

804

CHAPTER ~~10~~ 25.

805

VIRGINIA MILITARY INSTITUTE.

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Drafting note: Existing Chapter 10 of Title 23 is logically reorganized as proposed

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Chapters 13 and 25 of Title 23.1. Existing provisions that apply generally to governing

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boards of public institutions of higher education are consolidated in proposed Chapter 13.

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Existing provisions relating to the incorporation, membership and meetings, and powers

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and duties of the governing board that are unique to the Virginia Military Institute are

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retained in proposed Chapter 25.

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§ ~~23-92~~ 23.1-2500. ~~Virginia Military Institute continued~~ Corporate name; name of the

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Institute.

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A. The ~~military school established in the County of Rockbridge, at the Town of~~

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Lexington, shall be continued, and the board of visitors thereof and their successors shall be and

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remain of the Virginia Military Institute (the board) is a corporation under the name and style of

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"Virginia Military Institute," and has, in addition to its other powers, all the corporate powers

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given to corporations by the provisions of Title 13.1 except those powers that are confined to

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corporations created pursuant to Title 13.1. The board shall be at all times subject to be under

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the control of the General Assembly.

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B. The institution shall be known as the Virginia Military Institute (the Institute).

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~~For the support of the school there~~ C. There shall be paid out of the public treasury, from

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time to time, such sums as shall be appropriated therefor by the General Assembly for the

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support of the school.

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Drafting note: Technical changes are made to conform the language in this section

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to that of each other four-year public institution of higher education.

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§ ~~23-93~~ 23.1-2501. ~~Appointment of visitors generally~~ Membership.

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A. The board of visitors shall consist of ~~sixteen visitors to be appointed by the Governor~~

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and the Adjutant General, ex officio 17 members, of whom 16 shall be appointed by the

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Governor and one shall be the Adjutant General, who shall serve ex officio. Of the ~~visitors~~ 16

831 members appointed by the Governor, ~~twelve~~ (i) 12 shall be alumni of the Institute, of whom
832 eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall
833 ~~not be alumni of the Institute~~ be nonalumni residents of the Commonwealth. ~~The four visitors~~
834 ~~appointed by the Governor who are not alumni of the Institute shall be residents of the~~
835 ~~Commonwealth. Until June 30, 1985, nine of the twelve alumni visitors shall be residents of the~~
836 ~~Commonwealth. Thereafter eight of the twelve alumni visitors shall be residents of the~~
837 ~~Commonwealth. The remaining alumni visitors shall be nonresidents.~~

838 B. ~~Each appointive visitor in office on July 1, 1980, shall continue in office until the~~
839 ~~expiration of the term for which he was appointed. Of the visitors to be appointed for terms~~
840 ~~commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of~~
841 ~~four years. One of such visitors appointed for a four year term and one appointed for a three-~~
842 ~~year term shall not be alumni of the Institute. One of such visitors appointed for a four year term~~
843 ~~and one appointed for a three year term shall be nonresident alumni. Thereafter all appointments~~
844 ~~shall be for terms of four years and one visitor appointed each year shall not be an alumnus of~~
845 ~~the Institute. Beginning in 1985 and thereafter, one visitor appointed each year shall be a~~
846 ~~nonresident alumnus.~~

847 ~~All appointments for full terms, as well as to fill vacancies, shall be made by the~~
848 ~~Governor subject to confirmation by the General Assembly.~~ The alumni association of the
849 Institute may submit to the Governor a list of not more than three nominees for each vacancy on
850 the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may
851 appoint a member from the list of nominees.

852 **Drafting note: Existing provisions relating to the membership of the board of**
853 **visitors are logically combined in this proposed section, existing provisions relating to the**
854 **terms and removal of members of the board are stricken and incorporated instead into**
855 **proposed § 23.1-1300, and technical changes are made to conform the language to that of**
856 **each other baccalaureate public institution of higher education.**

857 ~~§ 23-94. Appointment of visitors from nominees of alumni association; nonalumni~~
858 ~~visitors.~~

859 ~~(a) The Governor may appoint visitors from a list of qualified persons submitted to him~~
860 ~~by the alumni association of the Virginia Military Institute, on or before the first day of April of~~
861 ~~any year in which the terms of any visitors will expire.~~

862 ~~(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall~~
863 ~~certify this fact to the association and nominations may be submitted of qualified persons and~~
864 ~~the Governor may fill the vacancy, if his discretion so dictates, from among the eligible~~
865 ~~nominees of the association.~~

866 ~~(c) Every list shall contain not more than three names for each vacancy to be filled.~~

