

773 ~~the general purposes of the corporation. The board may designate not less than three nor more~~
774 ~~than five of its members to constitute an executive committee which shall have and may~~
775 ~~exercise such authority of the board as the board may provide.~~

776 **Drafting note: The provisions of existing § 23-174.5 are stricken here and**
777 **incorporated instead into proposed §§ 23.1-13xx and 23.1-13xx of Chapter 13.**

778 ~~§ 23-174.6. Control of funds; rules and regulations; appointment, etc., of president,~~
779 ~~faculty and staff.~~

780 ~~The board shall control and expend the funds of the corporation and any appropriation~~
781 ~~hereafter provided, and shall make all necessary rules and regulations concerning the~~
782 ~~University, appoint a president, who shall be its chief executive officer, and make all provisions~~
783 ~~for teachers, staff members and agents, and shall fix their salaries and shall prescribe their~~
784 ~~duties.~~

785 **Drafting note: The provisions of existing § 23-174.6 are stricken here and**
786 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

787 ~~§ 23-174.7. Right to confer degrees; tuition, fees and other charges.~~

788 ~~The board shall have the right to confer degrees, and may fix the rates charged the~~
789 ~~students of the University for tuition, fees and other necessary charges.~~

790 **Drafting note: The provisions of existing § 23-174.7 are stricken here and**
791 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

792 ~~§ 23-174.8, 23-174.9.~~

793 **Drafting note: Repealed by Acts 1979, c. 146.**

794 **CHAPTER ~~5.2~~ 20.**

795 **OLD DOMINION UNIVERSITY.**

796 **Drafting note: Existing Chapter 5.2 of Title 23 is logically reorganized as proposed**
797 **Chapters 13 and 20 of Title 23.1. Existing provisions that apply generally to governing**
798 **boards of public institutions of higher education are consolidated in proposed Chapter 13.**
799 **Existing provisions relating to the incorporation, membership and meetings, and powers**

800 and duties of the governing board that are unique to the University are retained in
801 proposed Chapter 20.

802 ~~ARTICLE 1.~~

803 ~~GENERAL PROVISIONS.~~

804 **Drafting note: Article 2 and its contents are stricken as obsolete. As a result, it is no**
805 **longer necessary to retain Article 1.**

806 ~~§ 23-49.11 23.1-xxx. Corporate name; powers; subject to control of General Assembly~~
807 ~~name of the University.~~

808 ~~A. The board of visitors of the Old Dominion University (the board) shall be a~~
809 ~~corporation under the name and style of "Old Dominion University," and shall have, in addition~~
810 ~~to its other powers, all the corporate powers given to corporations by the provisions of Title~~
811 ~~13.1; except in those cases where, by the express terms of the provisions thereof, it is powers~~
812 ~~that are confined to corporations created under such title; and shall also have the power to~~
813 ~~accept, execute and administer any trust in which it may have an interest under the terms~~
814 ~~creating the trust pursuant to Title 13.1. The rector and visitors of Old Dominion University~~
815 ~~board shall at all times be subject to under the control of the General Assembly.~~

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

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

819

820 **Drafting note: Existing §§ 23-49.11 and 23-49.12 are combined as proposed § 23.1-**
821 **xxx. Technical changes are made to conform the language in this section to that of each**
822 **other four-year public institution of higher education, including the specification in**
823 **subsection C that all laws relating to Norfolk College relate to the University or the board.**

824 ~~§ 23-49.12. Visitors empowered to choose title.~~

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

827 **Drafting note: The corporate name and style is already delineated in proposed §**
828 **22.1-20xx. As such, existing § 23-49.12 is stricken.**

829 ~~§ 23-49.13. Property transferred to visitors and owned by Commonwealth; gifts or~~
830 ~~bequests.~~

831 ~~All the real estate and personal property now existing and heretofore (before June 27,~~
832 ~~1966) standing in the name of the corporate body designated "Norfolk College," located in~~
833 ~~Norfolk, and heretofore exclusively used by the Norfolk College, shall be transferred to and be~~
834 ~~known and taken as standing in the name, and to be under the control, of the corporate body~~
835 ~~designated "The Visitors of Old Dominion University." Such real estate and personal property~~
836 ~~shall be the property of the Commonwealth of Virginia.~~

