

PART 2. BYLAWS

SUBPART 2-1

THE UNIVERSITY AND THE BOARD OF TRUSTEES UNDER THE MICHIGAN CONSTITUTION AND RELATED LAW

Sec. 2-101. Status of the University. Ferris State University, formerly known as Ferris Institute and as Ferris State College, is a state constitutional institution of higher education.

Sec. 2-102. Governance of the University. The University shall be governed by a board of control (the "Board"), which shall be called the Board of Trustees. Each member of the Board shall be referred to as a "Trustee." The Board shall be a body corporate.

Sec. 2-103. Number of Trustees; Term of Office; Appointment. The Board 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. The Trustees shall be appointed by the Governor, by and with the advice and consent of the Senate.

Sec. 2-104. Vacancies on the Board of Trustees. If a vacancy occurs on the Board, the vacancy shall be filled by appointment by the Governor, by and with the advice and consent of the Senate, for the remainder of the unexpired term.

Sec. 2-105. Duties of the Board of Trustees. The Board shall have general control, supervision, and management of the University and control and direction of all expenditures from the funds of the University.

Sec. 2-106. President of the University. The Board shall, as often as necessary, elect a President. The President shall be the principal executive officer of the University, and shall be ex-officio a member of the Board without the right to vote.

Sec. 2-107. Election or Designation of Person to Preside at Board Meetings. The Board may elect one of the Trustees or may designate the President to preside at Board meetings.

Sec. 2-108. Formal Sessions of the Board. Formal sessions of the Board shall be open to the public.

Sec. 2-109. Appropriations and Accountings. The Legislature of the State of Michigan shall appropriate moneys to maintain the University. The Legislature shall be given an annual accounting of all income and expenditures by the University.

Constitutional References:

Mich Const 1963, art 8, §4

Mich Const 1963, art 8, §6

Mich Const 1963, art 8, §3

Mich Const 1963, art 8, §3 provides, *inter alia*, that the jurisdiction of the state board of education does not extend to institutions of higher education granting baccalaureate degrees.

Mich Const 1963, art 8, §4 provides that the legislature shall appropriate moneys to maintain Ferris Institute and other state institutions of higher education (by whatever names such institutions may be known); that the legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions; and that formal sessions of governing boards of such institutions shall be open to the public.

Mich Const 1963, art 8, §6 provides, *inter alia*, for the governance of Ferris (and of other state institutions of higher education) by a board of control established for each such institution; for the duties and responsibilities of the board of control; for the election of a president; for the appointment of the members of the board of control; and for the terms of office of members of the board of control.

Statutory References:

MCL 390.801 *et seq.* (1949 PA 114, as amended by 1963 PA 87 and 1963 (2nd Ex Sess) PA 22 and 1977 PA 231 and 1987 PA 157)

MCL 390.861 *et seq.* (1963 (2nd Ex Sess) PA 21, as amended by 1987 PA 162)

MCL 390.821 *et seq.* (1953 PA 55, as amended by 1959 PA 214 and 1987 PA 160)

1949 PA 114 relates, *inter alia*, to the acceptance of the gift of Ferris Institute by the people of the state of Michigan; for the continuance of Ferris Institute as a state institution; and for the governance of the institution by a board of control.

1953 PA 55 relates, *inter alia*, to the acquisition, purchase, construction and financing of residence halls, housing units and social centers at Ferris.

1959 PA 214 relates, *inter alia*, to the acquisition, purchase, construction and finance of health residences and facilities, and facilities for athletics, dramatics, music and other similar activities.

1963 PA 87 relates, *inter alia*, to the change of name from Ferris Institute to Ferris State College.

1963 (2nd Ex Sess) PA 21 provides, *inter alia*, for the change of the starting date of board members' terms to January 1.

1963 (2nd Ex Sess) PA 22 relates, *inter alia*, to the powers of the board of control.

1977 PA 231 relates to the applicability of the Open Meetings Act (1976 PA 267). See the *Note* under Subpart 2-2 (Formal Meetings of the Board).

1987 PA 157 and 1987 PA 160 and 1987 PA 162 relate, *inter alia*, to the change of name from Ferris State College to Ferris State University.

Cross References:

Part 9. Other Matters Pertaining to the President and the Board.

Sec. 2-304. Duties of the Chairperson.

Sec. 2-307. Election and Duties of the President.

Subpart 2-2. Formal Meetings of the Board.

Case Reference:

WT Andrew Co, Inc. v Mid-State Surety Corp., 450 Mich 655 (1996). Bonding statute applies to state universities.

Sterling v Regents of University of Michigan, 110 Mich 369 (1896). Constitutional autonomy established.

Regents of University of Michigan v Employment Rel. Comm., 389 Mich 96 (1973). Eastern Michigan University Board is on a comparable level with the Regents of the University of Michigan.

Regents v Auditor General, 167 Mich 444 (1911). State universities are, within the scope of these functions, co-ordinate with and equal to legislature.

Federated Publications, Inc. v Michigan State University Board of Trustees, 460 Mich 75 (1999). Open Meetings Act inapplicable to formal sessions of the Board.

Prior Board Actions:

January 12, 1957; February 16, 1957; May 18, 1957; December 13, 1958; March 28, 1959; June 15, 1959; May 21, 1960; April 21, 1960; April 21, 1962; March 23, 1963 [Change of name to Ferris State College]

October 28, 1950; April 15, 1953; July 16, 1966, November 19, 1968; August 23, 1971; March 4, 1972; March 26, 1977 [Bylaws]

January 14, 1995 [Adoption of title “Board of Trustees” for the board of control.]

Entire Subpart 2-1 included in October 19, 2001 Codification, Phase I.

Entire Subpart 2-1 included in October 22, 2004 Codification, Phase II.