

Chapter 352

1955 REPLACEMENT PART

Institutions of Higher Education

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INSTITUTIONS**352.010 University of Oregon faculty.**

The president and professors constitute the faculty of the University of Oregon and as such have the immediate government and discipline of it and the students therein; but in all matters connected with the government and discipline of the preparatory department, the teachers therein shall be heard and consulted. The faculty may, subject to the supervision of the State Board of Higher Education, prescribe the course of study to be pursued in the university and the textbooks to be used.

352.020 President of the university. The president of the university is also president of the faculty, but whenever required by the board of higher education, he shall perform the duties of a professorship. He is also the executive and governing officer of the school, except as otherwise provided by statute; and subject to the supervision of said board, he has authority to control and give general directions to the practical affairs of the school.

352.030 Political or sectarian tests prohibited in appointment of professors, teachers or employees. No political or sectarian test shall ever be allowed or applied in the appointment of professors, teachers or employees of the university.

352.040 Annual university report. At the close of each fiscal year the board of higher education shall make a report to the Governor showing the transactions of the board, the progress, condition and wants of the University of Oregon; the number of professors, teachers and students therein, the amount of receipts, disbursements and such other matters as may be deemed important.

352.050 Care of county patients by medical school. The State Board of Higher Education and the board of county commissioners of Multnomah County may enter into an agreement, upon such terms and for such period of years as may be mutually agreed upon, to provide for the supplying of medical and surgical attention and care for the patients in the Multnomah County hospital by the University of Oregon Medical School.

352.060 Erection of state buildings on medical school campus and operation thereof for the care of state wards or patients. (1)

The Oregon State Board of Control and the State Board of Higher Education may enter into contractual relations or agreements, upon such terms and for such periods of years as may mutually be agreed upon, providing for the erection of state buildings upon the campus of the University of Oregon Medical School and providing for the maintenance, operation and control thereof, wherein state wards or patients may be under observation, treatment or custody.

(2) Said boards may also render all services and perform all acts and duties deemed necessary, incidental and proper in the discharge of this section, providing for the treatment, care and control of all state wards or patients in the buildings erected on the campus of the University of Oregon Medical School and within the purview of this section. Contractual relations or agreements shall not be entered into by such boards unless and until funds have been provided for carrying out the terms thereof.

352.070 Municipal auditorium on university campus. (1) The State Board of Higher Education may convey the title to such portion of the campus of the University of Oregon, together with an easement of access thereto, as they may deem advisable, to the City of Eugene, Oregon, subject to the conditions that the city, at its own expense, erects thereon a public municipal auditorium and that when said property ceases to be occupied and used as and for a public municipal auditorium, the title to the same shall revert to the State of Oregon. Only so much of the campus as shall be reasonably necessary for the erection of the auditorium shall be conveyed to the city.

(2) The board of higher education may enter into contracts or leases with the City of Eugene relative to the construction, maintenance and use of said public municipal auditorium, and for such periods of time as may be mutually agreeable to the board and the city, subject, however, to such limitations as may be imposed upon the City of Eugene by its charter and laws.

352.080 Streets through university property; establishment and dedication. The State Board of Higher Education may open, establish, lay out and dedicate to the public use such streets through the lands situated within the corporate limits of the City of Eugene, owned by or belonging to the University of Oregon, upon such terms and conditions as may be agreed upon by the board

of higher education and the common council of the City of Eugene. Such streets may be opened, established, laid out and dedicated in such manner, form and procedure as the board of higher education shall prescribe and agree upon with the common council of the City of Eugene. When such streets are so opened, laid out and established, they hereby are declared to be dedicated to the public use and are further declared to be public streets of the City of Eugene.

