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#### DIVISION 1

#### PROCEDURAL RULES

##### 574-001-0000

##### Notice of Proposed Rule

Prior to the adoption, amendment or repeal of any permanent rule, the agency shall give notice of its intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule;

(2) By mailing a copy of the notice to persons on the Western Oregon University mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(3) By mailing a copy of the notice to legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(4) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) Chancellor of the Board of Higher Education;
- (b) Western Oregon University's Faculty Senate President;
- (c) Western Oregon University's Staff Senate President;
- (d) Western Oregon University's Student Body President;
- (e) Western Oregon Journal student publication;
- (f) The Associated Press;
- (g) Statesman Journal — Salem;
- (h) Itemizer Observer — Dallas;
- (i) WOU Bulletin.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: OCE 2, f. & ef. 8-2-77; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2006, f. & cert. ef. 3-2-06

#### DIVISION 10

#### RULES OF PROCEDURES FOR THE HANDLING OF DISPUTES AND GRIEVANCES FOR STUDENTS AND UNCLASSIFIED PROFESSIONAL EMPLOYEES, AND COMPLAINTS FOR DISCRIMINATION AT WOU

##### 574-010-0005

##### Persons Entitled to be Heard

(1) Any student, former student, or applicant for admission to this institution wrongfully or erroneously denied registration or having such registration wrongfully or erroneously cancelled; or

(2) Any student wrongfully or erroneously required to pay a fine or penalty to the university except a parking or traffic fee or fine; or

(3) Any person wrongfully or erroneously having money withheld by this institution; or

(4) Any student or former student whose request for an amendment of his education records has been denied by the university.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 352.200

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 1-1982, f. & ef. 2-11-82; WOU 2-2004, f. & cert. ef. 8-4-04

##### 574-010-0010

##### Definitions

(1) "Grievant" means any person mentioned in OAR 574-010-0005 but does not mean a person whose complaint is subject to being processed by a grievance procedure established pursuant to or by a collective bargaining agreement.

(2) "Committee" means the Student Grievance and Concerns Committee. The committee is a group of faculty members, staff members and one student representative selected to review current formal and informal academic and non-academic grievance procedures, consider and act upon grievance petitions, educate the college community about the grievance process, and investigate and alert the Faculty Senate and the campus community of issues concerning students which the Committee believes are of significance to faculty.

Stat. Auth.:

Stats. Implemented: ORS 351

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

##### 574-010-0020

##### Procedure for Informal Hearing

Any person aggrieved as defined in OAR 574-010-0005 and 574-010-0010 shall briefly state the objection to the action taken or proposed by the university, and shall request referral to a person in a Supervisory position with sufficient authority and access to knowledge of the circumstances to resolve the grievance. Such Supervisory official shall promptly arrange an opportunity for the Grievant and the Supervisor to discuss the grievance at a time and place suitable to both. If a matter cannot be resolved by the Supervisor, or by some other university official to whom the Supervisor may refer the grievance, the Grievant then may request a hearing. The request shall be in writing, and shall be given to the Supervisor or other university official with whom the Grievant has been discussing the grievance. Such written request may be informal, shall be signed by the Grievant, and shall be submitted within ten days after completing the discussion of the grievance.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

##### 574-010-0030

##### Order When Grievant Fails to Appear

(1) When the Grievant fails to appear at the specified time and place, or at the time to which the hearing may have been continued by mutual consent or by order of the Student Grievance and Concerns Committee, the university shall issue a decision based on the information available to it.

(2) The decision supporting the action of the university shall set forth the material on which the action is based, or the material shall be attached to and made a part of the decision.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

##### 574-010-0060

##### When OAR 574-010-0005 through 574-010-0055 Do Not Apply

OAR 574-010-0005 through 574-010-0030 do not apply to procedures for imposition of sanctions on an academic staff member.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

**574-010-0065**

**Purpose and General Explanation**

(1) This procedure is established for the purpose of assuring all unclassified professional employees at Western Oregon University of the right to have their grievances receive fair, orderly and expeditious consideration. The emphasis is on solving problems in a collegial manner. The procedure encourages settlement of disputes at the lowest possible level by direct communications between conflicting parties.

(2) Any unclassified professional employee of Western Oregon University has the right to file a grievance if the employee believes that an unjust or inequitable act or omission has occurred, in violation of established institution written policies/procedure, state statute or rule. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to this grievance procedure.

(3) This right is in addition to that of an employee to appeal to the Employee Relations Board in accordance with the rules of that agency.

(4) At any step of the grievance procedure, an employee may be represented or assisted by anyone of his/her choosing. The expense for such representation shall be borne by the employee.

(5) Time limitations are provided for each step to assure quick response to the grievance. These limitations may be extended by mutual consent of the parties when placed in writing and attached to the written grievance.

(6) Once an employee has invoked the grievance procedure, he/she shall not be required to participate in any discussion of that grievance with a Supervisor or agent of the employer without the presence of his/her representative.

(7) If the Grievant is entitled to a contested case procedure, the Grievant may elect to use that procedure.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: OCE 1-1980, f. & ef. 4-15-80; WOSC 3-1988, f. & cert. ef. 12-15-88; WOU 2-1997, f. & cert. ef. 5-28-97

**574-010-0067**

**Definitions**

(1) "Grievance" means acts, omission or applications which allegedly violate University Policy, OUS Rules or Oregon Administrative Rules. Evaluation and disciplinary disputes are handled separately through the administrative organization. Grievances relating to charges of discrimination are to be filed with the University's Director of Human Resources.

(2) "Grievant" means one or more members of the Western Oregon University unclassified professional staff as listed on the official list of personnel.

(3) "Supervisor" is the employee responsible for the grievant's work assignment and evaluation.

(4) "Day" means calendar days unless expressly designated otherwise.

(5) "Vice President" is one of the following: Vice President for Student Affairs, Vice President for University Advancement, the Provost/Vice President of Academic Affairs or the Vice President for Finance and Administration.

(6) "President" is the President of the University.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: WOSC 3-1988, f. & cert. ef. 12-15-88; WOU 2-1997, f. & cert. ef. 5-28-97; WOU 2-2004, f. & cert. ef. 8-4-04

**574-010-0068**

**General Provisions**

(1) Except in cases of illness, absence from the country, or official leave of absence, the Grievant shall be present in person when the grievance is presented and at any subsequent hearing.

(2) Failure to take action within the time limits specified at any step, including any extensions, shall be considered acceptance by the Grievant of the decision. Failure of the administration to communicate the decision on a grievance at any step within the time limits, including any extension thereof, shall allow the Grievant to proceed to the next step.

(3) If, at any time, a Grievant seeks resolution of a grievance through any agency outside Western Oregon University, whether administration or judicial, Western Oregon University shall have no obligation to proceed further under this procedure with respect to such a grievance.

(4) A Grievant may withdraw a grievance at any time.

(5) A Grievant will not be allowed to utilize more than one grievance procedure in pursuing relief from a given grievance. Should a Grievant be entitled to utilize more than one grievance procedure, a decision must be made at the time of filing the initial grievance concerning which grievance procedure will be followed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: WOSC 3-1988, f. & cert. ef. 12-15-88; WOU 2-1997, f. & cert. ef. 5-28-97; WOU 2-2004, f. & cert. ef. 8-4-04

**574-010-0070**

**Presentation of Grievance**

(1) Grievance shall be presented within 30 days from the date of the act or omission or from such date the Grievant knew or reasonably should have known of such act or omission, except in those cases where the Grievant is out of the country or on an official leave of absence.

(2) Informal Presentation of a Grievance:

(a) The Grievant shall orally present a grievance to Grievant's Supervisor. At the time of this presentation, the Grievant shall state that a grievance is being presented;

(b) The Supervisor shall discuss the grievance with the Grievant and shall endeavor to obtain whatever additional information may be necessary to take action on the grievance;

(c) If the grievance involves a person other than the Grievant and the Supervisor, the Supervisor shall, if possible, arrange a meeting which includes the other person involved. If this meeting establishes a need for more information than has already been presented or secured, the Supervisor shall gather such information;

(d) At this stage the persons involved shall make sincere and significant efforts to settle the grievance;

(e) Within 10 days of the oral presentation of the grievance, the Supervisor shall orally notify the Grievant of the outcome and record the date of notification.

(f) No grievance file shall be generated during the informal process.

(3) Formal Written Presentation of a Grievance:

(a) Step 1: Review.

(A) If the Grievant is not satisfied with the informal decision of the Supervisor and desires to proceed further, the Grievant shall, within 10 days of being certified of the Supervisor's decision, present the grievance in writing to the Supervisor.

(B) Upon receipt, the Supervisor shall immediately create a grievance file into which all written materials concerning the grievance will be placed. The grievance file shall be available at any time to the Grievant;

(C) The Supervisor shall schedule a meeting with the Grievant to attempt to resolve the matter. This meeting shall occur within 10 days of the written presentation of the grievance. Either party may bring an observer to the meeting. The Supervisor may conduct further meetings and inquiries as deemed necessary and proper;

(D) The Supervisor shall conclude the review and notify in writing the Grievant of the decision on the grievance within 10 days of the meeting.

(b) Step 2: Vice President.

(A) If the Grievant is not satisfied with the Supervisor's decision and desires to proceed further the Grievant shall, within 10 days of receipt of the Supervisor's written decision, present the grievance in writing to the appropriate Vice President. Additionally, a request for a hearing by a committee of peers appointed by the Vice President from a list submitted by Administrative Support Council may be submitted;

(B) The Vice President and Hearing Committee shall obtain the grievance file from the Supervisor and provide opportunity for the Grievant and Supervisor to submit any additional written statements in connection with the grievance;

(C) Within 10 days of appointment of the Committee, the Hearing Committee shall meet and consider the grievance;

(D) The Hearing Committee shall present its report, including recommendations, to the Vice President within 10 days after the conclusion of the hearing;

(E) Procedure for the Conduct of Peer Hearings:

(i) Hearings shall be open unless closed by request of the Grievant or requirement of law;

(ii) During the hearing an opportunity shall be provided for the Grievant and the Supervisor to present brief opening and closing statements and for both parties to present evidence and testimony and to call and cross-examine witnesses. Each party may present evidence, argument and rebuttal;

(iii) The Grievant shall appear at the hearing and may be accompanied and assisted by other persons, including counsel;

(iv) The administrator or administrators most directly involved shall appear at the hearing and may be accompanied and assisted by other persons, including counsel. The administration shall be represented at the hearing by the Vice President who may be accompanied and assisted by other persons, including counsel;

(v) The chairperson of the Hearing Committee shall preside at such hearings and over the deliberations of the committee. The chairperson shall have authority to rule upon questions of admissibility of evidence and exclude evidence which is irrelevant, untrustworthy, and unduly repetitious;

(vi) If either party to the grievance alleges that evidence or testimony may not be given on account of prohibition of law or regulation, that party shall deliver to the committee a copy of the law or regulation. If the committee requests it, the party shall also provide any relevant Attorney General's opinion or legal decision;

(vii) Based only on the evidence presented at the hearing, the Hearing Committee shall describe the issues considered, make findings of fact and recommendations based on those findings in a written report to the Vice President;

(viii) Dissenting opinions, if any, by members of the Hearing Committee shall be submitted with the report if so desired by the dissenting members;

(ix) A recording and copies of all documents will be made accessible to all parties to the grievance.

