

MANUAL OF  
THE BOARD OF VISITORS OF THE  
UNIVERSITY OF VIRGINIA

2004

[Revised to reflect changes through July 1, 2011]

**MANUAL  
OF THE BOARD  
OF VISITORS  
OF THE  
UNIVERSITY  
OF VIRGINIA**

2004

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**RECTORS OF  
THE UNIVERSITY OF VIRGINIA**

Thomas Jefferson	1819–1826
James Madison	1826–1834
Joseph C. Cabell	1834–1836
Chapman Johnson	1836–1845
Joseph C. Cabell	1845–1856
Andrew Stevenson	1856–1857
Thomas J. Randolph	1857–1864
T. L. Preston	1864–1865
Alexander Rives	1865–1866
B. Johnson Barbour	1866–1872
R. G. H. Kean	1872–1876
Alex. H. H. Stuart	1876–1882
Wyatt M. Elliott	1882–1884
W. Roane Ruffin	1884–1886
Alex. H. H. Stuart	1886–1887
John L. Marye	1887–1890
W. C. N. Randolph	1890–1897
Armistead C. Gordon	1897–1898
Charles P. Jones	1898–1906
Armistead C. Gordon	1906–1918
R. Tate Irvine	1918–1920
John Stewart Bryan	1920–1922
C. Harding Walker	1922–1930
Frederic W. Scott	1930–1939
Robert Gray Williams	1939–1946
Edward R. Stettinius Jr.	1946–1949
Barron Foster Black	1949–1956
Frank Talbott Jr.	1956–1960
Albert Vickers Bryan	1960–1964
Charles Rogers Fenwick	1964–1966



Frank W. Rogers	1966–1970
Joseph H. McConnell	1970–1976
William L. Zimmer III	1976–1980
D. French Slaughter Jr.	1980–1982
Frederick G. Pollard	1982–1987
Joshua P. Darden Jr.	1987–1990
Edward Elliott Elson	1990–1992
Hovey S. Dabney	1992–1998
John P. Ackerly III	1998–2003
Gordon F. Rainey Jr.	2003–2005
Thomas F. Farrell II	2005–2007
W. Heywood Fralin	2007–2009
John O. Wynne	2009–2011
Helen E. Dragas	2011–

**PRESIDENTS OF  
THE UNIVERSITY OF VIRGINIA**

Edwin Anderson Alderman	1904–1931
John Lloyd Newcomb, Acting President	1931–1933
John Lloyd Newcomb	1933–1947
Colgate Whitehead Darden Jr.	1947–1959
Edgar Finley Shannon Jr.	1959–1974
Frank Loucks Hereford Jr.	1974–1985
Robert Marchant O’Neil	1985–1990
John Thomas Casteen III	1990–2010
Teresa Ann Sullivan	2010–

## PREFACE

THE UNIVERSITY of Virginia is an educational institution of the Commonwealth of Virginia. The duties and powers of its governing body, the Board of Visitors, are set forth in general terms in the statutes of the State, of which those most pertinent are printed in an appendix to this *Manual*. The portions of the Code of Virginia that treat the general organization and governance of the University may be found in Va. Code Sections 23-62 *et seq.* The Board itself, however, largely determines its internal organization, its procedures of operation, and the responsibilities of the administrative officers selected by it to carry out its directives of policy and program.

On 12 September 1947 the Board adopted a *Manual* for the purpose of setting forth its powers and duties and those of the principal administrative officers in order to “clarify the manner in which the Board and such administrative officers shall function.” This *Manual* was replaced in 1966 by a completely revised edition that, with several amendments, served as the controlling statement of the Board’s procedure and practice until a revised *Manual* was adopted by the Board on 30 May 1975. This present edition of the *Manual* includes a revised Statement of Purpose adopted by the Board on 31 May 1985, as well as amendments approved since the 1975 edition and the editions of 1985, 1991, and 1998. These amendments reflect changes in how the Board organizes itself and conducts

## PREFACE

its business, as well as changes in the administrative structure of the University.

It is hoped that the *Manual* will give to interested persons, and to new members of the Board in particular, an understanding of the manner in which the Board functions and of its relation to the administrative officers. It cannot, of course, convey an adequate impression of the spirit and traditions of the University, which so often guide the decisions of the Board. Nor can it adequately express the resolve that at all times has animated the members of the Board—to realize Mr. Jefferson's high aspirations for the institution.

The revisions to the *Manual* in 1966 were done by Mr. Lawrence Lewis Jr. of the Board and by Mr. Weldon Cooper as Secretary to the Board. Mr. Lewis was chairman of the Board committee that compiled the 1975 edition; Mr. Robert P. Buford and Mr. W. Wright Harrison of the Board were members of the committee, as well as Mr. Raymond C. Bice Jr., who was the Board Secretary. Mr. Charles K. Woltz of the Law School faculty acted as consultant to both the 1966 and 1975 committees. Edgar F. Shannon Jr. was President of the University at the time of the 1966 revision, and Frank L. Hereford Jr. was President in 1975.

Further revisions were undertaken in 1991, during the rectorship of Edward Elliott Elson, and in 1997, during the rectorship of Hovey S. Dabney. John T. Casteen III was President of the University in both instances. The 1991 revisions were directed by the Executive Committee of the Board of Visitors under the chairmanship of Mr. Elson. The 1997 revisions were done by a special committee of the Board appointed by Mr. Dabney and under the chairmanship of Mr.

## PREFACE

Champ Clark. Modifications to these revisions were made in 1998 under the supervision of Mr. Clark and at the beginning of the rectorship of John P. Ackerly III; the Board Secretary, Alexander G. Gilliam Jr., assisted in the 1997 and 1998 revisions.

Work on the present edition of the *Manual* began in the fall of 2003 under the rectorship of Gordon F. Rainey Jr., who asked Mr. Don R. Pippin of the Board and Mr. Gilliam to undertake the task. This edition was approved by the Board of Visitors on 31 July 2004. John T. Casteen III was President of the University.

In the spring of 2011, the online version of the *Manual* was updated to include all amendments approved by the Board of Visitors since the publication of the 2004 edition. Lists of Board Members, Presidents, Rectors, Student Members, and Secretaries were updated. The Code of Virginia provisions relating to the University were also updated and additions made. This work was undertaken by Susan G. Harris, Secretary to the Board, and Teresa A. Sullivan was President of the University.

MANUAL OF  
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2004



## **STATEMENT OF INSTITUTIONAL PURPOSE**

ON 19 MARCH 1985, with the concurrence of the President, the Faculty Senate of the University of Virginia adopted a new Statement of Institutional Purpose to replace the statement that had been in effect since 17 May 1974. This statement subsequently was recommended by the President to the Board of Visitors, who on 31 May 1985 adopted the Statement of Institutional Purpose reading as follows:

The central purpose of the University of Virginia is to enrich the mind by stimulating and sustaining a spirit of free inquiry directed to understanding the nature of the universe and the role of mankind in it. Activities designed to quicken, discipline, and enlarge the intellectual and creative capacities, as well as the aesthetic and ethical awareness, of the members of the University and to record, preserve, and disseminate the results of intellectual discovery and creative endeavor serve this purpose. In fulfilling it, the University places the highest priority on achieving eminence as a center of higher learning.



## THE BOARD OF VISITORS

THE GOVERNING body of the University of Virginia is the Board of Visitors, which by statute is made responsible for seeing to the effective government of the University at Charlottesville and all other educational institutions under the governance of the Board of Visitors.

SECTION 2.1 CORPORATE NAME AND GOVERNING BODY—The University is a public corporation that by statute bears the name of “The Rector and Visitors of the University of Virginia.” By statute also the governing body of the corporation, which exercises all the powers vested in The Rector and Visitors of the University of Virginia, is styled the “Board of Visitors” and shall hereafter be referred to as such or as “Board” in this *Manual*.

SECTION 2.2 COMPOSITION—The Board of Visitors is composed of sixteen members appointed by the Governor, subject to confirmation by the Senate and the House of Delegates of Virginia, for terms of four years. Members may be reappointed for one additional four-year term. At least thirteen of the sixteen members must be from the State at large, and not more than three may be appointed from alumni or alumnae living outside the State. At least eleven of the sixteen members must be alumni or alumnae of the University.

The statute provides that for each vacancy on the Board of

## THE BOARD OF VISITORS

Visitors, the Alumni Association of the University of Virginia shall propose three names to the Governor for possible appointment. Such proposals, however, are advisory only, and the Governor may appoint persons other than those recommended by the Alumni Association. A vacancy on the Board is filled by the Governor for the unexpired term, subject, of course, to confirmation by the Senate and the House of Delegates. A person filling an unexpired term may be reappointed by the Governor for two additional four-year terms.

SECTION 2.21 STUDENT NONVOTING MEMBER—At the first regular meeting of the second semester of the academic session each year, on recommendation of the Executive Committee, the Board of Visitors may elect for a term of one year, a full-time student at the University of Virginia as a nonvoting member of the Board of Visitors, in addition to those members appointed by the Governor and referred to in Section 2.2 above. Such student may attend and participate in a nonvoting capacity in all deliberations and meetings, in Open and Executive Session, of the standing and special committees of the Board as well as meetings of the Board of Visitors itself.

SECTION 2.22 VISITORS EMERITI—In recognition of the invaluable service they render to the University during their terms of office and the informed counsel they may continue to provide after their terms expire, former Members of the Board shall be designated Visitors Emeriti.

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SECTION 2.3 MEETINGS—Meetings of the Board are of three kinds: the Annual Meeting, regular meetings, and special meetings.

SECTION 2.31 THE ANNUAL MEETING—The one meeting each year required by statute is known as the Annual Meeting and is required to be held at the University at Charlottesville. At this meeting the Board elects an Executive Committee, and reviews and decides on such other matters as may come before it. The Rector announces committee assignments and the committee chairs at the Annual Meeting. The date for the Annual Meeting is prescribed by the Board at the Annual Meeting in the preceding calendar year. On the recommendation of the Rector and the President, the date and time of the Annual Meeting may be changed by the Executive Committee.

SECTION 2.32 REGULAR MEETINGS—There shall be such other regular meetings of the Board of Visitors each year as the Board may determine. These meetings shall be held on such dates and at such places for the succeeding year as the Board shall determine no later than the Annual Meeting each year. The time, date, and place of a regular meeting may be changed by a quorum of the Board of Visitors or by the Executive Committee.

SECTION 2.33 SPECIAL MEETINGS—Special meetings of the Board may be called by the Rector or by any three Visitors at such dates, times, and places as may be specified in the call for the meeting. No matter may be considered at any special meeting that was not included in the call of that meeting

## THE BOARD OF VISITORS

except by a two-thirds vote of the Visitors present at the meeting.

SECTION 2.34 NOTICE OF MEETINGS—Due notice in writing of the Annual Meeting and all regular meetings and of any changes in the dates, times, or places of a regular meeting shall be given by the Secretary of the Board of Visitors. Such written notice shall be sent at least ten days prior to the meeting. Written notice of all special meetings shall be sent by the Secretary at least five days in advance of the meeting. All notices of a special meeting shall indicate the item or items of business to be considered.

SECTION 2.35 QUORUM—A quorum for the conduct of business by the full Board of Visitors shall consist of five members of the Board (as required by statute) except in those instances where other statutory provisions, as, for example, in the consideration of revenue bond issues, may require a larger number for the transaction of particular items of business. A quorum for the Executive Committee and all standing and special committees of the Board of Visitors shall consist of one-third of the appointed members of the committee, except that in no case shall the number be fewer than two members.

SECTION 2.36 TELEPHONIC OR VIDEO PARTICIPATION—Telephonic or video meetings of Board committees, including those held in Executive Session, may be held as long as proper and timely public notification of the meeting has been given and there is a quorum of the committee physically assembled at its primary or other location. Meetings held in Open Session must be open to the public. Arrangements for

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telephonic or video meetings must be coordinated with the Secretary.

SECTION 2.37 DOCKETS—For the Annual Meeting and each regular meeting, the Secretary shall prepare, under the supervision of the Rector and the President, a docket comprising such matters as the Board, the Rector, the President, and the chairman of each standing committee shall refer for consideration. This docket shall include all the agenda items to be considered by the Board and its committees at such meetings that are known by the Rector, the President, and the Secretary at the time the docket is prepared. After receiving the Rector's approval, a copy of this docket, to be called the Regular Docket, shall be mailed to each member of the Board at least ten days prior to the meeting of the Board. Consideration of matters not appearing on the Regular Docket shall require the consent of two-thirds of the Visitors present. The notice of a special meeting containing a list of the items to be considered shall take the place of the Regular Docket at a special meeting.

SECTION 2.38 CONDUCT OF BUSINESS—All meetings shall be conducted in accordance with the principles of procedure prescribed in Roberts' *Rules of Order*.

SECTION 2.4 POWERS AND DUTIES—The powers and duties conferred upon the Board are to be exercised for the purpose of carrying into effect the Statement of Institutional Purpose contained in Chapter 1.

The major powers and duties are

- 1 the preservation of the ideals and traditions of the

## THE BOARD OF VISITORS

- University and particularly encouragement of the maintenance of the Honor System by the student body;
- 2 the establishment of general education policy;
  - 3 the authorization of the establishment of any additional center, branch, college, or school and, when necessary, the presentation of such action to the State Council of Higher Education, for its recommendation, and to the General Assembly, for its approval;
  - 4 the authorization of the creation or discontinuation of degrees;
  - 5 the election of a Rector, Vice Rector, President, Chief Operating Officer, and Secretary and the election of salaried members of the faculty, except for those faculty members designated by the President during the period between meetings of the Board of Visitors, whose elections may be formally ratified by the Board at its next regular meeting (the foregoing, however, is subject to the provisions of Section 4.22);
  - 6 the determination of the salary ranges for all faculty ranks and the establishment of insurance, retirement, and other programs for the faculty's benefit;
  - 7 the establishment or discontinuation of any faculty rank;
  - 8 the approval of promotions of faculty members;
  - 9 the establishment of named chairs;
  - 10 the regulation of the government and discipline of students and the renting of rooms and dormitories;

## MANUAL OF THE BOARD OF VISITORS

- 11 the approval of general policy governing student scholarships and loans;
- 12 the establishment of scholarships by the remission of tuition within guidelines established by the State for undergraduate students of character and ability in need of financial assistance;
- 13 the fixing of tuition charges, other fees, and room rentals;
- 14 the issuance of revenue bonds to finance projects required by or convenient for the purposes of the students under its control;
- 15 the approval of regulations relating to the use of automobiles by students;
- 16 the care and preservation of all property belonging to the University;
- 17 the purchase of real estate;
- 18 the sale, with the approval of the Governor, of any real estate acquired since 1 January 1900 and the sale, with the approval of the General Assembly, of real estate acquired by purchase prior thereto;
- 19 the granting of easements for roads, streets, sewers, water lines, utility lines, or other purposes;
- 20 the exercise of the power of eminent domain;
- 21 provision for the submission of such reports and budget requests as may be required by the appropriate agency of the State Government;
- 22 the approval of the annual budget;
- 23 the formulation and periodic revision of long-range plans;
- 24 the election, on nomination of and with the concurrence of the President, of the Vice Presidents of the University and the chief local adminis-

## THE BOARD OF VISITORS

trative officer of The University of Virginia's College  
at Wise, this officer having the title of Chancellor, all  
of whom are directly responsible to the President; and  
25 the exercise of other powers conferred on cor-  
porations by the provisions of Title 13.1 of the Code  
of Virginia.

## THE COMMITTEE SYSTEM

THE COMMITTEE system of the Board shall be composed of the Executive Committee, standing committees, and special committees. The Secretary of the Board shall serve as the secretary of each committee, keep the minutes of the meetings of the committees, and perform such other duties as the committees may require. The President shall make provision for such additional consultative services as may be requested by a committee chairman. In addition to the appointed members, the Rector shall be an ex officio member of all standing and special committees.

