

1608

BROADCASTING—KENT STATE UNIVERSITY—MAY PROVIDE FOR EDUCATIONAL BROADCASTING—SECTIONS 4860-6, 4860-7 G. C.

SYLLABUS:

Kent State University may, pursuant to Sections 4860-6 and 4860-7 of the General Code, provide for educational broadcasting.

Columbus, Ohio, March 31, 1950

Dr. George A. Bowman, President, Kent State University  
Kent, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

"Kent State University has applied to the Federal Communications Commission for authority to operate a ten watt non-commercial educational FM station on the campus. We have submitted to FCC a rather pretentious set of documents in support of the application.

"I am attaching a copy of a letter I have just had from the FCC. From the last sentence in the next to the last paragraph I would judge that an opinion of the Attorney General that we have authority to engage in educational broadcasting will meet our needs.

"I am, therefore, taking the liberty of asking you to give us the official opinion. For your information and assistance I am enclosing photostatic copies (exhibit one) of legislative acts and amendments creating and providing for the organization of Kent State University and also (exhibit two) a certified copy of action of the Board of Trustees authorizing the President to apply to the FCC for authority to install a ten watt FM non-commercial educational broadcasting station on the campus."

In response to my request for additional information concerning courses of study offered by Kent State University, you advised that:

"\* \* \* the Board of Trustees has approved the offering of courses in radio and allied subjects in the college of liberal arts at Kent State University. These courses are: Survey in Radio, Radio Speaking, Radio Writing, Radio History and Law, Radio Production and Programming, Advanced Radio Writing, Techniques in Broadcasting, Advanced Radio Speech, Radio Station Management, and Radio News.

"Some of these are theory courses but the majority, includ-

ing Radio Speaking, Radio Production, Radio Station Management, and News Casting, are practical courses which require the facilities of a radio station if the purpose of the course is to be realized, viz., the practical preparation of men and women for various types of work in the field of radio broadcasting.

"It is impossible to provide sufficient experience through the use of available time on commercial stations (the nearest is Akron, Ohio). Periods of only a few minutes per week are available from these sources and opportunity is provided only as an outlet for Radio Speaking and Writing. No opportunity is provided for study of broadcasting techniques or radio-station management.

"Campus radio workshops designed to simulate actual broadcasting conditions fall short of their purpose because incentive and motivation are necessarily lacking in a make-believe station.

"Students graduating from institutions operating their own broadcasting facilities have an opportunity for placement not available to students who have been denied this practical experience."

Kent State University, as its title indicates, is a state institution established pursuant to Section 4860 of the General Code. Said section reads as follows:

"On and after August 20, 1935, the Bowling Green state normal school, and the Kent state normal school, established under the provisions of 'an act to provide for the appointment of a commission to establish two normal schools and to provide for the maintenance thereof,' passed May 10, 1910, shall be known as the Bowling Green State University and the Kent State University, respectively."

Section 4860-4 of the General Code provides that the government of Kent State University shall be vested in a board of five trustees appointed by the Governor, with the advice and consent of the Senate; Section 4860-5 of the General Code provides for the election, from its members, of a president, a secretary and a treasurer. Section 4860-6 of the General Code provides that:

"The board of trustees of Kent State University shall elect, fix the compensation of and remove the president and such number of professors, teachers and other employes as may be deemed necessary by said board. The board of trustees shall do any and all things necessary for the proper maintenance and successful and continuous operation of said university. The board of trustees may accept donations of lands and moneys for the purposes of said university."

Section 4860-7 of the General Code provides that:

“The boards of trustees of Bowling Green State University, and Kent State University, respectively, are hereby further authorized to create, establish, provide for and maintain a college of liberal arts and a college of business administration, and to include the usual technical or graduate instruction for the degree of master of arts.

“On the recommendation of the faculty, the board of trustees may confer such honorary degrees as are customarily conferred by colleges of liberal arts in the United States.”

It is true that a normal school is an institution for the training of teachers, said training being the result of pursuing a course of study wherein provision is made for the theoretical and practical training of students for the work of teaching with the proper equipment. However, it must be observed that since the original establishment of said school, not only its name has been changed from Kent State Normal School to Kent State University, but also additional courses of study have been authorized.

It is stated in 40 O. Jur. 693 that:

“A university \* \* \* differs from other schools by the more independent position of its students and the more scientific course of its instruction, as well as the means of imparting the same. \* \* \*”

It is further stated in 40 O. Jur. 702 that:

“Statutes concerning the establishment and maintenance of colleges and universities, as in the case of statutes generally, must be construed as a whole, so as to give effect, wherever possible, to every part of the enactment, and that construction should be adopted which is most reasonable and consistent within the purview of the act. However, as the policy of the statutes has ever been to encourage institutions of this kind, all statutory enactments in their behalf are to be liberally construed.”

In view of the foregoing, it is my opinion that Kent State University may, pursuant to Sections 4860-6 and 4860-7 of the General Code, provide for educational broadcasting.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.