(F) Vice President's Decision.

(i) After reviewing the grievance and/or the Hearing Committee's report and recommendations, the Vice President shall take action on the grievance;

(ii) The Vice President shall make his/her decisions solely on the basis of evidence presented and the report of the committee.

(iii) The Vice President shall provide written notice to all previous parties of the decision on the grievance within 10 days of receipt of the grievance, or if used, the report of the Hearing Committee.

(c) Step 3: Review by President.

(A) If the Grievant is not satisfied with the decision of the Vice President, the Grievant may, within 10 days of receipt of the Vice President's decision, petition the President to review;

(B) The President shall notify the Grievant in writing of the decision and of the reasons for the decision within 30 days of the presentation of the grievance for review. As part of the decision, the President may take such further action as deemed necessary and proper, including granting or denying relief, or remanding the grievance further proceedings.

(C) The President's decision is final.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: OCE 1-1980, f. & ef. 4-15-80; WOSC 3-1988, f. & cert. ef. 12-15-88; WOU 2-1997, f. & cert. ef. 5-28-97; WOU 2-2004, f. & cert. ef. 8-4-04

### Complaint Procedure for Discrimination Complaints

#### 574-010-0075

##### Purpose and General Explanation

The following procedure is to be used in resolving complaints alleging discrimination on the basis of age, disability, marital status, national origin, race, color, religion, sex, sexual orientation

or veteran status. The complaint procedure is open to all employees, applicants and students except as collective bargaining agreements with the Service Employees International Union and the American Federation of Teachers take precedence reference Administrative Rules OAR 580-015-0090 et seq. For the purpose of this procedure, the following definitions shall be used.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 351.200

Hist.: WOSC 1-1982, f. & ef. 2-11-82; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-010-0080

##### Definitions

(1) "University Representative:" The person who is alleged to be responsible for the policy, practice or act considered by the Complainant to be discriminatory, also referred to as the "respondent."

(2) "Discrimination:" Any act or practice, either in form or operation, whether intended or unintended, that unreasonably differentiates among persons on the basis of age, disability, marital status, national origin, race, color, religion, sex, sexual orientation or veteran status.

(3) "Complainant:" Person initiating a complaint.

(4) "Sexual Harassment:" Any repeated or unwanted sexual remarks or behavior which one finds objectionable, or which interferes with one's work. Sexual harassment is considered as discrimination on the basis of sex.

(5) "Status:" Role of Complainant at the time of the alleged discriminatory act, i.e., student, employee, applicant, etc.

(6) "Affirmative Action Officer:" The Director of Human Resources fills this role.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1982, f. & ef. 2-11-82; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-010-0085

##### Procedure

A complaint alleging discrimination in employment originating with a university employee not otherwise covered by a collective bargaining agreement, or by a job applicant or student, shall be processed as described below:

(1) The Complainant is encouraged to attempt to resolve the complaint with the university representative responsible for the policy, practice or act considered discriminatory within five days of the allegedly discriminatory act. If no resolution is reached or a Complainant so chooses, a formal complaint of discrimination may be filed.

(2) To file a formal complaint, the Complainant shall complete a complaint of discrimination form within 12 months after the alleged discriminatory act. The complaint may be submitted in writing, or given orally to the affirmative action officer who will convert it to written form. The Complainant shall have access to all relevant records which are not protected under state and/or federal law. The written complaint shall contain the following:

(a) Complainant's name, address, status, and telephone number where the Complainant may be contacted;

(b) The date of the alleged act of discrimination and a detailed description;

(c) An outline of the attempts to resolve the complaint, including the name of the university representative responsible for the alleged discriminatory act and the date(s) of the attempts, if any, at resolution;

(d) All information pertinent to the complaint;

(e) Resolution proposed by the Complainant;

(f) Complainant's signature.

(3) The affirmative action officer shall forward copies of the written complaint to all concerned including the named university representative, appropriate dean or director, the appropriate Vice President, and the Chancellor's Office.

(4) The affirmative action officer shall investigate the complaint and develop a recommended course of action. The affirmative action officer shall forward a recommendation to the appropriate dean or director, and vice president for a final decision on the

course of action to be taken. The President shall review all complaints and action taken.

(5) The final decision shall be given to the Complainant, in writing, by the affirmative action officer, within 30 days after receipt of the complaint by the affirmative action officer, unless additional time is granted by the Chancellor's Office. The named university representative, the affirmative action officer, the appropriate Vice President and the Chancellor's Office shall be notified of the final decision.

(6) This procedure is compatible with the grievance procedure outlined in the State Board of Higher Education Administrative Rule OAR 580-015-0090 and it is understood that any procedure provided for in a collective bargaining agreement between the university and represented employees takes precedence over the one outlined here.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1982, f. & ef. 2-11-82; WOU 2-2004, f. & cert. ef. 8-4-04

## DIVISION 20

### FACULTY RECORDS POLICY

#### 574-020-0001

##### Faculty Records Policy

Western Oregon University is required to set up a faculty records policy that is consistent with the laws of Oregon and the administrative rules of the Board of Higher Education.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-020-0005

##### Definitions

(1) "Personal Records" means records containing information kept by the institution, school, division, or department concerning a faculty member and furnished by the faculty member or by others, including, but not limited to, information as to discipline, counseling, membership activity, other behavioral records, professional preparation and experience, professional performance (e.g., assignment and workload, quality of teaching, research, and service to the institution), personnel data relating to such matters as promotions, tenure, leaves, retirement credits and the like, and professional activities external to the institution, including, but not necessarily limited to, awards, recognition, research activities, travel.

(2) For purpose of compliance with ORS 351.065, "Records of Academic Achievement" shall mean the record of credits earned toward a degree or in post-doctoral work and/or certificate(s), diploma(s), license(s) and degree(s) received.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

#### 574-020-0010

##### Confidential Information Not to Be Sought or Accepted

The university will not accept letters, documents, or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information kept confidential.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-020-0015

##### Information Not Required of Faculty Members

No faculty member will be required to give, but may voluntarily provide, information as to age, disability, marital status, national origin, race, color, religion, sex, sexual orientation or veteran status, except as the giving of such information may be required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-020-0020

##### Locations and Custody of Faculty Records

(1) The university will maintain faculty records only in the offices of:

(a) The Provost;

(b) College Dean;

(c) The Division Chair of the faculty member (only these areas may have evaluation information).

(2) The Human Resources Office will maintain records only necessary for payroll information.

(3) The required custody of the files will be accomplished by assigning designated personnel the maintaining of confidentiality and security of the records:

(a) Provost's Office — Administrative Assistant to the Provost;

(b) Dean's — Administrative Assistant to the Dean;

(c) Division Office — Administrative Assistant to the Division Head;

(d) Human Resources Office — Human Resources Personnel.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 1-2004, f. & cert. ef. 3-24-04

#### 574-020-0025

##### Release and Access to Faculty Records

(1) Appropriate information about the faculty member may be released upon request and without the faculty member's consent. Such information shall be limited to the following:

(a) Directory information, that is, information generally needed in identifying or locating a named faculty member including such information as is readily to be found in published documents such as institutional catalogs;

(b) Objective evidence of a faculty member's academic achievement, limited to information as to the number of credits earned toward a degree or in post-doctoral work, and certificate(s), diploma(s), license(s), and degree(s) received;

(c) Salary information and the record of terms or conditions of employment;

(d) Records tabulated from students' classroom survey evaluations, upon a finding by the President that privacy rights in an adequate educational environment would not suffer by disclosure.

(2) All information in the faculty member's personal record file, apart from that identified in section (1) of this rule, shall be considered personal and subject to restricted access as set forth in OAR 580-042-0740 through 580-042-0775.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

#### 574-020-0030

##### Confidential Records — Restrictions on Release

(1) Personal records designated as subject to restricted access in accordance with authority granted in ORS 351.065 shall be available only to institutional personnel, who are designated by the president as supervisor and who have a demonstrably legitimate need to review them in order to fulfill their official, professional responsibilities and to the faculty member who is the subject of the records as provided for in OAR 580-042-0746 through 580-042-0765. These records may not be released to any other person or agency without the faculty member's written consent, unless upon receipt of a valid subpoena or other court order or process or as required by state statute, federal law, or valid federal or state rules, regulations, or orders.

(2) Institutional regulations shall provide for designation of institutional officials to appear in court to test the validity of a subpoena or other court order or process relating to release of faculty records when validity is in question.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

**574-020-0035****Access to Files by Faculty Members**

Faculty members shall be allowed full access to their own personal files and personal records kept by the institution, school, department, or division, except as provided in sections (1) and (2) of this rule:

(1) Letters and other information submitted in confidence to the institution, school, department, or division prior to July 1, 1975, shall be maintained in the evaluation files permitted by OAR 580-042-0730. However, if a faculty member requests access to such letters and other information pertaining to the faculty member, the anonymity of the contributors of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available to the faculty member except that those portions of the text which would serve to identify the contributor shall be excised by a faculty committee created pursuant to institutional rules. The excised portions of the documents thereafter in the confidential file permitted by OAR 580-042-0730.

