

# Chapter 352

2013 EDITION

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**PUBLIC UNIVERSITIES**

**352.002 Public universities.** The following are established as public universities in the State of Oregon:

- (1) University of Oregon.
- (2) Oregon State University.
- (3) Portland State University.
- (4) Oregon Institute of Technology.
- (5) Western Oregon University.
- (6) Southern Oregon University.
- (7) Eastern Oregon University. [1987 c.246 §1; 1995 c.162 §74; 1995 c.612 §§10,11; 1997 c.11 §1; 2001 c.382 §1; 2011 c.637 §58; 2013 c.768 §24]

**Note:** The amendments to 352.002 by section 24, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.002.** The Oregon University System established in ORS 351.011 consists of the following public universities under the jurisdiction of the State Board of Higher Education:

- (1) University of Oregon.
- (2) Oregon State University.
- (3) Portland State University.
- (4) Oregon Institute of Technology.
- (5) Western Oregon University.
- (6) Southern Oregon University.
- (7) Eastern Oregon University.

**352.004 Presidents of public universities.** The president of each public university within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the public university, except as otherwise provided by statute or action of the State Board of Higher Education. Subject to the supervision of the board, the president of the public university has authority to control and give general directions to the practical affairs of the public university. [Formerly 352.020; 2005 c.22 §249; 2011 c.637 §238]

**352.006 Political or sectarian tests prohibited in appointment of faculty or employees.** A political or sectarian test may not be allowed or applied in the appointment of faculty and other employees of a public university listed in ORS 352.002. [Formerly 352.030; 2013 c.768 §85]

**Note:** The amendments to 352.006 by section 85, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.006.** No political or sectarian test shall ever be allowed or applied in the appointment of faculty and other employees of the Oregon University System.

**352.008 Alcohol and drug abuse policy and implementation plan.** In consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each public university listed in ORS 352.002 shall

adopt a comprehensive alcohol and drug abuse policy and implementation plan. [1989 c.1076 §3; 2009 c.595 §223; 2011 c.637 §239; 2011 c.673 §9]

**352.010 Status of faculty.** The president and professors constitute the faculty of each of the public universities listed in ORS 351.011 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used. [Amended by 1987 c.246 §4; 1989 c.492 §3; 2011 c.637 §59; 2013 c.768 §86]

**Note:** The amendments to 352.010 by section 86, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.010.** The president and professors constitute the faculty of each of the public universities listed in ORS 352.002 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.

**352.012 Authority of public universities to require fingerprints.** For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, a public university listed in ORS 352.002 may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the university or Oregon University System; or

(b) Provides services or seeks to provide services to the university or Oregon University System as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position that is designated as a critical or security-sensitive position. As used in this subsection, "critical or security-sensitive position" means a position in which the person:

(a) Has direct access to persons under 18 years of age or to student residence facilities because the person's work duties require the person to be present in the residence facility;

(b) Is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) Has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(d) Has access to property where chemicals, hazardous materials and other items controlled by state or federal laws or regulations are located;

(e) Has access to laboratories, nuclear facilities or utility plants to which access is restricted in order to protect the health or safety of the public;

(f) Has fiscal, financial aid, payroll or purchasing responsibilities as one of the person's primary responsibilities; or

(g) Has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information. [2005 c.730 §71; 2013 c.768 §87]

**Note:** The amendments to 352.012 by section 87, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.012.** For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon University System may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the Oregon University System; or

(b) Provides services or seeks to provide services to the Oregon University System as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position that is designated as a critical or security-sensitive position. As used in this subsection, "critical or security-sensitive position" means a position in which the person:

(a) Has direct access to persons under 18 years of age or to student residence facilities because the person's work duties require the person to be present in the residence facility;

(b) Is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) Has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(d) Has access to property where chemicals, hazardous materials and other items controlled by state or federal laws or regulations are located;

(e) Has access to laboratories, nuclear facilities or utility plants to which access is restricted in order to protect the health or safety of the public;

(f) Has fiscal, financial aid, payroll or purchasing responsibilities as one of the person's primary responsibilities; or

(g) Has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information.

**Note:** 352.012 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.015 Physical access committees; members; duties.** (1) Each public university listed in ORS 352.002 shall convene a physical access committee to identify barriers to access by persons with disabilities on the campus of each public university. The committee shall include, but not be limited to:

(a) One or more students with disabilities or, if there are no students with disabilities willing to participate, a person with a disability who uses the public university's facilities;

(b) One or more members of the faculty or staff who have disabilities;

(c) The coordinator of services for students with disabilities for the public university;

(d) One or more administrators of the public university; and

(e) One or more members of the physical plant staff of the public university.

(2) The physical access committee shall present its findings and recommendations to the administration of the public university listing access needs and priorities for meeting those needs. These findings and recommendations shall identify the barriers to access that prevent persons with disabilities from meaningfully utilizing campus facilities related to instruction, academic support, assembly and residence life.

(3) In preparing funding requests for each biennium, each public university shall include amounts for capital improvement that will be applied to the substantial reduction and eventual elimination of barriers to access by persons with disabilities as identified by the physical access committee.

(4) Nothing in this section and ORS 185.155 and 341.937 requires a public university to undertake projects for accessibility that are not otherwise required unless such projects are funded specifically by the Legislative Assembly. [1991 c.935 §§1,2; 2007 c.70 §147; 2011 c.637 §240]

**Note:** 352.015 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.017 Contract for disbursement of funds to students; personally identifiable information.** (1) As used in this section, "personally identifiable information" means a student's Social Security number and gender or a student's Social Security number and date of birth.

(2) A public university listed in ORS 352.002 may enter into a contract with a private contractor to provide the service of facilitating the disbursement of funds to students. If a student's personally identifiable

information is necessary to administer the disbursement of funds under the contract, the public university:

(a) Shall obtain from a student a written election to receive the contracted services;

(b) Shall provide any alternative method of disbursement of funds at no additional cost to a student who does not elect to receive those services from a private contractor;

(c) May not release to a private contractor personally identifiable information about a student who elects to receive disbursement services from the private contractor without first obtaining from the student a written consent to release the personally identifiable information; and

(d) Shall provide to a student a written description of the purposes for which a private contractor may use the student's personally identifiable information. [2005 c.363 §1; 2011 c.637 §241]

**Note:** 352.017 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.020** [Amended by 1987 c.246 §2; renumbered 352.004 in 1987]

**352.021 Honorary degrees for persons ordered to internment camp.** (1) As used in this section, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942.

(2) A person who meets the requirements of subsection (4) of this section may request a public university listed in ORS 352.002 to award the person an honorary post-secondary degree.

(3) A representative of a deceased person who meets the requirements of subsection (4) of this section may request a public university to award an honorary post-secondary degree on behalf of the deceased person.

(4) Notwithstanding the requirements for a post-secondary degree established by a public university or by the State Board of Higher Education, a public university that receives a request under subsection (2) or (3) of this section may award an honorary post-secondary degree to a person, or on behalf of a deceased person, who:

(a) Was a student at the public university in 1942; and

(b) Did not graduate from the public university because the person was ordered to an internment camp. [2007 c.244 §1; 2011 c.637 §242]

**Note:** 352.021 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

## PUBLIC UNIVERSITIES WITH A GOVERNING BOARD

**352.025 Legislative findings.** (1) The Legislative Assembly finds that the State of Oregon will benefit from having public universities with governing boards that:

(a) Provide transparency, public accountability and support for the university.

(b) Are close to and closely focused on the individual university.

(c) Do not negatively impact public universities that do not have governing boards.

(d) Lead to greater access and affordability for Oregon residents and do not disadvantage Oregon students relative to out-of-state students.

(e) Act in the best interests of both the university and the State of Oregon as a whole.

(f) Promote the academic success of students in support of the mission of all education beyond high school as described in ORS 351.009.

(2) The Legislative Assembly also finds that:

(a) Even with universities with governing boards, there are economy-of-scale benefits to having a coordinated university system.

(b) Even with universities with governing boards, shared services may continue to be shared among universities.

(c) Legal title to all real property, whether acquired before or after the creation of a governing board, through state funding, revenue bonds or philanthropy, shall be taken and held in the name of the State of Oregon, acting by and through the governing board.

(d) The Legislative Assembly has a responsibility to monitor the success of governing boards at fulfilling their missions, their compacts and the principles stated in this section. [2013 c.768 §1]

**Note:** 352.025 to 352.146 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.027 Legislative intent.** Chapter 768, Oregon Laws 2013, is intended to preserve the autonomy of the universities listed in ORS 352.002 whether they are governed by a university governing board or a university consortium board. [2013 c.768 §172a]

**Note:** 352.027 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or 352.025 to 352.146 or any other series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Legislative Counsel has substituted "chapter 768, Oregon Laws 2013," for the words "this 2013 Act" in section 172a, chapter 768, Oregon Laws 2013, compiled

as 352.027. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 2013 Comparative Section Table located in Volume 20 of ORS.

**352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.** As used in ORS 351.365 to 351.379 and 352.025 to 352.146:

(1) “Governing board” means a governing board established by a university under ORS 352.054 that manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties.

(2) “State bonds” means “bonds” as defined in ORS 286A.001 that are issued by the State Treasurer.

(3) “University with a governing board” means a public university listed in ORS 352.054 that has established a governing board. [2013 c.768 §2]

**Note:** 352.029 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.030** [Amended by 1987 c.246 §3; renumbered 352.006 in 1987]

**352.033 Status of university with a governing board.** A university with a governing board is a governmental entity performing governmental functions and exercising governmental powers. A university with a governing board is not considered a unit of local or municipal government or a state agency, board, commission or institution for purposes of state statutes or constitutional provisions. [2013 c.768 §2a]

**Note:** 352.033 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.035** [Formerly 352.080; 2005 c.22 §250; repealed by 2013 c.768 §163]

**Note:** 352.035 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.035 (2011 Edition) is set forth for the user’s convenience.

**352.035 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 State Board of Higher Education and 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.

**352.039 Goals and mission of university with a governing board.** (1) A university with a governing board is created to carry out public missions and services in keeping with principles of public account-

ability and fundamental public policy, guided by the legislative findings in ORS 351.001 and 351.003 and consistent with the goals and mission described in ORS 351.006 and 351.009.

(2) A university with a governing board is an independent public body with statewide purposes and missions and without territorial boundaries. A university with a governing board shall exercise and carry out all of the powers, rights and privileges, within and outside this state, that are expressly conferred upon the university with a governing board, or that are implied by law or are incident to such powers, rights and duties. [2013 c.768 §2b]

**Note:** 352.039 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.040** [Repealed by 1961 c.238 §1]

**352.043** [2003 c.791 §§31,31a; 2005 c.817 §7; 2009 c.762 §71; 2013 c.768 §89; renumbered 352.176 in 2013]

**352.045** [Formerly 352.090; 1987 c.246 §5; 2005 c.22 §251; renumbered 352.181 in 2013]

**352.046** [1999 c.992 §§5,6; 2009 c.762 §72; 2013 c.768 §90; renumbered 352.186 in 2013]

**352.048** [1991 c.853 §1; 2009 c.762 §73; repealed by 2013 c.768 §163]

**Note:** 352.048 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.048 (2011 Edition) is set forth for the user’s convenience.

**352.048 Industrialized Housing Development Program created; administration.** (1) There is created within the Oregon University System the Industrialized Housing Development Program. The program shall be administered in conjunction with the Center for Housing Innovation at the University of Oregon.

(2) The purpose of the program is to provide assistance to industrialized housing manufacturers to help them achieve demonstrated best practice by researching, evaluating and disseminating information on opportunities to improve design technology, including but not limited to:

- (a) Methods to improve the affordability of housing;
- (b) Better utilization of new products in industrialized housing;
- (c) Improving the energy efficiency of industrialized housing; and
- (d) Specialized training for workers and management.

**Note:** 352.048 to 352.053 were enacted into law by the Legislative Assembly but were not added to or made a part of any series in ORS chapter 352 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.049** [1991 c.853 §§2,3,4; 2009 c.762 §74; repealed by 2013 c.768 §163]

**Note:** 352.049 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.049 (2011 Edition) is set forth for the user’s convenience.

**352.049 Program objectives; fees; employees.** (1) In fulfilling the purpose described in ORS 352.048, the Industrialized Housing Development Program shall:

- (a) Emphasize client-directed problem solving with the planning and design of appropriate design technologies;

(b) Provide or arrange for the provision of management assistance, specialized training for workers and other consulting services;

(c) Supplement the design skills and expertise of program staff by developing relations with experts who may work in a consulting role;

(d) Research new and developing design technology in the United States and overseas with the purpose of adapting proven technologies and management practices to Oregon conditions; and

(e) Disseminate research findings to all interested firms throughout the industrialized housing industry.

(2) The Industrialized Housing Development Program shall establish a schedule of fees for the services it provides. The program may establish a minimum level of service for which it does not charge fees.

(3) The Industrialized Housing Development Program may hire individuals on a contract basis, to provide either full-time or part-time staffing. However, employees of the program shall not be considered tenured employees of the Oregon University System.

**Note:** See note under 352.048.

**352.050** [Repealed by 1973 c.729 §17]

**352.051** [1991 c.853 §5; repealed by 2013 c.768 §163]

**Note:** 352.051 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.051 (2011 Edition) is set forth for the user's convenience.

**352.051 Rulemaking authority.** The State Board of Higher Education shall adopt rules necessary to carry out the provisions of ORS 352.048 to 352.053.