SECTION 3.1 THE EXECUTIVE COMMITTEE —At each Annual Meeting the Board shall elect from among its membership an Executive Committee composed of six members. These six members shall consist of the Rector, who shall serve as chair, the Vice Rector, and four Visitors to be elected by the Board. Nominations for these four positions on the Executive Committee may be made by any Visitor, and if there are more than four nominations, a vote shall be taken, and the results shall be announced jointly by the Rector and the Secretary. Any vacancy on the Executive Committee shall be filled for the unexpired term at the next regular meeting of the Board and by vote if there is more than one nomination.

## THE COMMITTEE SYSTEM

The Executive Committee shall meet upon the call of the Rector. It shall consider all matters referred to it by the Rector, the Vice Rector, or the President and shall, in the interim between meetings of the Board, be vested with the powers and authority of the full Board and shall take such action on all matters that may be referred to it as in its judgment is required. All such actions taken by the Executive Committee in the interim between meetings of the Board shall be reported to the Board at the next regular meeting and shall, if confirmation is required, be confirmed and approved by the Board at that time.

**SECTION 3.2 STANDING COMMITTEES** —The standing committees of the Board of Visitors shall consist of the Finance Committee, Buildings and Grounds Committee, Student Affairs and Athletics Committee, Educational Policy Committee, External Affairs Committee, Audit and Compliance Committee, Committee on The University of Virginia's College at Wise, and the Medical Center Operating Board. The number to be appointed to each standing committee shall be determined by the Rector at the time of appointment. However, no committee shall consist of fewer than three members.

The standing committees shall be appointed by the Rector at the Annual Meeting of each year, and at the time of appointment the Rector shall designate the chair of each committee. A vacancy on any committee shall be filled by the Rector for the unexpired term, and the Rector shall have the power to change the membership of any standing committee at any time. Each standing committee shall meet at the call of the chair, the Rector, the Vice Rector, or the President and shall consider such matters as may be

## MANUAL OF THE BOARD OF VISITORS

referred to it by these officers or by members of the committee.

The Secretary shall prepare a docket for each committee meeting and shall attend the meeting.

In addition to the duties of the standing committees as listed below, each committee shall consider such other matters as may be referred to it by the Board, the Rector, the Vice Rector, the President, or the chair and shall make its report and recommendations as required to the Board, to the President, and, upon the request of the Rector, to the Executive Committee. No standing committee has power or authority to commit the Board to any policy or action unless specifically granted such power or authority by the Board. In such cases, a report of final action by any committee shall be made at the next regular meeting of the Board and, if confirmation is required, shall be confirmed and approved by the Board at that time.

On motion of any member, any grant to a committee of power or authority to commit the Board shall be reviewed by the Board, at which time it may be modified or rescinded by majority vote of the members present without complying with the requirements for amending this *Manual*.

**SECTION 3.21 FINANCE COMMITTEE**—The Finance Committee shall be responsible in all matters relating to the University's financial affairs and business operations. It shall review and approve the annual budget and the setting of tuition rates, student fees, and other student charges for recommendation to the Board. On behalf of the Board, it shall approve the investment of endowment and other funds, the purchase of real and personal property, and the making of loans to faculty members, and it shall make progress reports to the Board on its actions.

## THE COMMITTEE SYSTEM

The committee shall maintain liaison with the University of Virginia Investment Management Company, a nonprofit, nonstock corporation organized under Virginia law to provide investment and investment management and related services to the University of Virginia, and shall monitor and review periodically the performance of the Company.

**SECTION 3.22 BUILDINGS AND GROUNDS COMMITTEE**—The Buildings and Grounds Committee shall have responsibility in all matters relating to the physical plant and equipment. It shall exercise oversight over the care, maintenance, and security of the University's buildings and grounds; the selection of architects and engineers and the construction and naming of new buildings; the care and preservation of all furnishings and equipment; and such other matters relating to the buildings and grounds of the University as may come before it. On behalf of the Board, it shall approve the location and design of new buildings and shall make progress reports to the Board on its actions.

**SECTION 3.23 STUDENT AFFAIRS AND ATHLETICS COMMITTEE**—The Student Affairs and Athletics Committee shall be responsible in all matters relating to nonacademic student affairs and to athletics. It shall exercise oversight over student conduct, residential and social life, extracurricular activities, food services, health, and such other matters relating to student affairs as may be brought to its attention. The committee shall have oversight over athletic policy and programs, both intramural and intercollegiate.

SECTION 3.24 EDUCATIONAL POLICY COMMITTEE—The Educational Policy Committee shall have responsibility in all matters relating to educational policies and programs, except for those matters subject to the oversight of the Medical Center Operating Board. The Educational Policy Committee shall exercise oversight over the proposal of new degrees and educational programs by the President, the conditions affecting the recruitment and retention of faculty members, the adequacy of instructional facilities, and such other matters relating to the educational policies and programs as may be brought before it by the President or referred to it by the Board.

SECTION 3.25 AUDIT AND COMPLIANCE COMMITTEE—The Audit and Compliance Committee shall be responsible for all matters relating to financial accounting and reporting. The Audit and Compliance Committee shall have direct access to internal and external auditors to assess performance, the scope of audit activities, and the adequacy of the system of internal accounting controls.

SECTION 3.26 EXTERNAL AFFAIRS COMMITTEE—The External Affairs Committee shall have responsibility in all matters pertaining to University development, alumni affairs, and public communications. This responsibility shall include the oversight of University capital campaigns and all other programs that promote private donations to and alumni support of the University. As part of this responsibility, the committee's oversight will include the University-related foundations and their activities to raise funds on behalf of the University.

## THE COMMITTEE SYSTEM

SECTION 3.27 THE COMMITTEE ON THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE—The Committee on The University of Virginia's College at Wise is charged with the oversight of the College and the advancement of its mission and with bringing its needs and concerns to the attention of the Board of Visitors. The committee will assist the Chancellor in carrying out the Chancellor's duties and will further the goals of The University of Virginia's College at Wise.

SECTION 3.28 THE MEDICAL CENTER OPERATING BOARD— The Medical Center Operating Board shall be the governing board of the Medical Center and the Transitional Care Hospital for Joint Commission on Accreditation of Hospital Organization purposes, responsible to oversee and direct the operations of the Medical Center and the Transitional Care Hospital as delegated by the Board of Visitors.

The Rector shall serve as a voting member, and he shall appoint four other members of the Board of Visitors, including the chair, to serve as voting members of the Medical Center Operating Board; one of these members shall be the chair of the Finance Committee. The Board of Visitors may appoint no more than six public non-voting members of the Medical Center Operating Board, to serve for initial terms not to exceed four years. The President of the University, the Executive Vice President and Provost of the University, the Executive Vice President and Chief Operating Officer of the University, the Vice President and Chief Executive Officer of the Medical Center, the Vice President

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and Dean of the School of Medicine, the Dean of the School of Nursing, and the President of the Clinical Staff of the Medical Center shall serve as non-voting advisory members. In addition to the six non-voting public members, the Board of Visitors may appoint up to four additional public members on a temporary basis, for terms to begin no later than July 15, 2011 and end on December 31, 2012.

**SECTION 3.3 SPECIAL COMMITTEES**—Special committees may be constituted at any time by the Rector. The Rector shall determine the membership and the number of members to be appointed to special committees, which shall have a life of not to exceed one year unless renewed for a specified period by the Rector and the Board at the Annual Meeting.

## OFFICERS OF THE BOARD

The Officers of the Board of Visitors shall consist of the Rector of the University of Virginia, the Vice Rector, the President of the University, the Chief Operating Officer of the University, the General Counsel of the University, and the Secretary to the Board of Visitors.

SECTION 4.1 THE RECTOR AND VICE RECTOR OF THE UNIVERSITY —The Rector of the University is especially charged with the duty of maintaining that level of interest and activity among the members of the Board of Visitors as will best contribute to the determination of broad policies, wise planning for the future, intelligent and considerate observance of the rights of the faculty and the student body, including the care and preservation of the Honor System, and maintenance of the independence of the Board from outside influences harmful to the interests of the students and faculty of the University. The Vice Rector shall act in the Rector's stead in fulfilling these obligations.

SECTION 4.11 TERMS OF OFFICE AND ELECTION —The Rector and Vice Rector shall serve terms of two years, commencing 1 July of the first year and ending 30 June of the last year. At the conclusion of the Rector's term of office, the Vice Rector shall succeed the Rector and serve for two years in that office.

At its regular meeting closest to 30 June every two years, the Board shall elect a Vice Rector from among its members to succeed the Rector, as hereinabove provided. At the

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election meeting, the election shall be by majority vote of the members present following nominations, and the Secretary shall serve as the presiding officer until an election is accomplished unless the Board decides to appoint another presiding officer. The Secretary shall count the votes and announce the election of the Vice Rector.

**SECTION 4.12 POWERS AND DUTIES** —The Rector shall be the presiding officer of the Board of Visitors at all of its meetings; in the Rector's absence, the Vice Rector shall serve in that capacity. The Rector shall have the power, unless otherwise directed by the Board, to fix the order of business, appoint all standing and special committees (except the Executive Committee), and require the proper preservation of a record of the Board's proceedings by the Secretary. Without diminishing the right of individual Visitors to publicly express their personal views, the Rector, unless otherwise determined by the Board or the Rector, shall act as spokesman for the Board of Visitors. The Rector and Vice Rector shall perform such additional duties as may be imposed on their offices by statute or by the direction of the Board.

Whenever the office of the President becomes vacant or a vacancy is impending, the Rector shall appoint a Special Committee on the Nomination of a President from among the membership of the Board to seek and recommend to the Board a person to fill the vacancy.

This special committee shall be under the chairmanship of the Rector, and the committee shall consist of no fewer than five members.

**SECTION 4.13 VACANCIES**—Vacancies in the offices of Rector and Vice Rector shall be filled by the Board for the

## OFFICERS OF THE BOARD

unexpired terms, following the procedure set forth in Section 4.11. If the cause of the vacancies is the expiration of the Rector's or the Vice Rector's terms as members of the Board, the vacancies shall be filled at the first meeting called for that purpose, at which meeting a quorum shall consist of eleven Visitors.

SECTION 4.14 RECTOR *PRO TEMPORE* —In the absence of the Rector and Vice Rector from any meeting or in the event of their disability or of vacancy in office, the chair of the Finance Committee shall serve as Rector *pro tempore*. If the chair of the Finance Committee is absent or is unable to serve, the Board shall elect a Rector *pro tempore* for that meeting.

SECTION 4.2 THE PRESIDENT OF THE UNIVERSITY—The President of the University shall be the chief executive and academic officer of the University. The President shall be a member of the General Faculty and of the faculty of the College and of each of the schools of the University. The President also shall be the chief executive and academic officer of The University of Virginia's College at Wise.

SECTION 4.21 ELECTION—The President shall be elected by the Board of Visitors and may be removed only by assent of two-thirds of the whole number of Visitors. The President shall attend all meetings of the Board and shall have notice of and the privilege of attending all meetings of its committees.

SECTION 4.22 POWERS AND DUTIES—As the chief executive and academic officer of the University, the President shall have the following powers and duties:

## MANUAL OF THE BOARD OF VISITORS

- 1 The President shall have responsibility for the operation of the University in conformity with the purposes and policies determined by the Board;
- 2 The President shall act as adviser to the Board and shall have responsibility for recommending to it for consideration those policies and programs which in the opinion of the President will best promote the interests of the University;
- 3 The President shall recommend to the Board long-range educational goals and programs and the new degrees that may be best suited to attain those goals and programs;
- 4 The President shall have the power to establish and modify as he or she deems necessary the internal administrative structure of the University and shall appoint or provide for the appointment of all administrative officers except for the Vice Presidents and the Chancellor of The University of Virginia's College at Wise, making a report of his or her actions thereon to the Board at the next regular meeting;
- 5 The President shall recommend to the Board of Visitors the election and initial compensation of salaried members of the faculty holding professorial rank or named chairs, promotions of faculty members to the ranks of associate professor, full professor, and professor emeritus, and the removal of faculty members for cause;
- 6 The President shall appoint instructors at the first salary step and shall reappoint lecturers after an initial election by the Board;

## OFFICERS OF THE BOARD

- 7 The President shall be authorized, after consultation with the Dean, department head, and other affected administrative officer to suspend any faculty member at any time for proper cause;
- 8 The President shall serve as President of the Faculty Senate of the University and of the Faculty Senate of The University of Virginia's College at Wise;
- 9 The President shall have primary responsibility for the establishment and maintenance of proper relationships with the alumni;
- 10 The President shall at all times maintain cordial relationships with the students, guarding and protecting their best interests;
- 11 The President shall use particular efforts to preserve and foster the Honor System;
- 12 The President shall be responsible for the discipline of students with the power to impose appropriate penalties including expulsion;
- 13 The President shall submit to the Board each year an annual budget for the operation of the University for the following fiscal year and shall prepare and submit to the Governor a biennial budget request as required by law or regulation;
- 14 The President shall promote the development of the endowment funds of the University and shall be authorized to accept any gift or grant subject to the approval of the Governor as required, making a report to the Board of such gifts or grants; and
- 15 The President shall perform such other duties as may be required by the Board.

## MANUAL OF THE BOARD OF VISITORS

**SECTION 4.3 POWERS AND DUTIES OF THE CHIEF OPERATING OFFICER**—The Chief Operating Officer, who is elected by the Board of Visitors on the nomination of the President of the University, is an Officer of the Board. The Chief Operating Officer shall have supervision of the financial affairs of all colleges, schools, and divisions of the University and shall advise the Board of Visitors and the President, under whose immediate direction he or she shall be, on all financial matters affecting the University. Subject to the direction of the Board and the President, the Chief Operating Officer shall prescribe accounting procedures and practices for the disbursement of all funds, promulgate management policies and procedures for auxiliary services and operations, and institute budgetary policies and controls that will assure the faithful execution of the budgets. The Chief Operating Officer shall see that no expenditures are made without proper authorization. In addition, he or she shall advise the Board of Visitors and its committees on all matters relating to the duties of his or her office. The Chief Operating Officer shall perform such other duties as may be assigned to him or her by the Board or the President.

**SECTION 4.4 SECRETARY TO THE BOARD OF VISITORS**—At the first regular meeting after 28 February 1986 and every fourth year thereafter, upon the nomination of the President and the Rector in concurrence, the Board of Visitors shall elect a Secretary to serve until 28 February of the fourth year thereafter and until his or her successor is elected.

Any vacancy in the office shall be filled for the unexpired term in the same manner as election for the full term.

## OFFICERS OF THE BOARD

SECTION 4.41 POWERS AND DUTIES—The Secretary shall attend all meetings of the Board of Visitors and its committees and shall record the minutes of all proceedings. The Secretary shall prepare minutes of such meetings that, after approval by the Board, shall be recorded in the permanent records of the Board of Visitors. He or she shall give proper notice of all meetings of the Board, shall preserve as directed all documents or papers pertaining to the actions of the Board, and shall keep in safe custody the Seal of the University, which he or she shall affix to any instrument when authorized by the Board or persons designated by it, including the Rector, the Vice Rector, the President, or the Chief Operating Officer. In addition to the foregoing, the Secretary shall perform those functions and have those duties or responsibilities which are usual to the duties of a secretary and shall assist the Board of Visitors in the discharge of its official duties. The Secretary shall, under the immediate direction of the President, perform such other duties as may be assigned to him or her by the Board, the Vice Rector, the Rector, or the President.

## SECTION 4.5 GENERAL COUNSEL OF THE UNIVERSITY

SECTION 4.51 ELECTION—By statute, a General Counsel of the University shall be appointed by the Attorney General of the Commonwealth of Virginia. Thereafter, on nomination of the President, the Board of Visitors shall elect the General Counsel to serve at its pleasure.

SECTION 4.52 POWERS AND DUTIES—As the chief legal officer of the University, the General Counsel shall

## MANUAL OF THE BOARD OF VISITORS

advise the Board and the President, under whose immediate direction he or she shall be, on all legal matters affecting the University. The General Counsel shall perform such other duties as may be assigned to him or her by the Board or the President.

## MISCELLANEOUS PROVISIONS

SECTION 5.1 APPEALS TO THE BOARD —The Board at its discretion shall consider such appeals as are provided for in the University regulations and procedures except that in no event shall the Board consider an appeal from a decision of the Honor Committee involving an honor offense.