352.090 Oregon State Museum of Anthropology. (1) The anthropological collections at the University of Oregon are designated and established as the Oregon State Museum of Anthropology. The Oregon State Museum of Anthropology is designated as official depository for any material of pre-historical, archaeological or anthropological nature that may come into the possession of the State of Oregon through the operation of ORS 273.250 or 273.260 or as a consequence of gifts from the Federal Government, the Smithsonian Institution or from other public or private agencies. The University of Oregon, through its professor of anthropology and director or curator of the Oregon State Museum of Anthropology, or either, shall assume full responsibility for the custody and safekeeping of said collection.

(2) ORS 273.250 or 273.260 or this section shall not interfere with any collections now in the possession of any institution of higher learning in Oregon, nor prevent any private person making a gift of any collection owned by him directly to any institution.

352.100 University dental school; creation; status. There is created a department in the higher educational system of the State of Oregon, to be known as the Dental School of the University of Oregon. The dental school shall be a distinct and separate department of the educational system but shall be under the jurisdiction, management and control of the State Board of Higher Education.

352.110 Powers of board of higher education in the operation of the dental school. The board of higher education in the management and operation of the dental school shall have all the general powers, so far as applicable or necessary, that are granted the board in the management of the University of Oregon, and in addition thereto, the board

shall have the power and authority and be subject to the limitations and conditions of ORS 352.120 to 352.170.

352.120 Conferral of degrees. In addition to the powers granted by ORS 352.110 to 352.170, the board of higher education shall confer, upon recommendation of the faculty of the Dental School of the University of Oregon, the degrees of doctor of dental medicine and doctor of dental surgery, and such other degrees as may be authorized by the board.

352.130 Faculty; fees; dental clinic. (1) The board of higher education shall appoint a dean of the dental school and such other faculty, teachers and employes as are deemed desirable.

(2) The board of higher education shall prescribe and collect such fees, charges and exactions for admission into the dental school, and a rate of tuition for instruction therein, as are deemed desirable.

(3) The board of higher education, in the management and operation of said school and as a part of said school, may maintain a dental clinic to give an opportunity for practical experience to the dental students, and in that connection may make such charge for the services rendered to patients as from time to time is recommended by the dental school faculty and approved by the board of higher education.

(4) Money derived from fees, charges and exactions for admission into the dental school and for tuition in instruction therein and from the dental clinic shall be used exclusively for the support, maintenance and operation of said dental school.

352.140 Supervision of school; admission and graduation qualifications. The board of higher education shall supervise the general course of instruction and enact rules and bylaws for the government thereof, including the faculty, teachers, students and employes therein. The board shall also prescribe the qualifications for admission into the dental school, as well as the qualifications and accomplishments required for graduation therefrom, and the reception of the degrees authorized and granted by the school.

352.150 Gifts for dental school. The board of higher education may acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, invest, improve and develop any and all property, real and per-

sonal, given for the use and benefit of the dental school, whether such gifts are made to the State Board of Control or to said school or to the university or State of Oregon for said school. All such property given, devised or bequeathed shall be used exclusively for the use, benefit and operation of the dental school.

352.160 Disposal of proceeds of North Pacific College property; new school site.

(1) If the real property received from the North Pacific College of Oregon is disposed of after a lapse of five years from its acceptance, money derived therefrom shall either be used in acquisition or construction of another building and plant, furnishings and facilities, to be used for accommodation and occupancy of the dental school, or shall be invested by the board of higher education in securities eligible for investment of trust funds under Oregon laws, the earnings thereof to be used and applied toward support and maintenance of said school.

(2) If, after lapse of five years, property donated by the North Pacific College of Oregon is sold, the dental school shall be located at some other site selected by the board of higher education, with the approval of the State Board of Control, which site shall, among other qualifications, be such as will, in the opinion of both boards, provide the greatest opportunity for suitable education of students in said school, and also an adequate number of patients in the dental clinic.