**Note:** See note under 352.048.

**352.052** [1991 c.853 §6; repealed by 2013 c.768 §163]

**Note:** 352.052 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.052 (2011 Edition) is set forth for the user's convenience.

**352.052 Confidentiality of information.** Any information obtained by the Industrialized Housing Development Program relating to an industrialized housing firm shall remain confidential to the extent that the information identifies an industrialized housing firm. The information shall remain confidential for a period of time to be prescribed by rule and then shall become public information.

**Note:** See note under 352.048.

**352.053** [1991 c.853 §7; repealed by 2013 c.768 §163]

**Note:** 352.053 is repealed July 1, 2014. See sections 163 and 171, chapter 768, Oregon Laws 2013. 352.053 (2011 Edition) is set forth for the user's convenience.

**352.053 Coordination of wood product research, development or evaluation.** Any research, development or evaluation of wood products by the Industrialized Housing Development Program shall be coordinated by the Center for Housing Innovation through the Oregon State University Forest Research Laboratory and Forest Products Extension Service.

**Note:** See note under 352.048.

**352.054 List of universities with governing boards; names of governing boards.** (1) A governing board is established for each of the following public universities:

(a) University of Oregon;

(b) Portland State University;

(c) Oregon State University, if the president of Oregon State University notifies the Governor that the university will become a university with a governing board in the

manner set forth in section 168 or 168a, chapter 768, Oregon Laws 2013;

(d) Eastern Oregon University, if Eastern Oregon University becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013;

(e) Oregon Institute of Technology, if Oregon Institute of Technology becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013;

(f) Southern Oregon University, if Southern Oregon University becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013; and

(g) Western Oregon University, if Western Oregon University becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013.

(2)(a) The University of Oregon governing board shall be known as the Board of Trustees of the University of Oregon.

(b) The Portland State University governing board shall be known as the Board of Trustees of Portland State University.

(c) The Oregon State University governing board shall be known as the Board of Trustees of Oregon State University, if the president of Oregon State University notifies the Governor that the university will become a university with a governing board in the manner set forth in section 168 or 168a, chapter 768, Oregon Laws 2013.

(d) The Eastern Oregon University governing board shall be known as the Board of Trustees of Eastern Oregon University, if Eastern Oregon University becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013.

(e) The Oregon Institute of Technology governing board shall be known as the Board of Trustees of the Oregon Institute of Technology, if the Oregon Institute of Technology becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013.

(f) The Southern Oregon University governing board shall be known as the Board of Trustees of Southern Oregon University, if Southern Oregon University becomes a university with a governing board in the manner set forth in section 168a, chapter 768, Oregon Laws 2013.

(g) The Western Oregon University governing board shall be known as the Board of Trustees of Western Oregon University, if Western Oregon University becomes a university with a governing board in the manner

set forth in section 168a, chapter 768, Oregon Laws 2013. [2013 c.768 §3]

**Note:** 352.054 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**Note:** Sections 168a and 169, chapter 768, Oregon Laws 2013, provide:

**Sec. 168a.** (1) If the president of Oregon State University notifies the Governor between August 2, 2013, and January 1, 2014, that the university will become a university with a governing board:

(a) Within two weeks after receiving the notification, the Governor shall inform the President of the Senate, the Speaker of the House of Representatives and the Legislative Counsel of the notification; and

(b) Not later than February 1, 2014, the Governor shall appoint all of the members of the governing board in the manner set forth in section 6 of this 2013 Act [352.076].

(2)(a) If the president of Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University or Western Oregon University determines that the university should become a university with a governing board, the president shall notify the Governor and the State Board of Higher Education of the university's intent. Notification under this subsection must occur during the period beginning March 1, 2014, and ending June 1, 2015.

(b) Within 45 days of receiving notification under this subsection from a university president, the State Board of Higher Education shall decide whether or not to endorse the university's decision. If the board endorses the request, the board shall immediately communicate any endorsement to the Governor.

(c) Upon receiving notification that the State Board of Higher Education has endorsed a university's decision to become a university with a governing board, the Governor shall:

(A) Inform the President of the Senate, the Speaker of the House of Representatives and the Legislative Counsel that the university will become a university with a governing board; and

(B) Not later than six months after receiving the notification, appoint all of the members of the governing board in the manner set forth in section 6 of this 2013 Act.

(3) Notwithstanding section 169 of this 2013 Act, if Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University or Western Oregon University becomes a university with a governing board under subsection (2) of this section, the president of that university shall take over administrative responsibilities for the university from the State Board of Higher Education on either July 1, 2015, or when the Governor appoints the members of the governing board, whichever date comes later. [2013 c.768 §168a]

**Sec. 169.** Except as provided in section 168a of this 2013 Act, the State Board of Higher Education shall continue to have jurisdiction over the operations of a university with a governing board as defined in section 2 of this 2013 Act [352.029] through June 30, 2014. However, the governing board shall propose funding requests pursuant to section 8 of this 2013 Act [352.089] and ORS 351.052, as amended by section 42 of this 2013 Act, and shall prepare budgets, in cooperation with the Higher Education Coordinating Commission, for the biennium beginning July 1, 2015. [2013 c.768 §169]

**Note:** Section 169, chapter 768, Oregon Laws 2013, becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**352.055** [1973 c.729 §16; 1975 c.693 §3; 1981 c.144 §1; 1987 c.246 §7; repealed by 1995 c.162 §94]

**352.058** [1977 c.773 §§1,2,3; repealed by 1987 c.246 §8]

**352.060** [Amended by 1969 c.597 §57; repealed by 1975 c.693 §21]

**352.061 Annual evaluations of universities with governing boards; components of evaluation.** (1) On an annual basis, the Higher Education Coordinating Commission shall submit to the Legislative Assembly an evaluation of each university with a governing board. The commission may make recommendations to the Legislative Assembly regarding the ability of the university to meet academic goals and fulfill its fiduciary responsibilities.

(2) The evaluation must include:

(a) A report on the university's achievement of outcomes, measures of progress, goals and targets as described in the university's achievement compact with the Oregon Education Investment Board;

(b) An assessment of the university's progress toward achieving the mission of all education beyond high school as described in ORS 351.009; and

(c) An assessment as to how well the establishment of a governing board at the university comports with the findings set forth in ORS 352.025. [2013 c.768 §5]

**Note:** 352.061 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.063** [2001 c.140 §6; 2009 c.762 §75; renumbered 352.191 in 2013]

**352.065** [1959 c.97 §§1,2; 1983 c.740 §116; repealed by 1987 c.246 §8]

**352.066** [2001 c.140 §2; 2003 c.791 §§30,30a; 2005 c.453 §§1,2; 2005 c.817 §8; 2009 c.762 §76; 2011 c.595 §103; 2013 c.768 §95; renumbered 352.196 in 2013]

**352.067** [2005 c.453 §3; renumbered 352.202 in 2013]

**352.068** [2001 c.140 §3; 2009 c.762 §77; 2013 c.768 §96; renumbered 352.207 in 2013]

**352.070** [Repealed by 1961 c.238 §1]

**352.071** [2001 c.140 §4; 2009 c.762 §78; 2013 c.768 §97; renumbered 352.213 in 2013]

**352.073** [1985 c.770 §12; 1995 c.162 §76; renumbered 353.460 in 1995]

**352.074** [2001 c.140 §5; 2009 c.762 §79; 2013 c.768 §98; renumbered 352.217 in 2013]

**352.075** [1967 c.539 §§1,2; repealed by 1975 c.693 §21]

**352.076 Formation and maintenance of governing board for public universities.** (1) A governing board for a public university must be formed and maintained as provided in this section.

(2)(a) Except as provided in subsection (3) of this section, the Governor shall appoint all of the 11 to 15 members of the governing board, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(b) The governing board must include one person who is a student enrolled at the university. The student shall be a voting member of the board.

(c) The governing board must include one person who is a member of the faculty of the university and one person who is a member of the nonfaculty staff of the university. For each appointment made under this paragraph, the Governor may appoint the person as either a voting or nonvoting member of the governing board.

(3) The president of the university shall be an ex officio nonvoting member of the governing board.

(4)(a) Except as provided in paragraph (b) of this subsection, the term of office for each appointed member of the governing board is four years.

(b) The term of office of each student, faculty and nonfaculty staff member of the governing board is two years.

(c) A member of the governing board may not be appointed to serve more than two consecutive full terms.

(d) The Governor may remove any appointed member of the governing board at any time for cause, after notice and public hearing, but may not remove more than three members within a period of four years, unless it is for corrupt conduct in office.

(e) Vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(5) The governing board shall select one of its members as chairperson and another as vice chairperson for such terms and with duties and powers as the board considers necessary for the performance of the functions of those offices. The governing board shall adopt bylaws concerning how a quorum is constituted and when a quorum is necessary.

(6) The governing board shall meet at least once quarterly, and may meet at the call of the chairperson or a majority of the voting members of the board. [2013 c.768 §6]

**Note:** See note under 352.025.

**352.077** [1985 c.770 §14; 1987 c.879 §14; repealed by 1995 c.162 §94]

**352.080** [Renumbered 352.035]

**352.083** [1985 c.770 §18; 1995 c.162 §78; renumbered 353.470 in 1995]

**352.084 Term of office for initial members of a governing board.** Notwithstanding the term of office specified in ORS 352.076, the initial term of a member appointed to a governing board by the Governor may be adjusted so that one-half, as nearly as possible, of the members of the board are appointed biennially. [2013 c.768 §7]

**Note:** See note under 352.025.

**352.089 Achievement compacts; mission statements; process for approval of change to academic program; biennial funding requests; request for issuance of state bonds; responding to legislative request for data; rules.** (1) A university with a governing board shall enter into an achievement compact with the Oregon Education Investment Board for each fiscal year.

(2) The governing board shall adopt a mission statement for the university, and shall forward the statement to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination.

(3) A university with a governing board shall submit any significant change in the university's academic programs to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination. The office shall establish a process for reviewing the program change and submitting it to the Higher Education Coordinating Commission for approval. The commission shall establish, by rule, what constitutes a significant change to a university's academic program. The commission shall further ensure that approved programs:

(a) Are consistent with the mission statement of the university;

(b) Do not unnecessarily duplicate academic programs offered by Oregon's other public universities;

(c) Are not located in a geographic area that will cause undue hardship to Oregon's other public universities; and

(d) Are allocated among Oregon's public universities to maximize the achievement of statewide needs and requirements.

(4)(a) On or before April 1 of each even-numbered year, each university listed in ORS 352.002 must submit to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination a funding request applicable to the biennium beginning on July 1 of the following year. On or before May 1 of each even-numbered year, the office shall consolidate the funding requests from public universities listed in ORS 352.002 and submit the consolidated funding requests to the commission.

(b) Pursuant to ORS 351.052, the Higher Education Coordinating Commission shall submit a funding request to the Governor on behalf of all public universities listed in ORS 352.002.

(c) The Governor's biennial budget submitted to the Legislative Assembly may in-

clude funding requests from public universities, including universities with governing boards.

(5) As part of a funding request submitted under subsection (4) of this section, a university with a governing board may request, and appropriations may include, funding for education and general operations, statewide public services, state-funded debt service, capital improvements, deferred maintenance, special initiatives and investments. Any moneys appropriated to pay debt service for state bonds must be held by the State Treasurer pursuant to an agreement entered into by the State Treasurer and a university with a governing board under ORS 352.135 (2).

(6) A public university listed in ORS 352.002 that wishes to request the issuance of state bonds, including a university with a governing board that elects to remain eligible to receive proceeds of state bonds under ORS 351.369, must make a request to this effect to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination. The office shall establish a process for reviewing the request to issue state bonds and submit the request to the commission. The commission shall decide whether, and in what manner, to make a request for the issuance of state bonds to the Legislative Assembly.

(7)(a) Each public university listed in ORS 352.002, including universities with governing boards, shall respond to a request for data from the Legislative Assembly or other state body by submitting the requested information to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination. The office shall consolidate the data received from public universities and provide the data to the commission. The commission shall be responsible for providing the data to the Legislative Assembly or other requesting entity.

(b) As used in this subsection, "data" means any information that, as of August 14, 2013, is collected by an office designated by the Higher Education Coordinating Commission as being responsible for university coordination from each university and reported to the Legislative Assembly or any other state entity, including but not limited to retention and graduation rates and demographic information on students. [2013 c.768 §8]

**Note:** 352.089 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.090** [Renumbered 352.045]

**352.095** [1989 c.893 §8; 1991 c.947 §11; renumbered 353.450 in 1995]

**352.096 Appointment and removal of university president; roles of president; hiring of university personnel.** (1)(a) In consultation with the Governor, or the Governor's designee, the governing board shall appoint and employ a president of the university.

(b) The governing board shall prescribe the president's compensation and terms and conditions of employment.

(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.

(3) Except in the case of an interim or acting president, the hiring committee for the president of a university with a governing board shall include representatives of the university community and at least one other president of a public university based in Oregon.

(4) The governing board is responsible for the reappointment or removal of the president of the university.

(5) A university with a governing board may appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and terms and conditions of employment, subject to the limitations set forth in ORS 352.124 (1) and (2). [2013 c.768 §9]

**Note:** 352.096 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.100** [Amended by 1957 c.595 §1; 1975 c.693 §4; 1983 c.740 §116a; repealed by 1987 c.246 §8]

**352.102 Tuition and mandatory enrollment fees.** (1) Except as set forth in this section, the governing board may authorize, establish, eliminate, collect, manage, use in any manner and expend all revenue derived from tuition and mandatory enrollment fees.