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

868 ~~(e) [Repealed.]~~

869 **Drafting note: The provisions of existing § 23-94 are stricken and incorporated**
870 **instead into proposed § 23.1-2501.**

871 ~~§ 23-95. Eligibility to serve more than two successive terms.~~

872 ~~No person except ex officio members shall be eligible to serve for or during more than~~
873 ~~two successive four-year terms; but after the expiration of the remainder of an unexpired term to~~
874 ~~which appointed, two additional four-year terms may be served by such a member if appointed~~
875 ~~thereto.~~

876 **Drafting note: The provisions of existing § 23-95 are stricken and incorporated**
877 **instead into proposed § 23.1-1300.**

878 ~~§ 23-96. Quorum.~~

879 ~~Six visitors shall constitute a quorum for business.~~

880 **Drafting note: The provisions of existing § 23-96 are stricken and incorporated**
881 **instead as subsection B of proposed § 23.1-2502.**

882 ~~§ 23-97. Suits by and against board.~~

883 ~~The board of visitors may sue and be sued for any cause or matters which have~~
884 ~~heretofore arisen, or which hereafter arise.~~

885 **Drafting note: The provisions of existing § 23-97 are stricken here: the board's**
886 **power to sue and be sued is a corporate power that is already contemplated in the first**
887 **section of this proposed chapter.**

888 ~~§ 23-98 23.1-2502. Meetings of board; president and secretary; superintendent of~~
889 ~~Institute; officers; committees.~~

890 A. ~~The board of visitors shall meet at the Institute at least once a year or more often and~~
891 ~~at any other times and places, when, in its opinion, or that of the superintendent of the Institute,~~
892 ~~or president of the board of visitors, it shall be necessary to do so as determined by the board,~~
893 ~~the superintendent of the Institute, or the president of the board. It shall appoint a superintendent~~
894 ~~of the Institute with such duties as may be prescribed by the board. Special meetings may also~~
895 ~~be called at any time by the superintendent of the Institute, or the president of the board of~~
896 ~~visitors, when either may deem it advisable; and the board may adjourn from time to time.~~
897 Notice of the time and place of each meeting shall be provided to each member.

898 B. Six members shall constitute a quorum.

899 C. ~~The board shall appoint from its own body membership a president, and shall also~~
900 ~~appoint a secretary to the board.~~

901 ~~D. The board may appoint a president pro tempore or secretary pro tempore to preside~~
902 ~~in the absence of the president or secretary at any meeting, the board may appoint a president or~~
903 ~~secretary pro tempore, and vacancies.~~

904 E. Vacancies in the offices of president ~~or and~~ secretary may be filled by the board for
905 the unexpired term. ~~Notice of the time and place of meeting shall be given to every member of~~
906 ~~the board.~~

907 ~~§ 23-95.1. Executive committee.~~

908 F. ~~The board of visitors may appoint an executive committee from its own body for the~~
909 ~~purpose of transacting transaction of~~ business during the recess of the board. ~~Such executive~~

910 ~~committee shall consist, consisting~~ of ~~not less than at least~~ three ~~nor and not~~ more than five
911 members, one of whom shall be the president.

912 **Drafting note: Existing provisions relating to meetings, officers, and committees of**
913 **the board of visitors are logically combined in this proposed section, including**
914 **incorporating existing § 23-95.1 as subsection F. Technical changes are made to conform**
915 **the language to that of each other baccalaureate public institution of higher education.**

916 ~~§ 23-99. Bylaws and regulations.~~

917 ~~The board may make bylaws and regulations for their own government and the~~
918 ~~management of the affairs of the Institute, and may, for the purpose of transacting such business~~
919 ~~as, in its opinion, can be properly transacted by a less number than the majority, authorize not~~
920 ~~less than four members to constitute a quorum.~~

921 **Drafting note: The quorum provisions of existing § 23-99 are stricken as**
922 **inconsistent with subsection B of proposed § 23.1-2502, which was derived from existing §**
923 **23-96. The provisions on bylaws and regulations are stricken here and incorporated**
924 **instead into proposed §§ 23.1-1303 and 23.1-1301, respectively.**

925 ~~§ 23-100. Power to borrow money and secure its payment.~~

926 ~~The act entitled "an act to authorize the Virginia Military Institute to borrow money and~~
927 ~~to secure the same by creating a lien on real estate," approved December 19, 1874; and the third~~
928 ~~and fourth sections of the act entitled "an act for the relief of the Virginia Military Institute,"~~
929 ~~approved March 15, 1884, shall continue in force until all the objects of the acts shall have been~~
930 ~~fully accomplished.~~

931 **Drafting note: Existing § 23-100 is recommended for repeal as obsolete.**

932 ~~§ 23-100.~~ 23.1-2503. Power to receive gifts, grants, devises and bequests.

