

Part III
Delaware State University

Chapter 65
Organization, Administration and Functions

§ 6501 Corporate status and membership.

- (a) Delaware State University, hereafter in this part referred to as “the University,” is and shall be a corporation.
- (b) The members of the Board of Trustees of the University shall constitute the membership of the corporation.
- (19 Del. Laws, c. 119, § 2; 19 Del. Laws, c. 635; 26 Del. Laws, c. 130; Code 1915, § 2350; Code 1935, § 2794; 46 Del. Laws, c. 202, § 2; 14 Del. C. 1953, § 6501; 69 Del. Laws, c. 67, § 1.)

§ 6502 Purpose and object.

The purpose and object of the University shall be to impart instruction in agriculture, the mechanical arts, the English language, the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life, and to the facilities for such instruction, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life, but other scientific and classical studies may be taught, and a normal school for the preparation of teachers may be connected with the University under such rules and regulations as the Trustees may adopt.

(19 Del. Laws, c. 119, § 3; Code 1915, § 2351; Code 1935, § 2795; 14 Del. C. 1953, § 6502; 69 Del. Laws, c. 67, § 1.)

§ 6503 Powers.

(a) The University shall have all the powers and franchises incident to a corporation, including the power to take and hold real and personal estate by deed, devise, bequest, gift, grant or otherwise, and the same to alien, sell, transfer and dispose of as occasion may require, and the proceeds thereof to reinvest in other property, funds or securities for the benefit of the University and in accordance with the spirit and purpose of its charter.

(b) (1) The University may appoint such number of police officers as are necessary to preserve the peace and good order of the University, and such officers shall be known as the “University Police” and shall be supervised by a Director. They shall have jurisdiction on the University campuses.

(2) The University police shall be law-enforcement officers of the State and conservators of the peace with the right to investigate and arrest, in accordance with the laws of the State, any person for violation of federal or state laws or applicable county or city ordinances when such violations occur on any properties or facilities which are under the supervision, regulation and control of the Delaware State University or on contiguous streets and highways.

(3) The provisions of this section shall neither reduce nor restrict the jurisdiction of other duly appointed peace officers who are empowered to enforce federal or state laws or applicable county or city ordinances on the property of the Delaware State University.

(19 Del. Laws, c. 119, § 2; 19 Del. Laws, c. 635; 26 Del. Laws, c. 130; Code 1915, § 2350; Code 1935, § 2794; 46 Del. Laws, c. 202, § 2; 14 Del. C. 1953, § 6503; 69 Del. Laws, c. 67, § 1; 72 Del. Laws, c. 395, § 343.)

§ 6504 Board of Trustees — Composition, appointment or election, term and vacancies.

(a) The Board of Trustees of the University shall consist of 15 members whose appointment or election is provided for in subsections (b) and (c) hereof and the Governor of the State and the President of the University, both of whom shall be members of the Board, ex officio.

(b) Eight of the trustees shall be appointed and commissioned by the Governor for a term of 6 years each, to begin upon the expiration of the term of the trustee whom each is to succeed. Two such trustees shall reside in each county of the State.

(c) Seven of the trustees shall be elected by a majority of the whole Board as constituted. One such trustee shall reside in each county of the State. They shall be elected for a term of 6 years each beginning September 1 in the year of election. The election of these trustees shall be held on the date and in the manner established in the bylaws. The first set of trustees elected under this subsection shall be elected as follows:

In 1957, 1 member shall be elected for a 4-year term and 1 member for a 5-year term. In 1958, 1 member shall be elected for a 6-year term and 1 member for a 5-year term and in 1959, 1 member shall be elected for a 6-year term.

(d) The Governor shall fill any vacancies that occur as to appointments made by the Governor, and the Board shall fill any vacancies that occur as to elections made by the Board. All vacancies occurring for reasons other than the expiration of the term shall be filled for the unexpired term.

(19 Del. Laws, c. 119, § 1; 19 Del. Laws, c. 635; Code 1915, § 2349; Code 1935, § 2793; 45 Del. Laws, c. 201, § 1; 46 Del. Laws, c. 202, § 2; 14 Del. C. 1953, § 6504; 51 Del. Laws, c. 98, § 1; 69 Del. Laws, c. 67, § 1; 75 Del. Laws, c. 82, §§ 1-3.)

§ 6505 Board of Trustees — Powers; meetings; quorum; bylaws.

