

18A:65-1 et seq.

LEGISLATIVE FACT SHEET

on Rutgers Act of 1956

N.J.R.S. 18A:65-1 et seq.

[18:22-15, 25 et seq.]

(Amendment)

LAWS OF 1956

CHAPTER 61 June 1, 1956

SENATE BILL 167

ASSEMBLY BILL

INTRODUCED April 2, 1956

BY McCay, Dumont, Jones, Forbes, Ridolphi + Lynch.

* SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING

974.90
R973
1956

N.J. Legislature, Senate, Committee on Education, Public Hearing on Senate Committee Substitute for Senate No. 167 (Reorganization - Rutgers University), held May 23, 1956.

VETO

* SPONSOR'S STATEMENT to original Senate, No. 167

The purpose of this Act is to authorize and implement the plan for the re-organization of the Board of Trustees of The Trustees of Rutgers College in New Jersey, the State University, in accordance with the plan conditionally adopted by its Board of Trustees, the outstanding provision of which is the creation of a new Board of Governors, of which a majority will be appointed by the Governor of New Jersey, with the advice and consent of the Senate, and which will have general supervision over and the conduct of the University, with the Board of Trustees continuing in an over-all advisory capacity and with control over certain properties and trusts and the investment of trust funds; to change its name; and the Act otherwise provides for clarification of the relations between the State and the University and of their respective obligations, and amends the existing Charter of The Trustees of Rutgers College, as therein set

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forth, and repeals inconsistent acts.

LEGISLATIVE FACT SHEET ON

N.J.S.A. 18A:65-1 et seq. cont'd.

STATEMENT attached to Senate Committee Substitute
for SENATE, No. 167

The purpose of this Act is to authorize and implement the plan for the re-organization of the Board of Trustees of The Trustees of Rutgers College in New Jersey, the State University, conditionally adopted by its Board of Trustees, the outstanding provision of which is the creation of a new Board of Governors, a majority of whom will be appointed by the Governor of New Jersey, with the advice and consent of the Senate, and which will have general supervision over and be vested with the conduct of the University, with the Board of Trustees continuing in an over-all advisory capacity and with control over certain privately donated properties and trusts and the investment of trust funds; to change its name; and the Act otherwise provides for clarification of the relations between the State and the University and of their mutual agreements, amends the existing Charter of The Trustees of Rutgers College, as therein set forth, and repeals inconsistent acts.

See :

*Rutgers v. Ragler, 110 N.J. Super 424 (1970)
265 A.2d 847*

*Trustees of Rutgers College in N.J. v. Bickman,
41 N.J. Super 259 (1956)*

SENATE, No. 167

STATE OF NEW JERSEY

INTRODUCED APRIL 2, 1956

By Messrs. McCAY, DUMONT, JONES, FORBES, RIDOLFI and LYNCH

Referred to Committee on Education

AN ACT concerning The Trustees of Rutgers College in New Jersey, the State University of New Jersey, changing its name to Rutgers, The State University, reorganizing the Board of Trustees thereof, and creating a Board of Governors having general supervision over and the conduct of the University, amending its Charter, repealing Section 3 of Chapter 49 of the Laws of 1945, approved March 26, 1945 (P. L. 1945, page 115), and all acts and parts of acts inconsistent with this Act.

1 WHEREAS, It is deemed and declared to be in the public interest and advisable
2 in the development of higher education by Rutgers, the State University
3 of New Jersey, and thereby to increase the efficiency of the public school
4 system of the State;

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. This Act shall be known as and may be cited as the "Rutgers, The
2 State University Act of 1956."

1 2. The name of "The Trustees of Rutgers College in New Jersey," a
2 body corporate and politic, is hereby changed to "Rutgers, The State Uni-
3 versity," effective July 1, 1956.

1 3. The term "the Corporation," as used in this Act, shall mean the said
2 body corporate and politic, incorporated under the name of "The Trustees of

3 Queen's—College, in New—Jersey," by Royal Charter dated November 10,
4 1766 (amended March 20, 1770), confirmed and amended by Acts of the Leg-
5 islature of the State of New Jersey adopted June 5, 1781, and May 31, 1799,
6 respectively, and having perpetual succession and existence; its name having
7 been changed to "The Trustees of Rutgers College in New Jersey" by Act of
8 the Legislature adopted November 30, 1825; and which is and continues to be
9 the "Land Grant College of New Jersey"; and the property and educational
10 facilities, rights and privileges of which are impressed with a public trust
11 for higher education of the people of the State of New Jersey.

1 4. The term "the State University" or "the University," as used in this
2 Act, shall, unless the context clearly indicates to the contrary, include and
3 mean the educational entity conducted by the Corporation, heretofore des-
4 igned the State University, as now and hereafter constituted, including all
5 departments, colleges, schools, centers, branches, educational and other units
6 and extensions thereof.

1 5. There is hereby created a Board of Governors of the Corporation,
2 which shall be constituted, and on and after July 1, 1956, shall have and
3 exercise the powers, authority, rights and privileges, and be subject to the
4 duties, obligations and responsibilities, hereinafter set forth and expressed.

1 6. The existing Board of Trustees of the Corporation shall continue as
2 such and on July 1, 1956, shall be reorganized and reconstituted, and shall
3 have and exercise the powers, authority, rights and privileges, and be subject
4 to the fiduciary and other duties, obligations and responsibilities, hereinafter
5 set forth and expressed.

1 7. The Board of Governors shall be classified as follows and consist of

2 (a) two ex-officio Governors, without vote, serving by virtue of their re-
3 spective offices during the terms thereof, viz.,

4 (i) the Commissioner of Education of New Jersey, and

5 (ii) the President of the Corporation; and

6 (b) eleven voting members,

7 (i) six of whom shall be appointed by the Governor of the State,
8 with the advice and consent of the Senate, and

9 (ii) the remaining 5 of whom shall be appointed by the Board
10 of Trustees.

11 All Governors shall serve for terms of 6 years, except that the terms of
12 those initially appointed by the Governor shall begin on July 1, 1956, and
13 expire respectively 1, 2, 3, 4, 5 and 6 years after June 30, 1956; and the
14 terms of those initially appointed by the Board of Trustees shall begin on
15 July 1, 1956, and expire respectively 2, 3, 4, 5 and 6 years after June 30, 1956.
16 Governors may succeed themselves for not more than 1 additional term after
17 having served 1 full 6-year term.

1 8. It is understood and is the intent of this Act that the initial appoint-
2 ments to membership on the Board of Governors by the Governor of the State,
3 with the advice and consent of the Senate, and by the Board of Trustees of
4 the Corporation, respectively, shall be reciprocally acceptable to the Board of
5 Trustees and to the Governor and the Senate.