(2) The governing board shall establish a process for determining tuition and mandatory enrollment fees. The process must provide for participation of enrolled students and the recognized student government of the university.

(3) The governing board shall request that the president of the university transmit to the board the joint recommendation of the president and the recognized student government before the board authorizes, establishes or eliminates any incidental fees for programs under the supervision or control of the board and found by the board to be advanta-

geous to the cultural or physical development of students.

(4) In determining tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition:

(a) The governing board may not increase the total of tuition and mandatory enrollment fees by more than five percent annually unless the board first receives approval from:

(A) The Higher Education Coordinating Commission; or

(B) The Legislative Assembly.

(b) The governing board shall attempt to limit annual increases in tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and have established residency in Oregon to a percentage that is not greater than the percentage increase in the Higher Education Price Index, as compiled by the Commonfund Institute.

(5) The governing board may not delegate authority to determine tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition. [2013 c.768 §10]

**Note:** 352.102 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.105 Mandatory incidental fees; resolution of disputes.** (1) The board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university in consultation with the board. The process may include a student body referendum conducted under procedures established by the recognized student government. Mandatory incidental fees collected under this section shall be allocated by the recognized student government.

(2)(a) The mandatory incidental fee, use of the fee or decision to modify an existing fee may be refused by the board or the president of a university under the board's control if the board or president determines that:

(A) The recognized student government assessed or allocated the mandatory incidental fees in violation of applicable local, state or federal law;

(B) The allocation conflicts with a preexisting contractual financial commitment;

(C) The total mandatory incidental fees budget is an increase of more than five percent over the level of the previous year; or

(D) The fee request is not advantageous to the cultural or physical development of students.

(b) The mandatory incidental fee, use of the fee or decision to modify an existing fee may not be refused by the board or the president of a university based on considerations about the point of view that the funding seeks to advance.

(3) The recognized student government and the board shall seek to reach agreement on any dispute involving mandatory incidental fees, if necessary with the aid of mediation, prior to a decision by the board.

(4) If an agreement is not reached, the decision of the board may be appealed to the Higher Education Coordinating Commission by the recognized student government within seven days of the board's decision. The board shall submit its response within seven days of the appeal. The commission shall render its decision within seven days of its receipt of the board's response.

(5) Mandatory incidental fees are not subject to ORS 352.102. [2013 c.747 §202; 2013 c.747 §202a]

**Note:** 352.105 becomes operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013.

**Note:** 352.105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or 352.025 to 352.146 or any other series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.107 Powers and duties of governing board and university with a governing board.** (1) A university with a governing board may:

(a) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest all moneys, appropriations, gifts, bequests, stock and revenue from any source.

(b) Borrow money for the needs of the university in such amounts and for such time and upon such terms as may be determined by the university or the governing board.

(c) Make any and all contracts and agreements, enter into any partnership, joint venture or other business arrangement and create and participate fully in the operation of any business structure, including but not limited to the development of business structures and networks with any public or private government, nonprofit or for-profit person or entity, that in the judgment of the university or the governing board is necessary or appropriate.

(d) Establish, collect and use charges, fines and fees for services, facilities, operations and programs.

(e) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, invest in or otherwise

dispose of and deal in or with the shares, stock or other equity or interests in or obligations of any other entity. The State of Oregon may not have any proprietary or other interest in investments or funds referenced in this paragraph.

(f) Acquire, purchase, purchase on a contractual basis, borrow, receive, own, hold, control, convey, sell, manage, operate, lease, lease-purchase, license, lend, invest in, issue, improve, develop, use, expend and dispose of personal property, including intellectual property, of any nature, tangible or intangible.

(g) Establish employee benefit plans of any type, subject to ORS 351.094.

(h) Take, hold, grant, pledge or dispose of mortgages, liens and other security interests on real and personal property.

(i) Spend all available moneys without appropriation or expenditure limitation approval from the Legislative Assembly, except for moneys received by a university with a governing board pursuant to a funding request submitted under ORS 352.089 (4) and the proceeds of state bonds issued for the benefit of a university with a governing board. The proceeds of state bonds issued for the benefit of a university with a governing board must be held pursuant to an agreement entered into by the State Treasurer and a university with a governing board under ORS 352.135 (2). The provisions of ORS 351.450, 351.455 and 351.460 do not apply to state bonds issued for the benefit of a university with a governing board pursuant to Article XI-F(1) or XI-G of the Oregon Constitution.

(j) Acquire, purchase, purchase on a contractual basis, borrow, receive, own, hold, control, convey, mortgage, pledge or otherwise encumber, sell, manage, operate, lease, lease-purchase, license, lend, invest in, improve, develop, use, expend and dispose of real property.

(k) Erect, construct, improve, remodel, develop, repair, maintain, equip, furnish, lease, lend, convey, sell, manage, operate, use and dispose of any building, structure, land or project.

(L) Acquire, by condemnation or otherwise, private property that is necessary or convenient. The right to acquire property by condemnation shall be exercised as provided by ORS chapter 35.

(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.

(n) Sue in its own name, be sued in its own name and issue and enforce subpoenas in its own name.

(o) Hire or retain attorneys for the provision of all legal services. A university with a governing board shall reimburse the State Treasurer for legal fees incurred in connection with state bonds issued at the request of the university.

(p) Purchase any and all insurance, operate a self-insurance program or otherwise arrange for the equivalent of insurance coverage of any nature and the indemnity and defense of its officers, agents and employees or other persons designated by the university.

(q) Subject to the procedures set forth in ORS 352.089, establish, supervise and control academic and other programs, units of operation and standards, qualifications, policies and practices relating to university matters such as admissions, curriculum, grading, student conduct, credits, scholarships and the granting of academic degrees, certificates and other forms of recognition.

(r) Enforce and recover any fees, charges and fines, including but not limited to tuition and mandatory enrollment fees.

(s) Make available and perform any and all services on such terms as the governing board considers appropriate.

(t) Delegate and provide for the further delegation of any and all powers and duties, subject to the limitations expressly set forth in law.

(2) The budget for a university with a governing board shall be prepared in accordance with generally accepted accounting principles and adopted by the governing board in accordance with ORS 192.610 to 192.710.

(3) A governing board or university with a governing board may perform any other acts that in the judgment of the board or university are required, necessary or appropriate to accomplish the rights and responsibilities granted to the board or university by law. [2013 c.768 §11]

**Note:** 352.107 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.110** [Amended by 1975 c.693 §5; repealed by 1987 c.246 §8]

**352.113 Real property held by university with a governing board; legal title; custody; sale and transfer.** (1) Legal title to all real property acquired by a university with a governing board shall be taken and held in the name of the State of Oregon, acting by and through the governing board. Legal title to all real property conveyed to a university with a governing board is consid-

ered to be conveyed to and vested in the State of Oregon, acting by and through the governing board. Authorized conveyances of all real property, other than university lands, acquired by or vested in the State of Oregon for the use or benefit of the university must be executed in the name of the State of Oregon, acting by and through the governing board, by the chairperson of the governing board.

(2) The governing board has custody and control of and shall care for all real property used for university purposes. Management, maintenance, encumbrance, disposal and preservation of all real property used for university purposes, whether the real property is acquired before or after the establishment of a governing board, is the responsibility of the governing board. Unless the governing board has granted prior consent, real property taken and held under this section may only be encumbered by the State of Oregon in accordance with state law and in a manner that would not impair the financial condition of the university or the rights of the holders of any obligations of the university issued or incurred under any master indenture or other financing agreement.

(3) Unless the State Treasurer has granted prior consent, real or personal property held in the name of the State of Oregon, or in which the State of Oregon has an ownership or other legal interest, that was acquired, constructed, improved with or otherwise directly benefited by the proceeds of outstanding state bonds, may not be:

(a) Used by a governing board in a manner that would give rise to private business use; or

(b) Sold, transferred, encumbered, leased or otherwise disposed of by a governing board. The reference to leases in this paragraph does not apply to residential leases that a governing board enters into with students, faculty or employees of the university. [2013 c.768 §12]

**Note:** 352.113 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.118 Establishment of police department; commission of police officers and special campus security officers; authorities.** (1) A governing board may, in its sole discretion, do all of the following:

(a) Police, control and regulate traffic and parking of vehicles on university property.

(b) Establish a police department and commission one or more employees as police officers in the manner and with all of the privileges and immunities set forth in ORS 352.383. When a governing board establishes

a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(c) Commission special campus security officers who, when acting in the scope of their employment, shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315. Special campus security officers may not be authorized to carry firearms as police officers and, except as provided in subsection (2) of this section, may not be considered police officers for purposes of ORS 181.610, 238.005, 243.005 or 243.736.

(2) A university with a governing board, acting by and through its special campus security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181.730 (3). [2013 c.768 §13]

**Note:** 352.118 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.120** [Amended by 1975 c.693 §6; repealed by 1987 c.246 §8]

**352.124 Collective bargaining; audits of public accounts.** (1) A university with a governing board shall engage in collective bargaining with local bargaining organizations of the employees of the university.

(2) A university with a governing board shall participate in a collective bargaining partnership with other public universities in this state for the purpose of engaging in collective bargaining with existing statewide bargaining organizations of the employees of the public university. The collective bargaining partnership shall be established by written agreement.

(3) Subject to the authority of the Secretary of State to audit public accounts, a university with a governing board may conduct an independent audit if the governing board considers the audit advisable. Subject to ORS 297.250, the independent audit is subject to the exclusive discretion and control of the university. The independent audit is subject to disclosure pursuant to ORS 192.410 to 192.505. [2013 c.768 §14]

**Note:** 352.124 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.129 Shared services; continued participation; compensation for negative impact on other public universities.** (1) Notwithstanding ORS 352.102 and 352.107

and section 169, chapter 768, Oregon Laws 2013, the amendments to ORS 243.107 and 351.094 by sections 88 and 113, chapter 768, Oregon Laws 2013, and the operative date set forth in section 171, chapter 768, Oregon Laws 2013, a university with a governing board shall continue to participate with other public universities listed in ORS 352.002 in all shared administrative services relating to:

(a) Employee benefits, including but not limited to group insurance or deferred compensation plans authorized by ORS 351.094;

(b) Collective bargaining with any state-wide bargaining unit that includes employees of two or more public universities listed in ORS 352.002; and

(c) Risk management, the purchase of insurance or the management of a self-insurance program authorized by ORS 351.096 or 352.107.

(2) The shared administrative services listed in subsection (1) of this section must be done under the same terms, conditions, funding model and policy frameworks as those that exist on August 14, 2013, until July 1, 2015. On and after July 1, 2015, public universities listed in ORS 352.002 may choose to participate in shared services under an alternative shared services model.

(3) Two or more public universities listed in ORS 352.002, including universities with governing boards, may participate in shared services not described in subsection (1) of this section, including but not limited to shared services involving legal services and information technology.

(4) Pursuant to ORS 352.025, and in order to ensure that the establishment of universities with governing boards does not negatively impact public universities that do not have governing boards, if a university with a governing board stops participating in a service shared by two or more public universities listed in ORS 352.002, including but not limited to the shared services listed in this section, and the withdrawal from the service has a negative effect on the remaining public universities, the Higher Education Coordinating Commission shall compensate universities suffering a negative impact through either reduction of appropriations made to the university with a governing board or any other method found to be appropriate by the commission.

(5) The office of the Chancellor of the Oregon University System shall coordinate public university shared services described in this section until a new entity to coordinate shared services is operational. [2013 c.768 §14a]

**Note:** 352.129 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.130** [Repealed by 1987 c.246 §8]

**352.135 Use and investment of moneys; role of State Treasurer.** (1) All moneys collected or received by a university with a governing board, placed to the credit of the governing board and remaining unexpended and unobligated on July 1, 2014, or the date that the board is established, whichever is later, and all moneys collected or received by a university with a governing board after that date, may be:

(a) Deposited into one or more accounts established by the board in depositories insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, and the governing board shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund; or

(b) Held, kept, pledged, controlled, conveyed, managed, used, loaned, expended and invested as set forth in ORS 352.102 and 352.107.

(2) Upon a request by the State Treasurer, a university with a governing board shall enter into a written agreement with the state that provides for the State Treasurer to receive, hold, keep, manage and invest any amounts under the control of the university that the State Treasurer determines should be held by the State Treasurer to provide for payment of state bonds and other state obligations that are to be paid from appropriations described in ORS 352.089 (5), revenues of the university or other moneys under the control of the university. The agreement may, at the request of the State Treasurer, require the university to pay the costs incurred by the State Treasurer in connection with entering into and carrying out the agreement.

(3) Upon a request by a university with a governing board, the State Treasurer may receive, hold, keep, manage and invest any or all moneys, appropriations, gifts, bequests or revenues of the university from any source in accordance with an agreement entered into between the State Treasurer and the university and with the policies and procedures established by the State Treasurer, including the recoupment of costs incurred by the State Treasurer in carrying out these tasks.

(4) As used in this section, "depository" has the meaning given that term in ORS 295.001. [2013 c.768 §15]

**Note:** 352.135 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.138 Applicability of laws to universities with governing boards.** (1) The following entities are not subject to any provision of law enacted after January 1, 2013, that is unique to governmental entities unless the following entities are expressly named:

(a) A university with a governing board; and

(b) Any not-for-profit organization or other entity if the equity of the entity is owned or controlled exclusively by a university with a governing board and if the organization or entity is created by the university to advance any of the university's statutory missions.

