

An Act to amend and reenact § 23-14, as amended, of the Code of Virginia, and further to amend the Code of Virginia by adding in Title 23 thereof a chapter numbered 9.1, containing sections numbered 23-91.24 through 23-91.33; in order to create a corporation composed of the Board of Visitors of George Mason University; to provide for appointment, terms of office, powers and duties of the members thereof and of such Board; and to repeal Article 8 of Chapter 9 of Title 23 of the Code of Virginia, containing sections numbered 23-91.14 through 23-91.17, relating to George Mason College as a division of the University of Virginia.

[H 210]

Approved April 7, 1972

Be it enacted by the General Assembly of Virginia:

1. That § 23-14, as amended, of the Code of Virginia be amended and reenacted, and that the Code of Virginia be further amended by adding in Title 23 thereof a chapter numbered 9.1, containing sections numbered 23-91.24 through 23-91.33, as follows:

§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.—The College of William and Mary in Virginia, at Williamsburg; the Medical College of Virginia, at Richmond; the board of visitors of the Virginia School at Hampton; the Virginia Institute of Marine Science, at Gloucester Point; Longwood College, at Farmville; the Mary Washington College of the University of Virginia, at Fredericksburg; George Mason College of the University of Virginia, at Fairfax; Clinch Valley College of the University of Virginia, at Wise; George Mason University, at Fairfax; the Madison College, at Harrisonburg; Old Dominion College, at Norfolk; the State Board for Community Colleges, at Richmond; the Richmond Professional Institute, at Richmond; the Radford College, at Radford; the rector and visitors of the University of Virginia, at Charlottesville; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia School for the Blind, at Charlottesville; the Virginia School for the Deaf and Blind, at Staunton; the Virginia State College, at Petersburg; and the Woodrow Wilson Rehabilitation Center, at Fishersville; and the Norfolk Area Medical Center Authority, in Norfolk, are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "institution" is used in this chapter it shall be deemed to include "Authority" and the word "board" shall be deemed to include the members of the Authority.

Chapter 9.1

George Mason University

§ 23-91.24. There is hereby established a corporate body composed of the board of visitors of George Mason University under the style "The Rector and Visitors of George Mason University" hereinafter referred to in this chapter as the board. Such corporation shall be subject at all

times to the control of the General Assembly. The University shall be known as George Mason University.

§ 23-91.25. All the real estate and personal property now existing and heretofore standing in the name of the Rector and Visitors of the University of Virginia, located in Fairfax and heretofore exclusively used by the George Mason College Division of the University of Virginia, shall be transferred to and be known and taken as standing in the name and under the control of the Rector and Visitors of George Mason University. Such real estate and personal property shall be the property of the Commonwealth.

§ 23-91.26 (a) The board shall consist of sixteen members, who shall be appointed by the Governor. Of the sixteen members, two may be nonresidents of Virginia.

(b) In nineteen hundred seventy-two the Governor shall appoint the members of the board for terms beginning July one, nineteen hundred seventy-two. Insofar as is possible ten of the sixteen members shall be representative of the principal political subdivisions comprising Planning District Number Eight and of Fauquier County. Four of such appointments shall be for terms of four years each, four for terms of three years, four for terms of two years, and four for terms of one year. Subsequent appointments shall be for terms of four years; provided, however, that appointments to fill 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.

§ 23-91.27. (a) The Governor may, if his discretion so dictates appoint visitors from a list of qualified persons submitted to him by the board of visitors on or before the first day of July of any year next preceding a year in which the terms of any of such visitors will expire.

(b) Every list of prospective appointees submitted by the board shall contain at least three names for each vacancy to be filled.

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

§ 23-91.28. No person shall be eligible to serve for more than two full four-year terms.

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

§ 23-91.29. (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 State.

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 professors, teachers, staff members and agents, and fix their salaries, and generally direct the affairs of the University.

(b) 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. Eight members shall constitute a quorum. At the first meeting after July one, nineteen hundred seventy-two and every second year thereafter, they shall appoint from their own body a rector, who shall preside at their meetings, a secretary and a vice-rector. In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and on the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector or secretary may be filled by the board for the unexpired term. Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meetings shall be given by the secretary to every member.

(c) At every regular annual meeting of the board they may appoint an executive committee for the transaction of business in the recess of the board, not less than three nor more than five members, to serve for a period of one year or until the next regular annual meeting.

§ 23-91.30. The board may fix, in its discretion, the rates charged the students of the University for tuition, fees and other necessary charges.

§ 23-91.31. The board shall have the right to confer degrees.

§ 23-91.32. The existing collegiate curriculum shall be continued; however, the board may make such alterations therein as it shall from time to time deem necessary.

§ 23-91.33. The Rector and Visitors of George Mason 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 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 George Mason 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 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.

2. That Article 8 of Chapter 9 of Title 23 of the Code of Virginia, containing sections numbered 23-91.14 through 23-91.17 be repealed.

3. For the purpose of the appointment of the Board of Visitors, their organization and transaction of business not involving appropriations of the University or the expenditure of funds, an emergency exists and those sections and parts thereof necessary to achieve the same shall be in force from their passage; provided that all other parts of this act shall become effective on July one, nineteen hundred seventy-two.