352.170 Dental advisory council; appointment; qualifications; vacancies. (1) The Governor shall appoint an advisory council of five members of the Oregon State Dental Association for a term of five years each. The terms of the first board shall be designated by the Governor at one, two, three, four and five years, respectively, at the time of the first appointment. Thereafter, council members shall be appointed by the Governor as vacancies occur.

(2) In event of death, resignation or disqualification of a council member, the Governor shall declare the position vacant and proceed to fill the same by an appointment for the remainder of the term.

(3) Failure to continue membership in good standing in the Oregon State Dental Association shall disqualify a council member and require his removal by order of the Governor.

352.180 Council's general duties and powers; compensation. (1) The members of the dental advisory council shall generally observe the conduct of the dental school, recommend a dean and professors for the dental school and the course of study and curricula therefor, and advise the board of higher education in all matters appertaining to the dental school.

(2) The council members shall serve without compensation but shall be reimbursed for their actual expenses in attending council meetings.

(3) The advisory council shall be convened at least once each month at such place in Portland, Oregon, as may be selected by the majority vote of the members.

(4) The advisory council shall choose its own officers, consisting of a chairman and vice-chairman and a secretary.

(5) The advisory council may incur necessary expenses for postage, telephone and telegraph service and traveling and subsistence expenses of its members while coming to, returning from and attending meetings of said council.

352.185 Payment of expenses incurred under ORS 352.100 to 352.180. All expenses incurred by the board of higher education under the provisions of ORS 352.100 to 352.180, including expenses incurred by the advisory council as provided in ORS 352.180, shall be paid upon vouchers duly approved by the board in the same manner as other claims against the state.

352.190 [Amended by 1953 c.720 §3; repealed by 1955 c.12 §5]

352.195 Portland State College. (1) There is created a separate and distinct department in the higher educational system, to be under the jurisdiction, management and control of the board of higher education, to be located on the site of the former Lincoln High School property and any areas in the vicinity of such property in the city of Portland and to be known as Portland State College. Portland State College shall be a downtown city college, and shall not be a college of the campus type. The board of higher education may acquire such land and acquire or construct such buildings and facilities as are necessary for Portland State College.

(2) Except as otherwise provided in this section, the board of higher education in the management and operation of Portland

State College shall have all the general powers and duties, so far as applicable or necessary, that are granted to or imposed upon the board of higher education in the management and operation of the institutions under its control. The board of higher education shall have such additional powers as are necessary or convenient to carry out the objects and purposes of this section.

(3) This section does not prohibit use of the permanent buildings and facilities of Portland State College for extension classes. [1955 c.12 §§1, 3, 4]

352.200 [Amended by 1953 c.720 §3; repealed by 1955 c.12 §5]

352.210 [Repealed by 1955 c.12 §5]

352.220 [Repealed by 1955 c.12 §5]

352.230 Agricultural college of the state designated Oregon State College. The state college in Benton County is designated and permanently adopted as the agricultural college of the state, in which all students sent under the provisions of law shall be instructed in accordance with the requirements of the Act of Congress, approved on July 2, 1862, granting public lands to the several states and territories which might provide colleges for the benefit of agriculture and the mechanic arts, and the Acts amendatory thereof. The permanent location of the state agricultural college at Corvallis, Benton County, Oregon, is ratified and confirmed; and such college shall be named Oregon State College. [Amended by 1953 c.362 §1]

352.240 Government of college vested in board of higher education; corporate character; powers. The general government of Oregon State College shall be vested in and exercised by the State Board of Higher Education who hereby are constituted a corporation for that purpose, with power to sue and be sued, to make contracts and to enact, and from time to time to vary and amend, all such bylaws and regulations as in their discretion seems necessary or proper for the benefit, development and successful working of the college.

352.250 Annual board report. The board of higher education shall make an annual written report to the Governor, setting forth the condition of Oregon State College, financial and otherwise, with such recommend-

ations touching the same as it may deem proper.