(2) Confidential letters and other information received by the institution, school, department, or division after July 1, 1975, prior to the employment of a faculty member, shall be placed in the evaluation files relating to the faculty member. If the applicant is not employed, the confidential information submitted concerning the applicant shall remain confidential. If an applicant who is employed requests access to his or her files, the anonymity of the contributors of confidential pre-employment letters and other pre-employment information shall be protected. The full text shall be made available, except that those portions of the text which would serve to identify the contributor shall be excised and may be retained thereafter in the confidential file permitted by OAR 580-042-0730.

(3) Any evaluation received by telephone shall be documented in each of the faculty member's evaluation files by means of a written summary of the conversation with the names of the conversants identified.

(4)(a) If the institution, school, department, or division solicits or accepts student survey evaluations of the classroom or laboratory performance of a faculty member, such survey evaluations shall be conducted anonymously. The reports tabulated from student evaluations may be placed in the evaluation files defined in OAR 580-042-0730. Survey instruments from which evaluation data are obtained shall be delivered to the faculty member. No other evaluative material shall be accepted from students unless the students are first clearly informed that the faculty member will have access to such material and that the anonymity of the student cannot be preserved;

(b) Should the faculty member request it, an appropriate faculty committee, as defined in institutional regulations, shall examine the contents of the faculty member's file to verify that all statements therein have been provided. If not, the committee shall require that the information be made available;

(c) Should the faculty member request it, the faculty committee shall examine the contents of the confidential file to verify that it contains only those excised portions provided in OAR 580-042-0746. The committee shall have the authority to require that any other material be removed from the confidential file.

(5) A copy of the periodic, regular written evaluation of the faculty member containing or having attached to it a statement to the effect that the faculty member may discuss the evaluative statement with the evaluating administrator, shall be given the faculty member. A copy of the evaluative statement, signed by the faculty member signifying receipt of a copy thereof, shall be placed in the faculty member's evaluation file. The faculty member may enter into the evaluation file such comments, explanations, or rebuttals as desired. There shall be attached to each copy of the evaluative statement retained by the institution, school, division, or department a copy of such comments, explanations, or rebuttals as the faculty member shall make in relation thereto.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

**574-020-0040****Retention of Evaluative Materials Concerning Candidates for Possible Employment**

(1) It is expected that the evaluative materials brought together by the institution as it evaluates an individual's qualifications in connection with possible employment will, if the individual is not employed, be retained for such period of time as may be necessary to respond to affirmative action investigations and investigations of any claimed violation of the civil rights of any person in connection with employment. Thereafter, they will be disposed of by a manner as to protect their confidentiality, in accordance with the rules of the State Archivist.

(2) When federal rules or orders require certain personal records to be compiled before the employment of a faculty member and retained thereafter, such records pertaining to persons not employed which have been obtained with the promise of confidentiality will be closed to all persons except as required by such federal rules or orders.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

**574-020-0045****Availability to Faculty Members of Objective Information Concerning Categories of Staff**

Institutional regulations shall establish procedures through which the faculty member who feels adversely affected by the institutional, school, divisional, or departmental personnel action or lack thereof may request from designated institutional officials objective or quantitative information contained in files, which are limited as to access, concerning the personnel actions affecting categories of faculty members, where such actions appear to have relevance to the case of the faculty member making the request for information. Such information may include, but need not be limited to: assignment, load, list of publications. It shall not include any evaluative statements concerning faculty members.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

**574-020-0050****Availability of Faculty Records for Research Purposes**

The need for educational institutions to make available information about the faculty member for research purposes shall be acknowledged and provided for, contingent upon the institution's having adequate provisions to conceal the identity of the faculty member whose personal data or information are being included in the research. If the regulations protecting the confidentiality of faculty records would seem to be jeopardized in any way by the release of the information for research purposes, institutional regulations shall provide that the institution is to obtain the written consent of the faculty member prior to releasing personal information for research purposes.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070, 351.072 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91

**574-020-0055****Permanence, Duplication, and Disposal of Faculty Records**

(1) The individual faculty member's record shall be maintained only for the minimum period of time required to serve the basic official functions of the office which generates and maintains it. It should then be disposed of in a manner such as to protect its confidentiality.

(2) The permanent retention of faculty records shall be limited to those which the institutional executive or the State Archivist shall determine to be of long-range value to the individual faculty member, to the institution, or to the public. ORS 351.065 provides that access to personal records more than 25 years old may not be limited.

(3) Duplication of faculty records shall be kept to a minimum. Such duplicated records as are made shall be destroyed at a time to

be determined and set forth in institutional regulations and in such manner as to protect their confidentiality in accordance with the rules of the State Archivist, or with the Archivist's approval.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77

## DIVISION 31

### CODE OF STUDENT RESPONSIBILITY

#### 574-031-0000

##### Introduction

(1) Western Oregon University has a fundamental interest in the education and conduct of its Students. The academic, social, and personal development of a Student through the Student's University experience involves a fusion of the learning process with the development of a coherent and consistent system of ethics, as well as adherence to standards of behavior created and accepted by the University community.

(2) All Members of the University community have a responsibility to maintain a level of behavior that reflects favorably upon the person and the University. The University requires that all Students be responsible for their own conduct. The University expects Students who live on and off Campus to abide by local, state, and federal laws as well as University policies, procedures, and regulations, including this Code.

(3) The Code will be applied impartially and without regard to age, disability, ethnic background, gender, race, religious or political affiliation, sexual or gender orientation.

(4) The application of the standards within this Code applies to individuals, clubs, educational activity groups, other student groups, and any individual student who is registered for one or more credit hours, including on-line courses, is enrolled in a special non-credit program approved by the University, or who has been accepted for admission, housing, financial aid, or any other service or benefit provided by the University which requires student status.

(5) This Code was adopted on September 1, 2012, became effective September 1, 2012 and supersedes all other previous conduct codes.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0046; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-031-0010

##### Definitions

As used in OAR chapter 574, divisions 31 and 32, the following terms have the following definitions.

(1) The term "Adjudication" or "Adjudicated" or "Adjudicative" means a method of resolving allegations of Student misconduct which employs a fact-finding, impartial adjudicator to render a binding decision in the matter.

(2) The terms "Administration or Staff Person" mean any person who holds a current non-academic appointment or classified position at the University.

(3) The term "Advisor" means any person who has elected to advise a Charged Student, Witness, or a Complainant within a student conduct hearing.

(4) The term "Appeals Body" means any person or group charged with hearing appeals through this Code (e.g., the Vice President for Student Affairs).

(5) The term "Business Visitor" means any person on the University's property who has a legitimate interest or focus of business with the University, and who is not a Member of the University Community.

(6) The term "Campus" means any property owned, used or controlled by the University.

(7) The term "Charged Student" means any Student charged with a violation of this Code.

(8) The term "Code" means this Code of Student Responsibility.

(9) The term "Committee" means the University Student Conduct Committee.

(10) The term "Complainant" means any person whether a Member of the University Community or not, who has filed a complaint of alleged misconduct with Public Safety or with the Campus Student Conduct Program concerning a Student.

(11) The term "Dean of Students" means the person designated by the Vice President for Student Affairs as the administrator of the University's Campus Student Conduct Program.

(12) The term "Disputant" means any person who uses Mediation within the Campus Student Conduct Program to resolve a conflict with another party or parties.

(13) The term "Faculty" means any person who holds a current academic appointment at the University.

(14) The term "Mediation" means a method of dispute resolution in which Disputants utilize an impartial third party to assist the Disputants to mutually resolve their conflict. Mediation is not available for allegations involving sexual harassment or misconduct.

(15) The term "Member of the University Community" means any Student, Faculty, Administration or Staff Person at the University.

(16) The term "Office of Student Conduct" means the office that administers the University Student Conduct System and includes the Dean of Students, Student Conduct Coordinator, Student Conduct Assistant and other designees.

(17) The term "Preponderance of the Evidence" means that based on the information that is presented, the Charged Student has more likely than not, engaged in the charged misconduct.

(18) The term "Recognized Student Organization" means a club, educational activity group or other Student group that has complied with the requirements for University recognition.

(19) The term "Staff" means any person who holds a classified or unclassified appointment at the University.

(20) The term "Student" means a person who is enrolled at Western Oregon University or any person meeting the description in 574-031-0000(4).

(21) The term "Student in Violation" means any Student found to be in violation of the Code through the Campus Student Conduct Program.

(22) The term "Survivor" means any person not charged with a violation of the Code who reports being sexually violated or harassed by a Student.

(23) The term "University" means Western Oregon University, WOU, or any part or division within Western Oregon University.

(24) The term "University Sponsored On- or Off-Campus Event" means any event in which at least one of the following applies:

- (a) The University plans the event;
- (b) The University pays all, or a part of, the cost of the event;
- (c) The University sponsors the event;
- (d) The University contributes any type of University owned or leased resources or equipment to the event;
- (e) A University Student, Faculty, or Administrative or Staff person represents the University at the event;
- (f) The event occurs within a University owned or leased property, or upon or within University owned or leased property, including any type of state vehicle; or
- (g) The event occurs during the time frame specified on an approved sponsorship form (i.e. registration of event form, travel form, etc).

(25) The term "Victim" means any person not charged with a violation of the Code who has been harmed by the behavior of a Student in Violation. When referring to situations in which a Charged Student has not been found in violation of the Code, this person is referred to as an alleged Victim.

(26) The term "Visitor/Guest" means a non-student or person not affiliated in any official way with Western Oregon University.

(27) The term “Witness” means any person who has information which pertains to a case of alleged Student misconduct.

(28) The term “Working Day” means a day that the University is in session.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-031-0020

##### Jurisdiction

(1) The regulations contained in the Code will apply to all matters affecting the University, including, but not limited to, events occurring during the time the University is in session, events occurring between academic terms, at University Sponsored On- and Off-Campus Events, and any illegal behavior on or off the Campus by WOU Students. Misconduct by non-students (Business Visitors, Visitors/Guests) whether on-Campus or at a University Sponsored On- or Off Campus Event may result in a trespass from Campus or any future WOU event.