837 ~~Every gift, grant, devise or bequest heretofore or hereafter made to Old Dominion~~
838 ~~University, for any purpose or purposes, designated by the donor, the corporation is empowered~~
839 ~~to receive, take, hold and enjoy the same for the uses and purposes designated by the donor if he~~
840 ~~or she shall so designate, or for the general purposes of the corporation when the gift, grant,~~
841 ~~devise or bequest is not so designated, whether the same be given directly to the corporation, or~~
842 ~~to trustees for its benefit.~~

843 **Drafting note: The first paragraph is stricken as obsolete and the second paragraph**
844 **is stricken here and incorporated instead into proposed § 23.1-13xx of Chapter 13.**

845 ~~§ 23-49.14, 23.1-xxx. Appointment of visitors generally; number and terms; vacancies;~~
846 ~~confirmation Membership.~~

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

851 ~~(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose~~
852 ~~terms expire in 1980 for terms of four years and four additional members, one for a term of one~~
853 ~~year, one for a term of two years, one for a term of three years and one for a term of four years.~~

854 ~~Annually thereafter, the Governor shall appoint members to fill vacancies caused by the~~
855 ~~expiration of terms for terms of four years.~~

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

859 ~~(d) All appointments are subject to confirmation by the General Assembly if in session~~
860 ~~when such appointments are made, and if not in session, then at its next succeeding session.~~
861 ~~Visitors shall continue to discharge their duties after their terms have expired until their~~
862 ~~successors have been appointed and have qualified.~~

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

867 **Drafting note: Existing provisions relating to the membership of the board of**
868 **visitors are logically combined in this proposed section, existing provisions relating to the**
869 **terms and removal of members of the board are stricken and incorporated instead into**
870 **proposed Chapter 13, and technical changes are made to conform the language to that of**
871 **each other four-year public institution of higher education.**

872 ~~§ 23-49.15. Nominations for appointment to board of visitors.~~

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

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

880 ~~(c) [Repealed.]~~

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

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

884 ~~§ 23-49.16. Visitor ineligible for more than two successive terms; vacating office by~~
885 ~~nonperformance of duties.~~

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

888 ~~If any visitor fails to perform the duties of his office for one year, without sufficient~~
889 ~~cause shown to the board, the board of visitors shall, at their next meeting after the end of such~~
890 ~~year, cause the fact of such failure to be recorded in the minutes of their proceedings, and certify~~
891 ~~the same to the Governor; and the office of such visitor shall be thereupon vacant. If so many of~~
892 ~~such visitors fail to perform their duties that a quorum thereof do not attend for a year, upon a~~
893 ~~certificate thereof being made to the Governor by the rector or any member of the board, or by~~
894 ~~the president of the University, the offices of all visitors so failing to attend shall be vacated.~~

895 **Drafting note: The provisions of existing § 23-49.16 are stricken and incorporated**
896 **instead into proposed Chapter 13.**

897 ~~§ 23-49.17 23.1-xxx. Rights, powers and duties of board in general; meetings; rector,~~
898 ~~vice-rector and secretary; executive committee. Meetings; officers; committees.~~

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

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

906 ~~B. The board of visitors shall meet at the University once a year, and at such other times~~
907 ~~as they shall determine, the days of meetings to be fixed by them it determines. Special~~

908 meetings of the board may be called by the rector or any three members. The Secretary shall
909 provide notice of any special meeting to each member.

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

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

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

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

923 ~~C. F.~~ At every regular annual meeting of the board an executive committee of no fewer
924 than five members may be appointed for the transaction of business in the recess of the board.
925 The executive committee shall ~~be~~ consist of the officers of the board and such other members as
926 ~~shall be appointed by~~ the rector may appoint.

927 **Drafting Note: Technical changes are made to conform provisions relating to**
928 **meetings, officers, and committees of the board of visitors to those of each other four-year**
929 **public institution of higher education. Provisions on the powers and duties of the board of**
930 **visitors in subsection A and relocated to § 23.1-xxx.**

931 ~~§ 23-49.18. Board may fix tuition, fees and other necessary charges.~~

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

934 **Drafting note: The provisions of existing § 23-49.18 are stricken here and**
935 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

936 ~~§ 23-49.19. Right to confer degrees.~~

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

938 **Drafting note: The provisions of existing § 23-49.19 are stricken here and**
939 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

940 ~~§ 23-49.20, 23.1-xxx. Normal course to be maintained~~ Program of instruction to educate
941 and train teachers.