352.260 Oregon State College course of study. The course of instruction and studies at Oregon State College shall be prescribed by the State Board of Higher Education and shall be in accordance with the objects sought by Congress in the establishment of state agricultural colleges, namely, instruction in agriculture and the mechanic arts.

352.270 Oregon State College fee and tuition. For the time being, an admission fee and rates of tuition, such as the State Board of Higher Education deems expedient, shall be required of each student at Oregon State College except those receiving free scholarships under ORS 352.280.

352.280 Oregon State College scholarships. (1) Until the Legislative Assembly shall otherwise direct, each senatorial and representative district in this state shall be entitled to gratuitous instruction in Oregon State College for as many pupils as the district now has Senators and Representatives in the Legislative Assembly. Each county in the state shall also be entitled to one free scholarship in said college.

(2) The persons eligible for such scholarships shall be selected in the manner prescribed in this subsection. The county school superintendent in each county shall receive and register the names of all applicants for admission nominated by the senators or representatives of that county and present the names to the county court sitting for the transaction of county business. From the applicants found to possess the requisite qualifications, the number of pupils to which such county is entitled shall be selected by lot. The persons so selected shall be residents of the county for which they are selected, and shall possess such educational and other qualifications as the board of higher education may prescribe. Vacancies occurring shall be filled by the county court in the same manner. In senatorial and representative districts composed of more than one county, the senator or representative for that district shall have the power to nominate and appoint one student for such district, who shall be received in said college on the same terms as the students appointed by the county courts. One-third of the scholarship students appointed as provided in this section may be females.

352.290 State normal schools designated. The Oregon College of Education at Monmouth, Polk County, the Southern Oregon College of Education at Ashland, Jackson County, and the Eastern Oregon College of Education at La Grande, Union County, are declared to be state normal schools of the State of Oregon.

352.300 Purposes and objects of normal schools. The purposes and objects of each normal school are to give:

(1) Instruction and training in the theory and art of teaching in all the various branches that pertain to a good common school education and in all branches needed to qualify for teaching in the elementary and secondary public schools.

(2) Instruction in the fundamental laws of the United States and of this state regarding the rights and duties of citizens.

(3) Instruction in general studies with majors restricted to the general fields of humanities, social sciences and science-mathematics, and in connection therewith to grant degrees of Bachelor of Science in general studies. [Amended by 1953 c.721 §3]

352.310 General powers of normal school governing board. The State Board of Higher Education may purchase, accept on donation, have, hold, control, possess and enjoy in trust for the state for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purpose, objects and uses of the state normal schools authorized by law, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state. The board shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board shall not sell, mortgage or dispose of, in any way, any real estate, nor borrow money without the express authority of the legislature; nor shall they contract indebtedness nor incur liabilities to exceed at any time, in the aggregate, the amount of money which has been appropriated under the provisions of law.

352.320 [Repealed by 1953 c.721 §3]

352.330 Annual visitations of normal schools; report; appointment of visitors. After any state normal school has commenced its first term, and at least once each year

thereafter, it shall be visited by three suitable persons not members of the board of higher education but to be appointed by the Governor, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the Governor their views in regard to its success and usefulness and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear the date June 30 and cover the year preceding such date.

352.340 Model schools. The State Board of Higher Education may organize in connection with each normal school such model schools as it may deem expedient for the illustration of the best methods of teaching and government.

352.350 Expenses not to exceed appropriations; effect of excess expenses. The State Board of Higher Education shall limit the number of teachers and their compensation, and all other annual expenses of the normal schools, to the amount appropriated by the legislature for that purpose. All expenditures made by said board in excess of the sums so appropriated are declared to be unlawful and void and shall be deemed a malfeasance on the part of said board, for which the members thereof can be removed from office by the Governor. This section shall not apply to the members of the State Board of Education.

