

# DELAWARE STATE COLLEGE

## Charter and By-Laws



1961

**PART III**  
**DELAWARE STATE COLLEGE**

**CHAPTER 65. ORGANIZATION, ADMINISTRATION,  
AND FUNCTIONS**

**Sec.**

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**§ 6501. Corporate status, and membership**

(a) Delaware State College, hereafter in this part referred to as "the College", is and shall be a corporation.

(b) The members of the Board of Trustees of the College shall constitute the membership of the corporation.

**History and Source of Law**

**Derivation:**

- 46 Del.Laws, Ch. 202, § 2.
- Code 1935, § 2794.
- Code 1915, § 2350.
- 26 Del.Laws, Ch. 130.
- 19 Del.Laws, Ch. 635.
- 19 Del.Laws, Ch. 119, § 2.

**Revision Note:**

Section is based on first part of section 2794 of Code 1935. For remainder of such section 2794, see section 6503 of this title.

**1947 Amendment:**

46 Del.Laws, Ch. 202, § 2, amended Chapter 73 of Code 1935 by changing name of "State College for Colored Students" to "Delaware State College".

**§ 6502. Purpose and object**

The purpose and object of the College shall be to impart instruction in agriculture, the mechanic 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 College under such rules and regulations as the Trustees may adopt.

#### History and Source of Law

##### Derivation:

Code 1833, § 2795.  
Code 1915, § 2351.  
19 Del.Laws, Ch. 119, § 3.

#### § 6503. Powers

The College 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 College, and in accordance with the spirit and purpose of its charter.

#### History and Source of Law

##### Derivation:

46 Del.Laws, Ch. 292, § 2.  
Code 1935, § 2794.  
Code 1915, § 2350.  
26 Del.Laws, Ch. 179.  
10 Del.Laws, Ch. 615.  
19 Del.Laws, Ch. 119, § 2.

##### Revision Note:

Section is based on last part of section 2794 of Code 1935. For remainder of such section 2794, see section 6501 of this title.

##### 1947 Amendment:

46 Del.Laws, Ch. 292, § 2, amended Chapter 73 of Code 1935 by changing name of "State College for Colored Students" to "Delaware State College".

#### § 6504. Board of Trustees; composition, appointment, qualifications, term and vacancies

(a) The Board of Trustees of the College shall consist of six members.

(b) Each trustee shall be appointed and commissioned by the Governor for a term of six years to begin upon the expiration of the term of the trustee whom he is to succeed.

(c) The trustees shall be respectable and well qualified persons. Two trustees shall be appointed from each county.

(d) All vacancies on the Board shall be filled by the Governor for the unexpired term.

## History and Source of Law

## Derivation:

10 Del.Laws, Ch. 202, § 2.  
 45 Del.Laws, Ch. 201, § 1.  
 Code 1935, § 2793.  
 Code 1953, § 2339.  
 10 Del.Laws, Ch. 435.  
 10 Del.Laws, Ch. 119, § 1.

## 1947 Amendment:

46 Del.Laws, Ch. 202, § 2, amended Chapter 75 of Code 1935 by changing name of "State College for Colored Students" to "Delaware State College".

## 1945 Amendment:

45 Del.Laws, Ch. 201, § 3, amended section 2793 of Code 1935 by authorizing Governor, in June 1945, to appoint trustees for staggered terms of from 1 to 6 years and thereafter for terms of 6 years, instead of for 4 year terms or until appointment of successors.

## Reviser Note:

Provisions of section 2793 of Code 1935, as amended 45 Del.Laws, Ch. 201, § 3, relating to appointment of trustees for staggered terms of from 1 to 6 years, were omitted as executed.

## § 6505. Powers of Board; meetings, quorum and by-laws

The Board of Trustees shall have the superintendence of the College, with power to appoint and remove the faculty and other officers and agents of the College and of its own body; to fill vacancies and to make by-laws as well for the government of the College as its own government; and to conduct all the concerns of the institution. Four members of the Board shall constitute a quorum, and meetings of the Board shall be held as the by-laws may prescribe. The by-laws shall not conflict with the Constitution or laws of the United States or of this State.

## History and Source of Law

## Derivation:

Code 1935, § 2793.  
 Code 1945, § 2352.

