

## **CHARTER OF THE BAY MILLS COMMUNITY COLLEGE**

Pursuant to the authority granted in Section 5 of Paragraph (D) of the Corporate Charter thereof, the Bay Mills General Tribal Council hereby charters a public corporation exclusively to provide higher educational programs by bringing to the reservation programs from other institutions and/or by establishing and operating institutions on the Bay Mills Reservation, granting post-secondary degrees and certificates.

### **ARTICLE I**

#### **NAME**

The Name of the Corporation is the Bay Mills Community College.

### **ARTICLE II**

#### **DURATION**

The existence of the Corporation will be perpetual.

### **ARTICLE III**

#### **OFFICE**

The principal office of the Corporation will be located on the Bay Mills Indian Reservation, Route 1, Box 315-A, Brimley, Michigan.

**ARTICLE**  
**IV**  
**PURPOSES**

The purpose of the Corporation are as follows:

- Section 1. To provide educational programs and/or to establish and operate educational institutions at the post-secondary level on the Bay Mills Indian Community.
- Section 2. To operate exclusively for, non-profit purposes; and no part of the income or assets of the Corporation shall be distributed to, nor inure to the benefit of, any individual.
- Section 3. To serve the post-secondary educational needs of Michigan Indians off campus when requested and approved by the Bay Mills Community College Board of Regents.
- Section 4. To issue contracts as provided by Parts 6a or 6b of the Michigan School Code of 1976 or the Michigan revised School Code and to cooperate with the Michigan State Board of Education, the Michigan Department of Education, any school district or public school academy in the State of Michigan in the provision of public education in Michigan

ARTICLE V  
DISPOSITION OF ASSETS

In the event of the dissolution of the Corporation or the winding up of its affairs, the Corporation's assets shall not be conveyed or distributed to any individual or organization created or operated for profit, but shall be conveyed or distributed by the Trustees on to an organization or organizations created or operated for non-profit purposes similar to those of the Corporation and so recognized by the Bay Mills Indian Community.

ARTICLE VI  
BOARD OF REGENTS

Section 1. The Board of Regents shall consist of nine people.

1. Five members shall be chosen for the Bay Mills Executive Council elected for two year terms. In the event that a Bay Mills Community College employee is elected to the Bay Mills Community Executive Council, he/she will sit as an ex-officio member of the BMCC Board of Regents and will appoint a voting member to the Board of Regents by letter to the Board Chairman.
2. The Student Body President of the Institution.
3. The Business Manager or representative of the Sault Ste. Marie Tribe of Chippewa Indians
4. The Business Manager or representative of the Grand Traverse Band of Ottawa Chippewa Indians.
5. The Executive Director of the Inter-Tribal Council of Michigan, Inc.

ARTICLE VII  
MEETINGS AND OFFICERS

- Section 1. The Board of Regents shall meet monthly.
- Section 2. To make such agreements with and to borrow money from any governmental agency (Federal, State or Local), the Bay Mills Tribe or any other legal entity or organization, and to agree to and perform any conditions attached thereto.
- Section 3. To take and hold by purchase, lease, gift, devise or bequest, or otherwise; to own, hold, use, and otherwise deal in and with any real or personal property, or any interest therein; and to sell, convey, mortgage, pledge, create a security interest in, lease or otherwise dispose of all or any part of the Corporation's property and assets. The Corporations shall not have power to sell, convey, mortgage, or pledge or encumber any real estate or tangible property of the Bay Mills Indian Community, nor any such property in which the Tribe has an interest, and any leases or subleases of the Corporation shall be approved by the Bay Mills General Tribal Council.
- Section 4. To invest its funds from time to time in any real or personal property, to lend money for its corporate purposes, and to take and hold real and person property as security for the payment of funds so invested or loaned.
- Section 5. To purchase insurance for any property or against any risks or hazards.
- Section 6. To establish and maintain such bank accounts as may be necessary or convenient.
- Section 7. To hire employees, including all necessary administrative and instructional

personnel and other educational assistants and such officers, agents, and employees, permanent or temporary, as it may require, and to delegate to such officers and employees such powers or duties as the Board of Regents shall deem proper and to fix their compensation.