(2) Allegations of Student misconduct may be Adjudicated within the University’s administrative Campus Student Conduct Program as well as within any off-campus criminal justice system regardless of whether the alleged behavior occurred on- or off-Campus. Adjudication of allegations of Student misconduct will occur expediently and sometimes before or concurrently with adjudication within an off-campus system of justice. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0047; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-031-0030

##### Specific Standards and Policies

The following list of prohibited forms of conduct is not all inclusive since it is not possible to list all potential violations. The University requires that all Students behave in a manner congruent with established community standards and in a manner conducive to the development of the individual. Actions detrimental to the mission of the University and the legitimate activities of the academic community which constitute the University are in violation of this Code and may be subject to Adjudication. Adjudication may be initiated by the University and educational or punitive sanctions may be assigned to any Student or Recognized Student Organization found participating in, attempting to participate in, or assisting others in participating in any of the following prohibited forms of conduct:

(1) Academic Misconduct. Acts of academic misconduct which includes but is not limited to:

(a) Cheating — intentional use, or attempted use of artifice, deception, fraud, or misrepresentation in completing, submitting, or recording one’s academic work;

(b) Fabrication — unauthorized falsification or invention of any information or citation in any academic exercise;

(c) Facilitating dishonesty — helping or attempting to help another person commit an act of academic misconduct. This includes Students who substitute for other persons in examinations, fake other person’s attendance, or allow another person to copy work or represent as the Student’s own papers, reports, or any other academic work the work of others;

(d) Plagiarism — representing without giving credit the words, data, or ideas of another person as one’s own work in any academic exercise. This includes submitting, in whole or in part, prewritten term papers of another or the research of another, including but not limited to the product of commercial vendors who sell or distribute such materials, and the appropriation or use

of electronic data of another person or persons as one’s own, or using such data without giving proper credit for it;

(e) Any use or attempted use of electronic devices in gaining an illegal advantage in academic work in which the use of these devices is prohibited. Such devices include but are not limited to cell phones, smart phones, Personal Digital Assistants, electronic tablets, laptops, programmable calculators, USB flash drives or other removable memory devices, etc.; or

(f) Engaging in any behavior specifically prohibited by a Faculty or Staff member in the course syllabus or class discussion.

(2) Alcohol.

(a) Possession, consumption, distribution, or sale of alcoholic beverages on University owned or controlled property with the exception of approved events that follow the President’s policy on use of alcohol at WOU functions.

(b) Possession, consumption, sale, or distribution of alcoholic beverages during the official portion of a University Sponsored On- or Off-Campus Event as defined by the Faculty or Staff advisor.

(3) Computer/Network Resources Misuse. Use of Campus computers or network resources that includes, but is not limited to:

(a) Unauthorized access to programs;

(b) Alteration of computer records or data;

(c) Theft or other abuse of computer time or overloading computing resources;

(d) Violation of copyright laws;

(e) Using a computer account not issued directly to the Student;

(f) Sending or posting threatening or harassing statements as described in 574-031-003-08;

(g) Any violation of the Acceptable Use of Computing Resources Policy; or

(h) Unauthorized transfer of a file.

(4) Controlled Substances.

(a) Possession, consumption, manufacture, distribution, or sale of illegal drugs or any other controlled substance on- or off-University owned or controlled property.

(b) Possession, consumption, sale, or distribution of illegal drugs during the official portion of a University Sponsored On- or Off-Campus Event as defined by the Faculty or Staff advisor.

(5) Disorderly Conduct.

(a) Disorderly, lewd, indecent, or any other form of conduct which interferes with but is not limited to:

(A) The academic program of the University;

(B) The health and safety of self or others;

(C) The security of University owned or controlled property;

(D) The conduct of non-classroom activities (e.g. lectures, concerts, athletic events, and social functions);

(E) The functions of the University; or

(F) Any other University activity or University sponsored activity or event.

(b) Unreasonable noise or conduct that results in unreasonable annoyance (i.e. yelling while walking through Campus or a community neighborhood at 2am).

(c) Any unauthorized use of electronics or other devices to make an audio or video record of any person while on the Campus without the person’s prior knowledge or without the person’s effective consent when the recording is likely to cause injury or distress.

(6) Failure to Comply.

(a) Refusal to comply with a reasonable request of law enforcement or other authorities.

(b) Refusal while on University owned or controlled property, or at University Sponsored On- or Off-Campus Events, to comply with reasonable requests or directions from authorized University officials, including public safety officers, residence hall staff, Faculty, Administration or Staff person.

(7) Fire and Life Safety.

(a) Tampering with fire safety equipment, generating a false alarm, or engaging in behavior that constitutes a fire or safety hazard.

(b) Failure to evacuate a University building after a fire alarm has sounded or other notice to evacuate has been given by a person authorized to give such notice.

(8) Harassment, Discrimination, Bullying or Stalking Behavior. Harassment, which includes but is not limited to:

(a) Physical contact with or physical interference with a person which:

- (A) Is objectively offensive;
- (B) Causes pain;
- (C) Prevents or disrupts the person from any lawful chosen activity;

(D) Puts the person in fear for safety; or

(E) Causes damage to person or property.

(b) Conduct without physical contact or physical interference with a person, including but not limited to harassing, bullying or threatening behavior, including verbal communication, which is intended to and has the effect of:

(A) Substantially disrupting another person's lawful activity;

(B) Causing another person to be subject to unwelcome or offensive physical contact;

(C) Causing personal injury or property damage or risk of personal injury or property damage;

(D) Causing another person to be subject to unwelcome and objectively unreasonable interference with mental and emotional health;

(E) Putting the person in fear for safety; or

(F) Harassing or bullying another person based on their actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion.

(c) Repeatedly contacting another person when:

(A) The contacting person knows or should know that the contact is unwanted by the contacted person; and

(B) The contact causes the contacted person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes the contacted person mental anguish or distress or substantial impairment of the contacted person's ability to perform the activities of daily life. As used in this context, "contacting" includes but is not limited to communicating with or remaining in the physical presence of the contacted person.

(d) Stalking another person which includes but is not limited to:

(A) Following or lying in wait for the Victim, the Victim's relatives, friends or pets;

(B) Repeated unwanted, intrusive and frightening contact from the perpetrator by phone, mail, electronically or otherwise;

(C) Damaging the Victim's property;

(D) Making indirect or direct threats to harm the Victim, the Victim's relatives, friends or pets;

(E) Repeatedly sending the Victim unwanted gifts;

(F) Harassment through the internet, known as "cyberstalking," "online stalking," or "internet stalking"; or

(G) Securing and accumulating personal information about the Victim by accessing public records, using internet search devices, hiring private investigators, contacting friends, family, work, or neighbors, going through the Victim's garbage, etc. It is a defense to any charge of harassment if the alleged harassing conduct is not objectively unreasonable.

(9) Hazing. Hazing is defined as any initiation rite for the purpose of admission into, affiliation with, or as a condition for continued membership in a group or organization. The act of hazing, whether on- or off- Campus, involves any intentional action or situation that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, or ridicule; or which destroys or removes public or private property. Activities and situations that may occur as part of hazing include, but are not limited to:

(a) Physical abuse, pain, harm, or risk;

(b) Mental anguish, fear or anxiety;

(c) Required performance of activities (e.g., pranks, servitude, physical contests);

(d) Compelled ingestion of any substance;

(e) Any form of confinement or restraint; or

(f) Other activities which violate federal, state or local laws. It is not a defense to a charge of hazing if the Victim(s) of the hazing acknowledges or implies consent, or acquiesces to the hazing.

(10) Inciting or Provoking Others.

(a) Inciting others to engage in any University prohibited forms of conduct. Inciting means the advocacy of proscribed conduct which calls upon the person or persons addressed for imminent actions, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the University, including the safety of its Students, Faculty, Administration or Staff Person, and the protection of its property.

(b) Specifically insulting another person in that person's immediate presence with abusive words or gestures in a manner intended and likely to provoke a disorderly or violent response, whether or not it actually does.

(11) Interference or Contempt of Adjudicative Proceedings. Includes but is not limited to:

(a) Conduct that interrupts the due course of proceedings in the presence of any hearing body created under this Code;

(b) Violating the confidentiality of Adjudication proceedings administered under this Code;

(c) Knowingly giving false information at a hearing or knowingly giving false information in a statement to be used as evidence at a hearing, or knowingly giving false information to a Campus hearing officer;

(d) Failure by a Witness to appear at a conduct hearing when requested to do so by a representative of the Campus Student Conduct Program;

(e) Knowingly and falsely initiating the Adjudication process, for instance, by filing a false complaint or report;

(f) Influencing or attempting to influence the impartiality of a member of a Campus Student Conduct hearing committee or a hearing officer or a Witness;

(g) Harassment of a member of a Campus Student Conduct hearing committee or hearing officer prior to, during, or after an Adjudication; or

(h) Failure to comply with the terms of any sanction imposed in accordance with the Code or mandated by the University Housing Student Conduct Board.

(12) Misrepresentation of Matters of Fact.

(a) Knowingly furnishing false information to an authorized University official who is making an inquiry to carry out official University business;

(b) Representing oneself as another person, including a University official, with or without that person's permission to gain a benefit improperly;

(c) Altering, forging, improperly possessing, creating, distributing, or lending to another person a University identification card or instrument of identification unless authorized by the University or an authorized University official;

(d) Intentionally furnishing false academic information or concealing previous academic information in University application materials, assisting someone else in furnishing false information to the University, or using University documents for fraudulent purposes;

(e) Providing forged, false or improper documents to the University; or

(f) Recognized Student Organizations representing themselves or an individual in the group representing themselves as acting for or on behalf of the University in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate University official or agency. This applies to all means of communication (e.g., verbal, written, electronic).

(13) Obstruction, Disruption or Interference.

(a) Obstruction or disruption of teaching, research, administration, Adjudication procedures, or other University activities, including the University's public service functions, other authorized activities, or University Sponsored On- or Off-Campus Events.

(b) Disruption of Campus activities or the functions of the University.

(c) Obstruction or disruption which interferes with the freedom of movement, either pedestrian or vehicular, on University owned or controlled property.

(14) Publications and Media. Publication, posting, or distribution on University property, or at authorized University activities, of material that violates copyright laws, postal regulations, University policies or rules, or any other law or statute.

(15) Sexual Misconduct.

(a) Sexual Misconduct is non-consensual sexual contact of any kind, the attempt to have non-consensual sexual contact or the threat of such contact. Sexual contact shall be considered non-consensual if no clear consent is freely given.

(A) Sexual contact includes but is not limited to touching of the genitalia, anus, buttocks, breast or mouth, as well as, any contact for the purpose of sexual gratification.

(B) Sexual behavior includes but is not limited to any action, short of sexual contact, done for the purposes of sexual gratification, and may include but is not limited to voyeurism, exposing, masturbation, frottage, and audio/video recording.

