OAKLAND UNIVERSITY
Act 35 of 1970

AN ACT to establish an institution of higher education having authority to grant baccalaureate degrees, known as Oakland university; to provide for the board of control, the organization of such board and the vesting of assets in such board; and granting and confirming the powers of such board.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

The People of the State of Michigan enact:

390.151 Oakland university; establishment, location; board of control.

Sec. 1. There is established a state institution of higher education having authority to grant baccalaureate degrees, known as Oakland university to be located in Oakland county. 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 Oakland university”, hereinafter referred to as “the board” with the right of suing and being sued, adopting a seal and altering the same.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.152 Board of control; members, terms.

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.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.153 Board of control; officers; treasurer, bond; limitations.

Sec. 3. The board shall elect from its membership a chairman and such other officers as it deems necessary. Officers shall serve terms of 1 year and until their successors shall have been elected and qualified. The board shall also appoint a president, a secretary, a treasurer and other such officers as it deems necessary. 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.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.154 Board of control; quorum; conducting business; notice of meeting; powers and duties of board; assumption and payment of liabilities; constitutional powers; other powers not excluded.

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.

(2) The board by majority vote of the membership may enact and amend rules and bylaws for the conduct of the board's business 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 a 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. The board shall assume and agree to pay all liabilities incurred by the board of trustees of Michigan state university before July 1, 1970, for and on behalf of Oakland university. This act shall be construed as implementing, clarifying, and confirming in the board the constitutional powers customarily

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exercised by the board of control of an institution of higher education established by law having authority to grant baccalaureate degrees. Enumeration of powers in this act shall not be considered to exclude powers not expressly excluded by law.

History: 1970, Act 35, Imd. Eff. July 1, 1970;—Am. 1977, Act 249, Imd. Eff. Dec. 6, 1977.

390.155 Transfer of assets and facilities to Oakland university.

Sec. 5. The present assets and facilities of the Oakland branch of Michigan state university constitute the properties of Oakland university and upon the effective date of this act, transfer of the properties shall be made to Oakland university.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.156 Board of control; borrowing power; acquisition of property.

Sec. 6. The board shall not borrow money on its general faith and credit, nor create any liens upon its property except as herein provided. 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 or refinance such facilities, the necessary site or sites therefor, and including, but not limited to, capitalized interest and a debt service reserve in connection with such notes or bonds, 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).

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.157 Bonds, notes or other obligations; purchase by state prohibited.

Sec. 7. Bonds, notes or other obligations issued under the provisions of this act shall not be purchased by the state of Michigan.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.158 Board of control; ordinances, adoption, amendment or repeal; violation, penalty.

Sec. 8. The board may adopt, amend and repeal such ordinances, not inconsistent with this act, as it may deem necessary and in the interest of the health, safety, and welfare of persons using the property and facilities of Oakland university. Such ordinances shall be adopted by affirmative vote of the majority of the board, to be effective upon the date of publication of the ordinance. The violation of any such ordinance shall be a misdemeanor punishable by a fine of not more than $100.00 or imprisonment for not more than 90 days or both.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

390.159 Effective date of act.

Sec. 9. This act shall become effective July 1, 1970.

History: 1970, Act 35, Imd. Eff. July 1, 1970.

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