding session. Visitors shall continue to discharge their duties after their terms have expired 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, and technical changes are made to conform the language to that of each other four-year public institution of higher education.

~~§ 23-49.15. Nominations for appointment to board of visitors.~~

~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him, by the alumni association of Old Dominion University, or its titular successor, on or before April 1 of any year in which the terms of any 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 and 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) [Repealed.]~~

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

Drafting note: The provisions of existing § 23-49.15 are stricken and incorporated instead into proposed § 23.1-2001.

~~§ 23-49.16. Visitor ineligible for more than two successive terms.~~

~~No person shall be eligible to serve for or during more than two successive four-year terms.~~

Drafting note: The provisions of existing § 23-49.16 are stricken and incorporated instead into proposed § 23.1-1300.

~~§ 23-49.17. 23.1-2002. Rights, powers and duties of board in general; meetings; rector, vice rector and secretary; executive committee Meetings; officers; committees.~~

3729 A. ~~The board of visitors shall be vested with all the rights and powers conferred by the~~
3730 ~~provisions of this chapter insofar as the same are not inconsistent with the provisions of this~~
3731 ~~chapter and the general laws of the Commonwealth.~~

3732 ~~The board shall control and expend the funds of the University and any appropriation~~
3733 ~~hereafter provided, and shall make all needful rules and regulations concerning the University,~~
3734 ~~appoint the president, who shall be its chief executive officer, and all professors, teachers, staff~~
3735 ~~members and agents, and fix their salaries, and generally direct the affairs of the University.~~

3736 B. ~~The board of visitors~~ shall meet at the University once a year, and at such other times
3737 ~~as they shall determine, the days of meetings to be fixed by them~~ it determines. Special
3738 meetings of the board may be called by the rector or any three members. The secretary shall
3739 provide notice of any special meeting to each member.

3740 B. A majority of ~~voting~~ members shall constitute a quorum.

3741 C. At the first meeting after July 1, ~~1962, and every second year thereafter, they in every~~
3742 even-numbered year, the board shall elect from ~~their own body~~ its membership a rector, ~~who~~
3743 shall to preside at ~~their~~ its meetings, ~~a secretary and~~ a vice-rector to preside at its meetings in the
3744 absence of the rector, and a secretary to preside at its meetings in the absence of the rector and
3745 vice-rector.

3746 ~~In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and~~
3747 ~~on the absence of all three, the~~ D. The board may appoint a pro tempore officer to preside at its
3748 meetings in the absence of the rector, vice-rector, and secretary.

3749 ~~Any vacancies~~ E. Vacancies in the offices of rector, vice-rector ~~or, and~~ secretary may be
3750 filled by the board for the unexpired term. ~~Special meetings of the board may be called by the~~
3751 ~~rector or any three members. In either of such cases, notice of the time of meetings shall be~~
3752 ~~given by the secretary to every member.~~

3753 C. F. At every regular annual meeting of the board, ~~an executive committee of no fewer~~
3754 ~~than five members may be appointed~~ for the transaction of business in the recess of the board
3755 may be appointed, consisting of at least five members. The executive committee shall ~~be~~ consist

of the officers of the board and such other members as ~~shall be appointed by~~ the rector may appoint.

Drafting note: Technical changes are made to conform provisions relating to meetings, officers, and committees of the board to those of each other four-year public institution of higher education. Board duties set forth in subsection A of existing § 23-49.17 are relocated to §§ 23.1-1301 and 23.1-2003.

~~§ 23-49.18. Board may fix tuition, fees and other necessary charges.~~

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

Drafting note: The provisions of existing § 23-49.18 are stricken and incorporated instead into proposed § 23.1-1301.

~~§ 23-49.19 23.1-2003. Right to confer degrees Powers and duties.~~

A. The board shall (i) appoint all, teachers, staff members, and agents and fix their salaries and (ii) generally direct the affairs of the University.

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

~~§ 23-49.13. Property transferred to visitors and owned by Commonwealth; gifts or bequests.~~

~~All the real estate and personal property now existing and heretofore (before June 27, 1966) standing in the name of the corporate body designated "Norfolk College," located in Norfolk, and heretofore exclusively used by the Norfolk College, shall be transferred to and be known and taken as standing in the name, and to be under the control, of the corporate body designated "The Visitors of Old Dominion University." Such real estate and personal property shall be the property of the Commonwealth of Virginia.~~

Every C. The board may take, hold, and enjoy any gift, grant, devise, or bequest ~~heretofore or hereafter~~ made to ~~Old Dominion the~~ University; for any use or purpose ~~or purposes, designated by the donor, the corporation is empowered to receive, take, hold and enjoy the same for the uses and purposes~~ designated by the donor ~~if he or she shall so designate,~~

or for the general purposes of the corporation board when ~~the gift, grant, devise or bequest is not~~
~~so no use or purpose is~~ designated, whether ~~the same be given~~ such gift, grant, devise, or
bequest is made directly to the corporation; or to trustees for its benefit.

Drafting note: Subsection A incorporates board duties set forth in subsection A of
existing § 23-49.17. Subsection B incorporates the provisions of existing § 23-49.19. The
first paragraph of existing § 23-49.13 is stricken here and incorporated instead into
proposed § 23.1-1310. Subsection C incorporates the provisions of the second paragraph of
existing § 23-49.13. Technical changes are made.

~~§ 23-49.20 23.1-2004. Normal course to be maintained~~ Program of instruction to educate
and train teachers.

The University may maintain ~~in connection with its collegiate course, which shall be~~
~~continued, a system of normal~~ a program of instruction ~~and training for the purpose of educating~~
~~and training to educate and train~~ teachers for the public ~~free~~ elementary and secondary schools
of the Commonwealth.

Drafting note: Technical changes.

~~§ 23-49.21. Lease or sale of real estate.~~

~~The rector and visitors of Old Dominion University, 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 name or names, or which may hereafter be conveyed or devised to it. The proceeds~~
~~derived from any such lease, sale or sales shall be held by said rector and visitors of Old~~
~~Dominion University upon the 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 said funds shall be applied by the rector and visitors of the University to such~~
~~purposes as said board may deem best for the University.~~

~~The boards of visitors of Old Dominion University and Norfolk State University shall have the same powers as to determining the fields of instruction to be offered; fixing tuition, fees, and other charges; appointing and removing administrative officers, professors, and agents; and the making of rules and regulations as are now vested in their respective boards. The boards~~

~~shall have the power to grant appropriate diplomas or certificates upon the successful completion of the curriculum of the center.~~

Drafting note: Existing § 23-49.22:2 is recommended for repeal as obsolete.

~~§ 23-49.22:3. Curriculum.~~

~~The curriculum offered by the center shall be limited to upper level undergraduate and graduate courses of instruction which are offered by Old Dominion University and Norfolk State University. The approval of the State Council of Higher Education shall be required for the addition of any new academic programs pursuant to § 23-9.6:1. In developing upper level undergraduate educational programs, the boards shall consider articulation agreements and course offerings at area community colleges to ensure the appropriate breadth and availability of coursework.~~

Drafting note: Existing § 23-49.22:3 is recommended for repeal as obsolete.

~~§ 23-49.22:4. Care, preservation, and acquisition of property; gifts and donations.~~

~~The boards of visitors of Old Dominion University and Norfolk State University shall be charged with the care and preservation of all real and personal property belonging to the center. The boards are authorized to lease or acquire by gift or purchase a suitable site for the center and to accept and expend gifts and donations of any kind from individuals, firms, corporations, and organizations.~~

Drafting note: Existing § 23-49.22:4 is recommended for repeal as obsolete.

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