1 9. I. The membership of the Board of Trustees shall be classified as fol-
2 lows and consist of

3 (a) two ex-officio Trustees, without vote, serving by virtue of their re-
4 spective offices during the terms thereof, viz.,

5 (i) the Commissioner of Education of New Jersey, and

6 (ii) the President of the Corporation;

7 (b) eleven Public Trustees, appointed and to be appointed by the Gov-
8 ernor of the State, with the advice and consent of the Senate, viz.,

9 (1) five Public Trustees, serving for terms of 5 years expiring
10 respectively, 1, 2, 3, 4, and 5 years after June 30, 1956, and
11 their respective successors who shall serve 5-year terms; and

12 (2) six Public Trustees serving as Governors, for initial and
13 subsequent terms contemporaneous with their terms as gov-
14 ernors;

15 (c) five Alumni Trustees elected and to be elected by the Board of Trus-
 16 tees on nomination by the Alumni in accordance with rules and reg-
 17 ulations adopted by the Board, serving 5-year terms expiring respec-
 18 tively, 1, 2, 3, 4 and 5 years after June 30, 1956, and their respective
 19 successors who shall serve 5-year terms;

20 (d) two Alumnae Trustees—likewise elected and to be elected on nomina-
 21 tion by the Associate Alumnae of Douglass College for Women in
 22 accordance with rules and regulations adopted by the Board, serving
 23 5-year terms expiring respectively 2 years and 4 years after June
 24 30, 1956, and their respective successors to be likewise elected from
 25 time to time who shall serve 5-year terms; and

26 (e) Charter Trustees (i) in the number of Trustees serving as such on
 27 June 30, 1956, without definite term, who shall continue to serve in-
 28 definitely, provided that upon the occurrence of any vacancy among
 29 such Charter Trustees, no successor shall be elected to fill such
 30 vacancy until such time as the number of such Trustees has been re-
 31 duced below 15, and thereafter vacancies within that number shall
 32 be filled by the Board subject to the following sub-paragraph II;
 33 and (ii) 3 women elected by the Board of Trustees serving for
 34 terms of 5 years expiring respectively on June 30, 1957, 1959, and
 35 1961, and their successors to be likewise elected from time to time by
 36 the Board, who shall serve 5-year terms.

37 II. All Trustees elected or appointed after July 1, 1956, other than those
 38 serving ex officio and those serving 5-year terms, shall serve for terms of 6
 39 years, and may succeed themselves for not more than 1 additional term after
 40 having served 1 full 6-year term, other than those elected for 5-year terms,
 41 who may succeed themselves for not more than 1 additional term after hav-
 42 ing served 1 full 5-year term.

43 III. The ex-officio members of the Board of Trustees as presently con-
 44 stituted shall cease to be such members on June 30, 1956, with the exception
 45 of the Commissioner of Education and the President of the Corporation,

46 who shall continue as ex-officio Trustees, and be ex-officio Governors, without
47 voting power.

1 10. (a) The terms of all Governors and Trustees which are limited shall,
2 unless otherwise expressly provided herein, commence on July 1 in the first
3 year, and end on June 30 in the last year, of such term.

4 (b) In case a Governor or a Trustee is elected President or appointed
5 Commissioner of Education and he thereby becomes a non-voting Governor
6 or Trustee ex officio, a vacancy in his prior office as Governor or Trustee
7 shall thereby occur.

8 (c) In case a Trustee is appointed a Governor by the Governor of the
9 State, and he thereby becomes a Trustee during his term as Governor, a
10 vacancy in his prior office as Trustee shall thereby occur.

11 (d) Any vacancy occurring during the term of any Governor or Trustee
12 shall be filled for the unexpired term in the same manner and subject to the
13 same provisions as in the case of his appointment or election, subject, how-
14 ever, to the provisions of Section 9.

1 11. No person shall be eligible to membership on either Board other
2 than the Commissioner of Education or the President who is a salaried of-
3 ficial of the State of New Jersey, or is receiving remuneration for services
4 from the University, and if any member of either Board shall become in-
5 eligible by reason of the foregoing, a vacancy in his prior office as Governor
6 or as Trustee, as the case may be, shall thereby occur.

1 12. The Boards shall each have power to determine the eligibility of
2 any nominee to or member of its Board under the provisions of the preceding
3 Section, unless eligibility to membership on both Boards is in question, in
4 which case such determination shall be made by joint action of the Boards.

1 13. Each Governor, and each Trustee taking office after June 30, 1956,
2 before entering on the duties of his office shall take and subscribe an oath
3 or affirmation to support the Constitution of the State of New Jersey and
4 of the United States, to bear allegiance to the government of the State, and

3 cated between the Board of Governors and the Board of Trustees, respectively
4 constituted as set forth and expressed in this Act.

1 20. The Board of Governors shall have general supervision over and the
2 conduct of the University. It shall have the authority and responsibility to

3 (1) Determine policies for the organization, administration and de-
4 velopment of the University;

5 (2) Study the educational and financial needs of the University, an-
6 nually acquaint the Governor and Legislature with the condition of the
7 University, and jointly with the State Board of Education present the
8 annual budget to the Governor and Legislature, in accordance with law;

9 (3) Disburse all monies appropriated to the University by the Legis-
10 lature, and monies received from tuition, from fees, from or by direction
11 of the Board of Trustees, and from other sources;

12 (4) Direct and control the expenditures of the Corporation and the
13 University in accordance with the appropriation acts of the Legislature,
14 and, as to funds received from the Trustees, in accordance with the
15 terms, if any, of the applicable trusts, gifts, and bequests. All accounts
16 of the University shall be subject to post-audit by the State;

17 (5) Borrow money for the needs of the Corporation and the Uni-
18 versity, as deemed requisite by the Board, in such amounts and for such
19 time and upon such terms and security as may be determined by the
20 Board, with the consent and advice of the Board of Trustees; *provided*,
21 that no such borrowing shall be deemed to constitute a debt, or liability,
22 or a pledge of the credit, of the State of New Jersey;

23 (6) (a) Purchase all lands, buildings, equipment, materials and
24 supplies; and

25 (b) Employ architects to plan buildings; secure bids for the
26 construction of buildings and for the equipment thereof;
27 make contracts for the construction of buildings and for
27A equipment; and supervise the construction of buildings;

28 (7) Manage and maintain and provide for the payment of all
29 charges on and expenses in respect of, all properties of the University;

30 (8) In accordance with the provisions of the budget, have the sole
31 power (subject to the provisions of Sections 21 II(d) and 29) to elect, ap-
32 point, remove, promote or transfer all corporate, official, educational and
33 civil administrative personnel, and fix and determine their salaries in ac-
34 cordance with salary schedules adopted by the Board of Governors and
35 approved by the State Board of Education. Such salary schedules shall
36 prescribe qualifications for the various classifications and shall limit the
37 percentage of the educational staff that may be appointed or promoted to
38 any given classification;

39 (9) In accordance with the provisions of the budget, appoint, re-
40 move, promote and transfer all other officers, agents, or employees, assign
41 their duties, determine their salaries, and prescribe qualifications for all
42 positions, and in accordance with the salary schedules of the State Civil
43 Service Commission wherever possible; and

44 (10) Authorize any new educational department or school or re-
45 search project which will require, at the time of establishment or there-
46 after, an additional expenditure of money, if the establishment thereof
47 is approved by the State Board of Education and provision is made there-
48 for in the annual appropriation act or in a special act of the Legislature.