(2) Notwithstanding subsection (1) of this section, the provisions of ORS 30.260 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 276.080, 276.090, 279.835, 279.840, 279.850 and 297.040 and ORS chapters 35, 190, 192 and 244 apply to a university with a governing board under the same terms as they apply to public bodies other than the state.

(3) Except as otherwise provided by law, the provisions of ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035, 243.696, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 240, 270, 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295 and 297 do not apply to a university with a governing board.

(4) Notwithstanding subsections (1) and (3) of this section, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a university with a governing board under the same terms as they apply to public bodies other than the state.

(5) Notwithstanding subsection (2) of this section, ORS 190.430 and 192.105 do not apply to a university with a governing board or any organization or other entity described in subsection (1) of this section.

(6) Except as set forth in subsection (3) of this section, ORS 243.650 to 243.782 apply to a university with a governing board under the same terms as they apply to the state.

(7) ORS 351.065, 351.067, 351.642, 351.643, 351.644, 351.646, 351.656, 351.658, 352.012 and 352.375 apply to a university with a governing board, except that the board or university shall exercise the responsibilities and authorities of the State Board of Higher Education, the Higher Education Coordinating Commission or the Oregon University System.

(8) A university with a governing board and its agents and employees remain subject to all statutes and administrative rules of this state that create rights, benefits or protections in favor of military veterans, service members and families of service members to the same extent as an agency of this state would be subject to such statutes and administrative rules.

(9) ORS 351.692, 351.695 and 351.697 apply to a governing board, except that the board has the responsibilities and authorities with respect to the university it governs that the State Board of Higher Education and the Oregon University System have with respect to the public universities identified in ORS 351.011. A university with a governing board may not issue a tax credit certificate under ORS 351.692, 351.695 and 351.697 that will cause the public universities listed in ORS 352.002 to owe the General Fund more than \$6 million at any one time under ORS 351.692, 351.695 and 351.697.

(10) If state bonds are issued for the benefit of a university with a governing board, the university shall have the powers and duties of a related agency as defined in ORS 286A.001 to the extent necessary for the issuance of such state bonds and the administration of the proceeds of the state bonds.

(11) Nothing in this section may be construed so that statutory provisions that are not set forth in this section apply to a university with a governing board. [2013 c.768 §16; 2013 c.722 §80; 2013 c.768 §179]

**Note:** 352.138 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.140** [Amended by 1983 c.740 §117; repealed by 1987 c.246 §8]

**352.141 Jurisdiction over streets on property owned by or used for university with a governing board.** A university with a governing board may open, establish, lay out and dedicate to the public use any streets through lands owned by or used for the university. When such streets are opened, established and laid out, they are declared to be dedicated to the public use. The university may declare that it is the road authority pursuant to ORS 810.010 (4) for any or all roads through lands owned by or used for the university. [2013 c.768 §17]

**Note:** 352.141 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**352.146 Faculty; status; powers.** The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may,

subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used. [2013 c.768 §18]

**Note:** 352.146 becomes operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**Note:** See note under 352.025.

**(Temporary provisions relating to special committee on university governance and work group on university shared services)**

**Note:** Sections 166, 166a and 167, chapter 768, Oregon Laws 2013, provide:

**Sec. 166. Special Committee on University Governance and Operations.** (1) The Special Committee on University Governance and Operations is established, consisting of 10 members appointed as follows:

(a) The President of the Senate shall appoint four members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint four members from among members of the House of Representatives.

(c) The Governor shall appoint two members who are members of the Oregon Education Investment Board.

(2) The special committee shall review, discuss and analyze:

(a) Issues of administration within the state post-secondary education system with an emphasis on four-year public universities; and

(b) Coordination of operations, academic programs, shared services and other elements of that system, after considering the recommendations of the Work Group on University Shared Services established under section 166a of this 2013 Act.

(3) The special committee may recommend legislation on the future relationship between Oregon's institutions of post-secondary education.

(4) The special committee shall evaluate options related to institutional governance as Oregon's public universities transition to new governing boards, with a focus on how best to coordinate academic services among the universities in order to increase student access, affordability and success in pursuit of the mission described in ORS 351.009. Options may include the role of a chancellor or an academic leader, the composition of the interim State Board of Higher Education between July 1, 2014, and June 30, 2015, or the composition and authorities of a consortium board for universities that do not request institutional governing boards.

(5) With respect to university governance, any legislation recommended by the special committee shall:

(a) Take into consideration the unique mission associated with each of Oregon's seven public universities and identify how these missions can best be accomplished and sustained over the next 10 years; and

(b) Ensure that the public missions of Oregon's public universities, including access and affordability for residents of this state, are maintained and enhanced.

(6) With respect to university operations, any legislation recommended by the special committee shall define the operating arrangements between the institutions in order to ensure:

(a) That all post-secondary institutions, including public universities listed in ORS 352.002 and Oregon's 17 community colleges, are able to achieve the goals and mission described in ORS 351.006 and 351.009; and

(b) The achievement of cost efficiencies, economies of scale, cost effectiveness, accountability, administra-

tive streamlining and the ability to provide the best quality education possible for the amount of state monies spent.

(7)(a) Any shared services legislation recommended by the special committee must further consider the recommended shared services model provided by the Work Group on University Shared Services under section 166a (11) of this 2013 Act.

(b) The shared services subject to review by the special committee shall include, but are not limited to, risk management, cash management, asset management, treasury services, payroll, employee benefits, accounting, auditing, purchasing and contracting, information technology and any other administrative function that might benefit from the sharing or pooling of public university resources.

(8) A majority of the members of the special committee constitutes a quorum for the transaction of business.

(9) Official action by the special committee requires the approval of a majority of the members of the committee.

(10) The special committee shall elect two of its members to serve as cochairpersons, one of whom is from the Senate and one of whom is from the House of Representatives.

(11) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(12) The special committee shall meet at times and places specified by the call of the cochairpersons or of a majority of the members of the committee.

(13) The special committee may adopt rules necessary for the operation of the committee.

(14)(a) The special committee shall convene and begin work no later than September 15, 2013.

(b) The special committee shall submit interim recommendations to the Governor and Legislative Assembly no later than January 15, 2014, for consideration during the 2014 regular legislative session.

(c) The special committee shall continue to meet and submit final recommendations to the Governor and Legislative Assembly, if necessary, no later than November 15, 2014, for consideration during the 2015 regular legislative session.

(15) The Legislative Administration Committee shall provide staff support to the special committee.

(16) Members of the special committee who are not members of the Legislative Assembly are not entitled to compensation.

(17) All agencies of state government, as defined in ORS 174.111, and public universities listed in ORS 352.002 are directed to assist the special committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the committee consider necessary to perform their duties.

(18) The special committee may accept contributions of funds and assistance from any source, public or private, for the purposes of the consultation with national experts required for the activities described in subsections (2) to (7) of this section. [2013 c.768 §166]

**Sec. 166a. Work Group on University Shared Services.** (1) The Work Group on University Shared Services is established, consisting of the presidents of the seven public universities listed in ORS 352.002 or the presidents' designees.

(2) The work group shall develop a shared services model that delivers efficient and effective administrative operations to participating post-secondary institutions in a manner that focuses on quality, responsiveness and customer service and that seeks to achieve cost savings,

economies of scale, accountability, transparency and streamlining.

(3) In developing a shared services model under subsection (2) of this section, the services that the work group must consider include, but are not limited to, risk management, cash management, asset management, treasury services, payroll, employee benefits, accounting, auditing, purchasing and contracting, information technology and any other administrative function that might benefit from the sharing or pooling of public university resources.

(4) In recommending how to achieve a shared services enterprise for the public universities listed in ORS 352.002, the work group shall:

(a) Recommend an appropriate entity to facilitate the sharing of services among the public universities listed in ORS 352.002 after universities with governing boards are established;

(b) Recommend how the shared services coordinating entity described in paragraph (a) of this subsection will be managed;

(c) Determine the financial impact that will be caused, both cumulatively and individually, for each university that establishes a governing board and leaves the Oregon University System;

(d) Recommend a mechanism to mitigate or eliminate the negative financial impact caused by universities establishing governing boards and leaving the Oregon University System, or require universities establishing governing boards and leaving the Oregon University System to remain in each shared service. In determining this mechanism, the work group must consider the appropriateness of assessments or reductions of appropriations; and

(e) Identify services that should remain shared among public universities listed in ORS 352.002 after the establishment of universities with governing boards. In determining whether a service should remain shared, the work group must consider the economies of scale achieved by sharing the service, the benefit to the public in sharing the service and the positive and negative financial impact on each public university if one or more universities with governing boards either stops or continues to participate in the service.

(5) The State Board of Higher Education and the office of the Chancellor of the Oregon University System shall assist the work group in developing the work group's recommendations. The work group may seek and accept consulting or other technical assistance from any source in preparing its recommendations.

(6) A majority of the members of the work group constitutes a quorum for the transaction of business.

(7) Official action by the work group requires the approval of a majority of the members of the work group.

(8) The work group shall elect one of its members to serve as chairperson.

(9) The work group shall meet at times and places specified by the call of the chairperson or of a majority of the members of the work group.

(10) The work group may adopt rules necessary for the operation of the work group.

(11)(a) The work group shall submit a first draft of its recommended shared services model to the Special Committee on University Governance and Operations established in section 166 of this 2013 Act no later than December 15, 2013.

(b) The work group shall finalize and submit its recommended shared services model to the special committee no later than September 15, 2014.

(12) The Oregon University System shall provide staff support to the work group.

(13) Members of the work group are not entitled to compensation.

(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the work group in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the work group consider necessary to perform their duties. [2013 c.768 §166a]

**Sec. 167. Repeal.** Sections 166 and 166a of this 2013 Act are repealed on the date of the convening of the 2016 regular session of the Legislative Assembly as specified in ORS 171.010 [February 1, 2016]. [2013 c.768 §167]

**352.150** [Amended by 1969 c.597 §58; repealed by 1987 c.246 §8]

**352.160** [Repealed by 1961 c.238 §1]

**352.165** [1973 c.644 §1; repealed by 1987 c.246 §8]

**352.167** [1973 c.644 §2; repealed by 1987 c.246 §8]

**352.170** [Repealed by 1957 c.595 §3]

**352.173** [1973 c.644 §3; repealed by 1987 c.246 §8]

**352.175** [1973 c.644 §4; repealed by 1987 c.246 §8]

**UNIVERSITY OF OREGON**

**352.176 University of Oregon School of Law.** (1) There is created the University of Oregon School of Law to be administered by the University of Oregon.

(2) The University of Oregon School of Law shall:

(a) Prepare students for careers in the legal profession.

(b) Perform the duties required of the school under ORS 36.100 to 36.238.

(3) The president of the University of Oregon shall appoint the Dean of the University of Oregon School of Law. [Formerly 352.043]

**Note:** The amendments to 352.176 (formerly 352.043) by section 89, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.176.** (1) There is created within the Oregon University System the University of Oregon School of Law. The school shall be administered by the University of Oregon.

(2) The University of Oregon School of Law shall:

(a) Prepare students for careers in the legal profession.

(b) Perform the duties required of the school under ORS 36.100 to 36.238.

(3) The president of the University of Oregon shall appoint the Dean of the University of Oregon School of Law.

**Note:** 352.176 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.180** [Repealed by 1957 c.595 §3]

**352.181 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 the official depository for any material of an archaeological or anthropological nature that may come into the possession of the State of Oregon through the operation of ORS 358.935, 390.235 or 390.237 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 the director of the Oregon State Museum of Anthropology, shall assume full responsibility for the custody and safekeeping of said collection. If responsibility for a collection is reassigned under ORS 390.235, the Oregon State Museum of Anthropology shall serve as the ultimate depository in the event the assigned curator is unable or fails to continue that responsibility.

(2) ORS 390.235 or 390.237 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 the person directly to any institution. [Formerly 352.045]

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

**352.186 Center for Brain, Biology and Machine.** (1) Pursuant to ORS 351.870, there is created the Center for Brain, Biology and Machine to be administered by the University of Oregon.

(2) The purpose of the center is to promote interdisciplinary teaching and research in scientific areas, including but not limited to brain structure, development and functions, genetics and genomics, cognitive neuroscience, molecular biology, computational science, computing, magnetic resonance imaging and optics.

(3) The University of Oregon may receive moneys from any public or private source to support the Center for Brain, Biology and Machine created under subsections (1) and (2) of this section. Gifts or grants received to support the center shall be deposited in an appropriate fund at the University of Oregon. [Formerly 352.046]

**Note:** The amendments to 352.186 (formerly 352.046) by section 90, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.186.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Center for Brain, Biology and Machine. The center shall be administered by the University of Oregon.

(2) The purpose of the center is to promote interdisciplinary teaching and research in scientific areas, including but not limited to brain structure, development and functions, genetics and genomics, cognitive neuroscience, molecular biology, computational science, computing, magnetic resonance imaging and optics.

(3) The Oregon University System may receive moneys from any public or private source to support the Center for Brain, Biology and Machine created under subsections (1) and (2) of this section. Gifts or grants received to support the center shall be deposited in an appropriate fund at the University of Oregon by the Oregon University System.

