Chapter 352

1965 REPLACEMENT PART

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UNIVERSITY OF OREGON

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 employes. No political or sectarian test shall ever be allowed or applied in the appointment of professors, teachers or employes of the university.

352.040 [Repealed by 1961 c.238 §1]

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.

352.065 Operation, control and use of former University-State Tuberculosis Hospital. (1) The responsibility for the operation and control of the present state tuberculosis hospital located on the grounds of the University of Oregon Medical School in Multnomah County is transferred from the Board of Control to the State Board of Higher Education.

(2) The State Board of Higher Education shall manage the hospital buildings that constitute the state tuberculosis hospital on the grounds of the University of Oregon Medical School in Multnomah County in the same manner as they manage all other institutions under their control, may use such buildings for any medical purposes and may make contracts of the type provided in ORS 352.060.

[1959 c.97 §§1, 2]

352.070 [Repealed by 1961 c.238 §1]

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 prehistorical, 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 professional school in the higher educational system of the State of Oregon, to be known as the University of Oregon Dental School. The dental school shall be a distinct and separate professional school under the general jurisdiction and control of the State Board of Higher Education but shall be under the immediate administration, control and supervision of the President of the University of Oregon to the extent which may be prescribed by the board and which is parallel to the administrative relationship between the President of the University of Oregon and the University of Oregon Medical School. [Amended by 1957 c.595 §1]

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 352.150.

352.120 Conferral of degrees. In addition to the powers granted by ORS 352.110 to 352.150, 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 personal, 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 [Repealed by 1961 c.238 §1]

352.170 [Repealed by 1957 c.595 §3]

352.180 [Repealed by 1957 c.595 §3]

352.185 [Amended by 1957 c.595 §2; repealed by 1961 c.238 §1]

352.190 [Amended by 1953 c.720 §3; repealed by 1955 c.12 §5]

PORTLAND STATE COLLEGE

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]

OREGON TECHNICAL INSTITUTE

352.201 Oregon Technical Institute. (1) The responsibility for the maintenance, operation and control of Oregon Technical Institute hereby is transferred from the State Board of Education to the State Board of Higher Education.

(2) Oregon Technical Institute is established as a separate and distinct department in the higher educational system to be under the jurisdiction, management and control of the board of higher education for the primary purpose of training technicians.

(3) Except as otherwise provided by this section and ORS 352.205, the board of higher education in the management and operation of Oregon Technical Institute 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.
[1959 c.566 §1]

352.205 Location of Oregon Technical Institute. (1) If within five years after July 1, 1960, the city of Klamath Falls, Oregon, or any other donor, agrees to furnish a site for Oregon Technical Institute that is:

(a) Located within or near the city limits of Klamath Falls;

(b) Located where services and utilities necessary to the operation of an institution of higher learning are available; and

(c) Approved by the State Board of Higher Education,

Oregon Technical Institute shall be moved from its present site and relocated upon the site furnished.

(2) Title to the property furnished as a site for the school shall be transferred to the State of Oregon, and the title to the property shall remain in the State of Oregon as long as the property is used for a state school. If the State of Oregon ceases to use the property for a state school, the state shall sell the property within a reasonable time after the state ceases to use the property for a state school and shall pay the donor or his heirs, successors or assigns from the proceeds of the sale an amount representing the value of the land, exclusive of improvements, at the time of the sale. The valuation of the land shall be determined by the state with the assistance of qualified independent appraisers.
[1959 c.566 §3]

352.210 [Repealed by 1955 c.12 §5]

352.211 Easements across land occupied by Oregon Technical Institute. Subject to

the prior approval of the Federal Government through its designated federal agency and subject to such terms, conditions or restrictions that such agency may require, the State Board of Education or its successor with respect to the management and control of Oregon Technical Institute may enter into agreements granting easements of way for roads, transmission lines, pipe lines and other similar uses across the lands now occupied by Oregon Technical Institute. The amount of consideration and the terms of its payment shall be in accordance with the instruments of conveyance of the lands from the United States of America to the State of Oregon and the rules, regulations or directives of the War Assets Administration, or its successors in interest.
[1959 c.622 §1]

352.215 Leasing of property of Oregon Technical Institute. (1) Notwithstanding any other provision of law, the State Board of Education or its successor with respect to the management and control of Oregon Technical Institute may lease real property of Oregon Technical Institute not needed for educational purposes acquired by the State of Oregon from the United States Government pursuant to chapter 459, Oregon Laws 1947, and chapter 210, Oregon Laws 1951, subject to the conditions and restrictions contained in the instruments of conveyance from the United States of America to the State of Oregon and any regulations of the War Assets Administration, or its successors in interest.