1 21. I. The Board of Trustees

2 (1) Shall act in an over-all advisory capacity;

3 (2) Shall control properties, funds and trusts vested as of June 30,
4 1956, in the Corporation, or thereafter received by it by private gift,
5 bequest or transfer in any manner, and shall make available (after
6 meeting all expenses of its administration) to the Board of Governors
7 the income from such funds and the use of the properties subject to the
8 conditions stated hereinafter in this Section; it shall have sole author-
9 ity over the investment of funds under its control; and

10 (3) Its members shall be represented on the committees of the sev-
11 eral colleges.

12 II. As a condition of the beneficial use by the State for the purposes of
13 the University of privately donated physical assets and trust funds valued
14 as at July 1, 1956, at approximately \$50,000,000.00, the State does by this act
15 agree with the Corporation and its successors, and pledges its faith, that it
16 will provide and continue to provide by law:

17 (a) To designate and maintain the University as the State Univer-
18 sity of New Jersey;

19 (b) To protect the essential self-government of the University;

20 (c) That the name of the University shall not be further changed
21 without the consent of the Board of Trustees;

22 (d) That, when there is a vacancy in the office of the presidency of
23 the University, the new President shall be appointed by the Board of
24 Governors with the advice and consent of the Board of Trustees; and

25 (e) To provide resources adequate for the conduct of a university
26 with high educational standards, and to meet increasing enrollment and
27 the need for adequate facilities.

28 III. To enable the Board of Trustees to discharge its duty of assuring
29 that the funds and properties under its control are employed in
30 accordance with the trust reposed in the Board, it is recognized
31 that it must and it shall retain the right to withdraw or with-
32 hold the use of these funds and properties in the event that
33 they should not be properly applied in accordance with the provisions
34 of this Section and the terms of applicable trust or other special provisions.

1 22. It is hereby declared to be the public policy of the State of New Jer-
2 sey that the University shall be given a high degree of self-government, and
3 that the State will protect its essential right thereto, and that the government
4 and conduct of the Corporation and the University shall be free of partisan-
5 ship.

1 23. The Boards shall have and exercise the powers, rights and privileges
 2 that are incident to their respective responsibilities for the government, con-
 3 duct and management of the Corporation and the University, and the powers
 4 granted to the Corporation or the Boards or reasonably implied, may be ex-
 5 ercised without recourse or reference to any department or agency of the
 6 State, except as otherwise expressly provided by this Act or other applica-
 7 ble statutes.

1 24. (a) The Boards may meet in joint session for the purpose of consul-
 2 tation and discussion, or to act upon any matter which requires joint or con-
 3 current action of both Boards.

4 (b) The Boards by joint or concurrent action may adopt, and from time
 5 to time amend, by-laws, ordinances, statutes, rules, regulations and orders ap-
 6 plicable to such matters as require or are subject to the exercise of joint re-
 7 sponsibility or action, and each Board may adopt, and from time to time
 8 amend, by-laws, ordinances, statutes, rules, regulations and orders ap-
 9 plicable to such matters as require or are subject to the exercise of its re-
 10 sponsibility or its action, subject, in either case, to the provisions of this
 10a Act and other applicable statutes.

11 (c) The Board of Governors and the Board of Trustees shall appoint a
 12 standing Joint Committee of the Boards, which shall meet at convenient in-
 13 tervals, to complete and formalize the reorganization of the Board of Trus-
 14 tees and the organization of the Board of Governors, and to initiate and take
 15 all such action as is requisite in connection therewith, pursuant to this Act,
 16 and in order to keep each Board reasonably informed of the acts and pro-
 17 ceedings of the other Board, to coordinate the government and conduct of the
 18 Corporation and the University, and to promote mutual understanding and
 19 consistent policies in the delineation and exercise by the Boards of their re-
 20 spective powers and duties, including the determination of the properties and
 21 funds subject to control by the Board of Trustees, within a reasonable con-
 22 struction of the Charter.

25. Each Board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members, as it may deem necessary or conducive to the efficient management and operation of the Corporation and the University, consistently with this Act and other applicable statutes. The Board of Governors may appoint Trustees who are not Governors to membership on its committees, with or without vote.

26. The seal of the Corporation in use at June 30, 1956, shall continue to be the common seal of the Corporation, unless and until a new or different seal be adopted by joint action of the Boards.

27. Any appointment, and any confirmation of any appointment, pursuant to the provisions of this Act, and any act or proceeding reasonably necessary in preparation for the reorganization of the Board of Trustees and the formation and organization of the Board of Governors, may be made or done or taken at any time after the enactment and adoption of this Act.

28. (a) The members of the Board of Governors shall meet and organize as soon as reasonably possible after their appointment and the confirmation by the Senate of those members appointed by the Governor of the State, and shall, prior to July 1, 1956, organize and take all such action (including the preparation of by-laws, ordinances, statutes, rules, regulations, and orders, effective on or after July 1, 1956) as the Board shall then deem necessary, convenient or expedient to effect the organization of the Board of Governors, the constitution of its committees, and the assumption and exercise by it on and after July 1, 1956, of the functions, powers and duties conferred upon it by this Act and the amended Charter. It shall have power to incur such expenditures as are deemed reasonably necessary in preparation therefor, which shall be payable from such corporate funds as are available. The officers and staff of the Corporation shall render such service and assistance for such purposes as are reasonably necessary.

15 (b) The Board of Trustees shall similarly, prior to July 1, 1956, take such
16 action as the Board shall deem advisable in preparation for its reorganiza-
17 tion, the reconstitution of its committees, and the exercise by it or and after
18 July 1, 1956, of its functions and powers under the provisions of this Act
19 and the amended Charter.

20 (c) The Board of Governors and the Board of Trustees, shall, prior to
21 July 1, 1956, if feasible, through a joint committee of the Boards or other-
22 wise, cooperate in effectuating the reorganization of the Board of Trustees
23 and the organization of the Board of Governors and of the committees of
24 the Boards in a timely and practicable manner.

