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HOUSE BILL NO. 1029

Offered January 14, 2004

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A BILL to amend and reenact §§ 23-9.5, 23-14, 23-31, 23-91.34, 23-91.35, 23-91.37, 23-91.39, 23-91.40, 23-91.41, 23-91.43, and 23-91.44 of the Code of Virginia, relating to the University of Mary Washington.

Patrons—Cole, Dillard, McQuigg, Morgan, Orrock and Tata

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-9.5, 23-14, 23-31, 23-91.34, 23-91.35, 23-91.37, 23-91.39, 23-91.40, 23-91.41, 23-91.43, and 23-91.44 of the Code of Virginia are amended and reenacted as follows:

§ 23-9.5. Coordinating council for state-supported institutions of higher education.

The Council shall constitute a coordinating council for the College of William and Mary in Virginia, George Mason University, Longwood University, James Madison University, *the University of Mary Washington College*, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, Christopher Newport University and the Virginia Community College System, branches, divisions or colleges of any of the foregoing, and such other state-supported institutions of higher education as may in the future be established.

§ 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 rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the *University of Mary Washington College*, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; and the Southwest Virginia Higher Education Center 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 "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

§ 23-31. Unfunded scholarships.

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, *the University of Mary Washington College*, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The number of such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed twenty percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by twenty percent of the enrollment of Virginia students in undergraduate studies in the institution during the

preceding academic year. The number of such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed twenty percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by twenty percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year. All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The number of such scholarships annually awarded by an institution to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1 shall not exceed the total number of graduate students who are employed as teaching or research assistants with significant academic responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year and such clinical faculty. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students so employed and paid and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the institution.

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivisions A 2 and A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No institution named herein shall remit any tuition or required fees or any special fees or charges to any student at such institution except as authorized in this section. Each institution named herein shall make an annual report to the State Council of Higher Education showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or required fees or other charges to such state cadets as permitted under existing law.

D. Nothing in this section shall be construed to affect or limit in any way the control of the governing bodies of the respective institutions over any other scholarships; or over any gifts or donations made to such institutions for scholarships or other special purposes; or over any funds provided by the federal government or otherwise for the purpose of career and technical education or vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or appropriations from the federal government for instruction in agriculture and mechanic arts in land grant colleges.

E. Nothing in this section shall be construed to prevent the governing bodies of the respective institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia students.

F. Nothing in this section or any other provision of law shall prohibit the awarding of ten full tuition unfunded scholarships each year by Old Dominion University under the terms and conditions provided for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5, 1930, between the City of Norfolk and The College of William and Mary.

CHAPTER 9.2.

UNIVERSITY OF MARY WASHINGTON COLLEGE.

§ 23-91.34. Board of visitors a corporation and under control of General Assembly.

There is hereby established a corporate body composed of the board of visitors of *the University of Mary Washington College* under the style "The Rector and Visitors of *the University of Mary Washington College*" hereinafter referred to in this chapter as the board, which 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 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 shall be subject at all times to the control of the General Assembly. The ~~College~~ institution shall be known as *the University of Mary Washington College*.

§ 23-91.35. Transfer of certain property.

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

§ 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 College* 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 ~~College~~ *University*.

§ 23-91.39. Removal of visitors.

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 ~~College~~ *University*, the offices of all visitors so failing to attend shall be vacated.

§ 23-91.40. Powers and duties of visitors generally; meetings; rector, secretary and vice-rector; executive committee.

(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 ~~College~~ *University* and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the ~~College~~ *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 ~~College~~ *University*.

(b) The board of visitors shall meet at the College once a year, and at such other times as they shall determine, the days of meetings to be fixed by them. A majority of the members shall constitute a quorum. At the first meeting after July 1, 1972, 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 in 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

182 meetings shall be given by the secretary to every member.

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

186 § 23-91.41. Rates, fees and charges.

187 The board may fix, in its discretion, the rates charged the students of the ~~College~~ *University* for
188 tuition, fees and other necessary charges.

189 § 23-91.43. Curriculum.

190 The existing collegiate curriculum of the ~~College~~ *University* shall be continued; however, the board
191 may make such alterations therein as it shall from time to time deem necessary.

192 § 23-91.44. Sale, etc., of real estate.

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