The Board of Trustees shall have the superintendence of the University, with power to appoint and remove the faculty and other officers and agents of the University and of its own body; to fill vacancies and to make bylaws as well for the government of the University as

its own government; and to conduct all the concerns of the institution. A majority of all those members appointed by the Governor and those members elected by the Board shall constitute a quorum. Meetings of the Board shall be held as the bylaws prescribe.

(19 Del. Laws, c. 119, § 4; 19 Del. Laws, c. 635; Code 1915, § 2352; Code 1935, § 2796; 14 Del. C. 1953, § 6505; 50 Del. Laws, c. 406, § 2; 51 Del. Laws, c. 98, § 1; 69 Del. Laws, c. 67, § 1.)

§ 6506 Faculty; powers.

The faculty of the University, composed of the teachers whom the trustees shall employ, 1 of whom shall be President of the University and, ex officio, a member of the Board of Trustees, shall have the care, government and instruction of the students, subject, however, to the bylaws. They shall have authority, with the approbation of the Board, to confer degrees and grant diplomas.

(19 Del. Laws, c. 119, § 5; Code 1915, § 2353; Code 1935, § 2797; 14 Del. C. 1953, § 6506; 69 Del. Laws, c. 67, § 1.)

§ 6507 Donations; misnomer.

Devises, bequests, grants and gifts to the University shall not be avoided by any misnomer if the description can be understood with reasonable certainty.

(19 Del. Laws, c. 119, § 6; Code 1915, § 2354; Code 1935, § 2798; 14 Del. C. 1953, § 6507; 69 Del. Laws, c. 67, § 1.)

§ 6508 Annual payment from State Treasurer.

The State Treasurer shall pay annually to the treasurer of the University, 20 percent or one-fifth part of the sum of money which the State Treasurer shall receive annually by virtue of an act of Congress, entitled "An Act to Apply a Portion of the Proceeds of the Public Lands to the More Complete Endowment and Support of the Colleges for the Benefit of Agriculture and the Mechanic Arts, Established under the Provisions of an Act of Congress, Approved July 2, 1862," being the Act of August 30, 1890, Chapter 841, 26 Stat. 417 [7 U.S.C. §§ 321-328].

(19 Del. Laws, c. 119, § 8; Code 1915, § 2355; Code 1935, § 2799; 46 Del. Laws, c. 202, § 2; 14 Del. C. 1953, § 6508; 69 Del. Laws, c. 67, § 1; 70 Del. Laws, c. 186, § 1.)

§ 6509 Use of annual payments.

The moneys received by the University as provided in § 6508 of this title shall be used by the University for the support and maintenance of the University.

(19 Del. Laws, c. 119, § 9; Code 1915, § 2356; Code 1935, § 2800; 14 Del. C. 1953, § 6509; 69 Del. Laws, c. 67, § 1.)

§ 6510 Scholarships.

(a) The General Assembly shall at each biennial session appropriate \$50,000 of which \$25,000 shall be paid annually to the University for the purpose of establishing scholarships at the University.

(b) The minimum number of scholarships to be awarded in each year shall be 50.

(c) A committee to award such scholarships shall be selected by the President of the University.

(d) The State Treasurer shall pay to the University the sum of \$25,000 in each year upon warrants signed by the President of the University and the secretary of its Board of Trustees.

(47 Del. Laws, c. 179, §§ 1-4; 14 Del. C. 1953, § 6510; 51 Del. Laws, c. 98, § 4; 51 Del. Laws, c. 200, § 1; 69 Del. Laws, c. 67, § 1.)

§ 6511 Summer school for teachers and instructional aides [Operation suspended pending appropriations; see 82 Del. Laws, c. 242, § 286].

The University shall maintain at the University, for a period of not less than 6 weeks during the summer of each year, a school for teachers and instructional aides in which shall be given courses in pedagogy and such other subjects as will give increased efficiency to those who are now teaching or providing instructional assistance or wish to prepare to teach in the free public schools in this State. The courses given in the school shall be arranged by the University. All persons who are now teaching, or providing instructional assistance or who will give satisfactory assurance to the Department of Education that they intend to teach in the free public schools of this State shall be admitted into the school, so long as class space is available and provided their applications are approved by the Department. Tuition shall be free to all Delaware teachers and instructional aides who meet University requirements.

