

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 322]
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-9.6:1 of the Code of Virginia is amended and reenacted as follows:**

8 § 23-9.6:1. Duties of Council generally.

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

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

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

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

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

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

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

55 7. To review and approve or disapprove the creation and establishment of any department, school,
 56 college, branch, division or extension of any public institution of higher education which such institution

57 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation
58 and establishment of departments, schools, colleges, branches, divisions and extensions whether located
59 on or off the main campus of the institution in question. If any organizational change is determined by
60 the Council to be proposed solely for the purpose of internal management and the institution's curricular
61 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall
62 be construed to authorize the Council to disapprove the creation and establishment of any department,
63 school, college, branch, division or extension of any institution which has been created and established
64 by the General Assembly.

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

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

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

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

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

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

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

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