**Note:** 352.186 (3) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

## PORTLAND STATE UNIVERSITY

**352.191 Receipt and disposition of funds received for programs.** The Oregon University System may receive moneys from any public or private source to support the Mark O. Hatfield School of Government, the Center for Lakes and Reservoirs, the Graduate School of Social Work or the Institute of Portland Metropolitan Studies created under ORS 352.196, 352.207, 352.213 and 352.217. Gifts and grants received to support the Mark O. Hatfield School of Government, the Center for Lakes and Reservoirs, the Graduate School of Social Work or the Institute of Portland Metropolitan Studies shall be credited to the appropriate fund at Portland State University by the Oregon University System. [Formerly 352.063]

**352.195** [1955 c.12 §§1,3,4; 1969 c.6 §1; 1977 c.144 §1; repealed by 1987 c.246 §8]

**352.196 Mark O. Hatfield School of Government; Criminal Justice Research and Policy Institute.** (1) Pursuant to ORS 351.870, there is created the Mark O. Hatfield School of Government, to be administered by Portland State University. The president of Portland State University shall appoint the director of the Mark O. Hatfield School of Government.

(2) The purposes of the Mark O. Hatfield School of Government are:

(a) To prepare students for careers in political service, public administration and the administration of justice;

(b) To perform the duties required of the school under ORS 36.179, 183.502 and 390.240; and

(c) To assist the Criminal Justice Research and Policy Institute in carrying out the duties under subsection (3) of this section.

(3) There is created within the Mark O. Hatfield School of Government the Criminal Justice Research and Policy Institute. The institute may assist the Legislative Assembly and state and local governments in developing policies to reduce crime and delinquency by:

(a) Providing the Legislative Assembly with objective, nonpartisan analyses of existing or proposed state criminal justice policies, which analyses may not be inconsistent with state or federal law or the Oregon or United States Constitution;

(b) Evaluating programs, including but not limited to programs dealing with public safety professionalism, ethics in leadership and childhood development, funded directly or indirectly by the State of Oregon that are intended to reduce criminal and delinquent behavior or to improve professionalism in public safety careers;

(c) Managing reviews and evaluations relating to major long-term issues confronting the state involving criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development programs;

(d) Initiating, sponsoring, conducting and publishing research on criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development that is peer reviewed and directly useful to policymakers;

(e) Organizing conferences on current state issues that bring together policymakers, public agencies and leading academicians; and

(f) Seeking to strengthen the links among the Legislative Assembly, state and local governments, the Oregon Criminal Justice Commission, the Department of Public Safety Standards and Training and the academic community in the interest of more informed policymaking, the application of best practices and more relevant academic research.

(4) The Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives or the chairperson of a legislative committee with responsibility over criminal or juvenile justice systems or childhood development programs may request the assistance of the Criminal Justice Research and Policy Institute in evaluating criminal or juvenile justice programs developed for, but not necessarily limited to, preventing delinquency, reducing crime and improving professionalism in public safety careers.

(5) Agencies, departments and officers of state and local governments may assist the Criminal Justice Research and Policy Institute in the performance of its functions and furnish information, data and advice as requested by the institute. [Formerly 352.066]

**Note:** The amendments to 352.196 (formerly 352.066) by section 95, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.196.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Mark O. Hatfield School of Government. The Mark O. Hatfield School of Government shall be administered by Portland State University. The president of Portland State University shall appoint the director of the Mark O. Hatfield School of Government.

(2) The purposes of the Mark O. Hatfield School of Government are:

(a) To prepare students for careers in political service, public administration and the administration of justice;

(b) To perform the duties required of the school under ORS 36.179, 183.502 and 390.240; and

(c) To assist the Criminal Justice Research and Policy Institute in carrying out the duties under subsection (3) of this section.

(3) There is created within the Mark O. Hatfield School of Government the Criminal Justice Research and Policy Institute. The institute may assist the Legislative Assembly and state and local governments in developing policies to reduce crime and delinquency by:

(a) Providing the Legislative Assembly with objective, nonpartisan analyses of existing or proposed state criminal justice policies, which analyses may not be inconsistent with state or federal law or the Oregon or United States Constitution;

(b) Evaluating programs, including but not limited to programs dealing with public safety professionalism, ethics in leadership and childhood development, funded directly or indirectly by the State of Oregon that are intended to reduce criminal and delinquent behavior or to improve professionalism in public safety careers;

(c) Managing reviews and evaluations relating to major long-term issues confronting the state involving criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development programs;

(d) Initiating, sponsoring, conducting and publishing research on criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development that is peer reviewed and directly useful to policymakers;

(e) Organizing conferences on current state issues that bring together policymakers, public agencies and leading academicians; and

(f) Seeking to strengthen the links among the Legislative Assembly, state and local governments, the Oregon Criminal Justice Commission, the Department of Public Safety Standards and Training and the academic community in the interest of more informed policymaking, the application of best practices and more relevant academic research.

(4) The Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives or the chairperson of a legislative committee with responsibility over criminal or juvenile justice systems or childhood development programs may request the assistance of the Criminal Justice Research and Policy Institute in evaluating criminal or juvenile justice programs developed for, but not necessarily limited to, preventing delinquency, reducing crime and improving professionalism in public safety careers.

(5) Agencies, departments and officers of state and local governments may assist the Criminal Justice Research and Policy Institute in the performance of its functions and furnish information, data and advice as requested by the institute.

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

**352.201** [1959 c.566 §1; 1973 c.70 §2; repealed by 1987 c.246 §8]

**352.202 Oregon Criminal Justice Scientific Advisory Committee.** The Oregon Criminal Justice Scientific Advisory Committee is established to provide assistance and advice to the Criminal Justice Research and Policy Institute. The director of the Mark O. Hatfield School of Government shall appoint the members of the advisory committee. In order to serve as a member of the advisory committee, a person must have earned a graduate degree in a related field from an accredited university. [Formerly 352.067]

**Note:** 352.202 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.205** [1959 c.566 §3; repealed by 1987 c.246 §8]

**352.207 Center for Lakes and Reservoirs.** (1) Pursuant to ORS 351.870, there is created the Center for Lakes and Reservoirs, to be administered by Portland State University.

(2) The purpose of the Center for Lakes and Reservoirs is to assist state and federal agencies in researching and mitigating nonindigenous, invasive aquatic species in this state and to work with communities in developing effective management of lakes and reservoirs. [Formerly 352.068]

**Note:** The amendments to 352.207 (formerly 352.068) by section 96, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.207.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Center for Lakes and Reservoirs. The Center for Lakes and Reservoirs shall be administered by Portland State University.

(2) The purpose of the Center for Lakes and Reservoirs is to assist state and federal agencies in researching and mitigating nonindigenous, invasive aquatic species in this state and to work with communities in developing effective management of lakes and reservoirs.

**352.210** [Repealed by 1955 c.12 §5]

**352.211** [1959 c.622 §1; repealed by 1977 c.64 §1]

**352.213 Graduate School of Social Work.** (1) Pursuant to ORS 351.870, the Graduate School of Social Work is created, to be administered by Portland State University.

(2) The purpose of the Graduate School of Social Work is to provide a center for specialized education and research in the social services for the betterment of communities in the Portland metropolitan area, the state and the Pacific Northwest. [Formerly 352.071]

**Note:** The amendments to 352.213 (formerly 352.071) by section 97, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.213.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Graduate School of Social Work. The Graduate School of Social Work shall be administered by Portland State University.

(2) The purpose of the Graduate School of Social Work is to provide a center for specialized education and research in the social services for the betterment of communities in the Portland metropolitan area, the state and the Pacific Northwest.

**352.215** [1959 c.674 §§1,2; repealed by 1977 c.64 §1]

**352.217 Institute of Portland Metropolitan Studies.** (1) Pursuant to ORS 351.870, there is created the Institute of Portland Metropolitan Studies, to be administered by Portland State University.

(2) The purpose of the Institute of Portland Metropolitan Studies is to build partnerships between Portland State University's urban studies programs and the surrounding communities of metropolitan Portland and to sponsor public service research. [Formerly 352.074]

**Note:** The amendments to 352.217 (formerly 352.074) by section 98, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.217.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Institute of Portland Metropolitan Studies. The Institute of Portland Metropolitan Studies shall be administered by Portland State University.

(2) The purpose of the Institute of Portland Metropolitan Studies is to build partnerships between Portland State University's urban studies programs and the surrounding communities of metropolitan Portland and to sponsor public service research.

**352.220** [Repealed by 1955 c.12 §5]

## OREGON INSTITUTE OF TECHNOLOGY

**Note:** Section 165a, chapter 768, Oregon Laws 2013, provides:

**Sec. 165a. Control of money authorized for benefit of Oregon Institute of Technology.** Notwithstanding ORS 352.221 and 352.223 and section 16, chapter 761, Oregon Laws 2007, section 7, chapter 2, Oregon Laws 2009, and section 18, chapter 904, Oregon Laws 2009, if the Oregon Institute of Technology becomes a university with a governing board in the manner set forth in section 168a of this 2013 Act, any moneys provided or transferred by law to the Oregon University System or State Board of Higher Education for the benefit of or use by the Oregon Institute of Technology shall be provided directly to the Oregon Institute of Technology. [2013 c.768 §165a]

**352.221 Oregon Renewable Energy Center.** (1) Pursuant to ORS 351.870, there is created within the Oregon University System the Oregon Renewable Energy Center. The Oregon Renewable Energy Center shall be administered by the Oregon Institute of Technology.

(2) The purpose of the Oregon Renewable Energy Center is to engage in renewable energy system engineering and applied research.

(3) The Oregon University System may receive moneys from any public or private source to support the Oregon Renewable Energy Center. Gifts and grants received to support the Oregon Renewable Energy Center shall be credited to the appropriate fund at the Oregon Institute of Technology by the Oregon University System. [2001 c.818 §2; 2009 c.762 §80]

**352.223 Oregon Center for Health Professions.** (1) As used in this section:

(a) “Allied health education programs” includes, but is not limited to:

- (A) Radiologic science;
- (B) Nuclear medicine;
- (C) Sonography;
- (D) Vascular technology;
- (E) Dental hygiene;
- (F) Respiratory care;
- (G) Clinical laboratory sciences; and
- (H) Emergency medical services provider education.

(b) “Allied health education programs” does not include any undergraduate or graduate nursing program administered by Oregon Health and Science University.

(2) There is created within the Oregon University System the Oregon Center for Health Professions. The Oregon Center for Health Professions shall be administered by the Oregon Institute of Technology.

(3) The purposes of the Oregon Center for Health Professions are to:

(a) Provide continued development of bachelor’s degree level education programs in areas of allied health;

(b) Facilitate the creation of new partnerships between the health care industry and community colleges, private institutions of higher education and public universities listed in ORS 352.002 in order to increase the number of students and graduates in allied health education programs;

(c) Provide continuing education, professional development and certificate programs for allied health care professionals; and

(d) Align with and complement educational partnerships between the Oregon Institute of Technology and Oregon Health and Science University focusing on allied health education programs.

(4) The Oregon University System may receive moneys from any public or private source to support the Oregon Center for Health Professions. Gifts and grants received to support the Oregon Center for Health Professions shall be credited to the appropriate fund at the Oregon Institute of Technol-

ogy by the Oregon University System. [2005 c.548 §1; 2009 c.762 §81; 2011 c.637 §243; 2011 c.703 §32]

**Note:** 352.223 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**OREGON STATE UNIVERSITY**

**(Temporary provisions relating to the control of money authorized for the benefit of Oregon State University and authority over programs run by Oregon State University)**

**Note:** Sections 164 and 165, chapter 768, Oregon Laws 2013, provide:

**Sec. 164. Control of money authorized for benefit of Oregon State University.** Notwithstanding ORS 62.720, 321.185, 351.506, 351.507, 351.508, 351.532, 352.560, 567.010, 567.025, 567.030 and 759.445 and section 1, chapter 39, Oregon Laws 2012 [351.681], and section 6, chapter 79, Oregon Laws 2012, if the president of Oregon State University notifies the Governor that the university will become a university with a governing board in the manner set forth in section 168 or 168a of this 2013 Act, any moneys provided or transferred by law to the Oregon University System or State Board of Higher Education for the benefit of or use by Oregon State University shall be provided directly to Oregon State University. [2013 c.768 §164]

**Note:** 352.560, 567.025 and 567.030 were repealed. See section 1, chapter 115, Oregon Laws 2013, and section 1, chapter 195, Oregon Laws 2013. The text of section 164, chapter 768, Oregon Laws 2013, was not amended by enactment of the Legislative Assembly to reflect the repeals.

**Sec. 165. Authority over programs run by Oregon State University.** Notwithstanding ORS 196.438, 351.350, 352.230, 352.239, 352.247, 352.610, 526.225, 542.710, 561.364, 566.210, 567.005, 567.035, 567.210, 567.260, 567.455, 567.505, 567.510 and 567.580, if the president of Oregon State University notifies the Governor that the university will become a university with a governing board in the manner set forth in section 168 or 168a of this 2013 Act, the university shall act independently, rather than under the direction, control or management of the State Board of Higher Education. [2013 c.768 §165]

**Note:** 567.035 was repealed by section 1, chapter 195, Oregon Laws 2013. The text of section 165, chapter 768, Oregon Laws 2013, was not amended by enactment of the Legislative Assembly to reflect the repeal.

**Note:** Sections 164 and 165, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013.

**352.230 Oregon State University designated as agricultural college of the state; Sea Grant College; program in Veterinary Medicine.** (1) Oregon State University is designated and permanently adopted as the agricultural college of the state and shall provide, in accordance with the objectives sought by Congress in the establishment of state agricultural colleges, instruction in agriculture and the mechanic arts. The university is also a Sea Grant College dedicated to education and research in the marine sciences.