(C) Force includes but is not limited to physical force, violence, abuse, threat of force (direct or implied), intimidation, extortion, harassment, coercion, fraud, duress or pressure.

(D) Sexual exploitation occurs when a person takes non-consensual, unjust or abusive advantage of another in a sexual or intimate context, for their own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual misconduct. Sexual exploitation includes permitting or facilitating non-consensual viewing, taking of photographs, videotaping, or audio taping of sexual or intimate activity, knowingly infecting another person with HIV or any sexually transmitted infection, inducing incapacitation of another person with the intent to facilitate sexual misconduct against that person, or compelling prostitution.

(b) Sexual Harassment, whether or not it be by direct physical attack as defined below. Sexual harassment includes, but is not limited to, sexual advances, requests or suggestions to engage in sexual conduct, and other physical and expressive behavior of a sexual nature when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;

(B) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or

(C) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creates an intimidating or hostile employment, educational, or living environment.

(c) The following definitions will apply to sexual misconduct:

(A) Non-consensual is the absence of shared sexual permission. Shared sexual permission is clear, voluntary, non-coerced and clearly indicates a willingness to participate in sexual contact/behavior, whether through affirmative verbal response or non-verbal communication unmistakable in meaning and given by an adult (age 18 or older). Shared sexual permission to one form of sexual contact/behavior does not operate as permission to any other form of sexual contact/behavior or reoccurrence of the same form of sexual contact/behavior.

(B) Incapacitation is a mental or physical condition that renders a person unable to grant consent. Incapacitation may be a state or condition resulting from the use of alcohol or other drugs, lack of sleep, sleep, and unconsciousness. Incapacitation may also be the result of a cognitive impairment, such as a developmental disability, brain injury, or mental illness.

(16) Threatening or Abusive Behavior.

(a) Detention of any person.

(b) Conduct which threatens imminent bodily harm or endangers the physical or emotional health of any person or oneself.

(c) Physical or emotional abuse of any person.

(17) Vandalism/Theft/Unauthorized Use of Property.

(a) Malicious damage, misuse, or theft of University property, or the property of any person where such property is located on University owned or controlled property, or, regardless of location, is in the care, custody or control of the University.

(b) Theft of property or services, or knowingly possessing or using stolen property or services including, but not limited to, furniture, equipment, University publications or any other form of media, and any other University owned property or services.

(c) Unauthorized entry to or use of University facilities, including buildings and grounds (including, but not limited to, non-residential Students gaining access to overnight accommodations in University Housing without permission; Students accessing the Health and Wellness Center without proper identification or payment, etc).

(d) Failure by a person causing accidental damage to or removal of property to report to appropriate University Staff or the individual owner within a reasonable period of time following the accidental damage to or removal of University or personal property.

(18) Violation of Policies, Standards and Laws.

(a) Violation of published University policies, rules, or regulations.

(b) Violation of residence hall rules and procedures as listed in official residence hall publications.

(c) Violation of Oregon University System Higher Education policies.

(d) Violation of federal, state, or local law.

(e) Violation of motor vehicle rules and regulations, or other policies adopted by the University or the State Board of Higher Education pertaining to the use of motor vehicles.

(19) Dangerous Weapons and Destructive Chemical or Incendiary Devices. Possession or use of fireworks, explosives, dangerous chemicals, or other weapons or dangerous instruments on University owned or controlled property.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & cert. ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0048; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

## 574-031-0040

### Sanctions

The following order of sanctions implies neither degree of severity nor appropriateness of the sanction to the number of violations. Multiple sanctions may be assigned. Students will be responsible for any applicable costs for carrying out sanctions. The sanctions that may be assigned include, but are not limited to:

(1) Alcohol/Drug Assessments: A Student may be assigned to complete an alcohol or drug evaluation and to follow the recommendations of the alcohol/drug counselor for treatment or education.

(2) Community Service: The Student or Recognized Student Organization must perform a designated number of hours in service.

(3) Counseling: A Student may be assigned to participate in a counseling intake session and to follow the recommendations of the intake counselor for further counseling sessions.

(4) Deferred Sanction: The execution of any sanction authorized under this Code may be deferred. When deferring a sanction the following will apply:

(a) Assignment of a time limit for the deferred period;

(b) Notice given that subsequent violations of the Code or failure to comply with an existing sanction will terminate the deferment and result in automatic imposition of the original sanction. In the absence of such violation(s), the original sanction will be deemed completed at the end of the deferred period;

(c) The Dean of Students, Student Conduct Coordinator or other hearing officer will hear allegations of a Student's misconduct during the period of the Student's deferred sanction within five Working Days after receipt of the allegations of the Student's misconduct. The original sanction will take effect at the time the Dean

of Students, Student Conduct Coordinator or other hearing officer receives notice of the allegations pending this hearing. The Dean of Students, Student Conduct Coordinator or other hearing officer may render a decision in the absence of the Charged Student. The original sanction will remain in effect unless the allegations are not upheld; and

(d) A Student found in violation of the Code during the Student's period of a deferred sanction may appeal the finding through this Code's normal appeal process. The sanction will remain in effect until resolution of the appeal.

(5) Degree Revocation: The University may revoke a degree if a former Student is found to have engaged in academic dishonesty in courses taken leading to the degree, or if the Student is found to have engaged in actions that if known at the time the degree was awarded would have made the Student unqualified for the degree.

(6) Disciplinary Probation: The Student or Recognized Student Organization is placed on a probationary status, with or without loss of designated privileges, which may include the following: restriction on an individual's participation in co-curricular activities, receiving recognition through awards, and eligibility for scholarships. Probation is a serious warning. Probation occurs for a specific period of time or prior to completion of certain specific activities. Violation of probation can result in more severe sanctions for future violations of the Code.

(7) Expulsion: The Student or Student Organization is permanently excluded from the University and may not enjoy academic privileges, participate in any University recognized function, or be allowed to reside in any University residence hall or building.

(8) Interim Sanction for Emergency Reasons: The Vice President for Student Affairs, the Dean of Students, Student Conduct Coordinator, or their designee can invoke an interim, pre-hearing sanction when it is deemed necessary for the health or safety of the Student, other Students, or University Administration or Staff or Faculty. In such instances where a Student is assigned an interim sanction, the Student will receive a hearing within ten Working Days. Only when it is not possible to schedule necessary Witnesses or obtain information significant to the case will the hearing be held more than ten Working Days after assignment of the interim sanction. Interim sanctions include but are not limited to the following:

- (a) Expulsion;
- (b) Suspension;
- (c) No Contact Order;
- (d) Removal from Residence Halls; or
- (e) Holding Records.

(9) Loss of Privileges: The Student or Recognized Student Organization is denied specific privileges normally associated with Student or group status, such as participation in recognized activities, recognition by the University, use of University facilities or services, or living in University owned student residences.

(10) Mediation: When charges of theft, vandalism, harassment, assault, or other harmful treatment are upheld through the Adjudication process, the Student may be assigned to participate in Mediation with the Victim. Mediation is not provided as an option for allegations involving sexual misconduct or sexual harassment.

(11) Negative Notation on Transcript: There may be an entry of information onto the Student's permanent academic record regarding the Student's violation of the Code. The entry may be permanent or for a specific period and must be noted as such on the transcript. After the expiration of the period of time specified, the notation will be removed upon written request by the Student to the Office of Student Conduct.

(12) No Contact Order: The Student may not knowingly interact with another Student or Member of the University Community specified by the sanctioning person or body. The restriction prohibits the restrained Student from purposefully interacting with the protected person, over the phone, over any electronic source (including email, text messaging, social networks or any other electronic source), in person, and through the mail. Unless specifically stated otherwise in the sanction, the restriction does not

prohibit the restrained Student from unintentionally, or out of necessity, being in the same building or vicinity as the protected Student (e.g., eating in the Dining Hall, attending the same class). The sanctioning person or body will determine the time limit for this sanction.

(13) Placement of Judicial Hold on Student account: A Judicial Hold prohibits the Student from registering for classes, sending and receiving transcripts and conducting most forms of business with the University. Holds are intended to be used with a time limit determined by the Dean of Students, Student Conduct Coordinator, or other designee except in the case of expulsion when the Judicial Hold will be placed with no date of termination.

(14) Restitution: The Student or Recognized Student Organization must replace, restore, or pay for damaged, stolen, or misappropriated property.

(15) Revocation of Admission to the University: The University may revoke admission to the University if a Student is found to have provided false or deceptive information on an admission application or other materials for admission (e.g. transcript from another university).

(16) Suspension: The Student or Student Organization is excluded from the University for a specific period and during that period may not enjoy academic privileges, participate in any University recognized function or group, or be allowed to reside in any University residence hall or building. If it is a Student Organization, the group may not function as a recognized group for a specific period of time that can include conditions that must be met prior to reinstatement.

(17) Suspension of Student Status for Medical or Mental Health Reasons Pending Hearing Procedures: When evidence is received from an appropriate health professional which indicates that a Student has a medical or mental health condition which creates a serious and imminent threat to a Member of the University Community, to the Student, or to the educational processes of the University, the Vice President for Student Affairs will review that evidence and may suspend the Student immediately pending a hearing. The hearing must occur within two-three Working Days. The Student may be required to submit to psychological or physical assessment and to authorize release of such records to the Vice President for Student Affairs or other appropriate University officials in order to be re-enrolled in the University.

(18) Warning: The Student or Recognized Student Organization is given written or verbal warning that the behavior violated specified University regulations or policies and is advised that further violations may result in the assigning of more severe sanctions.

(19) Other Sanctions as assigned that are deemed appropriate to the educational/developmental nature of this Code and the Student(s) involved. Failure by a Student to complete the sanctions imposed can result in further Adjudication and sanctions being assigned to the Student. Appeals of sanctions can be made through the appeal process (see OAR 574-032-0120).

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0049; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

## DIVISION 32

### STUDENT CONDUCT STRUCTURE

#### 574-032-0000

##### Introduction

(1) Western Oregon University's Campus Student Conduct Program holds the education of the Student at its philosophical heart. This educational philosophy defines a structure for the Student Conduct Program which gives the Charged Student choices for resolving allegations of misconduct.

(2) The current hearing structure includes three options which vary in their degree of formality and philosophy. In order from least to most formal, they are: Hearing with Mediators, Hearing with the Dean of Students, Student Conduct Coordinator or designee, and Hearing with the Committee.

