

Section: General Administration

Section Number: 1.1.1

Subject: Board of Trustees

Date of Present Issue: 11/06/95

Date of Previous Issues:
08/82

POLICY:

Lake Superior State University was established under Article VIII, Section 6, Michigan Constitution of 1963, and under Act 26, Public Acts of 1969, as amended. (Section 15.1852, 101-109, Michigan Statutes Annotated.)

The Board of Trustees operates under the above provisions, and its own By-Laws and Statutes. See [1.1.2](#).

Board members are appointed by the Governor of the State of Michigan, and the terms of two of the eight members expire on January 27 of each year that ends with an even number (1992, 1994, 1996....).

State law, and the Board's By-Laws, require adoption of an annual calendar of meetings, and the Board also adopts a schedule of regular or foreseeable topics for each regular meeting.

Article VIII, Section 6, Constitution of 1963

Other institutions of higher education, controlling boards. Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Act 26, Public Acts of 1969, as Amended

Lake Superior State College
Act 26, 1969, p. 55; eff January 1, 1970

AN ACT to establish an institution of higher education having authority to grant baccalaureate degrees, known as Lake Superior state college; to implement section 6 of article 8 of the constitution of the state of Michigan by providing for the appointment of the first board of control, the organization of such board and the vesting of assets in such board; granting and confirming the powers of such board; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

◆ **15.1852(101) Lake Superior State College; establishment; location; government; body corporate.]** Sec. 1. There is established a state institution of higher education having authority to grant baccalaureate degrees, known as Lake Superior state college to be located at Sault Ste. Marie. The institution shall be maintained by the state and its facilities shall be made available equally and upon the same basis to all qualified residents of this state. The institution shall be governed by a board of control which shall be a body corporate. The board of control shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. Until changed by resolution of the board, the body corporate shall be known as the "board of control of Lake Superior state college", hereinafter referred to as "the board" with the right of suing and being sued, adopting a seal and altering the same. (MCL ◆390.391.)

◆ **15.1852(102) Board of control; membership; appointment.]** Sec. 2. The board shall consist of 8 members who shall hold office for terms of 8 years and who shall be appointed by the governor by and with the advice and consent of the senate, except of the members first appointed 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years. The president of the institution shall be ex officio a member of the board without the right to vote. (MCL ◆390.392.)

◆ **15.1852(103) Officers of board of control; terms of office; treasurer's bond; restriction on powers.]** Sec. 3. The board shall ◆ [appoint] a secretary [and] a treasurer ◆. Officers shall serve terms of 1 year and until their successors shall have been ◆ [appointed] and qualified. Before permitting the treasurer to enter upon the duties of his office, the board shall require him to file his bond to the people of this state with such sureties and in such sum not less than the amount of money likely to be in his possession as the board may designate. No officer shall have the power to incur obligations or to dispose of the board's property or funds, except in pursuance of a vote of the board. (MCL ◆390.393.)

History. As amended by Public Acts 1971, No. 153, imd eff November 22.

ALR note. Validity of regulation of college or university denying or restricting right of student to receive visitors in dormitory, 78 ALR3d 1109.

◆ **15.1852(104) Quorum; Open Meetings Act, compliance.]** Sec. 4. [(1)] A majority of the members of the board shall form a quorum for the transaction of business. The [business which the board may perform shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

Powers of board.] (2) The]board by majority vote of its membership may enact [and amend] rules [and] bylaws ◆ for the conduct of ◆ [the board's] business [as provided in subsection (1)] and for the government of the institution ◆, fix tuition and other fees and charges; appoint and remove personnel as the interests of the institution, the mandates of due process, and the policy of the institution on academic tenure may require; determine the compensation to be paid for services and materials; confer ◆ degrees and grant diplomas as are usually conferred or granted by other similar institutions; offer technical, vocational, and occupational programs of less than 4 years collegiate degree level; receive, hold, and manage any gift, grant, bequest, or devise of funds or property, real or personal, absolutely or in trust, to promote ◆ the purposes of the college; enter into ◆ agreements, not inconsistent with this act, as may be desirable in the conduct of ◆ [the board's] affairs; and in behalf of the state, lease or dispose of ◆ property which comes into ◆ [the board's] possession, ◆ [if the board does] not violate ◆ [a] condition or trust to which [the] property may be subject.

Construction of act; enumeration of powers as not excluding those not expressly excluded.][(3) This act ◆ [shall be construed] to implement, clarify, and confirm in the board the constitutional powers customarily exercised by the board of control of [an institution] of higher education established by law ◆ [which may] grant baccalaureate degrees. Enumeration of powers in this act shall not be ◆ [considered] to exclude ◆ powers not expressly excluded by law. (MCL ◆390.394.)

History. As amended by Public Acts 1977, No. 247, imd eff December 6.

Statutory reference. Act No. 267 of 1976, above referred to, is ◆◆4.1800(11)-4.1800(25), supra.

◆ **15.1852(105) Transfer of properties and facilities.]** Sec. 5. The present facilities of the Sault Ste. Marie branch of Michigan technological university constitute the physical properties of Lake Superior state college and upon the effective date of this act, transfer of the physical properties shall be made to Lake Superior state college. (MCL ◆390.395.)

◆ **15.1852(106) Borrowing money; liens; acquisition and construction of facilities; financing.]** Sec. 6. The board shall not borrow money on its general faith and credit, nor create any liens upon its property. The board may acquire land or acquire or erect buildings or alter, equip or maintain them, to be used as residence halls, apartments, dining facilities, student centers, health centers, parking structures, stadiums, athletic fields, gymnasiums, auditoriums and other educational facilities. After the legislature by concurrent resolution has approved the acquisition or construction of such facilities, the board may borrow money issuing notes or bonds under such terms and provisions as it deems best to finance such facilities and shall obligate itself for the repayment thereof, together with interest thereon, solely out of (a) income and revenues from such facilities, or other such facilities heretofore or hereafter acquired, (b) special fees and charges required to be paid by the students deemed by it to be benefited thereby, (c) funds to be received as gifts, grants or otherwise from the state or federal government or any agency thereof or any public or private donor, if, prior to issuance of such notes or bonds, the state, federal government or agency thereof or other donor has contracted to pay to the board or to the holder of such notes or bonds definite amounts of money as determined by formula or otherwise, (d) the proceeds of or delivery of any notes or bonds issued hereunder, and (e) any combination of (a), (b), (c) and (d). (MCL ◆390.396.)

◆ **15.1852(107) Repeal.]** Sec. 7. Section 12 of Act No. 70 of the Public Acts of 1885, as amended, being section 390.362 of the Compiled Laws of 1948, is repealed. (MCL ◆390.397.)

Statutory reference. Section 12 of Act No. 70 of 1885, above referred to, is ◆15.1322.

◆ **15.1852(108) Purchase of obligations.]** Sec. 8. Bonds, notes or other obligations issued under the provisions of this act shall not be purchased by the state of Michigan. (MCL ◆390.398.)

◆**15.1852(109) Effective date.]** Sec. 9. This act shall become effective January 1, 1970. (MCL ◆390.399.)