ALBION COLLEGE

Act 72 of 1857

AN ACT amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute.

History: 1857, Act 72, Eff. May 19, 1857

The People of the State of Michigan enact:

390.701 Albion college; creation; board of trustees; powers.

Sec. 1.

There is created a body corporate known as Albion college consisting of a board of trustees for the purpose of maintaining an institution of learning located at the city of Albion in the county of Calhoun. Albion college has all the corporate powers, privileges and rights of the Wesleyan seminary at Albion and the Albion female college as heretofore existing, except as hereby changed or altered and with all the corporate property of the previously existing corporations.

History: 1857, Act 72, Eff. May 19, 1857 ;-- CL 1915, 11073 ;-- CL 1929, 8127 ;-- CL 1948, 390.701 ;-- Am. 1972, Act 137, Imd. Eff. May 18, 1972
Former Law: See Act 79 of 1907, Act 11 of 1845, and Act 9 of 1845.

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390.701a Definitions.

Sec. 1a.

As used in this act:

(a) "Board of trustees" means the board of trustees of Albion college created in section 1.

(b) "College" means Albion college, created in section 1.

(c) "Nontrustee volunteer" means an individual, other than a volunteer trustee, performing services for the college who does not receive compensation or any other type of consideration for the services other than reimbursement for expenses actually incurred.

(d) "Trustee" means a member of the board of trustees.

(e) "Volunteer trustee" means a trustee who does not receive anything of more than nominal value from the college for serving as a trustee other than reasonable per diem compensation and reimbursement for actual, reasonable, and necessary expenses incurred by a trustee in his or her capacity as a trustee.

History: Add. 2011, Act 220, Imd. Eff. Nov. 15, 2011

390.702 Board of trustees; membership; term of office; limitation.

Sec. 2.

(1) The board of trustees of Albion college shall consist of not more than 33 trustees, consisting of the following:

(a) The president of the college.

(b) Not more than 6 trustees, the number to be determined by the board of trustees, appointed by the United Methodist Church.

(c) Not more than 2 trustees who are recent graduates of the college, the number to be determined by the board of trustees, appointed by the president of the college. Trustees appointed under this subdivision shall serve staggered 2-year terms.

(d) Not more than 6 trustees, the number to be determined by the board of trustees, appointed by the Albion college alumni association.

(e) Not more than 20 trustees, the number to be determined by the board of trustees, appointed by the trustees then in office.

(2) Unless otherwise provided in bylaws of the college adopted by the trustees under section 3, the term of office of a trustee appointed under subsection (1)(b), (d), or (e) is 3 years. The term of office of a trustee appointed under subsection (1)(c) is 2 years, except that the board of trustees may appoint an individual for a 1-year term so that the terms of office of board members appointed under subsection (1)(c) are staggered.

(3) The board of trustees may provide in bylaws adopted under section 3 a limitation on the number of consecutive terms an individual may serve as a trustee.

(4) A trustee appointed under subsection (1)(b), (c), (d), or (e) may serve in office only until the expiration of that trustee's term, regardless of whether a successor has been appointed.

History: 1857, Act 72, Eff. May 19, 1857 ;-- CL 1915, 11074 ;-- CL 1929, 8128 ;-- CL 1948, 390.702 ;-- Am. 1972, Act 137, Imd. Eff. May 18, 1972 ;-- Am. 2011, Act 220, Imd. Eff. Nov. 15, 2011

390.702a Repealed. 1972, Act 137, Imd. Eff. May 18, 1972.

Compiler's Notes: The repealed section pertained to additional members of the board of trustees of Albion college.

390.703 Board of trustees; powers; course of study; conferring of degrees.

Sec. 3.

The said trustees shall have power to make by-laws for their own government and for the government of the institution; to elect or appoint the faculty or board of instruction of said college; to prescribe the course of study; to attend the examinations of the classes; to regulate the government and instruction of students and manage the affairs of said corporation in such manner as they think best calculated to promote and carry out the objects contemplated in this act. They shall have power to confer the bachelor's degree upon such persons as shall have completed satisfactorily to the faculty and said trustees the course of study prescribed. They shall have power to confer the master's degree on such graduates of Albion college or of other institutions of similar grade as they shall judge worthy, and they shall have power, also, to confer such honorary degrees as are usually conferred by colleges and universities and shall have all other powers and privileges belonging to colleges according to the laws of this state: Provided always, That the course of study for graduation shall be equal to that which is required in the university of Michigan.