352.360 to 352.500 [Reserved for expansion]

INSTITUTION FINANCES

352.510 University Fund from sale of university lands; use of interest; additions to principal; pledges of credit limited. The interest which may hereafter accrue on the fund arising from the sale of the university lands donated to the state by Act of Congress of February 14, 1859, is set apart and perpetually appropriated to the maintenance, use and support of the University of Oregon. Until otherwise provided by law, no part of said interest shall be appropriated or expended otherwise than in the payment of the salaries of its president, professors and teachers, and other current expenses. If at the close of any fiscal year a sum equal to \$500 of said interest remains unexpended or unappropriated after the full payment of such salaries and expenses for said year, the same shall be added to and become a part of the principal of said

fund forever. The State Board of Higher Education, the faculty or other officers of the state university shall in no case pledge the faith or credit of the university of the state in excess of the interest annually accruing on the University Fund, together with the receipts from tuitions and other sources during the current year.

352.520 Loans of University Fund. All moneys belonging to the University Fund shall be loaned by the State Land Board in accordance with the provisions of ORS 327.425 to 327.455 governing loans from the Common School Fund.

352.530 Disbursement of proceeds of loans from the University Fund. The State Land Board shall pay the interest received on loans from the University Fund to the State Board of Higher Education semiannually.

352.540 Income from gifts or endowments; University of Oregon Donation Fund. (1) The interest, income, dividends or profits received on any property or funds of the University of Oregon, or of any department or division thereof, derived from gifts, legacies, devises, bequests or endowments deposited with the State Treasurer, hereby are set apart and appropriated to the use, maintenance and support of the University of Oregon, in like manner as the principal or corpus of each such gift or donation is set apart or appropriated.

(2) All such gifts or donations received shall be placed by the State Treasurer to the credit of a separate fund to be known as the University of Oregon Donation Fund, and the State Treasurer shall credit monthly to such fund any interest or other income derived from the depositing or investing thereof.

(3) This section does not repeal or otherwise affect the provisions of ORS 352.510 pertaining to the payment of interest on funds derived from the sale of university lands, or ORS 327.425 to 327.455 pertaining to the loaning of the Common School Fund.

352.550 Custody and disbursement of university funds for current expenses. All funds received by the University of Oregon from any source, applicable to the payment of current expenses, except money or funds arising out of any gift from private sources to the University of Oregon, shall be paid into the State Treasury and by that office kept separate and apart from other funds, and shall be paid out only on warrants of the Secretary

of State, based on duly verified vouchers, as other claims are paid, for the support and maintenance of the university, and the sums of money so paid in hereby are appropriated for the purposes stated.

352.560 Oregon State College Fund. For the endowment, maintenance and support of Oregon State College, there is set apart and appropriated the interest on the fund which has arisen and which shall hereafter arise from the sale of all lands granted to the State of Oregon, or to which the state was entitled under the Act of Congress to provide colleges for the benefit of agriculture and the mechanic arts to the several states and territories, approved July 2, 1862, and the Acts amendatory thereof, or so much thereof as may be necessary. In no case shall the interest arising from said fund be applied to the purchase of sites, or for buildings for Oregon State College, but only in the payment of the salaries of professors, officers and other current expenses. The remainder of such interest remaining over at the close of each fiscal year after the payment of such expenses shall be added to and become a part of the principal or endowment fund forever.

352.570 Loans of Oregon State College Fund. All moneys belonging to the Oregon State College Fund shall be loaned by the State Land Board in accordance with the provisions of ORS 327.425 to 327.455 governing loans from the Common School Fund.

352.580 Disbursement of proceeds of loans from Oregon State College Fund. The State Land Board shall pay the interest received on loans from the Oregon State College Fund to the State Board of Higher Education semiannually.

352.590 Drawing of Oregon State College funds. All funds applicable by law to the support of Oregon State College shall be drawn on warrant, issued by the Secretary of State, on the written request of the board of higher education.