1 29. (a) There shall be a President of the Corporation and of the Uni-
2 versity.

3 (b) He shall be responsible to the Boards, and shall have such powers
4 as shall be requisite, for the executive management and conduct of the Cor-
5 poration and the University in all departments, branches and divisions, and
6 for the execution and enforcement of the rules, regulations, statutes and or-
7 ders governing the management, conduct and administration thereof. He
8 shall hold office at the pleasure of the Board of Governors.

9 (c) In case of a vacancy in the office, the President shall be elected by
10 the Board of Governors, with the advice and consent of the Board of Trus-
11 tees, pursuant to Section 21 II(d).

1 30. Every gift, grant, legacy, bequest, devise, endowment, estate, re-
2 mainder, or expectancy, contained in any will, deed, declaration of trust,
3 transfer, or other instrument, or appropriation, to or for the benefit of or
4 inuring to the Corporation or the University, or any constituent unit thereof,
5 whenever established or acquired, and every chose in action, to which the
6 Corporation is or shall be entitled, in whatever name and under whatever
7 title, made heretofore or hereafter to become effective or to be made, shall
8 continue to be vested or shall vest in and shall inure to the benefit of the
9 Corporation as completely and effectually as though expressly made to it
10 in its name and for its use and benefit; and none of the same shall lapse, ter-

11 minute or revert by reason of the enactment of this Act; subject, however,
12 to the provisions of this Act and other applicable laws, and to all of the
13 rights, obligations, relations, conditions, terms, trusts, duties and liabilities
14 to which the same are subject; and it may effectually execute and give re-
15 ceipts and discharges therefor and other instruments in its name or in the
16 name in which the same may have been made or given for its use and to its
17 benefit.

1 31. Nothing herein contained shall impair, annul or affect any vested
2 rights, grants, charter rights, privileges, exemptions, immunities, powers,
3 prerogatives, franchises or advantages heretofore obtained or enjoyed by the
4 Corporation or the University of any constituent unit thereof, under author-
5 ity of its Charter or any act of this State or under any grant, deed, convey-
6 ance, transfer, lease, estate, remainder, expectancy, trust, gift, donation,
7 legacy, devise, endowment or fund, all of which are hereby ratified and con-
8 firmed except in so far as the same may have expired or have been repealed or
9 altered or may be inconsistent with this Act or with existing provisions of
10 law; subject, however, thereto and to all of the rights, obligations, relations,
11 conditions, terms, trusts, duties and liabilities to which the same are
12 subject.

1 32. The enactment and adoption of this Act shall not of itself affect the
2 official status of any officer of the Corporation or the University, or any out-
3 standing authorization of any officer, agent or employee to take any specified
4 action, or any outstanding commitment or undertaking of or by the Corpora-
5 tion or the University, except to the extent that any of the same may be
6 inconsistent with this Act.

1 33. Nothing in this Act shall be construed so as to deprive any person
2 of any right of tenure, or under civil service, or under any retirement sys-
3 tem, or to any pension, disability or social security or similar benefits, to
4 which he is entitled by law or contractually.

1 34. Nothing in this Act shall be construed to abrogate or derogate from
2 the powers of the State Board of Education of supervision and control of the
3 University in accordance with existing law.

1 35. The State of New Jersey hereby reaffirms its agreement in and by
2 Chapter 49 of the Laws of 1945 (except Section 3 thereof, repealed by this
3 Act), with the Corporation and its successors, and pledges its faith, that it
4 will provide and appropriate such just and reasonable sums as may be rea-
5 sonably necessary to enable the Corporation to maintain and to render the
6 educational services heretofore or hereafter provided for the people of the
7 State by the University or required by the State, so as to insure the conduct
8 of the University in accordance with high educational standards, and to pay
9 for educational or other services furnished to the State by the University, in
10 accordance with the applicable statutes from time to time in effect.

1 36. This Act being deemed necessary for the welfare of the State and
2 the people of New Jersey to provide for the development of public higher
3 education in the State and thereby to increase the efficiency of the public
4 school system of the State, shall be liberally construed to effectuate the pur-
5 poses and intent thereof.

1 37. No provision in this Act contained shall be deemed to constitute a
2 debt, or liability, or a pledge of the credit, of the State.

1 38. (a) Section 3 of Chapter 49 of the Laws of 1945, approved March
2 26, 1945 (R. S. 18:22-15.3), is hereby repealed, effective July 1, 1956;

3 (b) The resolution adopted by the Corporation February 18, 1927, a cer-
4 tificate of which was filed in the office of the Secretary of State February 21,
5 1927, increasing the number of ex-officio Trustees, is hereby repealed, effec-
6 tive July 1, 1956, except so much thereof as applies to the Commissioner of
7 Education; and

8 (c) All acts and parts of acts inconsistent with the provisions of this Act
9 are hereby repealed, effective July 1, 1956; and all provisions of the Charter
10 and resolutions of the Board of Trustees of the Corporation inconsistent

11 with the provisions of this Act shall be of no further force or effect on and
12 after July 1, 1956.

1 39. This Act shall take effect, except in so far as hereinabove otherwise
2 provided, upon the adoption by the Board of Trustees of the Corporation of a
3 resolution accepting the provisions, benefits and obligations hereof, including
4 the provisions changing its name and amending its Charter, and the filing of
5 a certificate of the adoption thereof in the office of the Secretary of State;
6 provided, that if such resolution shall not be adopted and such certificate be
7 not filed within 3 calendar months after the approval of this Act or before
8 July 1, 1956, whichever is earlier, this Act shall thereupon become void and
9 of no effect.

1 40. This Act shall take effect immediately, except in so far as herein-
2 above otherwise expressly provided.

STATEMENT

The purpose of this Act is to authorize and implement the plan for the re-organization of the Board of Trustees of The Trustees of Rutgers College in New Jersey, the State University, in accordance with the plan conditionally adopted by its Board of Trustees, the outstanding provision of which is the creation of a new Board of Governors, of which a majority will be appointed by the Governor of New Jersey, with the advice and consent of the Senate, and which will have general supervision over and the conduct of the University, with the Board of Trustees continuing in an over-all advisory capacity and with control over certain properties and trusts and the investment of trust funds; to change its name; and the Act otherwise provides for clarification of the relations between the State and the University and of their respective obligations, and amends the existing Charter of The Trustees of Rutgers College, as therein set forth, and repeals inconsistent acts.

SENATE, No. 167

STATE OF NEW JERSEY

ADOPTED MAY 14, 1956

AN ACT concerning The Trustees of Rutgers College in New Jersey, the State University of New Jersey, changing its name to Rutgers, The State University, reorganizing the Board of Trustees thereof, and creating a Board of Governors having general supervision over and vested with the conduct of the University, amending its Charter, and repealing Section 3 of Chapter 49 of the Laws of 1945, approved March 26, 1945 (P. L. 1945, page 115), and all acts and parts of acts inconsistent with this Act.

