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Jason S. Miyares

To: Elizabeth Woodley, University Ethics Officer
George Mason University

From: Mike F. Melis
Senior Assistant Attorney General/Chief
Higher Education Section

Date: February 3, 2025

Re: Proposed Revision to 8VAC35-31 – Space Use
Proposed Repeal of 8VAC35-22 – Parking Regulation
Proposed Repeal of 8VAC35-10 – Parking Citation Appeals
Proposed Repeal of 8VAC35-80 – Unclaimed Personal Property

I have reviewed the proposed regulatory action identified above to determine whether George Mason University (“Mason” or “the University”) has the authority to repeal the above-referenced regulations.

Mason is a public institution of higher education governed by a Board of Visitors established in Virginia Code § 23.1-1500. Virginia Code § 23.1-1301 vests all such governing boards at Virginia’s public institutions of higher education (or their designees) with authority to “[m]ake regulations and policies concerning the institution” and “[a]dopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution.” As to Mason specifically, pursuant to Virginia Code § 23.1-1503 the Board is authorized to “generally direct the affairs of the University.” Given the authority vested in the Board of Visitors or its designees, it is within Mason’s authority to revise and repeal the regulations cited above.

As to institutions of higher education, including Mason, pursuant to Virginia Code § 2.2-4002(A)(6), they are exempt from the provisions of Title 2.2, Chapter 40 – Administrative Process Act. Moreover, pursuant to Virginia Code § 2.2-4002(A)(6), they are exempt from the

publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion, and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

Accordingly, I find that the revision and repeal of the regulations is consistent with Mason's statutory grant of authority and is consistent with current statutes and regulations. The revision and repeal do not appear to conflict with state or federal statutes. And the revision and repeal appear to have no Constitutional defect.