SECTION 5.2 RETIREMENT —The President, Chief Operating Officer, General Counsel, and Secretary shall relinquish their positions as Officers of the Board upon retirement or resignation from their administrative duties.

SECTION 5.3 COMMUNICATIONS TO THE BOARD — All communications of an official nature directed to the Board of Visitors shall be channeled through the office of the President. All communications of an official nature from the Board of Visitors shall be similarly channeled, or copies thereof shall be furnished to the President.

SECTION 5.4 MINUTES OF BOARD MEETINGS — The Minutes of the Annual, regular, and special meetings of the Board shall be open to inspection as required by law.

SECTION 5.41 CLERK OF THE BOARD —The President may appoint a Clerk of the Board to provide administrative and clerical support to the Secretary, the President, the Rector, and members of the Board in ful-

## MANUAL OF THE BOARD OF VISITORS

filling their responsibilities as prescribed in this *Manual*. The Clerk shall serve under the direction and supervision of the Secretary and at the pleasure of the President.

SECTION 5.5 EXECUTION OF INSTRUMENTS—The Rector, the Vice Rector, the President, the Chief Operating Officer, and other persons designated and authorized by the Board of Visitors shall execute, in the name and on behalf of The Rector and Visitors of the University of Virginia, any instrument that may require the name of the corporation to be signed thereto, and the Secretary to the Board shall have authority to affix the seal of the corporation to any such instrument and to deliver it to the party entitled to receive it.

SECTION 5.6 ASSIGNMENT OF SECURITIES—The Rector, the Vice Rector, the President, the Chief Operating Officer, and other persons designated and authorized by the Board of Visitors shall have authority to sell, assign, and transfer any and all stocks, bonds, evidences of indebtedness or interest thereon, rights and options to acquire or sell the same, and all other securities, corporate or otherwise, standing in the name or belonging to the Rector and Visitors of the University of Virginia in any capacity. The same persons have authority to give the assent of the corporation to mergers, consolidations, agreements for a deposit of stock, or for reorganization of any corporation or corporations in which the Rector and Visitors of the University of Virginia as a corporation may have an interest.

SECTION 5.7 THE *MANUAL* —The *Manual of the Board of Visitors of the University of Virginia* sets forth the Board's

## MISCELLANEOUS PROVISIONS

powers and duties and those of its officers in order to clarify the manner in which the Board and such officers shall function. As the controlling statement of the Board's procedure and practice, the *Manual* constitutes the bylaws of the corporation.

**SECTION 5.8 DISTRIBUTION OF THE *MANUAL*** — A copy of this *Manual* and any amendments that may be made thereto shall be provided by the Secretary to each member of the Board and to each new member of the Board immediately following his or her appointment to the Board. At periodic intervals, on direction of the Rector, the Secretary shall cause the *Manual* to be reprinted, incorporating therein all amendments which have been adopted following the effective date of this *Manual* or its last reprinting.

**SECTION 5.9 AMENDMENTS TO THE *MANUAL*** — This *Manual* may be amended at any regular meeting of the Board by a majority vote of all the members of the Board provided that the proposed amendment has been submitted to the Executive Committee and its views on the amendment have been submitted to the Board and that notice of the amendment was included in the regular notice of the meeting.

**Section 5.10 Effective date of the *MANUAL*** — The provisions of this *Manual* shall go into effect on 31 July 2004. As of their effective date, these provisions shall supersede all prior actions of the Board that are inconsistent with them.

The online version of the *Manual* contains all amendments through July 1, 2011.

## **APPENDIXES**

A

**THOMAS JEFFERSON ON  
HIGHER EDUCATION**  
DOCUMENTS RELATIVE TO  
THE FOUNDING OF  
THE UNIVERSITY OF VIRGINIA

1

INTRODUCTION

*John Cook Wylie, Director of Libraries*

Printed here are the basic documents relative to the founding of the University of Virginia. Thomas Jefferson's hand is transparently clear in all of these, but a word on the text is in order.

The two statutes (one at the beginning printed in excerpt and the one at the end in full) are taken from the annual volumes of the *Acts* of the Virginia General Assembly. The Rockfish Gap documents are a reprint of the only surviving copy now known of the *Proceedings and Report of the Commissioners for the University of Virginia*, a pamphlet separately printed in 1818 for the use of the members of the Virginia House of Delegates. This pamphlet is now for the first time completely reprinted, although portions of it have frequently been reproduced from other texts. Of the earlier printings, two before this

## APPENDIX A

one have been made by or for the Board of Visitors, one during the Rectorship of Jefferson, one during the Rectorship of A. H. H. Stuart, son of the Archibald Stuart who sat on the Board of Commissioners with Jefferson and cast one of the two votes to locate the University in Staunton.

Jefferson's own reprint of 1824 omitted, obviously by intention, the details of the contingent gifts to the University which depended upon the site chosen. These details were by law required in the 1818 Report, but in 1824 a proper regard for the feelings of the underbidder in the non-auction, or a decent respect for the pride of a sister educational institution, may have influenced the Rector in this editorial excision.

Only indifferent proofreading on the part of the eighty-one-year-old Rector can, however, explain the other deviations in the 1824 text. Of substantive changes, there were two instances of multiple word omission (three, if the printing of the final statute is included), and the earliest of these does at first glance look like an editorial honing away of unnecessary wordage: the original "Act appropriating part of the revenue of the Literary Fund" became, in 1824, "Act appropriating part of the Literary Fund." Textually unimportant as this change might seem, its existence clarifies the lengthy omission some pages later of the last nine words in the expression "specification of languages to be taught by the Professor of modern languages." This excision might be mistaken for a change in plan with respect to one of the professorships. Instead, considered in juxtaposition with the earlier excision, one may say with certainty that the compositor who set the type in 1824 had the bad habit of skipping from one line of a text to the next

line when the same word occurred in both. In the first instance, he skipped from one “of” to another; in the second, from one “languages” to another.

This is the justification for not using as a copy text the last form that came under Jefferson’s editorial supervision. The later miscellaneous changes (including the reduction of a portion of some posttabular comments to a lengthy footnote) are, in short, clearly the printer’s, not the author’s.

Ten printings of the Rockfish Gap documents have been located, only one of these done in the present century. The earliest, the cleanest (“place” was substituted for “plan” on page 10 [page 45 of this printing] and three obvious typographical errors [here corrected] were made), and the most complete is reprinted here from a pamphlet of 30 pages printed in December 1818 by Thomas Ritchie, Printer for the Commonwealth, in 500 copies by order of the House of Delegates. The late Dr. E. G. Swem (*Bibliography of Virginia*, 1917, No. 9014) knew this had been printed but was unable to locate a copy.

This was closely followed by a pamphlet of 14 pages printed in 1818 by John Warrock, Printer to the Senate, in 150 copies by order of the Senate. Dr. Swem (No. 9041) also knew of this, but again was unable to locate a copy. It included the Report in extenso but omitted the Proceedings of the Commissioners, the letter of transmittal, and the supplementary statement regarding gifts.

The Proceedings and Report (without their ancillary documents) were first reprinted at other than public expense by Thomas Ritchie in his *Richmond Enquirer* (XV,

No. 63) for 10 December 1818, with the comment that the Report “is, we believe, with a few variations, from the ever luminous pen of Thomas Jefferson.” Presumably from this source, it was copied in the Philadelphia *Analectic Magazine*, XIII (February 1819), 103–16, where the editor commented that “the report is said to be from the pen of Mr. Jefferson.”

Next followed the two journal printings, of the House (Swem No. 9011, which omitted the supplementary material referred to in Jefferson’s letter of transmittal) and of the Senate (Swem No. 9039, which included only the Report).

Jefferson’s own reprint, a pamphlet of 29 pages printed in Charlottesville in 1824 by C. P. McKennie, was sold by the University Proctor for 12<sup>1</sup>/<sub>2</sub> cents (the 2 coin was known as the “one bit” piece before it disappeared from our coinage, leaving its name only with its twin) and was so advertised on the *Explanations, of the Ground Plan of the University* which accompanied the Maverick Plan.

N. F. Cabell (great-grandson of the Joseph C. Cabell who received the original draft as well as one of the manuscript copies sent to the Assembly in 1818) printed the Report without its ancillary documents as Appendix I to his *Early History of the University of Virginia* (Richmond, 1856), pp. 432–47; and Roy J. Honeywell reprinted this as Appendix J in *The Educational Work of Thomas Jefferson* (Cambridge, 1931), pp. 248–60, with the annotation that it was “written by Jefferson before the meeting and was adopted by the commissioners with only minor changes.”

Only one further reprinting, in Richmond in 1879, has

been located. The Report appeared then on pages 7–17 of the *Annual Report of the Board of Visitors of the University of Virginia for the fiscal year ending May 31, 1879*.

Jefferson's report is often cited (sometimes as the "Rockfish Report," sometimes as the "Rockfish Gap Report"), but although it is quite significant in the history of pedagogics, it has never appeared among Jefferson's collected writings, and even its authorship has in part been thrown into question by the quotation out of context of the comment in Jefferson's letter of 20 November 1818, to Joseph C. Cabell, that the Report was "written in great haste, and by several hands, dividing the work."

When Jefferson wrote these words, he was referring to the handwritten copies of the Report produced for the House and Senate in a year of grace before Xerox. These copies, one of which may still be seen in the Virginia State Archives in Richmond, were written out by pen in great haste, with several people dividing the parts to be copied.

The Report itself bears the authentic marks of Jefferson's single authorship, not the evidence of haste and collaboration. It is a careful statement resulting from a lifetime's contemplation of a subject of central importance to the author. For this reason the present printing has been entitled "Thomas Jefferson on Higher Education." If there is a lingering doubt in anyone's mind as to the accuracy of this title on the grounds of authorship, it can be allayed by an examination of the working draft, entirely in Jefferson's hand, of the chief documents involved. This working draft is now in the Jefferson Papers of the University of Virginia Library.

## THE STATUTE OF 1818

CHAPTER XI.—An act appropriating part of the revenue of the Literary Fund, and for other purposes

[Passed February 21st, 1818.]

1. *Be it enacted by the General Assembly . . .* [The first seven sections concern matters other than the University.]

8. *Be it further enacted,* That there shall be established, in some convenient and proper part of the State, a university to be called, “The University of Virginia,”— wherein all the branches of useful science shall be taught. In order to aid the Legislature in ascertaining the permanent scite of the said University, and in organizing it, there shall be appointed without delay by the Executive of this Commonwealth twenty-four discreet and intelligent persons, who shall constitute a board to be called “The board of commissioners for the University.” One member of the said board, shall be appointed from each of the Senatorial districts, as they were arranged, by an act of the last session of the Legislature. If any person so appointed shall fail or refuse to act, his place shall be supplied from the same district, by appointment of the president and directors of the literary fund. The said board shall meet on the first day of August next at the tavern in Rockfish gap on the Blue Ridge for the purpose of performing the duties hereby assigned to them. At least three-fourths of the whole number shall be necessary to form a board for the transaction of business; but any smaller number may adjourn from day to day, until a quorum shall attend. The

## THOMAS JEFFERSON ON HIGHER EDUCATION

said board, when assembled, shall have power to adjourn from time to time, and from place to place, until their duties shall have been performed. It shall be their duty to enquire and report to the Legislature at their next session:

- First—A proper scite for the University;
- Secondly—A plan for the buildings thereof;
- Thirdly—The branches of learning, which should be taught therein;
- Fourthly—The number and description of professorships; and
- Fifthly—Such general provisions as might properly be enacted by the Legislature, for the better organising and governing the University.

The said board are also authorised and required to receive any voluntary contributions, whether conditional or absolute, whether in land, money or other property, which may be offered, through them, to the president and directors of the literary fund, for the benefit of the University; and to report the same to the Legislature, at their next session. The members of the said board of commissioners shall be allowed for their services the same pay and traveling expences, as are allowed to members of the General Assembly, to be ascertained and certified by the board, and paid out of the literary fund.

9. *Be it further enacted*, That, as soon as the scite of the said University shall be ascertained by law, there shall be appropriated, out of the revenue of the literary fund, the sum of fifteen thousand dollars per annum, for the purpose of defraying the expences of procuring the land and erecting the buildings, and for the permanent endowment of the said University; *Provided, however*, that the

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appropriation, hereby made to the University, shall in no manner impair or diminish the appropriations hereinbefore made to the education of the poor in the several counties and corporations.

10. *Be it further enacted,* That the University aforesaid shall be under the government of thirteen visitors to be appointed by the president and directors of the literary fund, and to hold their offices for seven years, and until their successors shall be appointed, unless sooner displaced by the said president and directors. All vacancies in the office of visitor, by death, resignation, or removal out of the Commonwealth, or failure to act, for the space of one year, shall be supplied by the said president and directors.

11. The said visitors shall appoint one of their own body to be rector, and they shall be a body corporate, under the name and style of "The rector and visitors of the University of Virginia;" and, as such, they may have and use a common seal, receive and hold property for the benefit of the University, sue and be sued, implead and be impleaded. They shall have power to appoint a clerk for their own body, and allow him a reasonable compensation for his services; to appoint and remove the professors and teachers and all other officers of the University; to regulate their salaries and fees; and to make all such by-laws, rules and regulations, as may be necessary to the good government of the University, and not contrary to the laws of the land. But the said rector and visitors shall at all times conform to such laws, as the Legislature may from time to time think proper to enact for their government; and the said University shall in all things, at all times, be subject to the controul of the Legislature.

12. This act shall commence and be in force from and after the first day of March next.

3

PROCEEDINGS AND REPORT  
OF THE COMMISSIONERS FOR  
THE UNIVERSITY OF VIRGINIA.

PRESENTED DECEMBER 8, 1818.

Read and referred to a Select Committee

[Richmond: Printed by Thomas Ritchie,

Printer for the Commonwealth. 1818.]

MONTICELLO, Nov. 20, 1818.

SIR,

The Commissioners appointed under the Act of the last General Assembly, for appropriating a part of the revenue of the Literary Fund, and for other purposes, met according to law, at the Rockfish Gap, on the 1st day of August last, and having continued their session by adjournments until the 4th day of that month, agreed to a report, which being signed in duplicates, individually and unanimously, by all the members who attended, they instructed me to transmit to the Speakers of both Houses of the Legislature. In obedience to that instruction, I now inclose one of the said original reports, with a copy of their journal, and of the documents exhibited and left in their possession.

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Some of the outstanding subscription papers therein mentioned, have been returned with additional subscriptions to the amount of 2650 dollars, and an additional purchase has been made of  $48\frac{3}{4}$  acres of land adjoining the site of the Central College, necessary to the probable extent of buildings, should that be adopted, as proposed by the report, for the site of the University; which circumstances having taken place since the date of the report, I have deemed it a duty to mention as supplementary to it.

I have the honor to be with sentiments of the highest respect and consideration,

Sir, your most obedient  
and most humble servant,  
TH: JEFFERSON.

*The Honorable the Speaker  
of the House of Delegates of Virginia.*

### PROCEEDINGS OF THE BOARD

The Commissioners for the "University of Virginia" having been required by law to meet at the tavern in Rockfish Gap, on the Blue Ridge, on the first day of August, 1818, the following members attended, (to wit;) Creed Taylor, Peter Randolph, William Brockenbrough, Archibald Rutherford, Archibald Stuart, James Breckenridge, Henry E. Watkins, James Madison, Armistead T. Mason, Hugh Holmes, Philip C. Pendleton, Spencer Roane, John McTaylor, John G. Jackson, Thomas Wilson, Philip Slaughter, William H. Cabell, Nathaniel H. Claiborne, Thomas Jefferson, William A. G. Dade, and William Jones, and their appointments being duly proven, they formed a Board, and proceeded to the discharge of the duties prescribed to them by the Act of the Legislature, entitled,

## THOMAS JEFFERSON ON HIGHER EDUCATION

“An Act appropriating a part of the revenue of the Literary Fund, and for other purposes.”

Thomas Jefferson, Esq. was unanimously elected President of the Board, and Thomas W. Maury appointed Secretary, who appeared and took his seat as such.

The Board proceeded to the first duty enjoined on them, (to wit;) to enquire and report a proper site for the University, whereupon the towns of Lexington and Staunton, and the Central College, were severally proposed; and after some time spent in debate thereon, on motion of Mr. Rutherford; it was

*Resolved*, That the consideration be postponed for the present.