1 WHEREAS, the Trustees control and administer properties and funds of great
2 value, derived from private sources, which are utilized in furtherance of
3 public higher education of the people of the State of New Jersey and its
4 further and continuous development in conjunction with the support of
5 the State, and it is deemed advisable in the interest of the State Uni-
6 versity and of the people and the increasingly efficient and productive
7 utilization of its educational facilities and services that the name of the
8 State University be changed and that the Board of Trustees of Rutgers
9 College be reorganized as is hereinafter provided, and that a Board of
10 Governors be established, having supervision over and vested with the
11 conduct of the University, a majority of whom shall be appointed by the
12 Governor of the State with the advice and consent of the Senate, and
13 that the Board of Trustees shall continue in an over-all advisory capao-
14 ity, retaining control over the private properties and funds vested in it,

15 subject to the application thereof to the purposes of public higher edu-
 16 cation as hereinafter provided, and the enactment of this Act is deemed
 17 and declared to be in the public interest, and thereby to increase the
 18 efficiency of the public school system; therefore

1 BE IT ENACTED by the Senate and General Assembly of the State of New
 2 Jersey:

1 1. This Act shall be known as and may be cited as the "Rutgers, The
 2 State University Act of 1956."

1 2. The name of "The Trustees of Rutgers College in New Jersey," a
 2 body corporate and politic, is hereby changed to "Rutgers, The State Uni-
 3 versity," effective September 1, 1956.

1 3. The term "the Corporation," as used in this Act, shall mean the said
 2 body corporate and politic, incorporated under the name of "The Trustees of
 3 Queen's—College, in New—Jersey," by Royal Charter dated November 10,
 4 1766 (amended March 20, 1770), confirmed and amended by Acts of the Leg-
 5 islature of the State of New Jersey adopted June 5, 1781, and May 31, 1799,
 6 respectively, and having perpetual succession and existence; its name having
 7 been changed to "The Trustees of Rutgers College in New Jersey" by Act of
 8 the Legislature adopted November 30, 1825; 1 of the departments maintained
 9 by which is and continues to be the Land Grant College of New Jersey; the
 10 property and educational facilities, rights and privileges of which are and
 11 shall continue to be impressed with a public trust for higher education of
 12 the people of the State of New Jersey; and which is the instrumentality of
 13 the State for the purpose of operating the State University. Nothing herein
 14 contained shall impress with such trust any property of the State.

1 4. The term "the State University" or "the University," as used in this
 2 Act, shall, unless the context clearly indicates to the contrary, include and
 3 mean the educational entity conducted by the Corporation, heretofore des-
 4 ignated the State University, as now and hereafter constituted, including all
 5 departments, colleges, schools, centers, branches, educational and other units
 6 and extensions thereof.

1 5. There is hereby created a Board of Governors of the Corporation,
2 which shall be constituted, and on and after September 1, 1956, shall have and
3 exercise the powers, authority, rights and privileges, and be subject to the
4 duties, obligations and responsibilities, hereinafter set forth and expressed.

1 6. The existing Board of Trustees of the Corporation shall continue as
2 such and on September 1, 1956, shall be reorganized and reconstituted, and
3 shall have and exercise the powers, authority, rights and privileges, and be
4 subject to the fiduciary and other duties, obligations and responsibilities,
5 hereinafter set forth and expressed.

1 7. The membership of the Board of Governors shall be classified as fol-
1a lows and consist of

2 (a) two ex-officio members, without vote, serving by virtue of their re-
3 spective offices during the terms thereof, viz.,

4 (i) the Commissioner of Education of New Jersey, and

5 (ii) the President of the Corporation; and

6 (b) eleven voting members,

7 (i) six of whom shall be appointed by the Governor of the State,
8 with the advice and consent of the Senate, and

9 (ii) five of whom shall be appointed by the Board of Trustees
10 from among their members elected and serving under the
11 provisions of Section 8 I (c), (d), or (e) of this Act.

12 All members shall serve for terms of 6 years, except that the terms of
13 those initially appointed by the Governor shall begin on September 1, 1956,
14 and expire respectively (as designated by him) 1, 2, 3, 4, 5 and 6 years after
15 June 30, 1956, and the terms of those initially appointed by the Board of
16 Trustees shall begin on September 1, 1956, and expire respectively (as des-
17 ignated by the Board) 2, 3, 4, 5 and 6 years after June 30, 1956; all of whose
18 respective successors shall be appointed to serve 6-year terms. Governors
19 may succeed themselves for not more than 1 additional term after having
20 served 1 full 6-year term (including an initial term beginning on September
21 1, 1956, and expiring on June 30, 1962).

6. i. The membership of the Board of Trustees shall be classified as follows and consist of

(a) two ex-officio Trustees, without vote, serving by virtue of their respective offices during the terms thereof, viz.,

(i) the Commissioner of Education of the State of New Jersey, and

(ii) the President of the Corporation;

(b) eleven Public Trustees, appointed and to be appointed by the Governor of the State, with the advice and consent of the Senate, viz.,

(1) five Public Trustees, serving under Section 4 of Chapter 49 of the Laws of 1945 (R. S. 18:22-15.4) for 5-year terms expiring respectively, 1, 2, 3, 4, and 5 years after June 30, 1956, whose respective successors shall be appointed upon the expiration of such terms and annually thereafter to serve 5-year terms; and

(2) six Public Trustees appointed Governors under Section 7 (b) (i) of this Act and serving by virtue thereof for and during their respective initial and subsequent terms as Governors;

(c) five Alumni Trustees elected by the Board of Trustees on nomination by the Alumni Association in accordance with rules and regulations adopted by the Board, to serve 5-year terms expiring respectively 1, 2, 3, 4 and 5 years after June 30, 1956, whose respective successors shall be elected upon the expiration of such terms and thereafter to serve 6-year terms;

(d) two Alumnae Trustees—likewise elected by the Board of Trustees on nomination by the Associate Alumnae of Douglass College in accordance with rules and regulations adopted by the Board, to serve 5-year terms expiring respectively 2 and 4 years after June 30, 1956, whose respective successors shall be elected upon the expiration of such terms and thereafter to serve 6-year terms; and

31 (e) Charter Trustees (i) in the number of Trustees serving as such on
 32 August 31, 1956 without definite term, who shall continue to serve in-
 33 definitely, provided, that upon the occurrence of any vacancy among
 34 such Charter Trustees, no successor shall be elected to fill such va-
 35 cancy until such time as the number of such Trustees has been re-
 36 duced below 12, and thereafter vacancies within that number shall
 37 be filled by the Board subject to the following paragraph II; and,
 38 provided, further, that such a vacancy may be filled for the interim
 39 period expiring on June 30 next following, and for a 6-year term
 40 beginning on July 1 of the same year, or for such 6-year term only;
 41 (ii) 3 women elected by the Board of Trustees serving 5-year terms
 42 expiring respectively on June 30, 1957, 1959, and 1961, whose respec-
 43 tive successors shall be elected by the Board upon the expiration of
 44 such terms and thereafter to serve 6-year terms.