(3) The Charged Student first meets with the Dean of Students, Student Conduct Coordinator or designee, who in turn helps direct the Student to the proper arena for resolution of the allegation(s). The Charged Student always has the right to request that the hearing be held with a different party within the system. The party (individual or group) which hears the allegation(s) will dictate the formality of the proceedings, and all types of hearings, except for Mediation, will have equal jurisdiction and ability to assign sanctions.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0010

##### Student Conduct Personnel

(1) Upon the recommendation of the Dean of Students, the Vice President for Student Affairs approves the members of the Committee which consist of no fewer than three Faculty members, three professional unclassified Staff members, and no fewer than six Student members. The Faculty and Staff members will serve for three years on a rotational basis so two experienced members of each classification serve each year. Term of membership may be extended for Faculty and Staff members at the discretion of the Office of Student Conduct. Student members serve for one year with the option to renew membership at the discretion of the Office of Student Conduct until the Student graduates from the University.

(2) The Office of Student Conduct solicits nominations for Faculty appointments from the Department or Division Chairs and the Faculty Senate President. The selection process, which includes interviews, will be completed by the end of each Spring term to fill whatever Faculty vacancies exist.

(3) The Office of Student Conduct solicits nominations for Staff members from the Administrative Support Council and non-academic departments. The selection process, which includes interviews, will be completed by the end of each Spring term to fill whatever Staff vacancies exist.

(4) The Dean of Students may nominate a Faculty or Staff member to emeritus status when they leave their rotation. This status recognizes outstanding service to the Committee by a member. Members of this standing could still participate in Committee hearings, business meetings and social events, but would not be required to participate. Members of this status also could serve the University and the Committee, including its advisor, in a counsel and historian role. Final appointment to this status is made by the Vice President of Student Affairs of the University.

(5) The Office of Student Conduct solicits nominations for Student appointments by the end of Spring term from the Residence Hall Association (RHA), the Associated Students of Western Oregon University (ASWOU), and the Vice President for Student Affairs. Each organization and the Vice President submit to the Office of Student Conduct a list of Student nominees. The Office of Student Conduct interviews all nominees and then selects Students for the Committee. Ideally, a balanced number of Students from on- and off- Campus should represent membership on the Committee. If the Office of Student Conduct does not receive nominations by the end of Spring term, they may, with the approval of the Vice President for Student Affairs, follow a different procedure for selecting Student Committee members. Mid-year vacancies on the Committee will be filled through a brief nomination and interview process conducted by the Office of Student Conduct.

(6) The Office of Student Conduct convenes the Committee early in Fall term of each year for orientation and training. Faculty, Staff and Student members of the Committee must attend training as a condition of their membership. Faculty, Staff and Students

who do not attend training during the Fall and at other times during the year will be removed from the Committee.

(7) The Committee reviews and recommends to the Vice President for Student Affairs appropriate changes to the Code. However, the Vice President for Student Affairs, the Office of Student Conduct or any other Campus individual or group may also recommend changes at any time. The Office of Student Conduct coordinates proposed changes with appropriate campus groups and notifies interested parties to review the revision. Upon completion of the review process the Vice President for Student Affairs will recommend the changes to the President for final approval. The revisions become effective when filed with the Oregon Secretary of State's Office.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0050; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0020

##### Student Conduct Committee

(1) Upon the recommendation of the Dean of Students, the Vice President for Student Affairs approves the members of the Committee which consist of no fewer than three Faculty members, three professional unclassified Staff members, and no fewer than six Student members. The Faculty and Staff members will serve for three years on a rotational basis so two experienced members of each classification serve each year. Term of membership may be extended for Faculty and Staff members at the discretion of the Office of Student Conduct. Student members serve for one year with the option to renew membership at the discretion of the Office of Student Conduct until the Student graduates from the University.

(2) The Office of Student Conduct solicits nominations for Faculty appointments from the Department or Division Chairs and the Faculty Senate President. The selection process, which includes interviews, will be completed by the end of each Spring term to fill whatever Faculty vacancies exist.

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(5) The Office of Student Conduct solicits nominations for Student appointments by the end of Spring term from the Residence Hall Association (RHA), the Associated Students of Western Oregon University (ASWOU), and the Vice President for Student Affairs. Each organization and the Vice President submit to the Office of Student Conduct a list of Student nominees. The Office of Student Conduct interviews all nominees and then selects Students for the Committee. Ideally, a balanced number of Students from on- and off- Campus should represent membership on the Committee. If the Office of Student Conduct does not receive nominations by the end of Spring term, they may, with the approval of the Vice President for Student Affairs, follow a different procedure for selecting Student Committee members. Mid-year vacancies on the Committee will be filled through a brief nomination and interview process conducted by the Office of Student Conduct.

(6) The Office of Student Conduct convenes the Committee early in Fall term of each year for orientation and training. Faculty, Staff and Student members of the Committee must attend training as a condition of their membership. Faculty, Staff and Students

who do not attend training during the Fall and at other times during the year will be removed from the Committee.

(7) The Committee reviews and recommends to the Vice President for Student Affairs appropriate changes to the Code. However, the Vice President for Student Affairs, the Office of Student Conduct or any other Campus individual or group may also recommend changes at any time. The Office of Student Conduct coordinates proposed changes with appropriate campus groups and notifies interested parties to review the revision. Upon completion of the review process the Vice President for Student Affairs will recommend the changes to the President for final approval. The revisions become effective when filed with the Oregon Secretary of State's Office.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0051; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

### 574-032-0030

#### Hearing Sub-Committee

The Hearing Sub-Committee is a sub-committee of the Student Conduct Committee. This sub-committee will consist of a maximum of two Faculty or Staff members and four Student members. Selection of sub-committee members for each Hearing Sub-committee is made by the Office of Student Conduct. A minimum of one Faculty or Staff member and two Students is required for a quorum, and a quorum must always consist of at least one more Student than Faculty or Staff member. If a quorum cannot be obtained, a hearing will be postponed until a quorum is present, unless the Charged Student waives the requirement for a quorum in writing.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0052; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

### 574-032-0050

#### Delegation of Authority

(1) Subject to the approval of the Vice President for Student Affairs, the Committee recognizes the University Housing Student Conduct System and grants University Housing authority to:

(a) Formulate regulations governing the conduct of residential Students in and around University operated residences;

(b) Formulate procedures and administrative practices to be followed by the University Housing Student Conduct Board;

(c) Assign sanctions exclusive of expulsion, suspension, or negative notation on transcript, appropriate to the enforcement of Campus residence hall regulations.

(2) Students or Recognized Student Organizations may appeal decisions of the University Housing Student Conduct Board to the Dean of Students or Student Conduct Coordinator. The Student or Recognized Student Organization must file the appeal with Student Conduct within five Working Days after receiving the sanction notice from the University Housing Student Conduct Board. The University Housing Student Conduct Board Chairperson will submit to the Office of Student Conduct a copy of the appealing Student's or Recognized Student Organization's conduct file for each case heard by the University Housing Student Conduct Board. The file will minimally include the charges, the findings, the sanction(s) assigned, the Student's previous academic and disciplinary history, and information concerning the appeal process.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0053; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

### 574-032-0060

#### Complaint

(1) The Adjudication process at Western Oregon University begins with the receipt of one of the following by the Office of Student Conduct:

(a) A Campus Public Safety or University Housing incident report;

(b) Any other type of University reporting document or complaint;

(c) A police report; or

(d) A signed and written complaint by any individual or group, whether Members of the University Community or not. The complaint may be in the form of an incident report or letter.

(2) Upon receipt of the complaint or report, the Office of Student Conduct will evaluate the information presented and determine whether enough information exists to make allegations that the Student(s) named in the complaint or report engaged in activities prohibited by the Code. The Dean of Students, Student Conduct Coordinator or designee will evaluate this information in addition to determine if the alleged violations may result in suspension, expulsion, or negative notation on the transcript.

(3) Within seven Working Days from when the Office of Student Conduct determines that there is sufficient basis to charge the Student named in the complaint or report, the Office of Student Conduct will send the Charged Student a letter that includes the following:

(a) A notice for the Student to meet with the Dean of Students, Student Conduct Coordinator or designee for a pre-hearing meeting;

(b) The alleged violations of the Code;

(c) The Student's basic rights granted by the Code, including the right to have the case heard by the Committee if sanctions of suspension, expulsion, or negative notation on the transcript could result;

(d) Notice that a copy of the Code can be found in the Vice President for Student Affairs' Office, on reserve at the Library, online at [www.wou.edu/student/judicial](http://www.wou.edu/student/judicial) or at the Offices of the Associated Students of Western Oregon University; and

(e) Notice that a decision affecting the Student may be made even if the Student fails to appear for a pre-hearing meeting.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

### 574-032-0070

#### Pre-hearing Meeting with Student Conduct

The purpose of a pre-hearing meeting with the Office of Student Conduct is to explain the conduct procedures to the Charged Student and to select the proper hearing body to resolve the allegations. The Charged Student may at this meeting request that the pre-hearing meeting serve as an actual hearing, thereby waiving the Charged Student's right to five Working Days' written notice prior to a hearing, and, in cases where suspension, expulsion, or negative notation may result, waiving the Charged Student's right to a Committee hearing. If the Charged Student does not wish the pre-hearing meeting to be treated as the actual hearing, a hearing will be scheduled with the hearing body the Charged Student has chosen at a time that gives the Charged Student at least five Working Days' notice prior to the hearing. If the Student does not appear for a pre-hearing meeting, the Office of Student Conduct will set a time and place for a hearing. If the case has been determined by the Office of Student Conduct to possibly result in suspension, expulsion, or negative notation on the transcript, a Committee hearing will be scheduled. In all other cases, the Office of Student Conduct will set an informal hearing. The time between the Student's receipt of the notice and the hearing date must be at least five Working Days. The Office of Student Conduct will notify the Charged Student that there is an option to waive the hearing before the Committee and elect to have the case heard by the Office of Student Conduct if such a hearing has been set.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0080

##### Types of Hearings

All Adjudications at Western Oregon University will base their decisions on a Preponderance of the Evidence.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0090

##### Hearing with the Dean of Students, Student Conduct Coordinator, or designee

(1) The purpose of a hearing with the Dean of Students, Student Conduct Coordinator or designee is to:

(a) Consider information presented by the Charged Student, information from the complaint or report(s), and other supporting information;

(b) Make findings based on that information;

(c) Uphold or drop each allegation based upon the findings; and

(d) If allegations are upheld, assign sanctions commensurate with the violation(s) and the Student's previous disciplinary and academic history. The Dean of Students, Student Conduct Coordinator or designee has authority to levy sanctions deemed appropriate under this Code (see 574-032-0010 1(c)) or can refer the Student and case to the Hearing Sub-Committee without action.