(2) All moneys arising out of the leasing of real property under this section shall be deposited in the State Treasury and are continuously appropriated for the purpose of paying any amounts that may be due and owing or that may become due and owing to the United States Government under the terms and conditions of the instruments of conveyance referred to in subsection (1) of this section and regulations of the Federal agency having interests in the property.
[1959 c.674 §§1, 2]

352.220 [Repealed by 1955 c.12 §5]

OREGON STATE UNIVERSITY

352.230 Agricultural college of the state designated Oregon State University. 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 University.
[Amended by 1953 c.362 §1; 1961 c.54 §1]

352.240 Government of university vested in board of higher education; corporate character; powers. The general government of Oregon State University 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 university.

352.250 [Repealed by 1961 c.238 §1]

352.260 Oregon State University course of study. The course of instruction and studies at Oregon State University 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 University 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 University except those receiving free scholarships under ORS 352.280.

352.280 [Repealed by 1959 c.564 §16]

STATE NORMAL SCHOOLS

352.290 State normal schools designated. The Oregon College of Education at Monmouth, Polk County, Southern Oregon College at Ashland, Jackson County, and Eastern Oregon College at La Grande, Union County, are declared to be state normal schools of the State of Oregon.
[Amended by 1961 c.127 §1]

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 [Repealed by 1959 c.570 §3]

352.320 [Repealed by 1953 c.721 §3]

352.330 [Repealed by 1961 c.238 §1]

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 [Repealed by 1961 c.238 §1]

INSTITUTIONS GENERALLY

352.360 Traffic control on properties under State Board of Higher Education. (1) The State Board of Higher Education may make, modify and abolish such rules and regulations as the board deems convenient or necessary to provide for the policing, control and regulation of traffic and parking of vehicles on the property of any institution, department or activity under the jurisdiction of and operated, maintained or controlled by the board. Any rules and regulations enacted by the board shall be filed in accordance with the provisions of ORS 183.010 to 183.040.

(2) All proceedings initiated to impose punishment for violation of any rules or regulations pursuant to subsection (1) of this section shall be enforced in the name of the State Board of Higher Education in any district or justice court in the county in which the violation occurred. The fines, penalties and costs recovered shall be paid to the clerk of the respective court involved, who, after first deducting the court costs in such proceedings at the rate prescribed by law, shall pay the remainder of the fine or penalty to the State Board of Higher Education. The moneys so paid to the board and all fees and charges for parking privileges are hereby continuously appropriated to the State Board of Higher Education to be used to defray the costs of maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for motor vehicles at the various institutions, departments or activities under the control of the board.

(3) Every peace officer may enforce the regulations made by the board under subsection (1) of this section. The board, for the purpose of enforcing its rules and regulations governing traffic control, may appoint peace officers who shall have the same authority as other peace officers as defined in ORS 133.170.

(4) The State Board of Higher Education and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules and regulations of the board enacted pursuant to subsection (1) of this section.

(5) In all prosecutions for violation of motor vehicle traffic and parking rules and regulations enacted pursuant to subsection (1) of this section, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.340.

[1959 c.569 §§1, 2, 3, 4, 5]

352.370 Students unable because of religious beliefs to attend classes on certain days. (1) As used in this section, "school of higher education" means:

(a) Any school, institution or department under the jurisdiction of the State Board of Higher Education.

(b) Any community college.

(2) No student shall be refused admission to a school of higher education or be expelled from such a school for the sole reason that, because of his religious beliefs, he is unable to attend classes on a particular day.

(3) Any student in a school of higher education who, because of his religious beliefs, is unable to attend classes on a particular day shall be excused on that day from any examination, study requirement or work requirement. However, at his own expense the student shall make up the examination,

study requirement or work requirement missed because of his absence.
[Formerly 351.765; amended by 1965 c.100 §347]

352.380 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 [Repealed by 1961 c.238 §1]

352.560 Oregon State College Fund. For the endowment, maintenance and support of Oregon State University, 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 University, 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.

Note: Section 2, chapter 54, Oregon Laws 1961, permits the Legislative Counsel to "substitute for words designating Oregon State College" the words "Oregon State University." No substitution has been made in ORS 352.560, 352.570 or 352.580 for the term "Oregon State College Fund."

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 [Repealed by 1961 c.238 §1]

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 University 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 [Repealed by 1961 c.238 §1]

352.670 [Repealed by 1961 c.238 §1]

352.680 [Repealed by 1961 c.238 §1]

352.690 to 352.980 [Reserved for expansion]

PENALTIES

352.990 Penalties. (1) Violation of any of the provisions of ORS 352.010 to 352.060, 352.080, 352.090, 352.230 to 352.340, 352.510 to 352.580 or 352.650 is a misdemeanor.

(2) Violation of any rule or regulation enacted by the board pursuant to subsection (1) of ORS 352.360 shall be punished by a fine not to exceed $10; provided, that a conviction under this subsection shall not be considered an offense for the purposes of ORS 482.430 or 482.450.

[Subsection (2) enacted as 1959 c.569 §6]

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 November 15, 1965.

Sam R. Haley
Legislative Counsel

CHAPTER 353

[Reserved for expansion]