

## Chapter 351

### Higher Education Generally

#### Chapter 351

ATTY. GEN. OPINIONS: State aid to students at private institutions of higher education, (1968) Vol 34, p 109.

#### 351.010

##### NOTES OF DECISIONS

The board is an agency of the state vested with limited corporate powers and is best described as a public quasi-corporation, but is not in any sense a private corporation. *State v. Reid*, (1960) 221 Or 558, 352 P2d 466.

FURTHER CITATIONS: *Smith v. Patterson*, (1929) 130 Or 73, 279 P 271.

ATTY. GEN. OPINIONS: Authority to cut authorized capital construction, (1969) Vol 34, p 788.

LAW REVIEW CITATIONS: 49 OLR 328; 49 OLR 451.

#### 351.020

##### NOTES OF DECISIONS

A member of the board of higher education is not an officer within the meaning of Ore. Const. Art. XV, §2, and the statute is not violative of that section prohibiting the creation of any office with a term of more than four years. *Smith v. Patterson*, (1929) 130 Or 73, 279 P 271.

ATTY. GEN. OPINIONS: Political activities by faculty members of institutions of higher education, 1960-62, p 146; authority to cut authorized capital construction, (1969) Vol 34, p 788.

LAW REVIEW CITATIONS: 49 OLR 451.

#### 351.040

ATTY. GEN. OPINIONS: Manner of giving notice of hearing in connection with removal of a member of the State Board of Higher Education, 1934-36, p 278; authority to cut authorized capital construction, (1969) Vol 34, p 788.

#### 351.050

ATTY. GEN. OPINIONS: Authority to cut authorized capital construction, (1969) Vol 34, p 788.

#### 351.060

##### NOTES OF DECISIONS

This section authorizes the board to seek affirmative relief, but does not authorize suit or action against the board without the state's consent. *James & Yost, Inc. v. State Bd. of Higher Educ.*, (1959) 216 Or 598, 340 P2d 577; *Bacon v. Harris*, (1960) 221 Or 553, 352 P2d 472.

When suit or action is authorized, the board may sue

or be sued in its corporate name. *State v. Reid*, (1960) 221 Or 558, 352 P2d 466.

FURTHER CITATIONS: *McClain v. Regents of the University*, (1928) 124 Or 629, 265 P 412.

ATTY. GEN. OPINIONS: Right of University of Oregon to receive residue of an estate, 1930-32, p 89; authority of board to enter into agreement to accept other property of an estate in lieu of a particular bequest, 1934-36, p 114; authority of board to sell real property which it holds in trust, 1946-48, p 188; leasing real property to an agency of the United States Government, 1960-62, p 112; management of buildings, collection of fees, determination of sinking fund surplus, custody of investment securities, 1962-64, p 437; application to certain property, 1966-68, p 76; authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163; lease-funding agreement between board and school district, (1969) Vol 34, p 651; leasing building not required for state purpose, (1969) Vol 34, p 735; authority to cut authorized capital construction, (1969) Vol 34, p 788.

#### 351.070

##### NOTES OF DECISIONS

The dental school is a separate and distinct department of the system of higher education and is under the direct supervision and control of the State Board of Higher Education, and not under the control of the University of Oregon. *State v. Smith*, (1954) 201 Or 288, 270 P2d 142.

The president of the University is authorized to designate the director of personnel of the University as the appointing authority in civil service matters. *Beistel v. Pub. Employee Relations Bd.*, (1971) 92 Or App Adv Sh 1794, 486 P2d 1305.

ATTY GEN. OPINIONS: Power of board to enter into contract with a foreign school, 1952-54, p 242; prescribing qualifications for admission to state institutions of higher education on basis of ability to do college work, 1954-56, p 186; authority to reimburse director of institution for entertainment expense, 1956-58, p 146; authority to reject applicants who meet established admission standards, 1958-60, p 43; authority to charge recipient of free scholarship a building or incidental fee arising from particular curricula chosen, 1958-60, p 80; duties of Labor Commissioner with regard to state college living organizations which select membership on basis excluding persons on account of race, religion or national origin, 1960-62, p 14; political activities by faculty members of institutions of higher education, 1960-62, p 146; use of student union fees for dues of student associations having legislation programs, 1962-64, p 252; Associated Students of University of Oregon hiring counsel, (1969) Vol 34, p 776; authority to cut authorized capital construction, (1969) Vol 34, p 788; residency of Oregon student upon marriage to a nonresident, (1970) Vol 35, p 266.

LAW REVIEW CITATIONS: 49 OLR 329-334; 49 OLR 451, 452.

**351.080**

ATTY. GEN. OPINIONS: Authority to acquire buildings when buying land for new facilities, (1969) Vol 34, p 735.

**351.090****NOTES OF DECISIONS**

Authorizing the board of higher education to allocate tax funds to designated educational institutions, in accordance with its discretion, does not constitute an unconstitutional delegation of legislative authority to an administrative board. *Smith v. Patterson*, (1929) 130 Or 73, 279 P 271.

ATTY. GEN. OPINIONS: Sinking fund for building construction purposes, 1956-58, p 164.