History: 1857, Act 72, Eff. May 19, 1857 ;-- CL 1915, 11076 ;-- CL 1929, 8130 ;-- CL 1948, 390.703

390.704 Repealed. 2011, Act 220, Imd. Eff. Nov. 15, 2011.

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Compiler's Notes: The repealed section pertained to election of president of Albion college.

390.705 Powers of corporation.

Sec. 5.

The said corporation shall be capable of suing and being sued and receiving by gift, will or bequest, property, real and personal, and of holding and conveying the same. The said corporation shall have power to make and use a common seal, and to alter the same at pleasure.

History: 1857, Act 72, Eff. May 19, 1857 ;-- CL 1915, 11078 ;-- CL 1929, 8132 ;-- CL 1948, 390.705

390.705a Board of trustees; custodians of endowment funds.

Sec. 5-a.

The said board of trustees shall be the custodians of the endowment fund of said college and shall control the investment of the funds held for endowment purposes, whether general or special. Said board, in its management of said funds, may employ committees, individuals, banks, trust companies or other agents and may fix the compensation to be paid for services and the guaranties to be required.

History: Add. 1923, Act 1, Imd. Eff. Feb. 16, 1923 ;-- CL 1929, 8133 ;-- CL 1948, 390.705a

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390.706 Act declared public; non-user of privileges; misnomer in instrument.

Sec. 6.

This act shall be and hereby is declared to be a public act; no non-user of any of the privileges hereby granted to the said corporation shall create or produce a forfeiture of the same and no misnomer of said corporation in any deed, will, testament, gift, grant, demise or other instrument, contract or conveyance shall defeat or vitiate the same, provided that the corporation be sufficiently described to ascertain the intent.

History: 1857, Act 72, Eff. May 19, 1857 ;-- CL 1915, 11079 ;-- CL 1929, 8134 ;-- CL 1948, 390.706

390.707 Breach of trustee's or officer's fiduciary duty; liability.

Sec. 7.

A volunteer trustee or a nontrustee volunteer who is an officer of the college has no personal liability to the college for monetary damages for a breach of the trustee's or officer's fiduciary duty. This provision does not eliminate or limit the liability of a trustee or officer for any of the following:

(a) A breach of the trustee's or officer's duty of loyalty to the college.

(b) Acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law.

(c) Any distribution of assets of the college in violation of applicable law.

(d) A transaction from which the trustee or officer derived an improper personal benefit.

(e) An act or omission occurring before the effective date of this amendment.

(f) An act or omission that is grossly negligent.

History: Add. 2011, Act 220, Imd. Eff. Nov. 15, 2011
Compiler's Notes: Former MCL 390.707, which pertained to the election of trustees by the alumni association of Albion college, was repealed by Act 137 of 1972, Imd. Eff. May 18, 1972.

390.707a Volunteer trustee; liability for acts or omissions.

Sec. 7a.

During the time that the college is tax exempt under section 501(c)(3) of the internal revenue code, 26 USC 501, the college assumes all liability to any person other than the college for all acts or omissions of a volunteer trustee incurred in the good faith performance of the volunteer trustee's duties.

History: Add. 2011, Act 220, Imd. Eff. Nov. 15, 2011

390.707b Volunteer trustee or nontrustee volunteer; liability of college; conditions.

Sec. 7b.

The college assumes the liability for all acts or omissions of a person who is a volunteer trustee or nontrustee volunteer occurring on or after the effective date of the amendatory act that added this section if all of the following are met:

(a) The person was acting or reasonably believed he or she was acting within the scope of his or her authority.

(b) The volunteer was acting in good faith.

(c) The volunteer's conduct did not amount to gross negligence or willful and wanton misconduct.

(d) The volunteer's conduct was not an intentional tort.

(e) The volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed under section 3135 of the insurance code of 1956, 1956 PA 218, MCL 500.3135.

History: Add. 2011, Act 220, Imd. Eff. Nov. 15, 2011

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390.707c Volunteer trustee or nontrustee volunteer; liability for claim for monetary damages.

Sec. 7c.

A claim for monetary damages for an act or omission of a volunteer trustee or a nontrustee volunteer shall not be brought or maintained against that volunteer trustee or nontrustee volunteer. The claim shall be brought and maintained against the college.

History: Add. 2011, Act 220, Imd. Eff. Nov. 15, 2011

390.708 Repealed. 2011, Act 220, Imd. Eff. Nov. 15, 2011.

Compiler's Notes: The repealed section pertained to appointment of visitors.