(2) The State Board of Higher Education is authorized to enter into agreements with

its counterpart in the State of Idaho and with the Board of Regents of Washington State University for cooperative development of the program in Veterinary Medicine. [Amended by 1953 c.362 §1; 1961 c.54 §1; 1987 c.246 §6]

**352.239 Institute for Natural Resources.** (1) There is created within the Oregon University System the Institute for Natural Resources. The Institute for Natural Resources shall be administered by Oregon State University and other institutions in the Oregon University System.

(2) The Institute for Natural Resources shall serve the following purposes:

(a) Serve as a clearinghouse for scientific based natural resources information.

(b) Provide scientifically based natural resources information to the public in integrated and accessible formats.

(c) Coordinate efforts with other state agencies and bodies to provide natural resources information to the public in a comprehensive manner.

(d) Facilitate and conduct research.

(e) Provide information and technical tools to assist decision-making on natural resources issues.

(f) Assist the State Parks and Recreation Commission in carrying out the Natural Areas Program by maintaining a data bank that contains a classification of natural heritage resources and an inventory of the locations of the resources. At a minimum, the institute shall record in the data bank the location of state natural areas, the natural heritage resources in those areas, sites that are inhabited by rare species, and lists that rank by rarity species, plant communities and ecosystem types. The institute shall make the information included in the data bank available to private landowners, researchers and local, state and federal agencies.

(g) Assist the State Parks and Recreation Department in carrying out the Natural Areas Program by reviewing and providing recommendations on proposals for registration and dedication of natural areas.

(3) When making observations on private land, an employee of an institution in the Oregon University System who is compiling information for the Natural Areas Program pursuant to subsection (2)(f) of this section must obtain permission from the landowner before entering the information into the data bank.

(4) Using existing resources, state agencies designated by the Governor shall enter into a memorandum of understanding, or other agreement deemed appropriate by the Governor, with the institute that defines and

clarifies the roles and responsibilities of the agencies in order to prevent duplication of effort and to ensure that agency resources are used efficiently.

(5) State agencies may contract with the institute to fulfill agency needs regarding the collection, storage, integration, analysis, dissemination and monitoring of natural resources information and natural resources research and training. [2001 c.918 §12; 2003 c.661 §3; 2009 c.217 §11; 2009 c.762 §82; 2011 c.319 §18]

**Note:** 352.239 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.240** [Repealed by 1987 c.246 §8]

**352.245 Oregon Climate Service.** (1) There is established an Oregon Climate Service to be located at Oregon State University. The service shall acquire, maintain, disseminate and interpret climate data and information for the state.

(2) The service shall:

(a) Assess the needs for weather and climate information in Oregon and establish priorities among the needs.

(b) Perform a service to citizens of Oregon by managing climate data for the state, and by disseminating such data and information to users.

(c) Assist in the coordination of existing activities within the state and among neighboring states.

(d) Advise regional, state and local government on climate related issues.

(e) Assist students and faculty at the public universities listed in ORS 352.002 by furnishing data and information needed in education and research programs.

(f) Study and analyze the relationships between climatic phenomena and activities in areas such as agriculture, water resources, energy production and use, air quality, building design and construction, transportation and communication, and business and commerce.

(g) Identify emerging climatic issues and anticipate public demand for information.

(h) Inform state, federal and private groups and the public on the availability and sources of climate-related services, information and data. [1991 c.727 §1; 2013 c.768 §56]

**Note:** The amendments to 352.245 by section 56, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.245.** (1) There is established an Oregon Climate Service to be located at Oregon State University. The service shall acquire, maintain, disseminate and interpret climate data and information for the state.

(2) The service shall:

(a) Assess the needs for weather and climate information in Oregon and establish priorities among the needs.

(b) Perform a service to citizens of Oregon by managing climate data for the state, and by disseminating such data and information to users.

(c) Assist in the coordination of existing activities within the state and among neighboring states.

(d) Advise regional, state and local government on climate related issues.

(e) Assist students and faculty in the Oregon University System by furnishing data and information needed in education and research programs.

(f) Study and analyze the relationships between climatic phenomena and activities in areas such as agriculture, water resources, energy production and use, air quality, building design and construction, transportation and communication, and business and commerce.

(g) Identify emerging climatic issues and anticipate public demand for information.

(h) Inform state, federal and private groups and the public on the availability and sources of climate-related services, information and data.

**352.247 Oregon Climate Change Research Institute.** (1) There is created within the Oregon University System the Oregon Climate Change Research Institute. The institute shall be administered by Oregon State University and institutional partners within the Oregon University System.

(2) The purpose of the Oregon Climate Change Research Institute is to:

(a) Facilitate research by Oregon University System faculty on climate change and its effects on natural and human systems in Oregon;

(b) Serve as a clearinghouse for climate change information;

(c) Provide climate change information to the public in integrated and accessible formats;

(d) Support the Oregon Global Warming Commission in developing strategies to prepare for and to mitigate the effects of climate change on natural and human systems; and

(e) Provide technical assistance to local governments to assist them in developing climate change policies, practices and programs.

(3) The Oregon Climate Change Research Institute shall assess, at least once each biennium, the state of climate change science, including biological, physical and social science, as it relates to Oregon and the likely effects of climate change on the state. The institute shall submit the assessment to the Legislative Assembly in the manner provided in ORS 192.245 and to the Governor.

(4) State agencies may contract with the Oregon Climate Change Research Institute to fulfill agency needs regarding the col-

lection, storage, integration, analysis, dissemination and monitoring of climate change information, research and training. [2007 c.907 §15; 2009 c.762 §83]

**Note:** 352.247 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.250** [Repealed by 1961 c.238 §1]

**352.252 Oceangoing Research Vessel Program.** (1) The Oceangoing Research Vessel Program is established at Oregon State University in order to assist in the research and study of the waters of the Pacific Coast. Potential areas of research include, but are not limited to:

(a) Mapping the seabed in Oregon's territorial sea, as defined in ORS 196.405;

(b) Analyzing marine ecosystems, including but not limited to existing marine reserves, existing marine protected areas, proposed marine reserves and proposed marine protected areas;

(c) Analyzing the potential effects of climate change, including but not limited to ocean acidification;

(d) Compiling comprehensive assessments of overall ocean health;

(e) Understanding ocean dynamics, including but not limited to natural hazards such as tsunamis; and

(f) Installing instruments to effectively monitor the impact of wave energy systems, marine reserves and marine protected areas on marine ecosystems and fish populations.

(2) The Oceangoing Research Vessel Program shall solicit from state agencies and from students and faculty within the Oregon University System proposals for the use of a research vessel operated under the program.

(3) In order to effectively allocate the use of research vessels operated under the Oceangoing Research Vessel Program, there is established a Research Vessel Council, consisting of seven members appointed by the President of Oregon State University. The president shall appoint to the council:

(a) At least one member who is a trained scientist with at least five years of marine research experience;

(b) Upon request from the agency, at least one member from each of the following agencies:

(A) State Department of Fish and Wildlife;

(B) State Department of Geology and Mineral Industries;

(C) Department of Land Conservation and Development; and

(D) Department of Environmental Quality; and

(c) At least one member who has expertise in marine operations or marine education.

(4) The Research Vessel Council shall evaluate proposals submitted under subsection (2) of this section on the basis of the:

(a) Proposal's geographical area of study;

(b) Quality of the submitted management, research or educational rationale; and

(c) Feasibility of accommodating the proposed work within the schedule of federally funded projects for the research vessel.

(5) The Research Vessel Council shall schedule the use of a research vessel for selected proposals as part of the University-National Oceanographic Laboratory System ship scheduling process. [2013 c.665 §1]

**Note:** 352.252 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Section 2, chapter 665, Oregon Laws 2013, provides:

**Sec. 2.** Not later than November 30, 2015, Oregon State University shall submit a report to the interim committees of the Legislative Assembly related to education. The report shall include, but is not limited to:

(1) A summary of the scholarly findings and research conducted under the Oceangoing Research Vessel Program;

(2) A summary of additional research needed; and

(3) An analysis of federal funding provided and committed to the program and a determination as to whether the amount of federal funds is sufficient for the program to continue. [2013 c.665 §2]

**352.260** [Repealed by 1987 c.246 §8]

**352.270** [Repealed by 1983 c.740 §118]

**352.275** [1967 c.349 §1; repealed by 1987 c.246 §8]

**352.280** [Repealed by 1959 c.564 §16]

**352.285** [1975 c.528 §§1,2; repealed by 1987 c.246 §8]

**352.290** [Amended by 1961 c.127 §1; 1975 c.76 §1; 1977 c.152 §1; 1981 c.72 §1; repealed by 1987 c.246 §8]

**352.300** [Amended by 1953 c.721 §3; 1977 c.152 §2; repealed by 1987 c.246 §8]

**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** [Repealed by 1987 c.246 §8]

**352.350** [Repealed by 1961 c.238 §1]

## GENERAL UNIVERSITY PROVISIONS

**352.355 Establishment of certain public universities as comprehensive universities.** Western Oregon University, Southern Oregon University and Eastern Oregon University are established as comprehensive universities that offer a full range of baccalaureate programs and graduate programs through the master's degree. [1997 c.11 §3]

**352.360 Traffic control on properties of public universities; standards; enforcement; fees; use.** (1) The State Board of Higher Education may enact such 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 public university listed in ORS 351.011. The regulations may provide for the registration of vehicles, the designation of parking areas and the assessment and collection of reasonable fees and charges for parking. The board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use board property, the student must show that the vehicle is operated by a student holding a valid driver license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) The regulations enacted pursuant to subsection (1) of this section shall be enforced administratively under procedures adopted by the board for each public university. Administrative and disciplinary sanctions may be imposed upon students, faculty and staff for violation of the regulations, including but not limited to, a reasonable monetary penalty which may be deducted from student deposits, and faculty or staff salaries or other funds in the possession of the public university. The board shall provide opportunity for hearing for the determination of controversies in connection with imposition of fines or penalties. The board may prescribe procedures for such hearings despite the provisions of ORS 183.413 to 183.470. Persons other than students, faculty or staff may voluntarily submit to the hearing procedures prescribed by the board, and shall be bound by the results of the hearing. The powers granted to the board by this section are supplemental to the existing powers of the board with respect to the government of activities of students, faculty and staff and the control and management of property under its jurisdiction.

(3) The regulations enacted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(4) All fees and charges for parking privileges and violations are deposited in a designated account in the Oregon University System Fund established by ORS 351.506 for the purpose of defraying the costs of constructing bicycle racks and bicycle lanes and of traffic control, enforcement of traffic and parking regulations and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various public universities and offices, departments and activities under the control of the board. Fees and charges may also be credited to the account in the Oregon University System Fund designated by ORS 351.460. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the public university for which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted in accordance with standards issued by the board.

(5) 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 standards and regulations governing traffic control, may appoint peace officers who have the same authority as other peace officers as defined in ORS 133.005.

(6) The board 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 standards and regulations of the board enacted pursuant to subsection (1) of this section.

(7) In proceedings brought to enforce 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 221.333. In any case in which the defendant is not subject to and does not voluntarily submit to the hearing procedures prescribed under subsection (2) of this section, proceedings to enforce regulations enacted pursuant to subsection (1) of this section shall be brought in the name of the board in a circuit court, a justice court or a city court for offenses committed within the territorial jurisdiction of such court. Such courts shall have concurrent jurisdiction over offenses committed within their respective jurisdictions. All fines, penalties and court costs recovered shall be paid to the clerk of the court involved and shall be disposed of as provided in ORS 153.640 to 153.680. [1959 c.569 §§1,2,3,4,5; 1969 c.622 §1; 1971 c.734 §2; 1973 c.836 §347; 1975 c.693 §7; 1977 c.825 §1; 1983

c.186 §1; 1989 c.990 §2; 1993 c.221 §3; 1995 c.79 §194; 1995 c.658 §103; 1999 c.448 §9; 2007 c.288 §15; 2009 c.762 §28; 2011 c.597 §133; 2011 c.637 §244; 2013 c.768 §99]

**Note:** The amendments to 352.360 by section 99, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.360.** (1) The State Board of Higher Education may enact such 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 public university listed in ORS 352.002. The regulations may provide for the registration of vehicles, the designation of parking areas and the assessment and collection of reasonable fees and charges for parking. The board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use board property, the student must show that the vehicle is operated by a student holding a valid driver license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) The regulations enacted pursuant to subsection (1) of this section shall be enforced administratively under procedures adopted by the board for each public university. Administrative and disciplinary sanctions may be imposed upon students, faculty and staff for violation of the regulations, including but not limited to, a reasonable monetary penalty which may be deducted from student deposits, and faculty or staff salaries or other funds in the possession of the public university. The board shall provide opportunity for hearing for the determination of controversies in connection with imposition of fines or penalties. The board may prescribe procedures for such hearings despite the provisions of ORS 183.413 to 183.470. Persons other than students, faculty or staff may voluntarily submit to the hearing procedures prescribed by the board, and shall be bound by the results of the hearing. The powers granted to the board by this section are supplemental to the existing powers of the board with respect to the government of activities of students, faculty and staff and the control and management of property under its jurisdiction.

(3) The regulations enacted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(4) All fees and charges for parking privileges and violations are deposited in a designated account in the Oregon University System Fund established by ORS 351.506 for the purpose of defraying the costs of constructing bicycle racks and bicycle lanes and of traffic control, enforcement of traffic and parking regulations and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various public universities and offices, departments and activities under the control of the board. Fees and charges may also be credited to the account in the Oregon University System Fund designated by ORS 351.460. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the public university for which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the board subject to the procedure for rules adopted in ORS chapter 183.