**351.130**

ATTY. GEN. OPINIONS: Right of University of Oregon to receive residue of an estate, 1930-32, p 89; authority of board to enter into agreement to accept other property of an estate in lieu of a particular bequest, 1934-36, p 114; authority of board to accept gifts of real property, the title to which is not free from objections, and to expend money to clear the title, 1934-36, p 149; authority of board to accept gift from city of funds to pay premium upon insurance policy covering building of normal school, 1934-36, p 802; crediting money bequeathed to the university to the donation fund, 1940-42, p 33; authority of board to accept or hold stock of companies acquired by donation, gift, or otherwise, 1952-54, p 15; limitations on expenditures, 1960-62, p 289; crediting interest on invested funds, 1964-66, p 31.

**351.140**

ATTY. GEN. OPINIONS: Necessity that deeds conveying real property from Oregon agricultural college student hospital association be made to State of Oregon, 1930-32, p 620; authority of board to accept gifts of real property, the title to which is not free from objections, and to expend money to clear the title, 1934-36, p 149; purchase of farm land for experiment station purposes, 1938-40, p 346; authority of the board to pay consideration for an option on title to real property, 1942-44, p 472; lease-funding agreement between board and school district, (1969) Vol 34, p 651.

**351.160**

ATTY. GEN. OPINIONS: Board procuring interim financing and using money in higher education sinking fund for building construction purposes, 1956-58, p 164; validity of bonds for parking facilities, 1962-64, p 273; constitutionality of bill to include research grants in revenue of, and administrative and educational type buildings among, self-liquidating facilities, 1964-66, p 142; authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163; leasing building not required for state purpose, (1969) Vol 34, p 735.

**351.170**

ATTY. GEN. OPINIONS: Authority to charge recipient of free scholarship a building or incidental fee arising from particular curricula chosen, 1958-60, p 80; management of buildings, collection of fees, determination of sinking fund surplus, custody of investment securities, 1962-64, p 437; authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

**351.180**

ATTY. GEN. OPINIONS: Authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

**351.190**

CASE CITATIONS: *State Bd. of Higher Educ. v. United Presbyterian Church*, (1966) 243 Or 352, 413 P2d 428.

ATTY. GEN. OPINIONS: Authority to proceed in same manner as State Highway Commission condemnation, 1958-60, p 380; authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

LAW REVIEW CITATIONS: 46 OLR 130.

**351.260**

ATTY. GEN. OPINIONS: Employee of Bureau of Municipal Research serving as employee of county planning commission, 1956-58, p 133.

**351.310**

ATTY. GEN. OPINIONS: Limitations on expenditures, 1960-62, p 289; applicable limitation on expenditure of federal grants for construction, 1960-62, p 436; use of student union fees for dues of student associations having legislation programs, 1962-64, p 252; lease-funding agreement between board and school district, (1969) Vol 34, p 651; Associated Students of University of Oregon hiring counsel, (1969) Vol 34, p 776.

LAW REVIEW CITATIONS: 49 OLR 322-336.

**351.340**

ATTY. GEN. OPINIONS: Lease-funding agreement between board and school district, (1969) Vol 34, p 651; Associated Students of University of Oregon hiring counsel, (1969) Vol 34, p 776.

**351.350 to 351.460**

ATTY. GEN. OPINIONS: Authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

**351.350**

ATTY. GEN. OPINIONS: Approval of bond issue by State Bond Commission, 1958-60, p 199; fiscal agents for public bond payments, 1958-60, p 207; validity of bonds for parking facilities, 1962-64, p 273; constitutionality of bill to include research grants in revenue of, and administrative and educational type buildings among, self-liquidating facilities, 1964-66, p 142; disposition of dividends on State Accident Insurance Fund premiums, (1971) Vol 35, p 504.

**351.353**

ATTY. GEN. OPINIONS: Validity of bonds for parking facilities, 1962-64, p 273.

**351.400**

ATTY. GEN. OPINIONS: Fiscal agents for public bond payments, 1958-60, p 207.

**351.450**

CASE CITATIONS: State ex rel. Sprague v. Straub, (1965) 240 Or 272, 400 P2d 229, 401 P2d 29.

ATTY. GEN. OPINIONS: Crediting interest on invested funds, 1964-66, p 31.

**351.460**

CASE CITATIONS: State ex rel. Sprague v. Straub, (1965) 240 Or 272, 400 P2d 229, 401 P2d 29.

ATTY. GEN. OPINIONS: Sinking fund for building construction purposes, 1956-58, p 164; management of buildings, collection of fees, determination of sinking fund surplus, custody of investment securities, 1962-64, p 437; crediting interest on invested funds, 1964-66, p 31; constitutionality of bill to include research grants in revenue of, and administrative and educational type buildings among, self-liquidating facilities, 1964-66, p 142; disposition of dividends on State Accident Insurance Fund premiums, (1971) Vol 35, p 504.

**351.480**

ATTY. GEN. OPINIONS: Authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

**351.490**

ATTY. GEN. OPINIONS: Authority to construct parking facility with private retail space in Portland, (1968) Vol 34, p 163.

**351.520**

ATTY. GEN. OPINIONS: Lease-funding agreement between board and school district, (1969) Vol 34, p 651.

**351.530**

ATTY. GEN. OPINIONS: Lease-funding agreement between board and school district, (1969) Vol 34, p 651.

**351.710**

ATTY. GEN. OPINIONS: Exemption of institutions from approval by board of requirements for degree as question of fact, 1938-40, p 123.

**351.780**

ATTY. GEN. OPINIONS: Authority to enter into a compact other than the compact set forth in this section, 1962-64, p 64.