45 II. All Trustees elected or appointed for terms commencing on or after
 46 September 1, 1956, other than those serving ex-officio pursuant to paragraph
 47 I (a) and (b) (1) of this section, shall serve for terms of 6 years (subject
 48 to the provisions of Section 9(a)), and may succeed themselves for not more
 49 than 1 additional term after having served 1 full 6-year term.

50 III. The ex-officio members of the Board of Trustees as constituted on
 51 August 31, 1956, pursuant to the Charter, statute, or resolutions of the Board
 52 from time to time adopted, shall cease to be such members on August 31,
 53 1956, with the exception of the Commissioner of Education, who, with the
 54 President of the Corporation, shall continue as ex-officio Trustees and be
 55 ex-officio Governors, without voting power as hereinabove provided.

1 9. (a) The terms of all Governors and Trustees which are limited shall,
 2 unless otherwise expressly provided herein, commence on July 1 in the first
 3 year, and end on June 30 in the last year, of such term.

4 (b) In case a Governor or a Trustee is elected President or appointed
 5 Commissioner of Education and he thereby becomes a non-voting Governor
 6 or Trustee ex officio, a vacancy in his prior office as Governor or Trustee
 7 shall thereby occur.

8 (c) In case a Trustee is appointed a Governor by the Governor of the
 9 State, and he thereby becomes a Trustee during his term as Governor, a
 10 vacancy in his prior office as Trustee shall thereby occur.

11 (d) Any vacancy occurring during the term of any Governor or Trustee
 12 (other than by the expiration of his term) shall be filled for the unexpired
 13 term only in the same manner and subject to the same provisions as in the
 14 case of his appointment or election, subject, however, to the provisions of
 15 Section 8 I (e).

16 10. No person, other than the Commissioner of Education or the Presi-
 17 dent, shall be eligible to membership on the Board of Governors if he is a
 18 salaried official of the State of New Jersey, or shall be eligible to member-
 19 ship on either the Board of Governors or the Board of Trustees if he is
 20 receiving remuneration for services from the Corporation or the University.

21 If any member of either Board shall become ineligible by reason of the fore-
 22 going, a vacancy in his prior office as Governor or Trustee, as the case may
 23 be, shall thereby occur.

24 11. Each Governor, and each Trustee taking office after August 31, 1956,
 25 before entering on the duties of his office shall take and subscribe an oath
 26 or affirmation to support the Constitution of the State of New Jersey and
 27 of the United States, to bear allegiance to the government of the State, and
 28 to perform the duties of his office faithfully, impartially and justly, to the
 29 best of his ability.

30 12. (a) Any Governor shall be subject to removal after hearing, by a
 31 majority of the Board of Governors, for malfeasance or conduct injurious
 32 to the interests of the Corporation or the University, subject to review and
 33 confirmation (i) by the Governor of the State in the case of his appointees,
 34 and (ii) by the Board of Trustees in the case of its appointees.

35 (b) Any Trustee other than one serving under the provisions of Sec-
 36 tion 8 I (a) shall be subject to removal after hearing for malfeasance or con-
 37 duct injurious to the interests of the Corporation or the University, (i) by
 38 the Governor of the State in the case of a Trustee appointed by him, or (ii)

10 in the case of a Trustee elected by the Board of Trustees, by a majority of
11 the then membership of the Board of Trustees.

1 13. The Governors and Trustees shall not receive compensation for their
2 services as such. Each Governor and Trustee shall be reimbursed for his
3 actual expenses reasonably incurred in the performance of his duties or in
4 rendering service as a member of or on behalf of either Board or any com-
5 mittee of either Board.

6 14. No Governor, Trustee or officer of the Corporation shall be person-
7 ally liable for any debt, obligation or other liability of the Corporation or of
8 or incurred by or on behalf of the University or any constituent unit thereof.

1 15. (a) Six members of the Board of Governors shall constitute a
2 quorum.

3 (b) Such number, not less than 12, of the Board of Trustees as shall be
4 determined by the Board, and until so determined, 12 members, shall consti-
5 tute a quorum.

6 (c) A quorum of a joint meeting of the Boards shall be present if 6
7 Governors and not less than a majority of the Trustees then in office (other
8 than those who are Governors), are present.

1 16. The Board of Governors and the Board of Trustees shall each elect
2 its own chairman from among its respective members.

1 17. The government, control, conduct, management and administration of
2 the Corporation and of the University shall be respectively vested in and allo-
3 cated between the Board of Governors and the Board of Trustees as set forth
4 and expressed in this Act.

1 18. The Board of Governors shall have general supervision over and be
2 vested with the conduct of the University. It shall have the authority and
3 responsibility to

3 (1) Determine policies for the organization, administration and de-
4 velopment of the University;

5 (2) Study the educational and financial needs of the University, an-
6 nually acquaint the Governor and Legislature with the condition of the

7 University, and jointly with the State Board of Education present the
8 annual budget to the Governor and Legislature, in accordance with law;

9 (3) Disburse all monies appropriated to the University by the Legis-
10 lature, monies received from tuition, fees, auxiliary services and other
11 sources, and from or by direction of the Board of Trustees;

12 (4) Direct and control the expenditures of the Corporation and the
13 University in accordance with the appropriation acts of the Legislature,
14 and, as to funds received from the Trustees and other sources, in ac-
15 cordance with the terms, of any applicable trusts, gifts, bequests, or other
16 special provisions. All accounts of the University shall be subject to post-
16A audit by the State;

17 (5) Borrow money for the needs of the Corporation and the Uni-
18 versity, as deemed requisite by the Board, in such amounts and for such
19 time and upon such terms as may be determined by the Board, with the
20 consent and advice of the Board of Trustees; provided, that no such
21 borrowing shall be deemed or construed to create or constitute a debt,
22 liability, or a loan or pledge of the credit, or be payable out of property
22A or funds (other than moneys appropriated for that purpose) of the State
22B of New Jersey;

23 (6) (a) Purchase all lands, buildings, equipment, materials and
24 supplies; and

25 (b) Employ architects to plan buildings; secure bids for the
26 construction of buildings and for the equipment thereof;
27 make contracts for the construction of buildings and for
27A equipment; and supervise the construction of buildings;