(5) 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 have the same authority as other peace officers as defined in ORS 133.005.

(6) The board 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.

(7) In proceedings brought to enforce 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 221.333. In any case in which the defendant is not subject to and does not voluntarily submit to the hearing procedures prescribed under subsection (2) of this section, proceedings to enforce regulations enacted pursuant to subsection (1) of this section shall be brought in the name of the board in a circuit court, a justice court or a city court for offenses committed within the territorial jurisdiction of such court. Such courts shall have concurrent jurisdiction over offenses committed within their respective jurisdictions. All fines, penalties and court costs recovered shall be paid to the clerk of the court involved and shall be disposed of as provided in ORS 153.640 to 153.680.

**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 public university listed in ORS 352.002.

(b) Any community college as defined in ORS 341.005.

(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 religious beliefs, the student is unable to attend classes on a particular day.

(3) Any student in a school of higher education who, because of 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 the student's own expense the student shall make up the examination, study requirement or work requirement missed because of the absence. [Formerly 351.765; 1965 c.100 §347; 1993 c.45 §294; 2011 c.637 §245]

**352.375 Tuition for nonresident students who served in Armed Forces; qualifications.** (1) A public university listed in ORS 352.002 or a community college shall charge an enrolled student who is not a resident of this state and who is attending classes as an undergraduate on a public university or community college campus in this state tuition and fees no greater than the resident rate if the student:

(a) Served in the Armed Forces of the United States;

(b) Was relieved or discharged from that service with either an honorable discharge

or a general discharge under honorable conditions; and

(c) Provides proof that the student has established a physical presence in Oregon within 12 months of being enrolled at the public university or community college.

(2) A person who served in the Armed Forces of the United States and who receives federal tuition benefits in excess of the tuition and fees the person is charged under subsection (1) of this section at a public university listed in ORS 352.002 or a community college where the person is enrolled shall pay tuition and fees equal to the federal tuition benefits received.

(3) Distance education and self-support courses as identified by each public university listed in ORS 352.002 and community college are exempt from the tuition reduction provisions of this section.

(4) If a nonresident student otherwise eligible for tuition benefits under this section is receiving federal vocational rehabilitation education benefits, that student shall pay full nonresident tuition and fees charged by a public university listed in ORS 352.002 or a community college. [2009 c.839 §1; 2011 c.637 §246; 2013 c.460 §1]

**Note:** Section 4, chapter 460, Oregon Laws 2013, provides:

**Sec. 4.** The amendments to ORS 351.656 and 352.375 by sections 1 and 2 of this 2013 Act apply only to persons admitted as new but not continuing students for enrollment to a community college, a public university or an eligible post-secondary institution on or after September 15, 2013. [2013 c.460 §4]

**Note:** 352.375 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.380 Affirmative action plan; inter-view of qualified minority applicants.** (1) As used in this section, "minority" means:

(a) A person having origins in any of the black racial groups of Africa but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

(2) Each public university listed in ORS 352.002 shall:

(a) Consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(A) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(B) Elimination of classes due to decreased student enrollment; or

(C) Reduction in courses due to administrative decisions.

(b) Interview one or more qualified minority applicants when hiring a head coach or athletic director, unless the public university was unable to identify a qualified minority applicant who was willing to interview for the position. It is an affirmative defense to a claim of a violation of this paragraph that the public university, in good faith, was unable to identify a qualified minority applicant who was willing to interview for the position. [1981 c.814 §1; 2009 c.780 §1; 2011 c.637 §247]

**Note:** The amendments to 352.380 by section 3, chapter 780, Oregon Laws 2009, become operative January 2, 2020. See section 4, chapter 780, Oregon Laws 2009. The text that is operative on and after January 2, 2020, including amendments by section 248, chapter 637, Oregon Laws 2011, is set forth for the user's convenience.

**352.380.** Each public university listed in ORS 352.002 shall consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(1) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(2) Elimination of classes due to decreased student enrollment; or

(3) Reduction in courses due to administrative decisions.

**UNIVERSITY LAW ENFORCEMENT**

**352.383 University police departments and officers; rules.** (1) The State Board of Higher Education may, at the request of a public university under its control, authorize the university to establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state.

(2) Police officers commissioned under this section:

(a) May enforce criminal laws and any administrative rules and policies adopted by the board or the commissioning university; and

(b) Have all the authority and immunity of a peace officer or police officer of this state.

(3) When a university establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive

and respond to complaints involving the policies of the police department and the conduct of the police officers.

(4) The board may:

(a) Enter into an agreement, or authorize a university under its control to enter into an agreement, with a municipal corporation or any department, agency or political subdivision of this state for the provision of mutual aid by their respective police officers.

(b) Adopt rules to carry out the provisions of this section. [2011 c.506 §1]

**Note:** 352.383 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.385 Special campus security officers; authority; training; expense.** (1) The State Board of Higher Education may, at the request of a public university under its control, authorize the university to commission one or more of its employees as special campus security officers. The total number of special campus security officers commissioned at the public universities in the Oregon University System may not exceed 50. Special campus security officers shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315 when acting in the scope of their employment as defined by the State Board of Higher Education. Special campus security officers shall not be authorized to carry firearms as police officers and, except as provided in subsection (3) of this section, shall not be considered police officers for purposes of ORS 181.610, 238.005, 243.005 or 243.736.

(2) The Department of Public Safety Standards and Training shall train special campus security officers at the expense of the State Board of Higher Education.

(3) The State Board of Higher Education, acting by and through its special campus security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181.730 (3). [1987 c.745 §§1,2; 1995 c.364 §1; 1997 c.853 §37; 2011 c.637 §249]

**REGIONAL SERVICES INSTITUTES**

**352.390 Regional services institutes; general program; location.** (1) The State Board of Higher Education shall cause to have prepared and submitted to the Legislative Assembly a program and time schedule for the establishment of regional services institutes at appropriate public universities. The program shall include academic curriculum and practical training appropriate to train students in various aspects of economic and community services planning, with par-

ticular emphasis on economic services planning for areas of the state that have common geographic, economic and social characteristics but that do not have sufficient population to qualify as metropolitan statistical areas.

(2) In carrying out its duties under subsection (1) of this section, the board shall consult with the Oregon Business Development Department and shall rely on the department for technical advice and, as necessary, technical services. The board shall also consult with community colleges, the Oregon State University Extension Service, economic development districts and special districts providing community and economic development services in the region in order to prepare curriculum and programs with particular emphasis on streamlining existing programs, avoiding duplication and overlap of programs, better utilizing students and resources and identifying needs in the region that are currently unaddressed.

(3) In preparing programs for establishing regional services institutes, the board shall give priority to establishing institutes at Eastern Oregon University and Southern Oregon University. The board may also direct the hiring of an institute director and other staff as may be from time to time required. [1973 c.692 §1; 1979 c.620 §1; 1997 c.11 §9; 2009 c.11 §45; 2011 c.637 §250]

**352.400 Program purpose and function.** Programs prepared under ORS 352.390 shall include proposals for training students and utilizing resources in the following, using the region in which the institute is located as the training area:

(1) Developing specific resources on the campus where the institute is to be located to assist with orderly and balanced economic and community services and for the development and implementation of training and assistance programs;

(2) Providing technical and research assistance on request to political subdivisions, special districts, businesses located in the region and businesses which might prospectively locate in the region;

(3) Locating markets for local manufacturers and processors and aiding local merchants in locating and contacting markets;

(4) Investigating and studying conditions affecting local business, industry and commerce and collecting and disseminating information, and engaging in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the promoting and developing local business and industry upon request of local business and industry for such aid;

(5) Assembling and coordinating information relative to the status, scope, cost and employment possibilities and the availability of materials, equipment and labor in connection with public works projects, state, county and municipal; recommending limitations on public works; gathering current progress information with respect to public works being conducted in the local area and report such information to the Oregon Business Development Commission where such sources in the region do not presently exist;

(6) Gathering, compiling and making available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources and other related subjects in the region, with reliance on other agencies of the state and the region, whether public or private, for statistical data and results obtained by them;

(7) Publishing, disseminating and distributing information and statistics acquired by the institute;

(8) Aiding the communities in the region in getting businesses to locate therein by disseminating information as to natural resources, desirable locations and other advantages of the community upon request of the community for such aid;

(9) Cooperating with municipal, county, regional and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profitable production and achieve commensurate advancement in social and cultural welfare; and

(10) Aiding in coordinating the activities of statewide and local planning agencies, correlating information secured from them, assisting in problem solving and resolving state department concerns on a regional level if appropriate, securing and disseminating information and suggestions to such planning agencies; and encouraging and assisting in the organization and functioning of local planning agencies where none exist. [1973 c.692 §2; 1979 c.620 §2; 1995 c.79 §195]

**352.410** [1979 c.782 §1; repealed by 1987 c.246 §8]

**352.420** [1979 c.782 §2; repealed by 1987 c.246 §8]

**352.430** [1979 c.782 §3; repealed by 1987 c.246 §8]

**352.440** [1979 c.782 §4; repealed by 1987 c.246 §8]

**352.510** [Amended by 1989 c.966 §38; 2005 c.755 §26; 2009 c.762 §29; 2011 c.637 §251; repealed by 2013 c.115 §1]

**352.520** [Amended by 2009 c.762 §31; repealed by 2013 c.115 §1]

**352.530** [Amended by 2009 c.762 §32; repealed by 2013 c.115 §1]

**352.540** [Repealed by 1987 c.102 §4]

**352.550** [Repealed by 1961 c.238 §1]

**352.560** [Amended by 1969 c.594 §49; 1989 c.966 §39; 2005 c.755 §27; 2009 c.762 §33; repealed by 2013 c.115 §1]

**352.570** [Amended by 1969 c.594 §50; 2009 c.762 §34; repealed by 2013 c.115 §1]

**352.580** [Amended by 1969 c.594 §51; 2009 c.762 §35; repealed by 2013 c.115 §1]

**352.590** [Repealed by 1961 c.238 §1]

**352.600** [Amended by 1969 c.594 §52; 1995 c.118 §1; repealed by 2009 c.762 §98]

### J. T. APPERSON AGRICULTURAL COLLEGE EDUCATIONAL FUND

**352.610 J. T. Apperson Agricultural College Educational Fund; general powers and duties of trustee; rules.** (1) Oregon State University shall execute the trust created by the last will and testament of John T. Apperson, deceased. The university shall administer the trust fund provided for and designated in the will as the J. T. Apperson Agricultural College Educational Fund.

(2) Oregon State University may accept, receive, own, hold, sell and dispose of any and all real and personal property given, devised or bequeathed to the State Land Board by John T. Apperson in trust for the purpose of creating the J. T. Apperson Agricultural College Educational Fund. The university 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 residents of Oregon and are unable to bear the expense of a collegiate course at that institution.

(3) All necessary expenses incurred by Oregon State University in connection with the administration of the trust fund shall be payable out of the fund. The State Board of Higher Education or the university, if authority is delegated under ORS 351.070, may adopt any necessary rules for the transaction of business related to and the carrying out of this section and ORS 352.620. [Amended by 1969 c.594 §53; 1995 c.118 §2; 2009 c.762 §36]

**352.620 Execution of instruments.** Oregon State University may execute all deeds, conveyances, contracts, mortgage releases and all other instruments necessary to be executed in carrying out the terms of the trust referred to in ORS 352.610. All such deeds and other instruments may be executed in manner and form as prescribed by the university and shall be entitled to record without acknowledgment. [Amended by 1969 c.594 §54; 1995 c.118 §3; 2009 c.762 §36a]

**352.630** [Amended by 1969 c.594 §55; 1995 c.118 §4; repealed by 2009 c.762 §98]

**352.640** [Amended by 1969 c.594 §56; 1975 c.605 §19; repealed by 1987 c.246 §8]

**352.650 Deposit of Apperson and Burbank funds.** Whenever any moneys in the J. T. Apperson Agricultural College Educational Fund or the Burbank Trust Fund are not required for investment or loan purposes, the trustee may require the State Treasurer to deposit the moneys in a designated account in the Oregon University System Fund established by ORS 351.506. Any interest received from the deposit of any trust funds shall be credited to the particular fund on which the interest was earned. [Amended by 1989 c.966 §40; 2009 c.762 §37]

**352.655** [2007 c.666 §3; 2009 c.762 §84; repealed by 2011 c.595 §112]

**352.660** [Repealed by 1961 c.238 §1]

### POLICY ON INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

**352.665 Legislative findings.** The Legislative Assembly finds that:

(1) The current and future need for higher education services in Oregon is too great and too diverse to be met by government-sponsored institutions alone.

(2) From the early 1840s the citizens of Oregon, through private initiative, have created and sustained a variety of independent not-for-profit institutions of higher education, irrevocably organized as public benefit corporations in service to the people of Oregon. For the purposes of ORS 352.665 to 352.675, "independent institutions" or "independent higher education" refers to such institutions.