On motion by Mr. Dade, (who stated it to be his object to ascertain the sense of the Board on the question, whether the Board would visit the several places proposed for the site of the University, at the same moment that he himself was opposed to the adoption of such resolution,) that when this Board adjourns, it shall be to Lexington, in the County of Rockbridge; it was unanimously decided in the negative.

On motion, *Resolved*, That a Select Committee of six members be appointed by ballot to consider and report on all the duties assigned to this Board, except that relating to the site of the University, and a committee was appointed of Mr. Jefferson, Mr. Madison, Mr. Roane, Mr. Stuart, Mr. Dade, and Mr. Breckenridge.

On a motion by Mr. Stuart, that when the Board adjourns, it shall be to the town of Staunton, in the County of Augusta, it was decided in the negative.

On motion, *Resolved*, That when this Board adjourns, it will adjourn till 9 o'clock, on Monday morning.

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And the Board was accordingly adjourned till 9 o'clock on Monday morning.

MONDAY, August 3d, 1818.

The Board having met according to adjournment,

On the motion of Mr. Roane, *Resolved*, That the Board will now proceed to declare its opinion which of the three places proposed, to wit; Lexington, Staunton, or the Central College, is most convenient and proper for the site of the University of Virginia, and on a call of the votes nominally, Mr. Breckenridge, Mr. Pendleton, and Mr. J. McTaylor, voted for Lexington; Mr. Stuart and Mr. Wilson for Staunton; and Mr. Creed Taylor, Mr. Randolph, Mr. Brockenbrough, Mr. Rutherford, Mr. Watkins, Mr. Madison, Mr. Mason, Mr. Holmes, Mr. Roane, Mr. Jackson, Mr. Slaughter, Mr. Cabell, Mr. Claiborne, Mr. Jefferson, Mr. Dade, and Mr. Jones voted for the Central College. So it was resolved that the Central College is a convenient and proper place for the site of the University of Virginia.

*Resolved*, That this declaration of the opinion of the Board be referred to the committee appointed on Saturday, with instructions that they include it with the other matters referred to them, and report thereon; and that they retire forthwith to prepare and make their report.

Whereupon the Committee withdrew, and after some time returned to their seats, and delivered in their report, which having been considered, and sundry amendments made thereto, was, upon the question put, passed by the unanimous vote of the Board.

*Resolved*, That the Secretary prepare without delay, two fair copies of the said report, to be signed each by every member present, and, to be forwarded by the President,

## THOMAS JEFFERSON ON HIGHER EDUCATION

one of them to the Speaker of the Senate, and the other to the Speaker of the House of Delegates.

And the Board adjourned to to-morrow morning, 9 o'clock.

TUESDAY, August 4th, 1818.

The Board met according to adjournment.

The Secretary according to order, produced two fair copies of the report of the Committee, as amended and agreed to by the Board, which were then signed by the attending members.

On motion of Mr. Roane, seconded by Mr. Breckenridge, *Resolved unanimously*, "That the thanks of this Board be given to Thomas Jefferson, Esq. for the great ability, impartiality, and dignity, with which he has presided over its deliberations."

The question being then put,

*Resolved*, That this Board is now dissolved.

(Signed)

TH: JEFFERSON.

Attest,

TH: W. MAURY, *Secretary*.

### REPORT.

The Commissioners for the University of Virginia, having met, as by law required, at the Tavern in Rockfish Gap on the Blue Ridge, on the first day of August of this present year 1818, and having formed a board, proceeded on that day to the discharge of the duties assigned to them by the Act of the Legislature intituled an "Act appropriating part of the revenue of the Literary Fund, and for other purposes," and having continued their proceedings by

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adjournment from day to day, to Tuesday the fourth day of August, have agreed to a report on the several matters with which they were charged, which report they now respectfully address and submit to the Legislature of the State.

The first duty enjoined on them was to enquire and report a site in some convenient and proper part of the State, for an University, to be called the “University of Virginia.”

In this enquiry they supposed that the governing considerations should be the healthiness of the site, the fertility of the neighbouring country, and its centrality to the white population of the whole State: for, although the Act authorised and required them to receive any voluntary contributions, whether conditional or absolute, which might be offered through them to the President and Directors of the Literary Fund, for the benefit of the University, yet they did not consider this as establishing an auction, or as pledging the location to the highest bidder.

Three places were proposed; to wit, Lexington in the County of Rockbridge, Staunton in the County of Augusta, and the Central College, in the County of Albemarle: each of these was unexceptionable as to healthiness and fertility. It was the degree of centrality to the white population of the State which alone then constituted the important point of comparison between these places: and the Board, after full enquiry, and impartial and mature consideration, are of opinion that the central point of the white population of the State is nearer to the Central College, than to either Lexington, or Staunton, by great and important differences; and all other circumstances of the place in general being favorable to it as a position for an University, they do

report the Central College in Albemarle, to be a convenient and proper part of the State, for the University of Virginia.

2. The Board having thus agreed on a proper site for the University to be reported to the Legislature, proceeded to the second of the duties assigned to them, that of proposing a plan for its buildings; and they are of opinion that it should consist of distinct houses or pavilions, arranged at proper distances on each side of a lawn of a proper breadth, and of indefinite extent in one direction at least, in each of which should be a lecturing room, with from two to four apartments for the accommodation of a Professor and his family; that these pavilions should be united by a range of Dormitories, sufficient each for the accommodation of two Students only, this provision being deemed advantageous to morals, to order, and to uninterrupted study; and that a passage of some kind under cover from the weather should give a communication along the whole range. It is supposed that such pavilions on an average of the larger and smaller, will cost each about 5,000 dollars, each dormitory about 350 dollars, and hotels of a single room for a refectory, and two rooms for the tenant necessary for dieting the Students will cost about 3,500 dollars each. The number of these pavilions will depend on the number of Professors, and that of the Dormitories and hotels on the number of Students to be lodged and dieted. The advantages of this place are, greater security against fire and infection; tranquility and comfort to the Professors, and their families thus insulated; retirement to the Students, and the admission of enlargement to any degree to which the institution may extend in future times. It is supposed probable that a building of somewhat more size in the middle of the grounds may be called for in time, in which

may be rooms for religious worship under such impartial regulations as the visitors shall prescribe, for public examinations, for a library, for the schools of music, drawing, and other associated purposes.

3.4. In proceeding to the third and fourth duties prescribed by the Legislature of reporting “the branches of learning, which should be taught in the University, and the number and description of the professorships they will require,” the Commissioners were first to consider at what point it was understood that University education should commence? Certainly not with the Alphabet, for reasons of expediency and impracticability, as well as from the obvious sense of the Legislature, who, in the same Act make other provision for the primary instruction of poor children, expecting doubtless that, in other cases, it would be provided by the parent, or become perhaps a subject of future, and further attention for the Legislature. The objects of this primary education determine its character and limits.—These objects would be,

To give to every citizen the information he needs for the transaction of his own business.

To enable him to calculate for himself, and to express and preserve his ideas, his contracts and accounts in writing.

To improve by reading, his morals and faculties.

To understand his duties to his neighbours, and country, and to discharge with competence the functions confided to him by either.

To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciaries of

those he delegates; and to notice their conduct with diligence, with candor and judgment.

And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed.

To instruct the mass of our citizens in these their rights, interests and duties, as men and citizens, being then the objects of education in the primary schools, whether private or public, in them should be taught reading, writing and numerical arithmetic, the elements of mensuration (useful in so many callings,) and the outlines of geography and history; and this brings us to the point at which are to commence the higher branches of education, of which the Legislature require the development: those, for example, which are to form the Statesmen, Legislators and Judges, on whom public prosperity, and individual happiness are so much to depend:

To expound the principles and structure of government, the laws which regulate the intercourse of nations, those formed municipally for our own government, and a sound spirit of Legislation, which banishing all arbitrary and unnecessary restraint on individual action shall leave us free to do whatever does not violate the equal rights of another:

To harmonize and promote the interests of agriculture, manufactures and commerce, and by well informed views of political economy to give a free scope to the public industry:

To develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instil into them the precepts of virtue and order:

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To enlighten them with mathematical and physical sciences, which advance the arts and administer to the health, the subsistence and comforts of human life:

And generally to form them to habits of reflection, and correct action, rendering them examples of virtue to others, and of happiness within themselves.

These are the objects of that higher grade of education, the benefits and blessings of which the Legislature now propose to provide for the good and ornament of their country, the gratification and happiness of their fellow citizens, of the parent especially and his progeny on which all his affections are concentrated.

In entering on this field, the Commissioners are aware that they have to encounter much difference of opinion as to the extent, which it is expedient that this institution should occupy. Some good men, and even of respectable information, consider the learned sciences as useless acquirements; some think that they do not better the condition of man; and others, that education, like private and individual concerns, should be left to private and individual effort; not reflecting that an establishment, embracing all the sciences which may be useful and even necessary in the various vocations of life, with the buildings and apparatus belonging to each, are far beyond the reach of individual means, and must either derive existence from public patronage or not exist at all. This would leave us then without those callings which depend on education, or send us to other countries, to seek the instruction they require. But the Commissioners are happy in considering the statute under which they are assembled as proof, that the Legislature is far from the abandonment of objects so interesting; they are sensible that the advantages of well

directed education, moral, political and economical, are truly above all estimate. Education generates habits of application, of order and the love of virtue; and controuls, by the force of habit, any innate obliquities in our moral organization. We should be far too from the discouraging persuasion, that man is fixed, by the law of his nature, at a given point; that his improvement is a chimaera, and the hope delusive of rendering ourselves wiser, happier or better than our forefathers were.—As well might it be urged, that the wild and uncultivated tree, hitherto yielding sour and bitter fruit only, can never be made to yield better: Yet we know that the grafting art implants a new tree on the savage stock, producing what is most estimable both in kind and degree. Education, in like manner, engrafts a new man on the native stock, and improves what in his nature was vicious and perverse, into qualities of virtue and social worth; and it cannot be, but that each generation, succeeding to the knowledge acquired by all those who preceded it, adding to it their own acquisitions and discoveries, and handing the mass down for successive and constant accumulation, must advance the knowledge and well-being of mankind, not *infinitely*, as some have said, but *indefinitely*, and to a term which no one can fix or foresee. Indeed, we need look back only half a century, to times which many now living remember well, and see the wonderful advances in the sciences and arts which have been made within that period. Some of these have rendered the elements themselves subservient to the purposes of man, have harnessed them to the yoke of his labours, and effected the great blessings of moderating his own, of accomplishing what was beyond his feeble force, and of

extending the comforts of life to a much enlarged circle, to those who had before known its necessities only.—That these are not the vain dreams of sanguine hope, we have before our eyes real and living examples. What, but education, has advanced us beyond the condition of our indigenous neighbours? and what chains them to their present state of barbarism and wretchedness, but a bigotted veneration for the supposed superlative wisdom of their fathers, and the perposterous idea that they are to look backward for better things and not forward, longing, as it should seem, to return to the days of eating acorns and roots, rather than indulge in the degeneracies of civilization? And how much more encouraging to the achievements of science and improvement, is this, than the desponding view that the condition of man cannot be ameliorated, that what has been, must ever be, and that to secure ourselves where we are, we must tread, with awful reverence, in the footsteps of our fathers. This doctrine is the genuine fruit of the alliance between church and state, the tenants of which, finding themselves but too well in their present position, oppose all advances which might unmask their usurpations, and monopolies of honours, wealth and power, and fear every change, as endangering the comforts they now hold. Nor must we omit to mention, among the benefits of education, the incalculable advantage of training up able councillors to administer the affairs of our country in all its departments, Legislative, Executive and Judiciary, and to bear their proper share in the councils of our National Government; nothing more than education, advancing the prosperity, the power and the happiness of a nation.

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Encouraged therefore by the sentiments of the Legislature, manifested in this statute, we present the following tabular statement of the branches of learning which we think should be taught in the University, forming them into groupes, each of which are within the powers of a single professor:

*I. Languages Ancient,*

Latin,  
Greek,  
Hebrew.

*II. Languages Modern.*

French,  
Spanish,  
Italian,  
German,  
Anglo-Saxon.

*III. Mathematics Pure.*

Algebra,  
Fluxions,  
Geometry, Elementary,  
“ Transcendental,  
Architecture, Military.  
“ Naval.

*IV. Physico-Mathematics.*

Mechanics,  
Statics,  
Dynamics,  
Pneumatics,  
Acoustics,  
Optics,  
Astronomy,  
Geography.

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- V.  
Physics or Natural Philosophy.  
Chemistry.  
Mineralogy.
- VI.  
Botany,  
Zoology.
- VII.  
Anatomy,  
Medicine.
- VIII.  
Government,  
Political Economy,  
Law of Nature and Nations,  
History, (being interwoven  
with Politics and Law.)
- IX.  
Law Municipal.
- X.  
Ideology,  
General Grammar,  
Ethics,  
Rhetoric,  
Belles Lettres and the  
Fine Arts.

Some of the terms used in this table, being subject to a difference of acceptation, it is proper to define the meaning and comprehension intended to be given them here:

Geometry Elementary, is that of straight lines and of the circle.

Transcendental, is that of all other curves; it includes

of course *Projectiles*, a leading branch of the military art.

Military Architecture, includes fortification, another branch of that art.

Statics, respect matter generally, in a state of rest, and include Hydrostatics, or the laws of fluids particularly, at rest or in equilibrio.

Dynamics, used as a general term, include Dynamics Proper, or the laws of solids in motion, and Hydrodynamics, or Hydraulics, those of fluids in motion.

Pneumatics, teach the theory of air, its weight, motion, condensation, rarefaction, &c.

Acoustics, or Phonics, the theory of sound.

Optics, the laws of light and vision.

Physics, or Physiology, in a general sense, mean the doctrine of the physical objects of our senses.

Chemistry, is meant, with its other usual branches, to comprehend the theory of agriculture.

Mineralogy, in addition to its peculiar subjects, is here understood to embrace what is real in Geology.

Ideology, is the doctrine of thought.

General Grammar, explains the construction of language.

Some articles in this distribution of sciences will need observation.

A Professor is proposed for ancient languages, the Latin, Greek and Hebrew particularly, but these languages being the foundation common to all the sciences, it is difficult to foresee what may be the extent of this school—at the same time no greater obstruction to industrious study could be proposed than the presence, the intrusions, and the noisy turbulence of a multitude of small boys; and if they are to be placed here for the rudiments of the languages, they may

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be so numerous, that its character and value as an University, will be merged in those of a grammar school. It is therefore greatly to be wished, that preliminary schools, either on private or public establishment, could be distributed in districts through the State, as preparatory to the entrance of students into the University. The tender age at which this part of education commences, generally about the tenth year, would weigh heavily with parents in sending their sons to a school so distant as the central establishment would be from most of them. Districts of such extent as that every parent should be within a day's journey of his son at school, would be desirable in cases of sickness, and convenient for supplying their ordinary wants, and might be made to lessen sensibly the expense of this part of their education. And where a sparse population would not, within such a compass, furnish subjects sufficient to maintain a school, a competent enlargement of district must, of necessity, there be submitted to. At these district schools or colleges, boys should be rendered able to read the easier authors, Latin and Greek. This would be useful and sufficient for many not intended for an university education. At these too might be taught English grammar, the higher branches of numerical arithmetic, the geometry of straight lines and of the circle, the elements of navigation, and geography to a sufficient degree, and thus afford to greater numbers the means of being qualified for the various vocations of life, needing more instruction than merely menial or praedial labor; and the same advantages to youths whose education may have been neglected until too late to lay a foundation in the learned languages. These institutions, intermediate between the Primary Schools and University, might then be the passage of entrance for

youths into the University, where their classical learning might be critically compleated, by a study of the authors of highest degree. And it is at this stage only that they should be received at the University.—Giving then a portion of their time to a finished knowledge of the Latin and Greek, the rest might be appropriated to the modern languages, or to the commencement of the course of science, for which they should be destined. This would generally be about the 15th year of their age, when they might go with more safety and contentment to that distance from their parents. Until this preparatory provision shall be made, either the University will be overwhelmed with the grammar school, or a separate establishment under one or more Ushers for its lower classes, will be advisable, at a mile or two distance from the general one; where too may be exercised the stricter government necessary for young boys, but unsuitable for youths arrived at years of discretion.