(2) For all hearings with the Dean of Students, Student Conduct Coordinator or designee, the Charged Student has the following rights:

(a) To have access to the complaint file to the extent permitted by law after giving the Office of Student Conduct sufficient notice to purge the file of information within the file considered to be the education record of another Student(s);

(b) To have knowledge of the charges and the names of those providing information supporting the charges, including all Witnesses;

(c) To offer evidence challenging the statements of those providing information regarding the charges and all Witnesses;

(d) To be notified in writing of the outcome of the hearing within five Working Days;

(e) To request a hearing with the Committee; and

(f) To appeal to the appropriate University official/body as defined in the appeal process (see OAR 574-032-0120).

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0100

##### Hearing with the Hearing Sub-Committee

The Hearing Sub-Committee will be convened when requested by the Office of Student Conduct or the Charged Student. The Dean of Students, Student Conduct Coordinator or designee will present information pertinent to the case, which may include past conduct history of the Charged Student that is relevant to the case. The Dean of Students, Student Conduct Coordinator or designee, when appropriate, may present Witnesses for both the Charged Student and the Complainant, as requested by the Hearing Sub-Committee.

(1) For all hearings with the Hearing Sub-Committee, the Charged Student has the following rights:

(a) Five Working Days' notice prior to the hearing, unless the Student waives this right in writing;

(b) To have knowledge of the charges and of Witnesses;

(c) To have an Advisor attend the hearing with the Charged Student. The Advisor cannot speak for or represent the Charged Student. Failure of the Advisor to comply with this stipulation will result in the removal of the Advisor from the proceeding by the

Hearing Sub-Committee chairperson. The hearing will not be postponed due to the inability of the Advisor to attend;

(d) To challenge the statements of the Complainant(s) or Victim(s) and Witnesses;

(e) To have advance notification of the hearing process and procedures through the mail or in a meeting with the Dean of Students, Student Conduct Coordinator or designee. This meeting with the Dean of Students, Student Conduct Coordinator or designee is to be scheduled prior to the hearing. It is the Student's responsibility to schedule this meeting;

(f) To not appear for a hearing, and not have that absence used against oneself;

(g) To remain silent during a hearing, and not have that silence used against oneself;

(h) To be notified in writing of the outcome of the hearing within five Working Days; and

(i) To appeal to a University official.

(2) The Charged Student may present information and challenge the statements of Complainants, Witnesses, and statements read during the hearing.

(3) The members of the Hearing Sub-Committee may question the Charged Student, Witnesses, and Complainants to determine facts relevant to the case. The Hearing Sub-Committee, during deliberations, will resolve all issues of fact based on the evidence presented at the hearing. Based upon these findings the Hearing Sub-Committee renders a decision concerning whether to uphold or drop each separate allegation. While the Hearing Sub-Committee resolves the allegations only the Hearing Sub-Committee members are present.

(4) The findings will be announced to the Charged Student following deliberations and, at that time, the Dean of Students, Student Conduct Coordinator or designee will present information concerning the Charged Student's academic record and any previous judicial record. The Charged Student may also present information relevant to previous academic and Student Conduct history, as well as circumstances which may have a bearing on possible sanctions.

(5) For the determination of sanctions, only the Hearing Sub-Committee members are present. Following that determination, the Chair of the Committee will announce, with the Charged Student present, the sanctions the Hearing Sub-Committee assigned.

(6) The Office of Student Conduct will confirm in writing to the Charged Student the results of the hearing within five Working Days.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0056; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0110

##### Procedures when Charged Student Fails to Appear at Hearing

When the Charged Student fails to appear at the time specified for a hearing, provided no prior arrangements for delay have been confirmed, the hearing will be held with the Charged Student not present. The results of the hearing will indicate that the hearing was held with the Charged Student in absentia. The Charged Student's absence cannot be assumed to be an admission of responsibility; nor can it be used in any way in the hearing body's or officer's determination of facts or judgment.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0057; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0120

##### Appeal of Hearing

(1) A Student in Violation may appeal decisions reached at a hearing. The appeal must be filed within five Working Days following the date the Student receives notice of the hearing results.

Appeals must be delivered, in writing, to the Office of the Vice President for Student Affairs or the Office of Student Conduct. An appeal form must include specific justification for the appeal as listed in (3) below.

(2) In hearings involving a Survivor of alleged sexual harassment or sexual misconduct, the Survivor may appeal decisions reached at a hearing to the Vice President for Student Affairs if the Survivor believes the decision is not in compliance with University standards.

(3) Except as required to explain the basis of new information, an appeal will be limited to review of the accurate record of the initial hearing and supporting documents for one or more of the following purposes:

(a) To determine whether the original hearing was conducted in conformity with the procedures described in the Code. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results;

(b) To determine whether the decision reached regarding the Charged Student was based on a Preponderance of the Evidence;

(c) To determine whether the sanction(s) imposed were appropriate to the Charged Student's previous judicial history and to the present violation(s) of the Code; or

(d) To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence or facts were not known to the person appealing at the time of the original hearing.

(4) The following decisions may be made by the Appeals Body described in (5) below:

(a) That evidence exists not available at the time of the hearing sufficient to alter the original decision. In this case the Appeals Body remands the case to the original hearing body for a supplemental hearing;

(b) The appeal is denied. In this case, the entire decision of the original hearing body, including sanctions, remains effective. New violations can never be found through the appeal process; or

(c) The appeal is upheld. In this case, the Appeals Body renders a new decision, including reducing or removing sanctions, or replacing the findings and sanctions of the original hearing body or officer.

(5) Procedure

(a) The Vice President for Student Affairs will hear appeals of hearings with the Hearing Sub-Committee and appeals of hearings with the Dean of Students, Student Conduct Coordinator or designee;

(b) The Dean of Students or Student Conduct Coordinator will hear appeals of hearings with the University Housing Student Conduct Board and Area Coordinators;

(c) Upon receipt of the appeal, the Appeals Body may suspend any or all sanctions pending its decision;

(d) The Appeals Body must consider the appeal based on the record, with no new evidence considered, except new evidence that meets the requirements of subsection (4)(d) above. If new evidence becomes available, the Appeals Body must remand the case to a new hearing with the original hearing body. The Office of Student Conduct must provide a complete and accurate record of the original hearing to the Appeals Body. The Appeals Body may, but is not required to, meet with the person appealing the decision; and

(e) Within ten Working Days following receipt of the appeal, the Appeals Body will notify the Student in Violation in writing of the results of the appeal.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0058; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

**574-032-0130**

**Hearing with Mediators**

The Campus Student Conduct Program at Western Oregon University places confidence in the process of Mediation as a preventative and educational method of intervention for Student mis-

conduct. When the Campus Student Conduct Program makes use of Mediation it does so with the primary goal of diverting Students from the Adjudicative and, in some cases, adversarial hearing process. The anticipated outcome of this action is for Disputants to voluntarily create a resolution to their conflict that is confidential and non-binding. The Campus Student Conduct Program is primarily an Adjudicative process which often must address allegations that a Charged Student's behavior harmed another person. In some of these cases, Mediation may be used as a diversion or as a sanction in the form of victim/offender reconciliation (with the exception of sexual harassment or sexual misconduct cases). The nature of a case involving a Victim and an offender necessitates a modification of the way Mediation traditionally is structured. In Victim/offender Mediations, participation by the Charged Student may not be voluntary, the mediated agreement may not be confidential, and the mediated agreement may become binding for the Charged Student.

(1) Uses:

(a) Use of Mediation in the Absence of Charges. Disputants not charged with a violation of the Code may use Mediation at any time by making a request for Mediation services at the Office of the Vice President for Student Affairs or the Office of Student Conduct. This includes Victim/offender Mediation in which the Victim declines to file a complaint and the Office of Student Conduct does not pursue the allegations;

(b) Use of Mediation after a Complaint is made. When a Victim files a complaint with the Office of Student Conduct alleging that the behavior of a Charged Student harmed a person, or when action is initiated by a report of harmful treatment to the person, Mediation may be used in place of the Adjudicative process, provided both Victim and Charged Student agree to such Mediation. In cases involving sexual misconduct or sexual harassment, Mediation is not an option. All charges are suspended pending the outcome of the Mediation. The Victim has the right to return the complaint to the Office of Student Conduct for a formal judicial review if the Victim is not satisfied with the outcome of Mediation;

(c) Student in Violation and Victim Chooses Mediation. When a Charged Student has been found in violation of any section of the Code where that Charged Student's behavior victimized or harmed another Member(s) of the University Community, Victim/offender Mediation may be assigned as a sanction, except in cases involving sexual misconduct or sexual harassment.

(2) Mediation Procedures. A Charged Student(s) may request to use Mediation at any time during the Adjudication process (with the exception of sexual misconduct or sexual harassment cases). A Victim may request Mediation without filing a complaint. Mediations of this type are non-binding except in cases noted below, and confidential to the extent permitted by law.

(a) Victim/Charged Student, Voluntary Mediation:

(A) Mediation between a Victim and a Charged Student may occur at the request of either party and with the consent of and voluntary participation of both parties;

(B) Before or during a student conduct hearing, the Office of Student Conduct may offer Mediation to a Charged Student in place of that hearing;

(C) When all parties agree to Mediation, Mediation will be used in place of the Adjudicative process;

(D) Agreements reached when Mediation is used in place of Adjudication will be binding with the permission of the Victim. Permission for a binding agreement will be given to the Office of Student Conduct by the Victim prior to the Mediation. In such a case, the binding agreement becomes a de facto sanction and will become part of the Charged Student's judicial file. The Charged Student must adhere to the agreement or face possible future Adjudicative action;

(E) The Victim may, at any time, withdraw permission for a binding agreement or withdraw the complaint. In this case, the Mediation becomes confidential and non-binding;

(F) The Victim may, at any time, withdraw the complaint and withdraw from the Mediation process;

(G) The Charged Student may, at any time, withdraw from the Mediation process. Such action by the Charged Student, however, may return the original charges to the Adjudicative process;

(H) If the Victim reports dissatisfaction with the outcome of the Mediation the Victim may return the complaint to the Adjudicative process for a student conduct hearing; and

(I) The Office of Student Conduct will, in most cases, honor the Victim's request to withdraw the complaint from the Adjudicative process. The Office of Student Conduct may, however, Adjudicate charges whenever it is determined that it is in the best interest of the University community to do so.