352.600 State Land Board as trustees of J. T. Apperson agricultural college fund. The members of the State Land Board and their successors in office are authorized and empowered to execute the trust created by the last will and testament of John T. Apperson, deceased, and as such trustees to administer the fund provided for and designated in said will as the J. T. Apperson Agricultural College Educational Fund.

352.610 General powers and duties of trustees. The land board may accept, receive, own, hold, sell and dispose of any and all real and personal property given, devised or bequeathed to it by John T. Apperson in trust for the purpose of creating the J. T. Apperson Agricultural College Educational Fund. The trustees of said fund shall manage and use it in accordance with the directions contained in the will of John T. Apperson, deceased, for the purpose of defraying the expenses and assisting in the education at Oregon State College of deserving young men and women who are actual bona fide residents of Oregon and are unable to bear the expense of a collegiate course at said institution.

352.620 Execution of instruments. The land board and its successors may execute all deeds, conveyances, contracts, mortgage releases and all other instruments necessary to be executed by the trustees in carrying out the terms of the trust referred to in ORS 352.600. All such deeds and other instruments may be executed in manner and form as prescribed by the board and shall be entitled to record without acknowledgment.

352.630 Payment of expenses; making rules and regulations. All necessary expenses incurred by the land board in connection with the administration of the trust referred to in ORS 352.600 shall be payable out of the fund referred to in that section. The board may make such rules and regulations as it may deem necessary for the transaction of business and carrying out the provisions of ORS 352.600 to 352.640.

352.640 Trustees' annual report. The land board as trustees shall annually, on October 1, make and file with the Secretary of State a full report of the condition of the fund referred to in ORS 352.600, showing the amount thereof, moneys outstanding and any other data necessary to a full understanding of its conditions, which report the Secretary of State shall include in his biennial report to the legislature.

352.650 Deposit of Apperson and Burbank funds. Whenever there remains in the hands of the trustees of the J. T. Apperson Agricultural College Educational Fund or of the Burbank Trust Fund any portion of either of such funds not then required for investment or loan purposes, the trustees may require the State Treasurer to deposit such fund

or portions thereof, until the same is required by them, in qualified state depositories in the same manner as state funds belonging to the State of Oregon are deposited therein. Any interest received from the deposit of any such trust funds shall be credited to the particular fund on which such interest was earned.

352.660 Normal School Fund. The proceeds of the sale of any real or personal estate, and all moneys received and tuition collected under ORS 352.310 shall be paid to the State Treasurer to be placed in the fund known as the Normal School Fund. The entire income of the Normal School Fund shall be placed at the disposal of the State Board of Higher Education. When any one normal school collects tuition, the same shall be kept in a separate fund for the use of such school.

352.670 Audit and payment of normal school claims; instructor's salary payment. The Secretary of State shall audit all claims authorized and certified to by the board of higher education and draw his warrant on the State Treasurer for the amount found due thereon in favor of the person entitled thereto. No money shall be paid out of the treasury for the use of the normal schools of the state except upon verified claims in the manner provided in this section. The salaries of instructors may be paid to the president of the school or person designated by the board of higher education upon payroll approved by the Secretary of State.

352.680 Method of payment of ORS 352.670 exclusive; warrants on donations. All payments for the erection, repairs and enlargement of any normal school building, or for fixtures or furniture therefor, and all disbursements from the Normal School Fund, income or appropriation made by the Legislative Assembly, including expenses of boards of visitors of normal schools, shall be made as prescribed by ORS 352.670 and not otherwise. In case of a donation no such warrant shall be issued for any part thereof until the sums donated and prescribed have been paid into the State Treasury, nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of the board of higher education pursuant to a contract made with it.

352.690 to 352.980 [Reserved for expansion]

PENALTIES

the provisions of ORS 352.010 to 352.090,
352.230 to 352.350, 352.510 to 352.590 or

352.990 Penalties. Violation of any of 352.650 to 352.680 is a misdemeanor.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

CHAPTER 353

[Reserved for expansion]