28 (7) Manage and maintain, and provide for the payment of all
29 charges on and expenses in respect of, all properties utilized by the Uni-
29A versity;

30 (8) In accordance with the provisions of the budget, have the sole
31 power (subject to the provisions of Section 27 (c)) to elect, appoint,
32 remove, promote or transfer all corporate, official, educational and
33 civil administrative personnel, and fix and determine their salaries in ac-

34 accordance with salary schedules adopted by the Board of Governors and
35 and approved by the State Board of Education. Such salary schedules shall
36 prescribe qualifications for the various classifications and shall limit the
37 percentage of the educational staff that may be appointed or promoted to
38 any given classification;

39 (9) In accordance with the provisions of the budget, appoint, re-
40 move, promote and transfer all other officers, agents, or employees, assign
41 their duties, determine their salaries, and prescribe qualifications for all
42 positions, and in accordance with the salary schedules of the State Civil
43 Service Commission wherever possible; and

44 (10) Authorize any new educational department or school which
45 will require, at the time of establishment or thereafter, an additional
46 expenditure of money, if the establishment thereof is approved by the
47 State Board of Education and provision is made therefor in the annual
48 or a supplemental appropriation act or a special act of the Legislature
49 or otherwise.

1 19. I. The Board of Trustees

2 (1) Shall act in an over-all advisory capacity;

3 (2) Shall (a) control (i) properties, funds and trusts vested as of
4 August 31, 1956, in the Corporation in possession, or remainder, or ex-
5 pectancy (other than and expressly excluding properties and funds owned
6 by or title to which is in the State of New Jersey or which are held upon
7 an express trust for the use of the State, or which have been acquired by
8 the use of moneys appropriated by the State or by the Federal Govern-
9 ment to the use of the Corporation or the Land Grant College of New
10 Jersey, including but not limited to real estate, buildings, improvements,
11 fixtures, and appurtenances thereto, and tangible personal property);
12 and (ii) properties, funds and trusts received by the Corporation on or
13 after September 1, 1956, by private gift, donation, bequest or transfer,
14 in any manner, under the terms of any applicable trust, gift, bequest or
15 donation dated or delivered (aa) prior to September 1, 1956, unless other-

16. ~~and~~ ~~wise~~ ~~designated~~; or (bb) on or after September 1, 1956, if so designated;
 17. ~~is~~ ~~not~~ ~~provided~~, however, that all property, educational facilities, rights and
 18. ~~and~~ ~~privileges~~ which are impressed with a public trust for higher education
 19. ~~of~~ ~~the~~ ~~people~~ ~~of~~ ~~the~~ ~~State~~ ~~of~~ ~~New~~ ~~Jersey~~ shall continue to be so im-
 20. pressed; and (b) make available (after meeting all expenses of its ad-
 21. ~~mi-~~ ~~ni-~~ ~~strat-~~ ~~ion~~) to the Board of Governors the income from such funds
 22. ~~and~~ the use of or income from such properties, subject to the provi-
 23. ~~sions~~ stated hereinafter in Section 20;

24. (3) Shall have sole authority over the investment of funds under its
 25. control;

26. (4) Shall have power to maintain such administrative staff and in-
 27. cur and pay such expenses as it deems reasonably necessary to the ef-
 28. fective exercise of its functions and responsibilities under this Act or
 29. by reason of any other fiduciary responsibilities to which it is subject;
 30. and

31. (5) Shall be represented on the membership of the committees of
 32. the several colleges.

1 20. I. It is hereby declared to be the public policy of the State of New
 2 Jersey that

3 (i) the University shall be and continue to be given a high degree of
 4 self-government and that the government and conduct of the Corpora-
 5 tion and the University shall be free of partisanship, and

6 (ii) that resources be and continue to be provided and funds be and
 7 continue to be appropriated by the State adequate for the conduct of a
 8 State University with high educational standards and to meet the cost
 9 of increasing enrollment and the need for proper facilities.

10 II. In consideration of the utilization by the State for the purposes of
 11 public higher education of privately donated properties and funds valued as
 12 at September 1, 1956 at approximately \$50,000,000, and the prospect of future
 13 private donations, the State by this Act agrees with the Board of Trustees
 14 and its successors that

15 (i) if the properties and funds controlled by the Trustees shall not
 16 be properly applied in accordance with the provisions of Section 18 (4)
 17 for the purpose of public higher education and in accordance with the
 18 terms of any applicable testamentary, trust, or other special provision;
 19 or

20 (ii) if, without the consent of the Board of Trustees,

21 (a) the University is not continued to be designated and main-
 22 tained as the State University of New Jersey, or

23 (b) the name of the University shall be changed, or

24 (c) a vacancy in the office of the President of the University
 25 shall be filled otherwise than by appointment of the Board of Gov-
 26 ernors with the advice and consent of the Board of Trustees, or

27 (d) the provisions for the essential self-government of the Uni-
 28 versity, viz., the provisions of Sections 5, 6, 7, 8, 9, 12, 17, 18, 19, 21,
 29 22 (b), 23, 27 (c), 29, 30, 35, 37, or any of them or of this Section 20,
 30 are amended or altered in any substantial respect or repealed; or

31 (iii) if provision shall not be made by the State sufficient to enable
 32 the Board of Trustees to discharge its trust to apply the trust assets de-
 33 scribed in Section 19 I (2) for public higher education through the con-
 34 duct of a University with high educational standards,

35 the Board of Trustees, after careful consideration and on not less than 60
 36 days' prior written notice to the Board of Governors and to the State Board
 37 of Education or its successors, shall have and may exercise the right to
 38 withhold or withdraw the use of the properties and funds above described
 39 in Section 19 I (2), or any part of them, (aa) subject to adjudication by the
 40 courts of the State, and (bb) subject to their proper application for the
 41 purpose of public higher education and in accordance with the terms of any
 42 applicable testamentary, trust or other special provision.

1 21. The Boards shall have and exercise the powers, rights and privi-
 2 leges that are incident to their respective responsibilities for the government,

3 conduct and management of the Corporation, and the control of its proper-
4 ties and funds, and of the University, and the powers granted to the Cor-
5 poration or the Boards or reasonably implied, may be exercised without re-
6 course or reference to any department or agency of the State, except as
7 otherwise expressly provided by this Act or other applicable statutes. The
8 provisions of R. S. 52:17A-11 and 13 shall not be deemed or construed to be
9 applicable to the Corporation or the University.

1 22. (a) The Boards may meet in joint session for the purpose of consul-
2 tation and discussion, or to act upon any matter which requires joint or con-
3 current action of both Boards.

