

## OPINION NO. 70-140

**Syllabus:**

A community college district, acting through its board of trustees, has the same authority as a board of trustees of a state university and may therefore establish a police or security force for the community college pursuant to Section 3345.04, Revised Code.

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**To: Fred V. Skok, Lake County Pros. Atty., Painesville, Ohio**  
**By: Paul W. Brown, Attorney General, October 16, 1970**

I have before me your request for my opinion regarding the following question:

Does Section 3345.04, Revised Code, permit Lakeland Community College to establish its own police or security force?

Section 3345.04, Revised Code, captioned "special policemen", provides:

"The board of trustees of a state university, the board of trustees of the medical college of Ohio at Toledo and the board of control of the Ohio agricultural research and development center

may designate one or more employees of the institution, as special policemen, and as such said employees shall take an oath of office, wear the badge of office, and give bond to the state for the proper and faithful discharge of their duties in such amount as the board of trustees requires.

"Such policemen shall protect the property of such institution, suppress nuisances and disturbances and breaches of the peace, and enforce laws for the preservation of good order. Upon view or information they may arrest, without warrant, any person trespassing upon the grounds or destroying property of the institution, or violating a law of the state or violating a rule or regulation properly prescribed by the governing board of the institution, and particularly regulations regarding automobile or other traffic on the premises under the control of such governing board and bring such person before the court of common pleas, or other local court of competent jurisdiction, or a magistrate within the county."

(Emphasis added)

Section 3345.011, Revised Code, defines a "state university" to be:

" \* \* \* [a] public institutions of higher education which is a body politic and corporate. \* \* \* "

Section 154.01 (F), Revised Code, provides:

"(F) 'Institutions of higher education' and "state supported or state assisted institutions of higher education" means the state universities identified in section 3345.011 [3345.01.1] of the Revised Code, the medical college of Ohio at Toledo, state universities or colleges at any time created. Community college districts, university branch districts, and technical institute districts at any time established or operating under Chapter 3354, 3355., or 3357., of the Revised Code, institutions at any time established or operating under Chapter 3349., of the Revised Code, and other institutions for education, including technical education, beyond the high school, receiving state support or assistance for their expenses of operation." (Emphasis added)

A reading of the aforementioned sections of the Revised Code clearly shows that a community college district, being an "institution of higher education" within the meaning of Section 154.01 (F), *supra*, falls within the Section 3345.011, *supra*, definition of "state university."

"[A] 'Community college district' means a political subdivision of the state and a body corporate with all the powers of a corporation comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district."

The powers of such a community college district are enumerated in Section 3354.03, Revised Code, which reads in part:

"A community college district organized pursuant to section 3354.03 of the Revised Code shall be a political subdivision of the state and a body corporate with all the powers of a corporation, existence, with power to sue and be sued, to incur debts, liabilities, and obligations, to exercise the right of eminent domain and of taxation and assessment as provided in sections 3354.01 to 3354.10, inclusive, of the Revised Code, to issue bonds, and to do all acts necessary and proper for the carrying out of the purposes for which the district was created and for executing the powers with which it is invested."

Within ninety days after a community college district has been established, nine trustees shall be appointed pursuant to Section 3354.05, Revised Code. The powers of the board of trustees are set forth in Section 3354.09, Revised Code, which provides in part:

"The board of trustees of a community college district may:

"(A) Own and operate a community college, \* \* \*

"(D) Appoint the \* \* \* staff, necessary and proper for such community college, \* \* \* except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district:

" \* \* \* \* \* \* \* \* "

Thus, it may be seen that the community college district stands in the same relationship as the board of trustees of other state universities. The powers granted to the community college district pursuant to Section 3354.03, supra, are similar to those granted to the boards of trustees at other state universities.

The board of trustees of a community college district, acting for the district, may "Appoint the staff, necessary \* \* \* for such community college, \* \* \*". Section 3354.09 (D), supra.

Moreover, Section 3345.021, Revised Code, gives the board of trustees of any state-supported college full power and authority in all matters relative to the administration of such college. Similarly, Section 3345.21, Revised Code, gives the board of trustees express authority to administer and enforce its regulations through the use of special policemen provided by Section 3345.04, supra.

Therefore, it is my opinion and you are hereby advised that a community college district, acting through its board of trustees, has the same authority as a board of trustees of a state university and may therefore establish a police or security force for the community college pursuant to Section 3345.04, Revised Code.