The considerations which have governed the specification of languages to be taught by the Professor of modern languages, were, that the French is the language of general intercourse among nations, and as a depository of human science, is unsurpassed by any other language, living or dead: that the Spanish is highly interesting to us, as the language spoken by so great a portion of the inhabitants of our continents, with whom we shall probably have great intercourse ere long; and is that also in which is written the greater part of the early history of America: The Italian abounds with works of very superior order, valuable for their matter, and still more distinguished as models of the finest taste in style and composition: and the German now stands in a line with that of the most learned nations in richness of erudition, and advance in the sciences. It is too

of common descent with the language of our own country, a branch of the same original Gothic stock, and furnishes valuable illustrations for us. But in this point of view, the Anglo-Saxon is of peculiar value. We have placed it among the modern languages, because it is in fact that which we speak, in the earliest form in which we have knowledge of it. It has been undergoing, with time, those gradual changes which all languages, ancient and modern, have experienced; and even now, needs only to be printed in the modern character and orthography, to be intelligible, in a considerable degree, to an English reader. It has this value too above the Greek and Latin, that while it gives the radix of the mass of our language, they explain its innovations only. Obvious proofs of this have been presented to the modern reader, in the disquisitions of Horne Tooke; and Fortescue Aland has well explained the great instruction which may be derived from it towards a full understanding of our ancient common law, on which as a stock, our whole system of law is engrafted. It will form the first link in the chain of an historical review of our language through all its successive changes to the present day; will constitute the foundation of that critical instruction in it, which ought to be found in a Seminary of general learning; and thus reward amply the few weeks of attention which would alone be requisite for its attainment. A language already fraught with all the eminent science of our parent country, the future vehicle of whatever we may ourselves achieve, and destined to occupy so much space on the globe, claims distinguished attention in American education.

Medicine, where fully taught, is usually subdivided into

several professorships; but this cannot well be without the accessory of an hospital, where the Student can have the benefit of attending clinical lectures, and of assisting at operations of surgery. With this accessory, the seat of our University is not yet prepared, either by its population, or by the numbers of poor, who would leave their own houses, and accept of the charities of an hospital. For the present therefore, we propose but a single Professor for both Medicine and Anatomy. By him the elements of medical science may be taught, with a history and explanations of all its successive theories from Hippocrates to the present day: and anatomy may be fully treated. Vegetable pharmacy will make a part of the botanical course, and mineral and chemical pharmacy, of those of mineralogy and chemistry.

This degree of medical information is such as the mass of scientific Students would wish to possess, as enabling them, in their course through life, to estimate with satisfaction the extent and limits of the aid to human life and health, which they may understandingly expect from that art, and it constitutes such a foundation for those intended for the profession, that the finishing course of practice at the bed-sides of the sick, and at the operations of surgery in a hospital, can neither be long nor expensive. To seek this finishing elsewhere, must therefore be submitted to for a while. In conformity with the principles of our constitution, which places all sects of religion on an equal footing, with the jealousies of the different sects in guarding that equality from encroachment and surprise, and with the sentiments of the Legislature in favor of freedom of religion manifested on former occasions, we have proposed no Professor of Divinity; and the rather, as the

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proofs of the being of a God, the creator, preserver, and supreme ruler of the universe, the author of all the relations of morality, and of the laws and obligations these infer, will be within the province of the professor of ethics, to which adding the developments of these moral obligations, of those in which all sects agree, with a knowledge of the languages, Hebrew, Greek and Latin, a basis will be formed common to all sects. Proceeding thus far without offence to the constitution, we have thought it proper at this point, to leave every sect to provide as they think fittest, the means of further instruction in their own peculiar tenets.

We are further of opinion that, after declaring by law that certain sciences shall be taught in the University, fixing the number of professors they require, which we think should at present be ten, limiting (except as to the Professors who shall be first engaged in each branch,) a maximum for their salaries, (which should be a certain but moderate subsistence, to be made up by liberal tuition fees, as an excitement to assiduity,) it will be best to leave to the discretion of the visitors, the grouping of these sciences together, according to the accidental qualifications of the Professors, and the introduction also of other branches of science, when enabled by private donations or by public provision, and called for by the increase of population, or other change of circumstances; to establish beginnings, in short, to be developed by time, as those who come after us shall find expedient. They will be more advanced than we are, in science and in useful arts, and will know best what will suit the circumstances of their day.

We have proposed no formal provision for the gymnastics of the school, although a proper object of attention

for every institution of youth. These exercises with ancient nations, constituted the principal part of the education of their youth. Their arms and mode of warfare rendered them severe in the extreme. Ours, on the same correct principle, should be adapted to our arms and warfare; and the manual exercise, military manoeuvres, and tactics generally, should be the frequent exercises of the students, in their hours of recreation. It is at that age of aptness, docility and emulation of the practices of manhood, that such things are soonest learnt, and longest remembered. The use of tools too, in the manual arts, is worthy of encouragement, by facilitating to such as choose it, an admission into the neighbouring work-shops.—To these should be added the arts which embellish life, dancing, musick, and drawing; the last more especially, as an important part of military education. These innocent arts furnish amusement and happiness to those who, having time on their hands, might less inoffensively employ it;—needing at the same time, no regular incorporation with the institution, they may be left to accessory teachers, who will be paid by the individuals employing them; the University only providing proper apartments for their exercise.

The 5th duty prescribed to the commissioners is, to propose such general provisions as may be properly enacted by the Legislature, for the better organizing and governing the University.

In the education of youth, provision is to be made for: 1, tuition—2, diet—3, lodging—4, government and 5, honorary excitements. The 1st of these constitutes the proper functions of the professors. 2. The dieting of the students should be left to private boardinghouses of their own choice, and at their own expense; to be regulated by

the Visitors from time to time, the house only being provided by the University within its own precincts, and thereby of course, subjected to the general regimen, moral or sumptuary, which they shall prescribe. 3. They should be lodged in dormitories, making a part of the general system of buildings. 4. The best mode of government for youth, in large collections, is certainly a desideratum not yet attained with us. It may well be questioned whether *fear*, after a certain age, is the motive to which we should have ordinary recourse. The human character is susceptible of other incitements to correct conduct, more worthy of employ, and of better effect. Pride of character, laudable ambition and moral dispositions are innate correctives of the indiscretions of that lively age; and when strengthened by habitual appeal and exercise, have a happier effect on future character, than the degrading motive of *fear*. Hardening them to disgrace, to corporal punishments, and servile humiliations, cannot be the best process for producing erect character. The affectionate deportment between father and son, offers, in truth, the best example for that of tutor and pupil; and the experience and practice of \* other countries in this respect, may be worthy of enquiry and consideration with us. It will be then for the wisdom and discretion of the Visitors to devise and perfect a proper system of government, which, if it be founded in reason and comity, will be more likely to nourish, in the minds of our youth, the combined spirit of order and self respect, so congenial with our political institutions, and so important to be woven into the American character. 5. What qualifi-

\*A police exercised by the students themselves, under proper direction, has been tried with success in some countries, and the rather as forming them for initiation into the duties and practices of civil life.

cations shall be required to entitle to entrance into the University? the arrangement of the days and hours of lecturing for the different schools, so as to facilitate to the students the circle of attendance on them; the establishment of periodical and public examinations; the premiums to be given for distinguished merit; whether honorary degrees shall be conferred? and by what appellations? whether the title to these shall depend on the time the candidate has been at the University, or, where nature has given a greater share of understanding, attention and application, whether he shall not be allowed the advantages resulting from these endowments; with other minor items of government, we are of opinion, should be entrusted to the Visitors; and the statute under which we act, having provided for the appointment of these, we think they should moreover be charged with

The erection, preservation and repair of the buildings,  
the care of the grounds and appurtenances, and of  
the interests of the University generally;

That they should have power to appoint a Bursar, employ a Proctor, and all other necessary agents;

To appoint and remove professors, two-thirds of the  
whole number of Visitors voting for the removal;

To prescribe their duties and the course of education, in  
conformity with the law;

To establish rules for the government and discipline of the  
students, not contrary to the laws of the land;

To regulate the tuition fees and the rent of the dormitories they occupy;

To prescribe and control the duties and proceedings of all  
officers, servants, and others, with respect to the  
buildings, lands, appurtenances, and other property and  
interests of the University;

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To draw from the Literary Fund such monies as are by law charged on it for this institution;

And in general to direct and do all matters and things which, not being inconsistent with the laws of the land, to them shall seem most expedient for promoting the purposes of the said institution; which several functions they should be free to exercise in the form of bye-laws, rules, resolutions, orders, instructions, or otherwise, as they should deem proper:

That they should have two Stated Meetings in the year, and occasional meetings at such times as they should appoint, or on a special call with such notice as themselves shall prescribe by a general rule; which meeting should be at the University; a majority of them constituting a quorum for business; and that on the death or resignation of a member, or on his removal by the President and Directors of the Literary Fund, or the Executive, or such other authority as the Legislature shall think best, such President and Directors, or the Executive, or other authority, should appoint a successor:

That the said Visitors should appoint one of their own body to be Rector, and with him be a body corporate, under the style and title of the Rector and Visitors of the University of Virginia, with the right as such, to use a common seal; that they should have capacity to plead and be impleaded, in all courts of justice, and in all cases interesting to the University, which may be the subjects of legal cognizance and jurisdiction; which pleas should not abate by the determination of their office, but should stand revived in the name of their successors; and they should be capable in law, and in trust for the University, of receiving subscriptions and donations, real and personal, as well from

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bodies corporate, or persons associated, as from private individuals:

And that the said Rector and Visitors should at all times conform to such laws, as the Legislature may from time to time think proper to enact for their government; and the said University should in all things, and at all times be subject to the control of the Legislature.

And lastly, the Commissioners report to the Legislature the following conditional offers to the President and Directors of the Literary Fund, for the benefit of the University:

On the condition that Lexington, or its vicinity shall be selected as the site of the University, and that the same be permanently established there within two years from the date, John Robinson, of Rockbridge County, has executed a deed to the President and Directors of the Literary Fund, to take effect at his death, for the following tracts of land, to wit:

400 acres on the north fork of James River, known by the name of Hart's bottom, purchased of the late general Bowyer.

171 acres adjoining the same, purchased of James Griggsby.

203 acres joining the last mentioned tract, purchased of William Paxton.

112 acres lying on the North River, above the lands of Arthur Glasgow, conveyed to him by William Paxton's heirs.

500 acres joining the lands of Arthur Glasgow, Benjamin Cambden, and David Edmondson.

545 acres lying in Pryor's Gap, conveyed to him by the heirs of William Paxton, deceased.

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260 acres lying in Childers' Gap, purchased of William Mitchell.

300 acres lying also in Childers' Gap, purchased of Nicholas Jones.

500 acres lying on Buffalo, joining the lands of James Johnston.

340 acres on the Cow-pasture River, conveyed to him by general James Breckenridge, reserving the right of selling the two last mentioned tracts, and converting them into other lands contiguous to Hart's bottom, for the benefit of the University: Also the whole of his slaves, amounting to 57 in number: one lot of twenty-two acres, joining the town of Lexington, to pass immediately, on the establishment of the University, together with all the personal estate of every kind; subject only to the payment of his debts, and fulfilment of his contracts.

It has not escaped the attention of the Commissioners, that the deed referred to is insufficient to pass the estate in the lands intended to be conveyed, and may be otherwise defective; but if necessary, this defect may be remedied before the meeting of the Legislature, which the Commissioners are advised will be done.

The Board of Trustees of Washington College, have also proposed to transfer the whole of their funds, viz.

100 shares in the funds of the James River Company.

31 acres of land on which all their buildings stand.

Their philosophical apparatus; their expected interest in the funds of the Cincinnati society; the Libraries of the Graham and Washington societies; and

3000 dollars in cash; on condition that a reasonable provision be made for the present Professors.

A subscription has also been offered by the people of

Lexington and its vicinity, amounting to 17,878 dollars; all which will appear from the deed and other documents, reference thereto being had.

In this case also, it has not escaped the attention of the Commissioners, that questions may arise as to the power of the Trustees to make the above transfers.

On the condition that the Central College shall be made the site of the University, its whole property, real and personal, in possession, or in action, is offered. This consists of a parcel of land of 47 acres, whereon the buildings of the College are begun, one pavilion and its appendix of dormitories, being already far advanced, and with one other pavilion, and equal annexation of dormitories, being expected to be completed during the present season. Of another parcel of 153 acres, near the former, and including a considerable eminence very favorable for the erection of a future observatory. Of the proceeds of the sale of two glebes, amounting to 3,280 dollars 86 cents; and of a subscription of 41,248 dollars, on papers in hand, besides what is on outstanding papers, of unknown amount, not yet returned. Out of these sums are to be taken, however, the cost of the lands, of the buildings, and other works done, and for existing contracts.

For the conditional transfer of these to the President and Directors of the Literary Fund, a regular power signed by the subscribers and founders of the College generally; has been given to its Visitors and Proctor, and a deed conveying the said property accordingly, to the President and Directors of the Literary Fund, has been duly executed by the said Proctor, and acknowledged for record in the office of the Clerk of the County Court of Albemarle.

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Signed and certified by the members present, each in his proper hand-writing, this 4th day of August, 1818.

TH: JEFFERSON,  
CREED TAYLOR,  
PETER RANDOLPH,  
WM. BROCKENBROUGH,  
ARCH'D RUTHERFORD,  
ARCH'D STUART,  
JAMES BRECKENRIDGE,  
HENRY E. WATKINS,  
JAMES MADISON,  
ARMISTEAD T. MASON,  
HUGH HOLMES,

PHIL: C. PENDLETON,  
SPENCER ROANE,  
JOHN M. C. TAYLOR,  
J. G. JACKSON,  
THOS. WILSON,  
PHIL. SLAUGHTER,  
WM. H. CABELL,  
NATHL. H. CLAIBORNE,  
WM. A. G. DADE,  
WM. JONES.

*To all persons to whom these presents shall come, Nelson Barksdale, of the County of Albemarle, Proctor of the Central College within the same County; Greeting;*

By virtue of the powers granted to me by certain homologous instruments of writing, signed and executed by the sundry subscribers, contributors and founders of the said College, which several instruments are all of the same tenor, and expressed in these words following, to wit: "Whereas by an Act of the General Assembly for appropriating a part of the revenue of the Literary Fund to the endowment of an University, and for the appointment of commissioners to enquire and report to the Legislature a proper site for the same, "The said Commissioners are authorized to receive any voluntary contributions, whether conditional or absolute, whether in land, money or other property, which may be offered through them, to the President and Directors of the Literary Fund, for the benefit of the University.' "Be it therefore known, that we

the subscribers, contributors and founders of the establishment, of the Central College, near Charlottesville, do hereby authorize and empower the Visitors of the said College, or a majority of them, or the Proctor thereof, to offer through the said Commissioners to the President and Directors of the Literary Fund the said Central College with all the lands, monies, credits and other property thereunto belonging, and of the same to make an absolute conveyance, on condition that the lands of the said College be ultimately adopted by the Legislature as the site of the said University: in witness whereof we have hereunto subscribed our names," (as by the said several instruments with the names duly subscribed in the proper hand writing of each subscriber, will more certainly appear; Know ye, that I, the said Nelson Barksdale, Proctor of the said College, by this my deed, indented, sealed and delivered, in consideration of the sum of one dollar to me in hand paid for the use of the said College, and of the condition precedent herein after stated, do give, grant, bargain and sell, offer and convey to the said President and Directors of the Literary Fund, for the benefit of the said University of Virginia now proposed to be established, all the lands, monies, credits and other property of whatever form, nature or value, to the said Central College belonging, wheresoever the same may be, or in whatsoever hands. To have and to hold the same to the said President and Directors of the said Literary Fund, and their successors, to and for the sole use and benefit of the said University of Virginia: On the condition precedent, that the lands of the said College in the said County of Albemarle be ultimately adopted by the Legislature of this Commonwealth, or by those whom they shall authorize thereto, as the site of the said University of Virginia: which

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condition being previously fulfilled, this deed is to be in full force, but otherwise to become void and of no effect. In testimony whereof I have hereunto set my hand and seal this 27th day of July 1818.