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

946 **Drafting note: Technical changes.**

947 ~~§ 23-49.21. Lease or sale of real estate.~~

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

958 **Drafting note: The provisions of existing § 23-49.21 are stricken here and**
959 **incorporated instead into proposed § 23.1-13xx of Chapter 13.**

960 ~~§ 23-49.22.~~

961 **Drafting note: Repealed by Acts 1968, c. 545.**

962 ~~Article 2.~~

963 ~~Center for Graduate and Undergraduate Studies.~~

964 **Drafting note: Existing Article 2 and its contents are stricken as obsolete.**

965 ~~§ 23-49.22:1. Center for graduate and undergraduate studies authorized; executive~~
966 ~~director.~~

967 ~~A. In addition to such powers conferred by this chapter and Chapter 13.1 (§ 23-174.1 et~~
968 ~~seq.) of this title, the boards of visitors of Old Dominion University and Norfolk State~~
969 ~~University shall be empowered to jointly establish, from such funds as may be appropriated or~~
970 ~~received, and to supervise and control a center for graduate and undergraduate studies to serve~~
971 ~~the Cities of Chesapeake, Portsmouth, and Suffolk. The boards of visitors may enter into~~
972 ~~agreements for the sharing of faculty and equipment for the operation of the center.~~

973 ~~B. The boards may appoint an executive director for the center, who shall perform the~~
974 ~~specific duties imposed by the boards of visitors and shall employ such personnel and contract~~
975 ~~for such services as may be required for the operation of the center.~~

976 **Drafting note: Existing § 23-49.22:1 is stricken as obsolete.**

977 ~~§ 23-49.22:2. Administration.~~

978 ~~The boards of visitors of Old Dominion University and Norfolk State University shall~~
979 ~~have the same powers as to determining the fields of instruction to be offered; fixing tuition,~~
980 ~~fees, and other charges; appointing and removing administrative officers, professors, and agents;~~
981 ~~and the making of rules and regulations as are now vested in their respective boards. The boards~~
982 ~~shall have the power to grant appropriate diplomas or certificates upon the successful~~
983 ~~completion of the curriculum of the center.~~

984 **Drafting note: Existing § 23-49.22:2 is stricken as obsolete.**

985 ~~§ 23-49.22:3. Curriculum.~~

986 ~~The curriculum offered by the center shall be limited to upper level undergraduate and~~
987 ~~graduate courses of instruction which are offered by Old Dominion University and Norfolk~~

988 ~~State University. The approval of the State Council of Higher Education shall be required for~~
989 ~~the addition of any new academic programs pursuant to § 23-9.6:1. In developing upper level~~
990 ~~undergraduate educational programs, the boards shall consider articulation agreements and~~
991 ~~course offerings at area community colleges to ensure the appropriate breadth and availability of~~
992 ~~coursework.~~

993 **Drafting note: Existing § 23-49.22:3 is stricken as obsolete.**

994 ~~§ 23-49.22:4. Care, preservation, and acquisition of property; gifts and donations.~~

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

1000 **Drafting note: Existing § 23-49.22:4 is stricken as obsolete.**

1001 CHAPTER ~~11.1~~ 21.

1002 RADFORD UNIVERSITY.

1003 **Drafting note: Existing Chapter 11.1 of Title 23 is logically reorganized as proposed**
1004 **Chapters 13 and 21 of Title 23.1. Existing provisions that apply generally to governing**
1005 **boards of public institutions of higher education are consolidated in Chapter 13. Existing**
1006 **provisions relating to the incorporation, membership, and meetings of the governing**
1007 **board that are unique to the University are retained in Chapter 21.**

1008 ~~§ 23-155.1 23.1-xxx. Corporation composed of board of visitors created; style Corporate~~
1009 ~~name; name of the University.~~

1010 ~~A. The corporation composed of the board of visitors of Radford College, heretofore~~
1011 ~~established by law, is continued as the board of visitors of Radford University (the board) shall~~
1012 ~~be a corporation under the name and style of "The Visitors of Radford University" in this~~
1013 ~~chapter hereinafter referred to as the board and shall have, in addition to its other powers, all the~~
1014 ~~corporate powers given to corporations by the provisions of Title 13.1 except those powers that~~