

1515.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
SCIOTO AND TRUMBULL COUNTIES, OHIO.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

COLUMBUS, OHIO, August 24, 1920.

1516.

KENT STATE NORMAL SCHOOL—WHERE PRESIDENT OF SAID
SCHOOL HELD PUBLIC OFFICE TO WHICH NO TERM OF OFFICE
IS ANNEXED BY LAW CREATING POSITION—PRESIDENT HOLDS
AT PLEASURE OF BOARD OF TRUSTEES.

The president of the Kent State Normal School holds a public office, to which however no term of office is annexed by the law creating the position. The board of trustees of the institution which elects the president has no power to qualify such election by annexing a term of office thereto. The president, therefore, holds at the pleasure of the board of trustees and may be supplanted at any time by the election of another person to the office of president.

COLUMBUS, OHIO, August 24, 1920.

HON. J. E. MCGILVREY, *President, Kent State Normal School, Kent, Ohio.*

DEAR SIR:—In a recent letter to this office you say:

“Section 4 of the Act establishing the Normal Schools which were later located at Kent and Bowling Green contains the following provision:

‘Before adopting plans for the building of said normal schools each board shall elect a president of known ability for the school under its control, who shall have advisory power in determining said plans.’

This has been interpreted heretofore as giving the president of the school an indefinite term of service. Our board of trustees wish to know from the Attorney General if they have authority under this act to elect the president for a definite term of years.”

The act relating to the establishment and management of the Kent State Normal School is that found in 101 O. L., p. 320. In addition to the quotation therefrom which you make in your letter the following provision of the act is material:

“The board of trustees, in connection with the president of the Normal school, shall select and appoint an able and efficient corps of instructors
* * *.”

The two clauses which have been quoted from the act show clearly that the position of president of one of the Normal schools to which the act relates is an office and not an employment. This is true because definite powers and duties are reposed by law in the president, which, without referring to the authorities, may