10 Del.Laws, Ch. 435.  
 10 Del.Laws, Ch. 119, § 1.

## Notes of Decisions

## 1. Jurisdiction

Where complaint charged that trustees of a state college were attempting to deprive plaintiff of right to hold office as president of the college and there was no diversity of citizenship and the

college was a state agency, Federal District Court was without jurisdiction and motion to dismiss would be granted. *Chapman v. Trustees of Delaware State College*, D.C., 101 F.Supp. 141 (1953).

## § 6506. Faculty; powers

The faculty of the College, composed of the teachers whom the trustees shall employ, one of whom shall be President of the College and ex officio a member of the Board of Trustees, shall have the care, government and instruction of the students, subject, however, to the



by-laws. They shall have authority, with the approbation of the Board, to confer degrees and grant diplomas.

**History and Source of Law**

**Derivation:**

Code 1935, § 2797.  
Code 1915, § 2353.  
19 Del.Laws, Ch. 119, § 5.

**§ 6507. Donations; misnomer**

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

**History and Source of Law**

**Derivation:**

Code 1935, § 2799.  
Code 1915, § 2354.  
19 Del.Laws, Ch. 119, § 6.

**§ 6508. Annual Payment from State Treasurer**

The State Treasurer shall pay annually to the Treasurer of the College, twenty per cent or one-fifth part of the sum of money which he 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.<sup>1</sup>

<sup>1</sup> 47 U.S.C.A. §§ 321-326 and 328.

**History and Source of Law**

**Derivation:**

46 Del.Laws, Ch. 202, § 2.  
Code 1935, § 2798.  
Code 1915, § 2355.  
19 Del.Laws, Ch. 119, § 8.

**1947 Amendment:**

46 Del.Laws, Ch. 202, § 2, amended chapter 73 of Code 1935 by changing name of "State College for Colored Students" to "Delaware State College".

**§ 6509. Use of annual payments**

The monies received by the College as provided in section 6508 of this title shall be used by the College for the support and maintenance of the College.

**History and Source of Law**

**Derivation:**

Code 1935, § 2800.  
Code 1915, § 2356.  
19 Del.Laws, Ch. 119, § 9.

**Revision Note:**

Section is based on first part of section 2800 of Code 1935. For remainder of such section 2800, see section 6510 of this title.



## § 6510. Treasurer's bond

The Treasurer of the College, before receiving any money from the State Treasurer, shall give bond with good and sufficient security to the State in the sum of \$10,000, conditioned for the faithful application of all the monies received. The bond shall be approved by the trustees and shall be deposited in the office of the Secretary of State.

## History and Source of Law

## Derivation:

Code 1935, § 2809.  
Code 1915, § 2333.  
19 Del.Laws, Ch. 119, § 9.

## Revision Note:

Section is based on last part of section 2800 of Code 1935. For remainder of such section 2800, see section 6509 of this title.

## § 6511. Summer school for teachers

The College shall maintain at the College, for a period of not less than six weeks during the summer of each year, a school for teachers in which shall be given courses in pedagogy and such other subjects as will give increased efficiency to those who are now teaching or wish to prepare to teach in the free public schools of this State. The courses given in the school shall be arranged by the State Board of Education. All persons who are now teaching or who will give satisfactory assurance to the State Board that they intend to teach in the free public schools of this State, shall be admitted into the school, provided their applications are approved by the State Board. Tuition shall be free to all Delaware teachers.

## History and Source of Law

## Derivation:

46 Del.Laws, Ch. 202, § 2.  
Code 1935, § 2801.  
22 Del.Laws, Ch. 170, § 1.

## 1947 Amendment:

46 Del.Laws, Ch. 202, § 2, amended chapter 73 of Code 1935 by changing name of "State College for Colored Students" to "Delaware State College".

## § 6512. Scholarships

(a) The General Assembly shall at each biennial session appropriate \$30,000, of which \$15,000 shall be paid annually, to the College for the purpose of establishing scholarships at the College.

(b) The minimum number of scholarships to be awarded in each year shall be 30.

(c) A committee to award such scholarships shall be selected by the Board of Trustees of the College. The committee shall be appointed by the Board for such term or terms as the Board deems advisable.

(d) The committee shall immediately upon making recommenda-

items for scholarships report the same to the Board of Trustees of the College.

(e) The State Treasurer shall pay to the College the sum of \$15,000 in each year upon warrants signed by the President of the College and the Secretary of its Board of Trustees.