933 The ~~Virginia Military~~ Institute, or ~~its~~ the board ~~of visitors~~ on its behalf, ~~upon with~~ the
934 prior written consent of the Governor ~~is empowered to,~~ may receive, take, hold, and enjoy any
935 ~~and every~~ gift, grant, devise, or bequest ~~heretofore or hereafter~~ made to the Institute or its board
936 ~~of visitors~~ for charitable or educational purposes; and ~~to~~ use and administer ~~same~~ any such gift,

937 [grant, devise, or bequest](#) for the uses and purposes designated by the donor ~~if designation be~~
938 ~~made~~, or for the general purposes of the Institute if no [such](#) designation ~~be is~~ made.

939 **Drafting note: Technical changes.**

940 ~~§§ 23-101, 23-102.~~

941 **Drafting note: Repealed by Acts 2005, c. 633, cl. 2.**

942 ~~§ 23-103 23.1-2504. Appointment, Powers;~~ removal ~~and salaries~~ of professors.

943 ~~The A majority of the~~ board ~~of visitors shall appoint professors to give instruction in~~
944 ~~military science and in such other branches of knowledge as they may deem proper. The board~~
945 ~~shall fix the salaries of professors, and~~ may remove ~~them~~ [professors](#) for good cause; ~~but no~~
946 ~~order to remove a professor shall be made without the concurrence therein of a majority of the~~
947 ~~whole number of visitors, and the board shall forthwith communicate to the Governor a full~~
948 ~~statement of the reasons for making the removal.~~

949 **Drafting note: The provisions of existing § 23-103 related to appointment and**
950 **salaries of professors are stricken here and incorporated instead into proposed § 23.1-**
951 **1301. The provisions of existing § 23-103 related to communicating to the Governor the**
952 **removal of professors for good cause are recommended for repeal as obsolete. Technical**
953 **changes are made.**

954 ~~§ 23-104 23.1-2505. Admission of pay Pay~~ cadets; ~~course of instruction, etc.~~

955 The board ~~of visitors~~ shall prescribe the terms upon which [pay](#) cadets may be admitted,
956 their number, the course of their instruction, [and](#) the nature [and duration](#) of their service, ~~and the~~
957 ~~duration thereof.~~

958 **Drafting note: Technical changes.**

959 ~~§ 23-105 23.1-2506. Admission of state State~~ cadets.

960 [A.](#) The board shall admit annually as state cadets upon evidence of fair moral character,
961 [a](#) sufficient ~~young men and women~~ [number of individuals](#) selected from the Commonwealth at
962 large, who ~~shall be not less than sixteen nor~~ [are at least 16 but not](#) more than ~~twenty five~~ [25](#)
963 years of age.

964 ~~§ 23-106. Financial assistance for state cadets.~~

965 B. The board shall provide financial assistance equal to ~~the~~ a state cadet applicant's
966 demonstrated need up to the Institute's prevailing charges for tuition ~~and board, fees, and other~~
967 necessary charges.

968 ~~§ 23-107. Service requirement.~~

969 C. Each state cadet ~~received on state account and~~ who ~~shall have remained~~ remains
970 enrolled in the Institute ~~during the period of~~ for two years or more, shall ~~act in the capacity of~~
971 teacher (i) teach ~~in some a public elementary or secondary~~ school in ~~this~~ the Commonwealth for
972 two years, ~~and such cadet shall be required to discharge his obligation as teacher~~ within the
973 three years immediately after leaving the Institute, and ~~he shall~~ report in writing to the
974 superintendent of the Institute on or before the first day of June of each year succeeding the date
975 of his leaving the Institute until he ~~shall have~~ has discharged fully such obligation to the
976 Commonwealth; ~~or, at his option, such cadet may, (ii) serve an enlistment in the National Guard~~
977 of the Commonwealth, ~~or (iii) serve for a period of~~ two years as an engineer for the
978 Commonwealth Transportation Board ~~or for a period of, (iv) serve for~~ two years as an engineer
979 with the State Department of Health, ~~or (v) serve on active duty for a period of~~ two years as a
980 member of some component of the armed services of the United States ~~of America~~, or, (vi) with
981 the approval of the board ~~of visitors~~, serve ~~for a period of~~ two years in any capacity as an
982 employee of the Commonwealth ~~of Virginia.~~

983 D. Any cadet ~~failing who fails~~ to fulfill his ~~or her~~ obligation pursuant to subsection C
984 shall repay all funds received from the Commonwealth. The board ~~of visitors~~ may excuse such
985 cadet from any ~~and or~~ all of these obligations in such cases as ~~they deem proper it determines is~~
986 appropriate.