(3) These independent institutions:

(a) Conduct teaching, research and public service of high quality, contributing substantially to the preparation of a professional workforce, to the intellectual and cultural quality of life in Oregon and to the individual character of social responsibility so highly prized in this state and nation;

(b) Provide a major share of all post-secondary education in Oregon, at the lowest cost to the taxpayer;

(c) Add meaningful and valued diversity to the array of post-secondary educational opportunities available to Oregonians;

(d) Are accessible to qualified students of all ethnic backgrounds and from all socioeconomic levels;

(e) Annually attract thousands of talented people to Oregon from other regions of the country and the world;

(f) Provide unique local opportunities in higher education that many Oregonians would otherwise leave the state to find;

(g) Attract and sustain voluntary donations of private time, treasure and talent from thousands of citizens in public service

toward fulfilling the educational needs of the larger community; and

(h) Constitute a sizable economic enterprise.

(4) The educational capital and services of these independent institutions are essential to meeting the current and future higher educational needs of Oregon's citizens. [1993 c.325 §1]

**Note:** 352.665 to 352.675 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**352.667 Public purpose to encourage and increase opportunities in independent higher education.** Based on the legislative findings described in ORS 352.665, the Legislative Assembly declares that it is an important public interest to encourage and increase opportunities in independent higher education for the people of Oregon. [1993 c.325 §2]

**Note:** See note under 352.665.

**352.669 Policies and practices of state agencies and Oregon University System.** The Legislative Assembly declares that all state agencies and the Oregon University System should pursue policies and engage in practices that enhance the vitality of independent higher education in Oregon and should cooperate with the state's independent institutions. [1993 c.325 §3; 2011 c.637 §252]

**Note:** See note under 352.665.

**352.670** [Repealed by 1961 c.238 §1]

**352.672 State financial aid for students.** The Legislative Assembly declares that it is an important public interest, and an appropriate objective of the state, that Oregonians who need financial assistance to attend an independent institution in Oregon should have access to state financial aid. [1993 c.325 §4]

**Note:** See note under 352.665.

**352.675 State policies to enhance and encourage independent higher education.** The Legislative Assembly declares its ongoing interest in state policies that:

(1) Enhance the ability of independent institutions to sustain and expand their services in Oregon;

(2) Complement, assist and strengthen existing or planned programs and activities of independent institutions in Oregon while maintaining high academic and administrative standards;

(3) Encourage broad public participation in independent higher education;

(4) Promote coordination among independent and community colleges and state universities;

(5) Stimulate and encourage private initiative and financial support in connection with the programs and activities of independent higher education;

(6) Encourage recognition of the contributions made by independent higher education to the well-being of the state and to the development of the individual; and

(7) Develop, maintain and provide the public with sufficient information concerning independent educational opportunities within the state. [1993 c.325 §5; 1997 c.11 §10]

**Note:** See note under 352.665.

**352.680** [Repealed by 1961 c.238 §1]

## AID TO INDEPENDENT INSTITUTIONS

**352.710 Policy.** It is hereby determined and declared as a matter of legislative finding that:

(1) Independent institutions of higher education in the state educate a substantial share of all post-secondary students in Oregon and such nonpublic institutions make an important contribution to post-secondary education in Oregon.

(2) The state's duty to support the achieving of public welfare purposes in education may be, in part, fulfilled by the state's support of those nonsectarian educational objectives achieved through nonpublic post-secondary institutions.

(3) Many of Oregon's private and independent institutions of higher learning face serious financial difficulties and, should any of these institutions be forced to close, many of their students would seek admission in public institutions creating an added financial burden to the state and an impairment of post-secondary education in Oregon. Such hazards may be substantially reduced and all education in the state improved through the purchase of nonsectarian educational services from Oregon's private and independent institutions. [1971 c.693 §1]

**352.720 Definitions for ORS 352.710 to 352.760.** As used in ORS 352.710 to 352.760, unless the context requires otherwise:

(1) "Private and independent institutions of higher education" or "institution" means any nonpublic and nonprofit college or university in the State of Oregon accredited by the Northwest Commission on Colleges and Universities or its successor, and any chiropractic college located in this state and accredited by the Council on Chiropractic Education or its successor.

(2) "Nonsectarian educational services" means the provision of instruction in secular subjects.

(3) "Secular subjects" means any course that is presented in the curriculum of a pri-

vate and independent institution of higher education that is not hobby or recreational in nature or that does not advocate the religious teachings or the morals or forms of worship of any sect. [1971 c.693 §2; 1973 c.721 §6; 1977 c.735 §1; 1977 c.768 §2; 1978 c.1 §4; 1989 c.845 §3; 1999 c.704 §20; 2011 c.637 §253; 2013 c.1 §51]

**352.730 Contracts with independent institutions for nonsectarian and nonreligious educational services.** (1) The Higher Education Coordinating Commission may enter into contracts with private and independent institutions of higher education for the performance of nonsectarian educational services to assist the state in providing educational opportunities for Oregon students.

(2) The commission may accept grants, gifts, bequests, and devises of real and personal property to carry out the purposes of ORS 352.710 to 352.760.

(3) No funds disbursed pursuant to ORS 352.710 to 352.760 shall be used by any recipient for any religious purpose. [1971 c.693 §3; 1981 c.213 §1; 2011 c.637 §254; 2013 c.747 §149]

**Note:** The amendments to 352.730 by section 149, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.730.** (1) The Oregon Student Access Commission may enter into contracts with private and independent institutions of higher education for the performance of nonsectarian educational services to assist the state in providing educational opportunities for Oregon students.

(2) The commission may accept grants, gifts, bequests, and devises of real and personal property to carry out the purposes of ORS 352.710 to 352.760.

(3) No funds disbursed pursuant to ORS 352.710 to 352.760 shall be used by any recipient for any religious purpose.

**352.740 Computation of payments under contracts.** Payments to private and independent institutions of higher education under contracts entered into under ORS 352.730 shall be determined by the Executive Director of the Office of Student Access and Completion on a uniform rate for every 45 quarter hours, or equivalent, of approved and registered course work in nonsectarian subjects completed by undergraduate students enrolled in the institutions who are residents of Oregon, and shall not exceed the actual cost to the institution of providing such educational services. This uniform rate shall apply to the estimated 45-hour units for each institution upon which the legislative appropriation is based for that year, or the actual 45-hour units for each institution, whichever is the lesser. Any remaining funds shall be distributed among those institutions whose actual 45-hour units exceed the estimate. The

distribution to each institution shall be according to the uniform rate established for the 45-hour units or an amount equal to the ratio that the excess units bear to 45. However, if insufficient funds are available for such a distribution, then the distribution shall be according to the ratio that the total number of 45-hour units in excess of the estimate bears to the total amount of funds remaining undistributed, multiplied by the number of excess 45-hour units, if any, at each institution. [1971 c.693 §4; 1973 c.815 §5; 1977 c.768 §1; 2011 c.637 §255; 2013 c.747 §150]

**Note:** The amendments to 352.740 by section 150, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.740.** Payments to private and independent institutions of higher education under contracts entered into under ORS 352.730 shall be determined by the Oregon Student Access Commission on a uniform rate for every 45 quarter hours, or equivalent, of approved and registered course work in nonsectarian subjects completed by undergraduate students enrolled in the institutions who are residents of Oregon, and shall not exceed the actual cost to the institution of providing such educational services. This uniform rate shall apply to the estimated 45-hour units for each institution upon which the legislative appropriation is based for that year, or the actual 45-hour units for each institution, whichever is the lesser. Any remaining funds shall be distributed among those institutions whose actual 45-hour units exceed the estimate. The distribution to each institution shall be according to the uniform rate established for the 45-hour units or an amount equal to the ratio that the excess units bear to 45. However, if insufficient funds are available for such a distribution, then the distribution shall be according to the ratio that the total number of 45-hour units in excess of the estimate bears to the total amount of funds remaining undistributed, multiplied by the number of excess 45-hour units, if any, at each institution.

**352.750 Rules.** In accordance with any applicable provisions of ORS chapter 183, the Higher Education Coordinating Commission may make such reasonable rules and regulations as are necessary or proper to carry out ORS 352.710 to 352.760. [1971 c.693 §5; 2011 c.637 §256; 2013 c.747 §151]

**Note:** The amendments to 352.750 by section 151, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**352.750.** In accordance with any applicable provisions of ORS chapter 183, the Oregon Student Access Commission may make such reasonable rules and regulations as are necessary or proper to carry out ORS 352.710 to 352.760.

**352.760 Severability.** If a part of ORS 352.710 to 352.760 is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of ORS 352.710 to 352.760 is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. [1971 c.693 §7]

## FINANCE OF EDUCATION FACILITIES BY MUNICIPALITY

**352.790 Definitions for ORS 352.790 to 352.820.** As used in ORS 352.790 to 352.820, unless the context requires otherwise:

(1) "Education facilities" means real or personal property owned or operated by an educational institution and used to provide post-secondary education. "Education facilities" includes administrative offices, student and staff parking and on-campus dormitories, but does not include property used for sectarian instruction nor used primarily as a place of religious worship or as a part of a program of a school or department of divinity for any religious denomination or for the religious training of ministers, priests, rabbis or other similar persons in the field of religion.

(2) "Education facilities costs" means all costs of acquiring, constructing and improving education facilities, and capitalized interest, reserves, costs of credit enhancements and costs of issuing and paying revenue bonds.

(3) "Education facility revenues" means repayments of loans authorized by ORS 352.800 (3), and any moneys derived from rights or property that are security for such a loan.

(4) "Educational institution" means any nonprofit institution located in this state that grants post-secondary degrees and is accredited by the Northwest Commission on Colleges and Universities or its successor, or affiliated nonprofit foundations whose role is to further the mission of qualified institutions.

(5) "Municipality" means any city or county.

(6) "Revenue bond" means a revenue bond as defined in ORS 287A.001 that is issued by a municipality pursuant to ORS 352.790 to 352.820. [1987 c.812 §1; 2007 c.783 §153; 2013 c.1 §52]

**352.795 Finance of education facilities by municipalities.** In order to provide the people of this state with access to quality post-secondary education at a reasonable cost, and to provide an educated workforce which promotes economic development within this state, the Legislative Assembly authorizes municipalities to finance education facilities in accordance with ORS 352.790 to 352.820. [1987 c.812 §2]

**352.800 Powers of municipality.** Except as otherwise provided in ORS 352.810, a municipality shall have all powers necessary to finance education facilities in accordance with ORS 352.790 to 352.820, including the power:

(1) To borrow money and to issue revenue bonds to finance education facilities costs or to refund revenue bonds pursuant to ORS 287A.150.

(2) To pledge education facility revenues to pay revenue bonds.

(3) To loan money to educational institutions to finance education facilities and to enter into loan contracts.

(4) To enter into covenants with the owners of revenue bonds which are intended to protect the rights of such owners.

(5) To contract with trustees to hold and administer education facility revenues and the proceeds of revenue bonds.

(6) To take any other action necessary to carry out the powers granted by ORS 352.790 to 352.820. [1987 c.812 §3; 2007 c.783 §154]

**352.805 Revenue bonds; issuance; trust funds; pledge; terms; legal effect.** (1) Revenue bonds shall be payable solely from that portion of education facility revenues which the municipality pledges therefor in the resolution authorizing issuance of revenue bonds.

(2) A municipality may authorize the issuance of revenue bonds by resolution or nonemergency ordinance under the procedure described in ORS 287A.150.

(3) The resolution may provide for the establishment of one or more special funds and may place such funds under the control of one or more trustees. The resolution may obligate the municipality to deposit and expend the proceeds of the revenue bonds only into and from such fund or funds, and to set aside and pay into such fund or funds specified education facility revenues.

(4) Any pledge of education facility revenues made by a municipality shall be valid and binding, without physical delivery or additional action, from the time that the pledge is made against any parties having subsequent claims of any kind in tort, contract or otherwise against a municipality or an educational institution, irrespective of whether such parties have actual notice thereof. The pledge shall be noted in the resolution authorizing issuance of revenue bonds, which shall be constructive notice thereof to all parties and the resolution need not be recorded, nor shall the filing of any financing statement under the Uniform Commercial Code be required to perfect such pledge.

(5) The municipality may establish the terms under which its revenue bonds shall be issued and sold.

(6) All revenue bonds issued pursuant to ORS 352.790 to 352.820 shall be legal securities which may be used by any insured institution or trust company, as those terms are

defined in ORS 706.008, for deposit with the State Treasurer or a county treasurer or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. The revenue bond shall constitute legal investments for public bodies, trustees and other fiduciaries, banks, savings and loan associations and insurance companies. All revenue bonds shall constitute negotiable instruments within the meaning of and for all purposes of the law of this state. [1987 c.812 §4; 1997 c.631 §465; 2003 c.195 §27; 2007 c.783 §155]

**352.810 Revenue bonds secured by education facility revenues.** Revenue bonds shall not be a general bond of any municipality nor a charge upon the tax revenues of any municipality, and shall be secured solely by the education facility revenues pledged to their payment. [1987 c.812 §5]

**352.815 Municipalities acting jointly.** All powers and duties provided in ORS 352.790 to 352.820 may be exercised or discharged by two or more municipalities acting jointly. A municipality may issue revenue bonds to finance education facilities located within the boundaries of another municipality. [1987 c.812 §6]

**352.820 Investment of revenues.** Notwithstanding ORS chapter 294, education facility revenues and the proceeds of revenue bonds may be invested in any classes of security which are described in the resolution authorizing issuance of the revenue bonds or are otherwise approved by the municipality. [1987 c.812 §7]

**352.990** [Subsection (2) enacted as 1959 c.569 §6; 1969 c.622 §2; 1983 c.186 §2; 1983 c.338 §917; 1985 c.16 §475; repealed by 1987 c.158 §63 and 1987 c.246 §8]