#### History and Source of Law

**Derivation:** The purpose and object of the College shall be to teach agriculture, the mechanic arts, the English language, the various branches of mathematical, physical, natural and economic sciences, 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 College under such rules and regulations as the Trustees may adopt.

### III. Powers:

The College shall have all the powers and franchises incident to a corporation, including the power to take and hold real and personal estate by deed, mortgage, bequest, gift, grant, or otherwise, and the power to alien, sell, transfer and dispose of an interest therein as required, and the proceeds thereof to reinvest in other property, funds or securities for the benefit of the College, and in accordance with the spirit and purpose of its charter.

### IV. Members of Board of Trustees

1. The Board of Trustees of the College shall consist of eleven members. In addition to such eleven members, the President of the College and the Governor of the State of Delaware shall be ex-officio members.
2. Six trustees shall be appointed by the Governor for terms of six years each; two such trustees shall reside in each county of the State.



BY-LAWS  
DELAWARE STATE COLLEGE  
DOVER, DELAWARE

- I. Name: The name of this organization is Delaware State College
- II. Purpose and object:

The purpose and object of the College shall be to impart instruction in agriculture, the mechanic 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 College under such rules and regulations as the Trustees may adopt.

- III. Powers:

The College 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 College, and in accordance with the spirit and purpose of its charter.

- IV. Members of Board of Trustees

- A. The Board of Trustees of the College shall consist of eleven members. In addition to such eleven members, the President of the College and the Governor of the State of Delaware shall be ex-officio members.
- B. (1) Six trustees shall be appointed by the Governor for terms of six years each; two such trustees shall reside in each county of the State.



(2) Five trustees shall be elected by the members of the Board of Trustees for terms of six years each; at least one such trustee shall reside in each county in the State.

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

C. The term of office of those members of the Board of Trustees appointed by the Governor shall expire as stated in the commission issued to such member by the Governor.

The term of office of those members elected to the Board of Trustees shall begin on September 1 in the year of election and terminate on September 1, six years later, except as to such members elected for a specified term of shorter duration as reflected in the minutes of the Board of Trustees.

V. Powers, Organization and Officers of Board of Trustees:

- A. The Board of Trustees shall have the superintendence of the College, with power to appoint and remove the faculty and other officers and agents of the College and of its own body; to fill vacancies and to make by-laws as well for the government of the College as its own government; and to conduct all the concerns of the institution.
- B. The first meeting of the Board of Trustees in each school year (September meeting) shall be designated as the organizational meeting; and officers of the Board shall be elected at such meeting.
- C. The officers of the Board of Trustees shall consist of a President, a Vice President, and a Secretary whose terms of such offices shall be for one year.
- D. The President of the Board of Trustees shall appoint an Executive Committee and such other committees as he may consider necessary from time to time. The Executive Committee is authorized to act on behalf of the entire Board when a majority of the Executive Committee deems such action necessary for the welfare

of the College between meetings of the entire Board and shall report its actions to the entire Board at the next meeting thereof.

VI. Meetings of the Board of Trustees:

- A. The Board of Trustees shall meet once each month from September to June, inclusive; and at such other times as the President of the Board shall designate. Special meetings shall also be called at the written request of a majority of all the appointed and elected members.
- B. Six of the appointed and elected members of the Board of Trustees shall constitute a quorum.
- C. The meetings of the Board of Trustees shall be governed by the accepted rules of parliamentary procedure whenever they are applicable, and, in which they are not inconsistent with the legally constituted charter of the College.

VII. President of the College: Appointment of and Powers

The President of the College shall be appointed by the Board of Trustees, and shall serve as the chief executive of the College.

VIII. Faculty: Appointment of and Powers

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

IX. Amendments to By-Laws

Such amendments as are not inconsistent with the Laws or Constitution of the State of Delaware may be made to these By-Laws by vote of a majority of the appointed and elected members of the Board of Trustees; provided, however, that written notice of such proposed amendment is sent to each Trustee at least fifteen (15) days prior to any Board meeting at which such proposed amendment is to be considered.



DELAWARE STATE COLLEGE  
Dover, Delaware

STANDING COMMITTEES OF THE BOARD OF TRUSTEES

Executive Committee

Finance Committee

Buildings and Grounds Committee

Educational Policy and Scholarship Committee

Endowment and Private Gifts Committee

Trustee-Faculty Relations and Welfare Committee