NELSON BARKSDALE,  
(SEAL.)  
*Proctor to the C. College.*

*Signed, sealed and delivered  
in presence of*  
FRANK CARR,  
JAMES LEITCH,  
JAMES BROWN.

*In the office of the County Court of Albemarle, the 27th day of  
July 1818.*

This Indenture was produced to me in my office the date above, and acknowledged by Nelson Barksdale, Proctor to the Central College, party thereto, to be his hand and seal, act and deed, and admitted to record according to law.

Teste

ALEX. GARRETT, C. C.

A copy. Teste

ALEX. GARRETT, C. C.

Whereas, by an act of the General Assembly for appropriating a part of the revenue of the Literary Fund to the endowment of an University and for the appointment of Commissioners to enquire and report to the Legislature, a proper site for the same, the said Commissioners are authorised "to receive any voluntary contributions whether conditional or absolute, whether in land, money, or other property, which may be offered, through them, to the President, and Directors of the Literary Fund, for the benefit of the University:" Be it therefore known, that we,

THOMAS JEFFERSON ON HIGHER EDUCATION

the subscribers, contributors and founders of the establishment of the Central College, near Charlottesville, do hereby authorise and empower the Visitors of the said College, or a majority of them, or the proctor thereof, to offer, through the said Commissioners, to the President and Directors of the Literary Fund, the said Central College, with all the lands, moneys, credits and other property thereto belonging, and of the same to make an absolute conveyance: On condition, that the lands of the said College be ultimately adopted by the Legislature as the site of the said University. In Witness whereof, we have hereto subscribed our names.

William Mitchell,	John P. Cobbs,
Joel Yancey,	Landon Cabell,
Chas. Johnston,	Thomas J. McClelland,
H. Harrison,	William Cabell,
Richard Pollard,	George Callaway,
Robert Morriss,	John H. Craven,
Thomas Wells,	Frank Carr,
William Garth,	John Minor,
Moses Peregoy,	William Brown,
John Fretwell,	James Clark,
James Madison,	James H. Terrell,
J. H. Cocke,	Ira Harris,
Joseph C. Cabell,	Nelson Barksdale,
Zachariah Nevill,	Garland Garth,
Henry Dawson,	Thomas J. Randolph,
Ro. Rives,	William Woods,
W. C. Rives,	John M. Perry,
George M. Woods,	N. Bramham,
Daniel F. Carr,	Samuel L. Hart,
Alexander Garrett,	John Winn,

APPENDIX A

William Leitch,	Ira Garrett,
James Dinsmore,	John Jones,
James Leitch,	Fras. B. Dyer,
J. W. Garth,	John Watson, L. M.
V. W. Southall,	John Slaughter,
George W. Kinsolving,	Jo. Bishop,
William Watson,	J. Goss,
John C. Ragland,	Jas. Minor,
Samuel Leitch,	Ben. Hardin,
O. Norris,	William Dunkum,
P. Minor,	Jas. O. Carr,
Thomas Jefferson,	Drury Wood,
Jeremiah A. Goodman,	Dixon Dedman,
Arthur Whitehurst,	Clif. Harris,
John Walker,	Charles Brown,
Jesse Garth,	Reuben Maury,
J. Pollock,	Mann Page,
John Fagg,	J. H. Marks,
C. Wirtenbaker,	Francis McGehee,
William H. Meriwether,	I. A. Coles,
Allen Dawson,	John Coles,
Hugh Chisholm,	James Lindsay,
Saml. Carr,	Martin Thacker,
N. H. Lewis,	Christopher Hudson,
David Isaacs,	John Harris,
Lewis Tul,	Richard Woods,
Peter Porter,	John Dunkum,
Daniel M. Raily,	Thomas Eston Randolph,
Thomas Wood,	Joseph Coffman,
John F. Carr,	John Hudson,
Henry Chiles,	Elijah Brown,
Achilles Broadhead,	James Wood,

Micajah Woods,  
Tucker Coles,  
Samuel Dyer, Sen.

Thomas W. Maury,  
Zachariah Shackelford,

4

THE STATUTE OF 1819

CHAPTER XIX.—An act for establishing an University  
Passed January 25th, 1819

1. *Be it declared by the General Assembly of Virginia,* That the conveyance of the lands and other property appertaining to the Central College in the county of Albemarle, which has been executed by the proctor thereof, under authority of the subscribers and founders, to the President and Directors of the Literary Fund, is hereby accepted, for the use, and on the conditions in the said deed of conveyance expressed.

2. *And be it enacted,* That there shall be established, on the site provided for the said college, an university, to be called, “The University of Virginia;” that it shall be under the government of seven visitors to be appointed forthwith by the Governor, with the advice of Council, notifying thereof the persons so appointed, and prescribing to them a day for their first meeting at the said University, with supplementary instructions for procuring a meeting subsequently, in the event of failure at the time first appointed.

3. The said visitors, or so many of them as, being a majority, shall attend, shall appoint a rector, of their own body, to preside at their meetings, and a secretary to

## APPENDIX A

record, attest, and preserve their proceedings, and shall proceed to examine into the state of the property conveyed as aforesaid; shall make an inventory of the same, specifying the items whereof it consists; shall notice the buildings and other improvements already made, and those which are in progress; shall take measures for their completion, and for the addition of such others, from time to time, as may be necessary.

4. In the said university shall be taught the Latin, Greek and Hebrew languages, French, Spanish, Italian, German and Anglo-Saxon, the different branches of mathematics, pure and physical—natural philosophy, the principles of agriculture, chemistry, mineralogy, including geology, botany, zoology, anatomy, medicine, civil government, political economy, the law of nature and nations, municipal law, history, ideology, general grammar, ethics, rhetorick, and belles lettres; which branches of science shall be so distributed, and under so many professors, not exceeding ten, as the visitors shall think proper and expedient.

5. Each professor shall be allowed the use of the apartments and accommodations provided for him, and those first employed such standing salary as the visitors shall think proper and sufficient, and their successors such standing salary, not exceeding one thousand dollars, as the visitors shall think proper and sufficient, with such tuition fees from each student, as the visitors shall from time to time establish.

6. The said visitors shall be charged with the erection, preservation and repair of the buildings, the care of the grounds and appurtenances, and of the interests of the University generally: they shall have power to appoint a

Bursar, employ a Proctor, and all other necessary Agents, to

appoint and remove Professors, two thirds of the whole number of visitors voting for the removal; to prescribe their duties, and the course of education, in conformity with the law; to establish rules for the government and discipline of the students, not contrary to the laws of the land; to regulate the tuition fees, and the rent of the dormitories occupied; to prescribe and control the duties and proceedings of all officers, servants and others, with respect to the buildings, lands, appurtenances and other property, and interests of the university; to draw from the Literary Fund such monies as are by law charged on it for this institution; and, in general, to direct and do all matters and things which, not being inconsistent with the laws of the land, to them shall seem most expedient, for promoting the purposes of the said institution; which several functions they shall be free to exercise in the form of by-laws, rules, resolutions, orders, instructions, or otherwise, as they shall deem proper.

7. They shall have two stated meetings in every year, to wit: on the first Mondays of April and October; and occasional meetings at such other times as they shall appoint, or on a special call, with such notice as themselves shall prescribe by a general rule; which meetings shall be at the university; a majority of them constituting a quorum for business, and on the death, resignation of a member, or failure to act for the space of one year, or on his removal out of the Commonwealth, or by the Governor, with the advice of Council, the Governor with like advice shall appoint a successor.

8. The said rector and visitors shall be a body corporate, under the style and title of The Rector and Visitors of the

## APPENDIX A

University of Virginia, with the right, as such, to use a common seal; they shall have capacity to plead and be impleaded in all courts of justice, and in all cases interesting to the university, which may be subjects of legal cognizance and jurisdiction; which pleas shall not abate by the determination of their office, but shall stand revived in the name of their successors; and they shall be capable in law, and in trust for the university, of receiving subscriptions and donations real and personal, as well from bodies corporate, or persons associated, as from private individuals.

9. And the said rectors and visitors shall, at all times, conform to such laws as the Legislature may, from time to time, think proper to enact for their government; and the said university shall, in all things, and at all times, be subject to the control of the Legislature. And the said rector and visitors of the University of Virginia shall be, and they are hereby required to make report, annually, to the President and Directors of the Literary Fund, (to be laid before the Legislature at their next succeeding session,) embracing a full account of the disbursements, the funds on hand, and a general statement of the condition of the said university.

10. The said board of visitors, or a majority thereof, by nomination of the board, shall, once in every year at least, visit the said university; enquire into the proceedings and practices thereat; examine the progress of the students, and give to those who excell in any branch of science, there taught, such honorary marks and testimonies of approbation as may encourage and excite to industry and emulation.

11. On every twenty-ninth of February, or, if that be

Sunday, then on the next, or earliest, day thereafter, on which a meeting can be effected, the Governor and Council shall be in session, and shall appoint visitors of the said university, either the same or others, at their discretion, to serve until the twenty-ninth day of February next ensuing, duly and timely notifying to them their appointment, and prescribing a day for their first meeting at the university; after which, their meetings, stated and occasional, shall be as herein-before provided: *Provided*, that nothing in this act contained shall suspend the proceedings of the visitors of the said central college of Albemarle; but for the purpose of expediting the objects of the said institution, they shall be authorized, under the control of the Governor and Council, to continue the exercise of their functions, and fulfil those of their successors, until the first actual meeting of their said successors.

12. *And be it further enacted*, That the additional sum of twenty thousand dollars shall be, and the same is hereby appropriated to the education of the poor, out of the revenue of the Literary Fund, in aid of the sum heretofore appropriated to that object, and to be paid in the same manner, and upon the same conditions in all respects, as is prescribed by the fourth section of the act, entitled, “an act appropriating part of the revenue of the Literary Fund, and for other purposes,” passed the twenty-first day of February, eighteen hundred and eighteen.

13. This act shall commence and be in force from and after the passing thereof. [This section was repealed on 3 March of the same year.]

22. This act shall commence and be in force from after

## APPENDIX A

the first day of January eighteen hundred and twenty; except so much thereof as repeals the additional appropriation of twenty thousand dollars, annually, out of the revenue of the literary fund; and so much of this act as repeals the said appropriation shall commence and be in force from and after the passing thereof.

## B

### THE BOARD OF VISITORS FROM 1819 THROUGH 2010

	Period of Service
Thomas Jefferson of Albemarle	1819–1826
James Madison of Orange	1819–1834
Joseph Cabell of Nelson	1819–1856
John H. Cocke of Fluvanna	1819–1851
Chapman Johnson of Richmond	1819–1845
James Breckenridge of Fincastle	1819–1833
Robert Taylor of Norfolk	1819–1820
George Loyall of Norfolk	1823–1828
James Monroe of Loudoun	1827–1831
William C. Rives of Albemarle	1828–1829
	1834–1849
Thomas Jefferson Randolph of Albemarle	1829–1853
	1857–1864
William H. Brodnax of Dinwiddie	1831–1834
James M. Mason of Alexandria	1833–1851
Samuel Taylor of Richmond	1835–1845
Andrew Stevenson of Albemarle	1845–1857
Robert M. T. Hunter of Lloyds	1845–1851
Thomas L. Preston of Albemarle	1849–1851
	1864–1865
	1866–1872

Early records are inexact because of variations in the definition of a “session.”

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John Y. Mason of Richmond	1851–1853
Henry A. Wise of Accomac	1851–1855
William Lucas of Jefferson*	1851–1855
Fleming B. Miller of Botetourt	1851–1855
Robert A. Thompson of Kanawha*	1851–1853
Andrew McDonald of Monongalia*	1851–1854
Harrison B. Tomlin of King William	1853–1855
William J. Robertson of Albemarle	1853–1859
James L. Carr of Kanawha*	1853–1859
Sherrard Clemens of Wheeling*	1854–1855
Muscoe R. H. Garnett of Essex	1855–1859
William T. Joynes of Petersburg	1855–1859
John R. Edmunds of Halifax	1855–1864
John B. Baldwin of Augusta	1855–1864
John R. Tucker of Winchester	1855–1859
James Neeson of Marion	1855–1864
Roger A. Pryor of Petersburg	1859–1862
Patrick Henry Aylett of Richmond	1859–1864
Franklin Minor of Albemarle	1859–1864
William H. Terrell of Bath	1859–1864
George W. Summers of Kanawha*	1860–1862
Douglas H. Gordon of Fredericksburg	1861–1864
Allen T. Caperton of Monroe*	1862–1864
R. H. Cunningham of Culpeper	1864–1865
William Frazier of Rockbridge	1864–1865
John Brannon of Lewis*	1864–1865
John M. Daniel of Richmond	1864–1865
Thomas S. Flournoy of Halifax	1864–1865
F. W. M. Holliday of Winchester	1864–1865
George W. Randolph of Richmond	1864–1865
James W. Sheffey of Smythe	1864–1865

\*Now in West Virginia.

THE BOARD OF VISITORS

Alexander Rives of Albemarle	1865–1866
Thomas C. Tabb of Norfolk	1865–1866
Thomas J. Pretlow of Southampton	1865–1872
Marmaduke Johnson of Richmond	1865–1872
B. Johnson Barbour of Orange	1865–1873
John R. Woods of Albemarle	1865–1872
Charles L. Mosby of Lynchburg	1865–1867
Samuel H. Lewis of Rockingham	1865–1869
R. W. Hughes of Abingdon	1865–1872
Samuel Watts of Portsmouth	1866–1872
William E. M. Word of Botetourt	1867–1872
R. G. H. Kean of Lynchburg	1872–1876
	1890–1894
R. H. Baker of Norfolk	1872–1875
W. R. Berkeley of Farmville	1872–1876
Joseph T. Campbell of Abingdon	1872–1876
E. H. Montague of King and Queen	1872–1876
Thomas Smith of Warrenton	1872–1876
Moses Walton of Shenandoah	1872–1876
Micajah Woods of Charlottesville	1872–1876
Isaac H. Carrington of Richmond	1873–1876
G. P. Scarborough of Norfolk	1875–1876
A. H. H. Stuart of Staunton	1876–1882
	1886–1887
Thomas S. Boccock of Lynchburg	1876–1882
Holmes Conrad of Winchester	1876–1882
	1886–1890
James H. Gilmore of Marion	1876–1882
John Goode Jr. of Norfolk	1876–1882
John Hart of Richmond	1876–1880
Dr. W. C. N. Randolph of Charlottesville	1876–1882
	1886–1898

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Paul Whitehead of Farmville	1876–1882
John L. Marye of Fredericksburg	1876–1882
	1886–1890
John F. Lay of Richmond	1880–1882
Wyatt M. Elliott of Spout Spring	1882–1884
John W. Bell of Culpeper	1882–1886
Francis S. Blair of Wytheville	1882–1886
T. T. Fauntleroy Jr. of Winchester	1882–1883
George W. Hansborough of Salem	1882–1886
William Lamb of Norfolk	1882–1884
John Paul of Ottobine	1882–1883
W. Roane Ruffin of Port Walthall	1882–1886
Daniel Ruggles of Fredericksburg	1882–1885
Hugh M. Taylor of Richmond	1883–1886
George T. Barbee of Bridgewater	1883–1886
Edward C. Burks of Lynchburg	1884–1886
William Byrd of Winchester	1885–1886
V. D. Groner of Norfolk	1885–1886
R. W. Martin of Chatham	1886–1888
	1892–1896
W. H. Payne of Warrenton	1886–1887
W. A. Stuart of Saltville	1886–1890
E. C. Venable of Petersburg	1886–1888
R. L. Parrish of Covington	1886–1894
George Perkins of Charlottesville	1887–1888
Burr P. Noland of Middleburg	1887–1889
W. H. Bolling of Wytheville	1888–1892
Mason Gordon of Charlottesville	1888–1892
W. Gordon McCabe of Petersburg	1888–1896
Leigh R. Watts of Portsmouth	1888–1892
	1893–1898
Camm Patteson of Buckingham	1890–1897
J. Marshall McCormick of Berryville	1890–1898
Basil B. Gordon of Sandy	1892–1896