(64 Del. Laws, c. 90, § 141; 68 Del. Laws, c. 92, § 2; 69 Del. Laws, c. 67, § 1; 71 Del. Laws, c. 180, § 180; 78 Del. Laws, c. 78, § 294; 78 Del. Laws, c. 290, § 292; 79 Del. Laws, c. 78, § 289; 79 Del. Laws, c. 290, § 300; 80 Del. Laws, c. 79, § 296; 80 Del. Laws, c. 298, § 293; 81 Del. Laws, c. 58, § 298; 81 Del. Laws, c. 280, § 294; 82 Del. Laws, c. 64, § 294; 82 Del. Laws, c. 242, § 286.)

§ 6512 Authority to issue bonds.

(a) The Board of Trustees of Delaware State University may provide by resolution, from time to time, for the issuance, in the name of Delaware State University, of revenue bonds of the University, for the purpose of paying all or any part of the costs, including financing costs and necessary reserves for debt service, maintenance and the like, of 1 or more income-producing capital improvements, including constructing and equipping income-producing buildings and facilities to include dormitories/student residences, cafeteria

facilities, parking facilities, together with incidental acquisition of land therefor, landscaping, walks, drives and utility installations deemed necessary by said Board for the sound expansion and development of the University and for the purpose of refunding outstanding issues of such revenue bonds.

(b) The principal of such bonds shall be payable solely from University funds (other than state-appropriated funds) specifically pledged in each case by said Board by resolution, and the adoption of such resolution shall fully perfect such pledge for all purposes. No part of the revenues or funds of the University from other sources shall in any manner be expended for the purpose of paying such principal and interest.

(c) The bonds of each issue shall be dated, shall bear interest at such rate or rates per annum, payable semiannually, shall mature at such time or times and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the Board of Trustees prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The Board of Trustees shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the State.

(d) The bonds shall be signed by the President of the Board of Trustees, or shall bear the facsimile signature of the President of the Board of Trustees, in which latter event such bonds shall be authenticated by the manual signature of an officer of a bank or trust company appointed by resolution of the Board of Trustees as fiscal agent in connection with the bond issue, and the seal of the University, or facsimile thereof, shall be affixed to the bonds and shall be attested by the Secretary of the Board of Trustees, which attestation may, if the bonds are authenticated as above provided, be by facsimile signature of the Secretary of the Board of Trustees; and any coupons attached to the bonds shall bear the facsimile signature of the President of the Board of Trustees. In case any officer whose signature or a facsimile thereof shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until such delivery.

(e) All revenue bonds issued under this chapter shall have, and are declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the law of this State.

(f) Such bonds and the income therefrom shall be exempt from all taxation by the State or by any political subdivision, agency or authority thereof.

(g) The bonds may be issued in coupon or in registered form or both as the Board of Trustees may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest, and for the reconversion of any bonds registered both as to principal and interest into coupon bonds.

(h) The Board of Trustees may sell such bonds either at public or private sale in such manner and for such price as it may determine to be for the best interests of the University.

(i) The proceeds of such bonds shall be used solely for the payment of the cost of the specified capital improvements and shall be disbursed in the same manner as other University funds. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be held for application to the payment of principal and interest of such bonds.

(j) Prior to the preparation of definitive bonds, the Board of Trustees may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issue of the latter. The Board of Trustees may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

(k) Any contracts or classes of contracts with firms or individuals entered into by Delaware State University in connection with the issuance and sale of any revenue bonds authorized by this section must be approved by the majority of the State's bond issuing officers (as defined for the purposes of Title 29, Chapter 74), or authorized designees.

(l) Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this chapter.

(68 Del. Laws, c. 97, § 1; 69 Del. Laws, c. 67, § 1; 70 Del. Laws, c. 186, § 1.)

§ 6513 Bonds as legal investments for institutions and fiduciaries.

Bonds issued under this chapter are made securities in which all state and municipal officers and administrative departments, boards and commissions of the State, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and such bonds are made securities which may properly and legally be deposited with and received by any state, county or municipal officer or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

(68 Del. Laws, c. 97, § 1.)

§ 6514 Credit of State not pledged.

Revenue bonds issued under this chapter shall be payable exclusively from specified funds of the University. All such bonds shall contain a statement on their face that the State is not obligated to pay the same or the interest thereon and that the faith and credit of the

State are not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under this chapter shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

(68 Del. Laws, c. 97, § 1; 69 Del. Laws, c. 67, § 1.)