- Section 8. To adopt such rules, regulations and bylaws as the Board of Regents deems necessary and appropriate.
- Section 9. To prescribe the course of study to be followed, and textbooks and apparatus to be used, to charge tuition, board, rent, student union fees or such other charges necessary to operate the College.
- Section 10. To issue, upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required studies of the College and to confer such degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study.
- Section 11. To acquire, by purchase or otherwise, construct, enlarge, improve, equip, complete, operate, control, maintain, and operate any property suitable for use as an educational facility, including but limited to the following types of buildings: classrooms, dormitories, dining halls and offices.
- Section 12. To have and exercise all powers necessary or convenient to effect any or all purposes for which this charter is granted.
- Section 13. To issue contracts through the Board of Regents as provided by Part 6a or 6b of the Michigan School Code of 1976 and the Michigan Revised School Code.

## ARTICLE VIII

### BONDS

(a) The college may issue bonds from time to time in its discretion for any of its corporate purposes. Bonds, including the terms, conditions and covenants contained in the resolution authorizing such bonds, shall evidence claims against and obligations of the College which are justifiable in the Tribal Court. Any resolution authorizing bonds to which revenues are pledged may contain such covenants with the future holder and holders of the bonds as to the management and operation of fees and charges for commodities and services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds, the creation of future liens and encumbrances against such facilities, the carrying of insurance, the keeping of the books and records, the deposit and paying out of the revenues and bond proceeds, the appointment and duties of a trustee, and other pertinent matters as may be deemed proper by the Board of Regents.

The college may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable (i) exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the Federal government in aid of such project; (ii) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (iii) from its revenues generally. Any such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the College.

(b) The bonds and other obligations of the College shall be considered to be general obligations, special or otherwise of the Tribe, but not to be securities or debt of the Tribe and shall not be enforceable against the Tribe, and the bonds and obligations shall so state on their face. However, the Bay Mills General Tribal Council may by separate action guarantee such bonds on behalf of the Bay Mills Indian Community.

(c) Bonds shall be issued and sold in a manner approved by the Board.

ARTICLE IX

LIABILITY

- Section 1. The Corporation may sue or be sued, provided that such suit is brought in the Bay Mills Tribal Court.
- Section 2. All contracts and appropriate forms signed or issued by the Corporation shall designate the Tribal Court as the appropriate forum to decide the liability of the Corporation.
- Section 3. The Bay Mills Tribe shall not be liable for the obligations of the Corporation, except in so far as it may obligate itself in writing.

ARTICLE X

AMENDMENTS

This Charter may be amended by two-thirds vote of the members of the Board of Regents.

ARTICLE XI

DISTRICT

The district for the Bay Mills Community College shall consist of the State of Michigan. The Establishment of the district shall not limit the ability of the Bay Mills Community College to enroll any student who resides outside the district.

**Amendment I**

Bay Mills Community College is an equal Opportunity/Affirmative Action employer. Under applicable laws, including Title IX of the Education amendments of 1972 and the Rehabilitation Act of 1973, the College does not discriminate on the basis of sex, race, physical or mental handicap or other prohibited matters in employment, in education programs or in admissions.

Bay Mills Community College Board of Regents - November 5, 1986.

**Amendment II (ARTICLE IV - Section 1.)**

To serve the post secondary educational needs on Michigan Indians off campus when requested and approved by the Bay Mills Community College Board of Regents.

Bay Mills Community College Board of Regents - October, 1987

**Amendment III (ARTICLE VI - Section I - Item # 4)**

The Business Manager or Representative of the Grand Traverse Band of Ottawa/Chippewa Indians.

**Amendment IV (ARTICLE VII - Section 1.) (BMCC Board of Regents - February 28, 1992)**

The Board of Regents shall meet monthly.

**Amendment V (ARTICLE VII - Section 7)**

Hiring was delegated to a committee consisting of the President, Department Head, and one Board Member for full time employees at BMCC. (BMCC Board of Regents - April 23, 1992)

**Amendment VI (ARTICLE VI - Section 1 and 5) (BMCC Board of Regents: 11/19/93)**

In the event a Bay Mills Community College employee is elected to the Bay Mills Community Executive Council, he/she will sit as an Ex-Officio Member to the BMCC

Board of Regents and will appoint a voting member to the Board of regents by letter to the Board Chairman.

(ARTICLE VI - Section 5) The Executive Director or Representative of the Inter-Tribal Council of Michigan