## THE BOARD OF VISITORS

Thomas S. Martin of Scottsville	1892–1896
Armistead C. Gordon of Staunton	1893–1898
	1905–1918
R. Tate Irvine of Wise and Big Stone Gap	1895–1904
	1908–1920
Joseph Bryan of Richmond	1896–1902
W. B. McIlwaine of Petersburg	1896–1899
Daniel Harmon of Charlottesville	1896–1912
Charles P. Jones of Monterey	1897–1906
Henry T. Wickham of Richmond	1897–1898
Algernon B. Chandler of Bowling Green	1897–1902
Henry H. Downing of Front Royal	1897–1906
Carter Glass of Lynchburg	1897–1906
George W. Miles of Radford	1897–1902
M. Q. Holt of Wakefield	1898–1900
Robert Walton Moore of Fairfax	1900–1908
Eppa Hunton Jr. of Richmond	1902–1908
Alexander W. Wallace of Fredericksburg	1902–1905
Henry C. Stuart of Elk Garden	1902–1903
W. H. White of Norfolk and Richmond	1903–1918
Benjamin Franklin Buchanan of Marion	1904–1908
	1926–1932
John Wimbish Craddock of Lynchburg	1905–1918
Henry Delaware Flood of Appomattox	1905–1914
James Keith Marshall Norton of Alexandria	1905–1914
	1916–1920
George Scott Shackelford of Orange	1908–1912
William Francis Drewry of Petersburg	1908–1916
William Mann Randolph of Charlottesville	1912–1913
Walter Tansill Oliver of Fairfax	1912–1916
	1919–1924
George Rust Bedinger Michie of Charlottesville	1913–1920

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Joseph William Chinn Jr. of Warsaw	1914–1916
Goodrich Hatton of Portsmouth	1914–1922
Frank Waring Lewis of Morattico	1915–1918
Robert Turnbull of Lawrenceville	1916–1919
Cyrus Harding Walker of Heathsville	1917–1934
John Stewart Bryan of Richmond	1918–1922
Hughes Dalton Dillard of Rocky Mount	1918–1926
Alexander Farish Robertson of Staunton	1918–1922
Edgar Lee Greever of Tazewell	1919–1924
Frederic William Scott of Richmond	1919–1939
William Richard Duke of Charlottesville	1920–1924
Paul Goodloe McIntire of Charlottesville	1922–1934
Emilie Watts McVea of Sweet Briar	1922–1926
Lewis Catlett Williams of Richmond	1922–1946
Marshall Carter Hall of Fairfax	1924–1928
David Denton Hull Jr. of Roanoke	1924–1930
Hollis Rinehart of Charlottesville	1924–1943
Orie Latham Hatcher of Richmond	1925–1926
Mary Cooke Branch Munford of Richmond	1926–1938
Adam Clarke Carson of Riverton	1928–1932
Virginius Randolph Shackelford of Orange	1930–1931
William Alexander Stuart of Abingdon	1931–1938
Robert Gray Williams of Winchester	1931–1946
Christopher Browne Garnett of Cherrydale	1932–1953
James Howard Corbitt of Suffolk	1933–1945
Charles O’Conor Goolrick of Fredericksburg	1933–1946
Beverley Dandridge Tucker Jr. of Richmond	1937–1942
Bessie Carter Randolph of Hollins	1939–1941
Robert William Daniel of Brandon	1939–1940
Edward Reilly Stettinius Jr. of Rapidan	1941–1949
Edward Clifford Anderson of Richmond	1942–1953
Aubrey Gardner Weaver of Front Royal	1942–1944

## THE BOARD OF VISITORS

William Dandridge Haden of Charlottesville	1942–1945
Maitland Hunt Bustard of Danville	1943–1947
Mary Whitworth Calcott of Norfolk	1943–1949
Mary Phoebe Enders Willis of Fredericksburg	1943–1953
Bertha Pfister Wailes of Sweet Briar	1943–1955
Lila Gilmer of Pulaski	1943–1945
Richard A. Carrington Jr. of Lynchburg	1944–1955
Barron Foster Black of Norfolk	1944–1956
Dr. John Morehead Emmett of Clifton Forge	1945–1946 1950–1959
Alfred Dickinson Barksdale of Lynchburg	1945–1957
Thomas Benjamin Gay of Richmond	1945–1955
Dr. Hugh Henry Trout Sr. of Roanoke	1945–1950
Benjamin William Mears of Eastville	1946–1957
John Segar Gravatt of Blackstone	1948–1959
Emily Pancake Smith of Staunton	1949–1959
Frank Talbott Jr. of Danville	1949–1960
Whitwell Wentworth Coxe of Roanoke	1953–1962
Lillian Lucille Wheeler of Newport News	1953–1960
Howard Worth Smith of Alexandria and Fauquier	1953–1960
Belva T. Dunn Jones of Richmond	1954–1962
Henry E. McWane of Lynchburg	1954–1962
Horace Alfred Gray Jr. of Richmond	1955–1958
Norborne Berkeley of Bethlehem, Pa.	1955–1963
Herbert C. Pollock of Schenectady, N.Y.	1955–1963
Joseph M. Hartfield of New York, N.Y.	1956–1963
Albert Vickers Bryan of Alexandria	1956–1964
Fred Bonham Greear of Norton	1956–1960
Dr. Walter B. Martin of Norfolk	1956–1964
Raynell G. Lantor of South Boston	1958–1966
Charles R. Fenwick of Arlington	1958–1966

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E. Sclater Montague of Hampton	1958–1966
Thomas H. Blanton of Bowling Green	1959–1965
William McCutcheon Camp of Franklin	1960–1966
Hunter Faulconer of Charlottesville	1960–1968
Lawrence Lewis Jr. of Richmond	1960–1968 1970–1978
Dr. Edwin L. Kendig Jr. of Richmond	1961–1972
Walkley Elmes Johnson of Exmore	1962–1970
Frank Waters Rogers of Roanoke	1962–1970
Lewis M. Walker Jr. of Petersburg	1962–1970
Richard S. Cross of Philadelphia, Pa.	1963–1971
William A. Hobbs of Cleveland, Ohio and Charlottesville	1963–1967
Langbourne M. Williams of New York, N.Y., and Rapidan	1963–1968
J. Sloan Kuykendall of Winchester	1964–1972
Molly Vaughan Parrish of Newport News	1964–1972
William M. Birdsong of Suffolk	1966–1970
Emma Ziegler Brown of Richmond	1966–1974
Albertis S. Harrison Jr. of Lawrenceville	1966–1967
Dr. J. Hartwell Harrison of Boston, Mass.	1966–1974
J. Harvie Wilkinson Jr. of Richmond	1966–1970
William S. Potter of Wilmington, Del.	1967–1979
W. Wright Harrison of Norfolk	1968–1976
Joseph H. McConnell of Richmond	1968–1976
C. Stuart Wheatley Jr. of Danville	1968–1972
C. Waller Barrett of Charlottesville	1969–1979
Edwin K. Mattern of Roanoke	1970–1978
Dr. Brownie E. Polly Jr. of Big Stone Gap	1970–1974
Donald E. Santarelli of Alexandria	1970–1978
J. Harvie Wilkinson III of Charlottesville	1970–1973
Hugh Scott of Philadelphia, Pa., and Washington, D.C.	1971–1979

THE BOARD OF VISITORS

Robert P. Buford of Richmond	1972–1980
Warren B. French Jr. of Edinburg	1972–1980
William E. Leggett of Charlottesville	1972–1980
William L. Zimmer III of Richmond	1972–1980
Dr. DuPont Guerry III of Richmond	1974–1982
Virginia Rogers Holton of Roanoke and McLean	1974–1982
Howard W. McCall Jr. of Darien, Conn.	1974–1982
George C. Palmer II of Charlottesville	1974–1982
William C. Battle of Charlottesville	1976–1980
William M. Dudley of Lynchburg	1976–1984
Stephen C. Mahan of Richmond	1978–1982
Dr. Frank S. Royal of Richmond	1978–1982
D. French Slaughter Jr. of Culpeper	1978–1982
Robert V. Hatcher Jr. of Greenwich, Conn.	1979–1983
Dr. Glenn B. Updike Jr. of Danville	1979–1983
E. Massie Valentine Sr. of Richmond	1979–1987
C. Clarke Cunningham Jr. of Radford	1980–1984
David N. Montague of Hampton	1980–1984
Ferman W. Perry of Winchester	1980–1984
Fred G. Pollard of Richmond	1980–1988
Carl W. Smith of Charlottesville	1980–1988
John S. Battle Jr. of Kilmarnock	1982–1990
William M. Camp Jr. of Franklin	1982–1990
Mrs. George M. Cochran of Staunton	1982–1990
Joshua P. Darden Jr. of Norfolk	1982–1990
William R. Harvey of Hampton	1982–1986
James L. Trinkle of Roanoke	1982–1990
Neal O. Wade Jr. of Houston, Tex.	1982–1986
Henry A. Dudley of Washington, D.C.	1983–1988
Dr. Edgar N. Weaver of Roanoke	1983–1989
James S. Cremins of Richmond	1984–1988
Jesse B. Wilson III of Alexandria	1984–1992

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Edward Elliott Elson of Atlanta, Ga.	1984–1992
Thomas E. Worrell Jr. of Charlottesville	1984–1992
Lemuel E. Lewis of Virginia Beach	1986–1990
Charles L. Brown of Princeton, N.J.	1986–1990
S. Buford Scott of Richmond	1987–1994
W. L. Lyons Brown Jr. of Prospect, Ky.	1988–1995
Waller H. Horsley of Richmond	1988–1992
Elizabeth Davies Morie of Lexington and Staunton	1988–1996
Robert G. Butcher Jr. of Richmond	1988–1996
Dr. N. Thomas Connally of Arlington	1989–1995
Hovey S. Dabney of Charlottesville	1990–1998
Dr. John Thomas Hulvey of Abingdon	1990–1994
Evans B. Jessee of Roanoke	1990–1997
Pat Kluge of Charlottesville	1990–1995
Arnold H. Leon of Norfolk	1990–1997
Leigh B. Middleditch Jr. of Charlottesville	1990–1994
Freddie W. Nicholas Sr. of Ettrick	1990–1994
Mortimer W. Caplin of Bethesda, Md.	1992–1997
Warner N. Dalhouse of Roanoke	1992–1997
Albert H. Small of Bethesda, Md.	1992–2000
Daniel A. Hoffler of Eastville	1992–1996
Franklin K. Birckhead of Charlottesville	1994–1998
Dr. Charles M. Caravati Jr. of Richmond	1994–2002
Elsie Goodwyn Holland of Richmond	1994–2003
C. Wilson McNeely III of Charlottesville	1994–1998
John P. Ackerly III of Richmond	1995–2003
T. Keister Greer of Rocky Mount	1995–2003
Elizabeth A. Twohy of Virginia Beach	1995–2003
Champ Clark of Ruckersville	1996–2000
William H. Goodwin Jr. of Richmond	1996–2004
Henry L. Valentine II of Richmond	1996–2000
William G. Crutchfield Jr. of Charlottesville	1997–2005

## THE BOARD OF VISITORS

Terence P. Ross of Alexandria	1997–2005
Walter F. Walker of Seattle, Wash.	1997–2001
James C. Wheat III of Richmond	1997–2001
Timothy B. Robertson of Virginia Beach	1998–2002
Benjamin P. A. Warthen of Richmond	1998–2002
Joseph E. Wolfe of Wise	1998–2002
Thomas J. Bliley Jr. of Richmond and Washington, D.C.	2000–2004
Charles L. Glazer of Connecticut	2000–2004
Gordon F. Rainey Jr. of Richmond	2000–2008
Thomas F. Farrell II of Richmond	2001–2009
Thomas A. Saunders III of New York	2001–2005
Mark J. Kington of Alexandria	2002–2006 2010–
Don R. Pippin of Norton	2002–2010
Warren M. Thompson of Herndon	2002–2010
Edwin Darracott Vaughan Jr., M.D., of New York	2002–2010
Susan Y. Dorsey of Mechanicsville	2003–2011
Lewis F. Payne of Nellysford	2003–2011
Georgia M. Willis of Ruther Glen	2003–2007
John O. Wynne of Virginia Beach	2003–2011
G. Slaughter Fitz-Hugh Jr. of Richmond	2004–2008
W. Heywood Fralin of Roanoke	2004–
Glynn D. Key of Washington, D.C.	2004–
A. Macdonald Caputo	2005–
Alan A. Diamonstein	2005–
Vincent J. Mastracco Jr.	2005–
Daniel R. Abramson	2006–2010
W. Austin Ligon	2007–
Helen E. Dragas	2008–
Robert D. Hardie	2008–
Randal J. Kirk	2009–
Hunter E. Craig	2010–

APPENDIX B

Marvin W. Gilliam Jr.	2010-
Sheila C. Johnson	2010-

STUDENT MEMBERS OF THE  
BOARD OF VISITORS, 1983 –2011

Gordon F. Willis of Fredericksburg	1983–1984
Gregory C. Whitehead of Portsmouth	1984–1985
Timothy J. Ingrassia of Arlington	1985–1986
Angela L. Cleveland of Annandale	1986–1987
Jerry V. Glover of Charlottesville	1987–1988
Glynn D. Key of Chattanooga, Tenn.	1988–1989
Wendelin L. White of Williamsburg	1989–1990
Julie G. Lynn of Arlington	1990–1991
Adam S. Arthur of Harrisonburg	1991–1992
J. Scott Ballenger of Charleston, S.C.	1992–1993
Christina A. Howe of Charlottesville	1993–1994
Allison S. Linney of Maitland, Fla.	1994–1995
Matthew W. Cooper of Florence, Ala.	1995–1996
Sean N. Bryant of Reston	1996–1996
Charles F. Irons of Chapel Hill, N.C.	1997–1997
Kristine L. LaLonde of Midlothian	1997–1998
J. Michael Allen of Dallas, Tex.	1998–1999
Robert G. Schoenvogel of Dallas, Tex.	1999–2000
Stephen S. Phelan Jr. of Montgomery, Ala.	2000–2001
Sasha L. Wilson Rehm of Charlottesville	2001–2002
H. Timothy Lovelace Jr. of Roanoke	2002–2003
John R. M. Rodney of Memphis, Tenn.	2003–2004
James W. Head of Charlottesville	2004–2005
Catherine S. Neale	2005-2006

## THE BOARD OF VISITORS

Anne Elizabeth Mullen	2006-2007
Carey J. Mignerey	2007-2008
Adom Getachew	2008-2009
Rahul K. Gorawara	2009-2010
Stewart H. Ackerly	2010-2011
Jonathan B. Overdevest	2011-2012

## BOARD OF VISITORS SECRETARIES FROM 1819 THROUGH 2009

Peter Minor	1825
Nicholas P. Trist	1826-1829
John A. G. Davis	1829-1830
Frank Carr	1830-1851
St. George Tucker	1851-1853
R. T. W. Duke	1853-1865
William Wertenbaker	1865-1871
James D. Jones	1871-1882
	1886-1900
	1902-1904
William A. Winston	1882-1886
J. B. Faulkner	1901-1902
Isaac Kimber Moran	1904-1912
Elmer Irving Carruthers	1912-1947
Vincent Shea	1947-1954
Francis L. Berkeley Jr.	1954-1958
Weldon Cooper	1958-1969
Raymond C. Bice Jr.	1969-1990
Alexander G. Gilliam Jr.	1991-2009
Susan G. Harris	2009-

**PERTINENT LEGAL PROVISIONS RELATING  
TO THE  
UNIVERSITY OF VIRGINIA**  
EXCERPTED FROM THE CODE OF  
VIRGINIA, 1950, AS AMENDED THROUGH  
THE REGULAR SESSION OF THE  
2010 GENERAL ASSEMBLY

SECTION 23-69. BOARD A CORPORATION. —The board of visitors of the University of Virginia shall be and remain a corporation, under the style of “the Rector and Visitors of the University of Virginia,” and 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 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. The rector and visitors of the University of Virginia shall be at all times subject to the control of the General Assembly.

