VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 215

An Act to amend and reenact § 23-9.6:1 of the Code of Virginia, relating to the elimination of duplicative programs in higher education.

[H 322]

Approved March 16, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.6:1 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.6:1. Duties of Council generally.

In addition to such other duties as may be prescribed elsewhere, the Council of Higher Education shall have the duty, responsibility and authority:

1. To prepare plans under which the several state-supported institutions of higher education of Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the future needs for higher education in Virginia at both the undergraduate and the graduate levels, the mission, programs, facilities and location of each of the existing institutions of higher education, in addition to such other matters as the Council deems appropriate. The Council shall revise such plans biennially in each odd-numbered year and shall submit within the time prescribed by § 2.1-394 the plans as revised to the Governor and the General Assembly together with such recommendations as are necessary for their implementation.

2. To review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1 of this section, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until thirty days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria, it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. To study any proposed escalation of any public institution to a degree granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. To review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors.

5. To review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. To review and require the discontinuance of any academic program which is presently offered by any public institution of higher education when the Council determines that such academic program is *(i)* nonproductive in terms of the number of degrees granted, the number of students served by the program, *evidence of program effectiveness,* and budgetary considerations, *or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth*. As used herein, "academic programs" includes both undergraduate and graduate programs. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any academic program. No such discontinuance shall become effective until thirty days after the adjournment of the session of the General Assembly next following the filing of such report.

7. To review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education which such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions whether located

on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution which has been created and established by the General Assembly.

8. To develop a uniform comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate.

9. To develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program which complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

10. To develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

11. To review biennially and approve or disapprove all changes in the inventory of educational and general space which any public institution of higher education may propose and to make a report to the Governor and the General Assembly with respect thereto. No such change shall be made until thirty days after the adjournment of the session of the General Assembly next following the filing of such report.

12. To visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

13. To provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters. The Council may also review and advise on joint activities, including contracts for services, between such private institutions and public institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

14. To adopt such rules and regulations as the Council believes necessary to implement all of the Council's duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

15. In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.