4 (b) The Boards by joint or concurrent action may adopt, and from time
5 to time amend, by-laws, ordinances, statutes, rules, regulations and orders ap-
6 plicable to such matters as require or are subject to the exercise of joint re-
7 sponsibility or action, and each Board may adopt, and from time to time
8 amend, by-laws, ordinances, statutes, rules, regulations and orders ap-
9 plicable to such matters as require or are subject to the exercise of its re-
10 sponsibility or its action, subject, in either case, to the provisions of this
11 Act and other applicable statutes.

12 (c) The Board of Governors and the Board of Trustees shall appoint a
13 standing Joint Committee of the Boards, which shall meet at convenient in-
14 tervals, to complete and formalize the reorganization of the Board of Trus-
15 tees and the organization of the Board of Governors, and to initiate and take
16 all such action as is requisite in connection therewith, pursuant to this Act,
17 and in order to keep each Board reasonably informed of the acts and pro-
18 ceedings of the other Board, to co-ordinate the government and conduct of the
19 Corporation and the University, and to promote mutual understanding and
20 consistent policies in the delineation and exercise by the Boards of their re-
spective powers and duties.

1 23. Each Board shall have the power to appoint and regulate the duties,
2 functions, powers and procedures of committees, standing or special, from

3 its members, and such advisory committees or bodies, as it may deem nece-
4 ssary or conducive to the efficient management and operation of the Corpora-
5 tion and the University, consistently with this Act and other applicable
6 statutes. The Board of Governors may appoint Trustees who are not Gov-
7 ernors to membership on its committees, without vote.

1 24. The seal of the Corporation in use at August 31, 1956, shall continue
2 to be the common seal of the Corporation, unless and until a new or different
3 seal be adopted by joint or concurrent action of the Boards.

1 25. Any appointment, and any confirmation of any appointment, pursu-
2 ant to the provisions of this Act, and any act or proceeding convenient or
3 expedient in preparation for the reorganization of the Board of Trustees and
4 for the organization of the Board of Governors, may be made or done or
5 taken at any time after the enactment and adoption of this Act by the Board
6 of Trustees in conformity with the provisions of Section 37 of this Act; pro-
7 vided that the initial appointment of Governors by the Governor of the State
8 with the advice and consent of the Senate, and by the Board of Trustees of
9 the Corporation, respectively, shall be made as soon as practicable after the
10 enactment of this Act, and before the adoption of this Act by the Board of
11 Trustees, and shall be conditioned upon and take effect upon such adoption,
12 which shall confirm and effectuate the constitution of the Board of Gover-
13 nors and the reorganization of the Board of Trustees as of September 1,
14 1956.

1 26. (a) The members of the Board of Governors shall meet and organize
2 as soon as reasonably possible after their appointment and the confirmation
3 by the Senate of those members appointed by the Governor of the State and
4 the adoption of this Act by the Board of Trustees, and shall, if feasible, prior
5 to September 1, 1956, take all such action (including the preparation of by-
6 laws, ordinances, statutes, rules, regulations, and orders, effective on or after
7 September 1, 1956) as the Board shall then deem necessary, convenient or
8 expedient to effect the organization of the Board of Governors, the constitu-

9 tion of its committees, and the assumption and exercise by it on and after
 10 September 1, 1956, of the functions, powers and duties conferred upon it by
 11 this Act. It shall have power to incur such expenditures as are deemed rea-
 12 sonably necessary in preparation therefor, which shall be payable from such
 13 operating or corporate funds as are available. The officers and staff of the
 14 Corporation shall render such service and assistance for such purposes as
 15 are reasonably necessary.

16 (b) The Board of Trustees shall similarly, prior to September 1, 1956,
 17 take such action as the Board shall deem advisable in preparation for its
 18 reorganization, the reconstitution of its committees, and the exercise by it
 19 on and after September 1, 1956, of its functions and powers under the pro-
 20 visions of this Act.

21 (c) The Board of Governors and the Board of Trustees, shall, prior to
 22 September 1, 1956, if feasible, through a joint committee of the Boards or
 23 otherwise, co-operate in effectuating the reorganization of the Board of Trus-
 24 tees and the organization of the Board of Governors and of the committees
 25 of the Boards in a timely and practicable manner.

26 27. (a) There shall be a President of the Corporation and of the Uni-
 27 versity.

28 (b) He shall be responsible to the Boards, and shall have such powers
 29 as shall be requisite, for the executive management and conduct of the Cor-
 30 poration and the University in all departments, branches and divisions, and
 31 for the execution and enforcement of the by-laws, ordinances, rules, regula-
 32 tions, statutes and orders governing the management, conduct and administra-
 33 tion thereof. He shall hold office at the pleasure of the Board of Governors.

34 (c) In case of a vacancy in the office, the President shall be elected by
 35 the Board of Governors, with the advice and consent of the Board of Trus-
 36 tees.

37 28. The Corporation shall on or before September 30, 1956, and annually
 38 thereafter on or before July 31, file in the office of the Secretary of State a

3 report (a) of the election and appointment of the, and the names and resi-
4 dances of the, members of the Board of Governors and of the Board of
5 Trustees, and (b) of the election and appointment of the executive officers of
6 the Corporation, including the President, Provost, Vice-President if any,
7 Secretary, Assistant Secretaries, Treasurer and Assistant Treasurers, and
8 the Comptroller and Assistant Comptroller, at the time in office.

1 29. Every gift, grant, legacy, bequest, devise, endowment, estate, re-
2 mainder, or expectancy, contained in any will, deed, declaration of trust,
3 transfer, or other instrument, to or for or inuring to the benefit of
4 the Corporation or the University, or any constituent unit thereof,
5 whenever established or acquired, and every chose in action, to which the
6 Corporation is or shall be entitled, in whatever name and under whatever
7 title, made heretofore or hereafter to become effective or to be made, shall
8 continue to be vested or shall vest in and shall inure to the benefit of the
9 Corporation as completely and effectually as though expressly made to it
10 in its name and for its use and benefit; and none of the same shall lapse, ter-
11 minate or revert by reason of the enactment of this Act; subject, however,
12 to the provisions of this Act and other applicable laws, and to all of the
13 rights, obligations, relations, conditions, terms, trusts, duties and liabilities
14 to which the same are subject; and it may effectually execute and give re-
15 ceipts and discharges therefor and other instruments in its name or in the
16 name in which the same may have been made or given for its use and to its
17 benefit. The unexpended balances at the effective date of this Act of the ap-
18 propriations for the University or any department or unit thereof shall not
19 be affected or restricted by reason of the enactment of this Act.

1 30. Nothing herein contained shall impair, annul or affect any vested
2 rights, grants, charter rights, privileges, exemptions, immunities, powers,
3 prerogatives, franchises or advantages heretofore obtained or enjoyed by the
4 Corporation or the University or any constituent unit thereof, under author-
5 ity of its Charter or any act of this State or under any grant, deed, convey-