SECTION 23-70. APPOINTMENT OF VISITORS GENERALLY; NUMBER AND TERMS OF OFFICE. —(a) The board of visitors is to consist of sixteen visitors appointed

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

by the Governor, of whom at least thirteen shall be appointed from the Commonwealth at large and not more than three shall be appointed from the nonresident alumni of the University of Virginia.

(b) All appointments on or after July 1, 2008, shall be for terms of four years and commence July 1 of the first year of appointment, except that appointments to fill vacancies shall be made for the unexpired terms. Members shall complete their service on June 30 of the year in which their respective terms expire, including appointments made prior to July 1, 2008. All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate and the House of Delegates.

SECTION 23-71. APPOINTMENT OF VISITORS FROM NOMINEES OF ALUMNI ASSOCIATION. —(a) The Governor may appoint visitors from a list of qualified persons submitted to him, before or after induction into office, by the alumni association of the University of Virginia, on or before the first day of December of any year next preceding a year in which the terms of any 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 and 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 list 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.

## APPENDIX C

(e) At no time shall less than eleven of the visitors be alumni or alumnae of the University.

SECTION 23-72. ELIGIBILITY TO SERVE MORE THAN TWO SUCCESSIVE TERMS. —No person shall be eligible to serve for or during more than two successive four-year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such a member if appointed thereto.

SECTION 23-73. WHEN OFFICE OF VISITOR DEEMED VACANT. —If any visitor fail 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 vacant.

SECTION 23-74. MEETINGS OF BOARD OF VISITORS; QUORUM; RECTOR AND VICE RECTOR; SECRETARY. —The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meeting to be fixed by them. Five members shall constitute a quorum. The board of visitors shall appoint, from among its members, a rector to preside at their

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

meetings and a vice rector to preside at their meetings in the absence of the rector. The rector and the vice-rector shall also perform such additional duties as the board may prescribe. The terms of the rector and vice-rector shall be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of the year of the expiration of their terms. The board shall also appoint a secretary for such term and with such duties as the board shall prescribe. The board may also appoint a substitute pro tempore, as provided in its bylaws, to preside in the absence of the rector or the vice-rector. Vacancies in the office of rector, vice-rector or secretary may be filled by the board for the unexpired term, as provided in the Board's bylaws. 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 meeting shall be given by the secretary to every member.

SECTION 23-75. EXECUTIVE COMMITTEE OF BOARD. —At every regular annual meeting of the board, the members shall appoint an executive committee for the transaction of business in the recess of the board, which shall consist of not less than three nor more than six members, to serve for the period of one year or until the next regular annual meeting.

SECTION 23-76. POWERS AND DUTIES OF BOARD; PRESIDENT AND OTHER OFFICERS; PROFESSORS AND INSTRUCTION; REGULATIONS. —The board shall be charged with the care and preservation of all property belonging to the University. They shall appoint a president, with such duties as may be prescribed by the board, and who shall have supreme administrative direction under

## APPENDIX C

the authority of the board over all the schools, colleges and branches of the University wherever located, and they shall appoint as many professors as they deem proper, and, with the assent of two-thirds of the whole number of visitors, may remove such president or any professor. They may prescribe the duties of each professor, and the course and mode of instruction. They may appoint a comptroller and proctor, and employ any other agents or servants, regulate the government and discipline of the students, and the renting of the rooms and dormitories, and, generally, in respect to the government and management of the University, make such regulations as they may deem expedient, not being contrary to law. To enable the proctor and visitors of the University to procure a supply of water, and to construct and maintain a system of waterworks, drainage, and sewerage for the University they shall have power and authority to acquire such springs, lands and rights-of-way as may be necessary, according to the provisions of Title 25.1.

### SECTION 23-76.1. INVESTMENT OF ENDOWMENT FUNDS, ENDOWMENT INCOME, AND GIFTS; STANDARD OF CARE; LIABILITY; EXEMPTION FROM THE VIRGINIA PUBLIC PROCUREMENT ACT.

A. The board of visitors shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 55-268.11 et seq.).

B. No member of the board of visitors shall be personally liable for losses suffered by an endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or local

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

funds of or held by the University, arising from investments made pursuant to the provisions of subsection A.

C. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 55-268.11 et seq.), the board of visitors may also invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

1. In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including, without limitation, any contract commonly known as a "swap," which gives the University the right or obligation to deliver or receive delivery of, or make or receive payments based on, changes in the price, value, yield or other characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

2. In this section, an "option" means an agreement or contract whereby the University may grant or receive the right to purchase or sell, or pay or receive the value of, any personal property asset including, without limitation, any agreement or contract which relates to any security, contract or agreement.

3. In this section, "financial security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a

## APPENDIX C

security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

E. The authority as provided in this section as it relates to nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth of Virginia.

SECTION 23-77.1. AUTHORITY TO SELL AND CONVEY CERTAIN LANDS.—The rector and visitors of the University of Virginia, with the approval of the Governor first obtained, are hereby authorized to sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since January first, 1900, or which may hereafter be conveyed or devised to it. The proceeds derived from any such sale or sales shall be held by said rector and visitors of the University of Virginia 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 said funds shall be applied by the rector and visitors of the University to such purposes as said board may deem best for the University.

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

[Sec. 23-4.1 of the Code permits the sale, with the consent of the Governor, of land acquired prior to 1900 by purchase, will or deed of gift.]

**SECTION 23-77.2. GRANTING EASEMENTS ON PROPERTY OF THE UNIVERSITY.** —The rector and visitors of the University of Virginia are hereby authorized to grant easements for roads, streets, sewers, water lines, electric and other utility lines or other purpose on any property now owned or hereafter acquired by said rector and visitors of the University of Virginia, when in the discretion of the rector and visitors it is deemed proper to grant such easement.

### **SECTION 23-77.3. OPERATIONS OF MEDICAL CENTER.**

—A. In enacting this section, the General Assembly recognizes that the ability of the University of Virginia to provide medical and health sciences education and related research is dependent upon the maintenance of high quality teaching hospitals and related health care and health maintenance facilities, collectively referred to in this section as the Medical Center, and that the maintenance of a Medical Center serving such purposes requires specialized management and operation that permit the Medical Center to remain economically viable and to participate in cooperative arrangements reflective of changes in health care delivery.

B. Notwithstanding the provisions of § 32.1-124 exempting hospitals and nursing homes owned or operated by an agency of the Commonwealth from state licensure, the Medical Center shall be, for so long as the Medical Center maintains its accreditation by the Joint Commission on Accreditation of Health Care Organizations or any successor in interest

## APPENDIX C

thereof, deemed to be licensed as a hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health. The Medical Center shall not, however, be deemed to be a licensed hospital to the extent any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center shall, in addition, remain (i) exempt from licensure by the Board of Health pursuant to § 32.1-124 and (ii) subject to the Virginia Tort Claims Act (§ 8.01-195.1 et seq.). Further, this subsection shall not be construed as a waiver of the Commonwealth's sovereign immunity.

C. Without limiting the powers provided in this chapter, the University of Virginia may create, own in whole or in part or otherwise control corporations, partnerships, insurers or other entities whose activities will promote the operations of the Medical Center and its mission, may cooperate or enter into joint ventures with such entities and government bodies and may enter into contracts in connection therewith. Without limiting the power of the University of Virginia to issue bonds, notes, guarantees, or other evidence of indebtedness under subsection D in connection with such activities, no such creation, ownership or control shall create any responsibility of the University, the Commonwealth or any other agency thereof for the operations or obligations of any such entity or in any way make the University, the Commonwealth, or any other agency thereof responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

D. Notwithstanding the provisions of Chapter 3 (§ 23-14 et seq.) of this title, the University of Virginia may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than 50 percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction or acquisitions and for up to one year thereafter;
2. The only revenues of the University pledged to the payment of such debt are those derived from the operation of the Medical Center and related health care and educational activities, and there are pledged therefor no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program;
3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth;
4. Such debt is not sold to the public;
5. The total principal amount of such debt outstanding at any one time does not exceed \$25 million;
6. The Treasury Board has approved the terms and structure of such debt;

## APPENDIX C

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees; and

8. All such indebtedness is reflected on the financial statements of the Medical Center.

Subject to meeting the conditions set forth above, such debt may be in such form and have such terms as the board of visitors may provide and shall be in all respects debt of the University for the purposes of §§ 23-23, 23-25, and 23-26.

### SECTION 23-77.4. MEDICAL CENTER MANAGEMENT.

—A. The General Assembly recognizes and finds that the economic viability of the University of Virginia Medical Center, hereafter referred to as the Medical Center, together with the requirement for its specialized management and operation, and the need of the Medical Center to participate in cooperative arrangements reflective of changes in health care delivery, as set forth in § [23-77.3](#), are dependent upon the ability of the management of the Medical Center to make and implement promptly decisions necessary to conduct the affairs of the Medical Center in an efficient, competitive manner. The General Assembly also recognizes and finds that it is critical to, and in the best interests of, the Commonwealth that the University continue to fulfill its mission of providing quality medical and health sciences education and related research and, through the presence of its Medical Center, continue to provide for the care, treatment, health-related services, and education activities associated with Virginia patients, including indigent and medically indigent patients. Because the General Assembly finds that the ability of the University to fulfill this mission is highly dependent upon revenues derived from providing

## LEGAL PROVISIONS RELATING TO THE UNIVERSITY

health care through its Medical Center, and because the General Assembly also finds that the ability of the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its ability to compete with other providers of health care that are not subject to the requirements of law applicable to agencies of the Commonwealth, the University is hereby authorized to implement the following modifications to the management and operation of the affairs of the Medical Center in order to enhance its economic viability:

B. Capital projects; leases of property; procurement of goods, services and construction.

1. Capital projects.

a. For any Medical Center capital project entirely funded by a nongeneral fund appropriation made by the General Assembly, all post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments are hereby delegated to the University, subject to the following stipulations and conditions: (i) the Board of Visitors shall develop and implement an appropriate system of policies, procedures, reviews and approvals for Medical Center capital projects to which this subdivision applies; (ii) the system so adopted shall provide for the review and approval of any Medical Center capital project to which this subdivision applies in order to ensure that, except as provided in clause (iii), the cost of any such capital project does not exceed the sum appropriated therefor and that the project otherwise

## APPENDIX C

complies with all requirements of the Code of Virginia regarding capital projects, excluding only the post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments; (iii) the Board of Visitors may, during any fiscal year, approve a transfer of up to a total of 15 percent of the total nongeneral fund appropriation for the Medical Center in order to supplement funds appropriated for a capital project or capital projects of the Medical Center, provided that the Board of Visitors finds that the transfer is necessary to effectuate the original intention of the General Assembly in making the appropriation for the capital project or projects in question; (iv) the University shall report to the Department of General Services on the status of any such capital project prior to commencement of construction of, and at the time of acceptance of, any such capital project; and (v) the University shall ensure that Building Officials and Code Administrators (BOCA) Code and fire safety inspections of any such project are conducted and that such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy by the University's assistant state building official to whom such inspection responsibility has been delegated pursuant to § [36-98.1](#). Nothing in this section shall be deemed to relieve the University of any reporting requirement pursuant to § [2.2-1513](#). Notwithstanding the foregoing, the terms and structure of any financing of

any capital project to which this subdivision applies shall be approved pursuant to § [2.2-2416](#).

b. No capital project to which this subdivision applies shall be materially increased in size or materially changed in scope beyond the plans and justifications that were the basis for the project's appropriation unless: (i) the Governor determines that such increase in size or change in scope is necessary due to an emergency or (ii) the General Assembly approves the increase or change in a subsequent appropriation for the project. After construction of any such capital project has commenced, no such increase or change may be made during construction unless the conditions in (i) or (ii) have been satisfied.

## 2. Leases of property.

a. The University shall be exempt from the provisions of § [2.2-1149](#) and from any rules, regulations and guidelines of the Division of Engineering and Buildings in relation to leases of real property that it enters into on behalf of the Medical Center and, pursuant to policies and procedures adopted by the Board of Visitors, may enter into such leases subject to the following conditions: (i) the lease must be an operating lease and not a capital lease as defined in guidelines established by the Secretary of Finance and Generally Accepted Accounting Principles (GAAP); (ii) the University's decision to enter into such a lease shall be based upon cost, demonstrated need, and compliance with guidelines adopted by the Board of Visitors which direct that competition be sought to the maximum practical degree, that all costs of occupancy be considered, and that the

## APPENDIX C

use of the space to be leased actually is necessary and is efficiently planned; (iii) the form of the lease is approved by the Special Assistant Attorney General representing the University; (iv) the lease otherwise meets all requirements of law; (v) the leased property is certified for occupancy by the building official of the political subdivision in which the leased property is located; and (vi) upon entering such leases and upon any subsequent amendment of such leases, the University shall provide copies of all lease documents and any attachments thereto to the Department of General Services.

b. Notwithstanding the provisions of §§ [2.2-1155](#) and [23-4.1](#), but subject to policies and procedures adopted by the Board of Visitors, the University may lease, for a purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years, property in the possession or control of the Medical Center.

c. Notwithstanding the foregoing, the terms and structure of any financing arrangements secured by capital leases or other similar lease financing agreements shall be approved pursuant to § [2.2-2416](#).

### 3. Procurement of goods, services and construction.

Contracts awarded by the University in compliance with this section, on behalf of the Medical Center, for the procurement of goods; services, including professional services; construction; and information technology and telecommunications, shall be exempt from (i) the Virginia Public Procurement Act (§ [2.2-4300](#) et seq.), except as provided below; (ii) the requirements of the

Division of Purchases and Supply of the Department of General Services as set forth in Article 3 (§ [2.2-1109](#) et seq.) of Chapter 11 of Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in Article 4 (§ [2.2-1129](#) et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief Information Officer and the Virginia Information Technologies Agency as set forth in Chapter 20.1 (§ [2.2-2005](#) et seq.) of Title 2.2 regarding the review and approval of contracts for (a) the construction of Medical Center capital projects and (b) information technology and telecommunications projects; however, the provisions of this subdivision may not be implemented by the University until such time as the Board of Visitors has adopted guidelines generally applicable to the procurement of goods, services, construction and information technology and telecommunications projects by the Medical Center or by the University on behalf of the Medical Center. Such guidelines shall be based upon competitive principles and shall in each instance seek competition to the maximum practical degree. The guidelines shall implement a system of competitive negotiation for professional services; shall prohibit discrimination because of race, religion, color, sex, or national origin of the bidder or offeror in the solicitation or award of contracts; may take into account in all cases the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; may implement a prequalification procedure for contractors or products; may include provisions for cooperative procurement arrangements with private health or educational institutions, or with public agencies or institutions of the several states,

## APPENDIX C

territories of the United States or the District of Columbia; shall incorporate the prompt payment principles of §§ [2.2-4350](#) and [2.2-4354](#); and may implement provisions of law. The following sections of the Virginia Public Procurement Act shall continue to apply to procurements by the Medical Center or by the University on behalf of the Medical Center: §§ [2.2-4311](#), [2.2-4315](#), and [2.2-4342](#) (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § [2.2-4317](#)), [2.2-4330](#), [2.2-4333](#) through [2.2-4341](#), and [2.2-4367](#) through [2.2-4377](#).

C. Subject to such conditions as may be prescribed in the budget bill under § [2.2-1509](#) as enacted into law by the General Assembly, the State Comptroller shall credit, on a monthly basis, to the nongeneral fund operating cash balances of the University of Virginia Medical Center the imputed interest earned by the investment of such nongeneral fund operating cash balances, including but not limited to those balances derived from patient care revenues, on deposit with the State Treasurer.

Other Code Provisions of Particular Interest to the Board of Visitors	
Bonds and other obligations, Issuance of	Sec. 23-14, et seq.
State and Local Government Conflict of Interests Act	Sec. 2.2-3100, et seq.
Virginia Freedom of Information Act	Sec. 2.2-3700, et seq.

LEGAL PROVISIONS RELATING TO THE UNIVERSITY

Scholarships	Sec. 23-31, et seq.
Scholarship Assistance Program	Sec. 23-38.45, et seq.
Tuition, eligibility for in-state	Sec. 23-7.4