987 **Drafting note: The provisions of existing §§ 23-105, 23-106, and 23-107 are logically**
988 **combined into this single section on state cadets. The term "young men and women" is**
989 **stricken in favor of the more general "individuals." Technical changes are made.**

990 ~~§ 23-107.1 23.1-2507. Admission of military~~ Military scholarship cadets.

991 A. The board ~~shall~~ may admit annually as military scholarship cadets, up to 40 ~~young~~
992 ~~men and women, individuals~~ who shall be ~~not less than~~ at least 16 ~~nor~~ but not more than 25
993 years of age.

994 B. The board shall provide financial assistance to such military scholarship cadets for
995 tuition, fees, ~~room and board and other necessary charges~~ entirely from federal funds, Virginia
996 National Guard funds, or private gifts. The federal funds, Virginia National Guard funds, or
997 private gifts shall have no matching requirement.

998 ~~§ 23-107.2. Military scholarship cadet to serve as a commissioned officer in the Virginia~~
999 ~~National Guard.~~

1000 C. Each military scholarship cadet shall agree to serve as a commissioned officer in the
1001 Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet
1002 failing to fulfill his ~~or her~~ obligation to serve shall repay all funds received in support of his ~~or~~
1003 ~~her~~ cost of education. The board ~~of visitors~~, in consultation with the Virginia National Guard,
1004 may excuse such cadet from any ~~and or~~ all of these obligations in such cases as ~~they deem~~
1005 proper it determines is appropriate.

1006 **Drafting note: The provisions of existing §§ 23-107.1 and 23-107.2 are logically**
1007 **combined into this single section on military scholarship cadets. The term "young men and**
1008 **women" is stricken in favor of the more general "individuals." Technical changes are**
1009 **made.**

1010 ~~§ 23-108. Commissioned officers may become students.~~

1011 ~~Any commissioned officer of the organized militia and Governor's military staff of the~~
1012 ~~Commonwealth may become a student at any state institution of higher education for a period~~
1013 ~~not exceeding 10 months, and receive instruction in any or all the departments of military~~
1014 ~~science, emergency management, emergency services, public safety, and disaster management~~
1015 ~~taught therein without being required to pay any fee or charge for tuition.~~

1016 **Drafting note: The provisions of existing § 23-108 are stricken here and**
1017 **incorporated instead into proposed § 23.1-605 of Chapter 6.**

1018 § ~~23-109~~ 23.1-2508. Cadets a military corps; arsenal.

1019 A. The cadets shall be a military corps under the command of the superintendent, and
1020 constitute the guard of the Institute.

1021 B. The arsenal and all its grounds and buildings shall ~~be considered as belonging~~ belong
1022 to the Institute, and the board shall ~~cause the same and all the~~ guard and preserve the arsenal, all
1023 its grounds and buildings, and all arms and other property ~~therein, or belonging thereto, to be~~
1024 guarded and preserved in its grounds and buildings.

1025 **Drafting note: Technical changes.**

1026 § ~~23-110~~ 23.1-2509. Conferring of degrees.

1027 A. The Governor ~~and~~, the board ~~of visitors~~, and the faculty of the Institute may confer a
1028 degree upon any qualified graduate ~~found qualified to receive it, after examination upon such of~~
1029 ~~the branches of the arts and sciences and of literature taught at the Institute as the board may~~
1030 ~~deem requisite.~~

1031 B. The board may ~~also, in its discretion~~, confer honorary degrees or diplomas of
1032 distinguished merit.

1033 **Drafting note: Technical changes.**

1034 § ~~23-111~~.

1035 **Drafting note: Repealed by Acts 1984, c. 734.**

1036 § ~~23-112~~ 23.1-2510. Musicians, ~~how enlisted and paid~~.

1037 The superintendent may enlist musicians for service at the Institute, to be paid out of the
1038 annual appropriation provided for in § ~~23-92~~ 23.1-2500.

1039 **Drafting note: Technical changes.**

1040 § ~~23-113~~ 23.1-2511. Supply of water.

1041 ~~To enable the~~ The Institute ~~to procure a supply of water, it shall have authority to~~
1042 ~~proceed under the provisions of Title 25.1 to~~ may acquire pursuant to Title 25.1 such springs,
1043 lands, and rights-of-way as may be necessary to procure a supply of water.

1044 **Drafting note: Technical changes.**