(b) Mandated participation in Mediation when charges of theft, vandalism, harassment, assault, or other harmful treatment are upheld through the Adjudicative process (except for sexual harassment and sexual misconduct cases). Participation in Victim/offender Mediation may be assigned to the Student in Violation as a sanction. When Mediation is used as a sanction, the following will apply:

(A) The Victim must agree to such a sanction in advance;

(B) The Student in Violation must verify that Mediation was attempted in order to fulfill the sanction of Mediation; and

(C) Unless otherwise requested by the Victim, agreements reached during sanctioned Mediations will be submitted to the Office of Student Conduct. This agreement will serve as a part of the sanction which the Student in Violation must complete. Failure to abide by the agreement may result in the Student in Violation facing further judicial charges for failure to complete a sanction.

(c) Automatic Diversion from the Adjudicative Procedures:

(A) When two or more Students have been charged with violating the Code for the same event, the Office of Student Conduct may offer, or the Students may request, to use Mediation as a diversion from the Adjudicative process. The Dean of Students, Student Conduct Coordinator or designee may assign interim sanctions pending the Mediation. The following conditions must apply:

(i) Two or more Students have been involved in the same incident,

(ii) The Students have each been charged with violations of the Code based on the same incident,

(iii) The Students are each victims of the other's behavior (e.g., by assault, vandalism, theft, etc.),

(iv) The Students agree to fully participate in Mediation,

(v) The Students agree to share the results of the Mediation with the Office of Student Conduct, and

(vi) The mediated agreement becomes binding and must be adhered to by both parties as a sanction unless otherwise indicated by the Office of Student Conduct.

(B) The Office of Student Conduct may return the case to the Adjudicative process for the following reasons:

(i) One or more of the Students does not participate in the Mediation,

(ii) Substantial evidence exists that one or more of the Students poses a clear and present threat to themselves or others; or

(iii) One or more of the Students fails to adhere to the agreement.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0150

##### Rights of Victims and Survivors

A fundamental aspect of the Code is to provide procedures that ensure the rights of the Charged Student. However, the University also recognizes that the Victims and Survivors of misconduct should also have rights. Therefore, the following rights of Victims and Survivors must be guaranteed during Adjudication proceedings conducted by the University.

(1) A Victim or Survivor has the right to be identified as a Witness and provide a Witness statement.

(2) A Victim or Survivor has the right to have a person accompany the Victim or Survivor while in attendance at the hearing.

(3) Unless it bears directly on the charges, a Victim or Survivor has the right not to have the Victim or Survivor's past history or behavior discussed during a hearing. This includes reference to past violations of the Code, past sexual history, and past indiscretions of any type.

(4) A Victim or Survivor has the right to make an impact statement only when the Charged Student's alleged behavior against the Victim or Survivor is upheld. The impact statement may only be used or considered for sanctioning purposes.

(5) A Victim or Survivor has the right to be shielded from face to face contact with the Charged Student.

(6) A Victim or Survivor has the right to be kept informed during the Adjudicative process within legal guidelines; and

(7) A Victim or Survivor has the right to be informed immediately of the outcome of a hearing within legal guidelines.

(8) In hearings involving a Survivor, the Survivor may appeal decisions reached at a hearing to the Vice President for Student Affairs if the Survivor believes the decision is not in compliance with University standards.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96, Renumbered from 574-030-0060; WOU 3-2001, f. 8-28-01, cert. ef. 8-31-01; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-032-0160

##### Revising and Interpreting the Code of Student Responsibility

(1) Refer all questions concerning the Code to the Office of Student Conduct. The Dean of Students is the final interpreter of the Code.

(2) The Code will be reviewed no less than once every five years under the direction of the Dean of Students.

(3) A formal, written request to review the Code may be submitted to the Office of Student Conduct.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 2-2012, f. & cert. ef. 7-31-12

### DIVISION 35

#### HEALTH REQUIREMENTS FOR INTERNATIONAL STUDENTS

#### 574-035-0005

##### Health Requirements for International Students

(1) For international students good health is an essential condition for achieving educational objectives and assuring the quality of the educational and cultural experience. For purposes of this policy, international students shall be defined as individuals who are not U.S. citizens or permanent immigrants. Permanent residents are excluded.

(2) It is the responsibility of the institution to ensure that health care, which is culturally appropriate, accessible, and affordable, is available to international students. To meet this responsibility, Western Oregon University requires that each international student, within the first term of attendance, comply with the following:

(a) Complete the University's Health History Form and return it to the Student Health Center;

(b) Have a tuberculin skin test at either the Western Oregon University Student Health Center or Polk County Health Center; or have a chest x-ray as directed by the health care provider;

(c) Purchase the University's Basic Limited and Extended group plan for health and accident insurance, meeting university minimum guidelines or federal minimum guidelines. All non-immigrant students must meet these guidelines; OR provide proof of government-sponsored major medical insurance coverage which is the only accepted alternative to the University's Basic Limited and Extended group plan.

(3) Western Oregon University will implement this policy according to the following processes:

(a) The Office of International Students and Scholars Affairs will make students aware that major medical health and accident insurance is required for spouses and children. This will be accomplished by mailing an information sheet along with the student's official admissions letter and adding the insurance fee to the school expense list on the Certificate of Eligibility (Form I-20/DX-2019). Subsequent notification may be sent from the International Students and Scholars Affairs Office.

(b) The Student Health Center will evaluate each student's Health History Form for completeness and immunize students, as necessary.

(c) The Student Health Center will require a current tuberculin skin test or chest x-ray for each international student.

(d) The Student Health Center will issue each international student a valid health card, temporary or permanent, once the student's Health History Form and screening for tuberculosis are completed.

(e) All international students will be charged automatically for the Western Oregon University student insurance plan and student health fee for the full academic year. An adequate insurance policy must be in effect every term that a student is in student status, including summer term, until the first day of fall term. Students who are not graduating or otherwise withdrawing spring term will have summer insurance charges posted to their account during fee payment of spring term.

(f) The Student Health Center will put a hold on registration for all international students until they have completed the requirements of this policy. After verifying that a valid health card has been issued and that appropriate health and accident insurance has been purchased, the Student Health Center will lift the hold on registration and allow the student to register.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 4-1989, f. & cert. ef. 9-7-89; WOU 1-1999, f. & cert. ef. 2-15-99; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2008, f. & cert. ef. 9-3-08

## DIVISION 40

### STUDENT RECORDS

#### 574-040-0001

##### Student Records Policy

The State Board of Higher Education delegates the responsibility of enforcing the regulations required to maintain student records. The process provided by the university includes the collection of student information, its maintenance, use, and disposition. Such processes are consistent with the laws of Oregon and the Administrative Rules of the Board of Higher Education and with federal statutes and regulations.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0005

##### Definitions

(1) "Act" means the Family Educational Rights and Privacy Act of 1974, as amended, its implementing regulations, and any official guidance issued by the U.S. Department of Education.

(2) "Directory Information" means the student's full name; mailing (i.e. local, billing, current, previous, temporary) and permanent address(es); place(s) of residence; telephone number(s); electronic mail address(es); date and place of birth; home town; parent(s) — guardian(s) name, address(es) and telephone number(s); previous school(s) of attendance; whether the student is or has been enrolled; enrollment status (e.g., full-time or part-time); dates of enrollment and attendance; class level; cumulative credit hours; major and minor fields of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, certificates, honors and awards received; job title(s) and dates of employment for student employees who have been or are paid from university administered funds. For

graduate teaching fellows, "directory information" also means status as a graduate teaching fellow and teaching assignment.

(3) "Personal Records" means records containing information kept by the institution, division, or department concerning a student and furnished by him or by others about him at his or at the institution's, division's, or department's request, including, but not limited to, record of grades attained, information concerning discipline, counseling, membership activity, employment performance, or other behavioral records of individual persons.

(4) For purposes of compliance with ORS 351.070, "Records of Academic Achievement" shall mean the record of credits earned toward a degree and/or degrees received.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0010

##### Purpose of Student Records

Only such records as are demonstrably and substantially relevant to the educational and related purposes of the institution, division, or department shall be generated or maintained. It will be the responsibility of university officials, that where applicable and required, confidentiality will be the primary effort in the proper custodianship of student records.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-040-0015

##### Certain Information Not Required of Students — General Information

No student will be required to give, although he may voluntarily provide, information as to his age, disability, marital status, national origin, race, color, religion, sex, sexual orientation or veteran status, except as required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0020

##### Location and Custody of Student Records

(1) The Registrar's Office is the location of so-called "official records" of the student: admissions information, transcripts, grade information, degrees conferred, etc.

(2) The Vice President for Student Affairs' Office is responsible for the custodianship of "personal records" and confidential information resulting from normal contacts of those offices.

(3) The Student Health and Counseling Center is responsible for the records of students in this area and is concerned primarily with information resulting from student contacts with this service.

(4) The Academic Departments maintain instructional records which pertain primarily to the records maintained by the instructional staff: grades, references.

(5) Career Services files consist of an accumulation of transcripts, references, etc., for the individual student using this service for the purpose of making contracts with prospective employers.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-040-0025

##### Release and Access to Student Records

(1) The University may disclose directory information in compliance with the Act.

(2) Students may restrict the disclosure of all directory information by filing a completed *Records Confidentiality Request form* with the Office of the Registrar at any time during regular business hours. The restriction becomes effective as soon as is reasonably practicable and remains in effect until revoked in writing by the student.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0030

##### Confidential Records — Restrictions on Release

(1) Personal records designated as confidential pursuant to ORS 351.070 or pursuant to the Federal Family Education Rights and Privacy Act may be disclosed to institutional, state or statutorily authorized federal officials or employees who need the information in order to fulfill their official, professional responsibilities as required by law, institutional rules or internal management directives. Disclosure of personally identifiable information may also be made in connection with financial aid for which a student has applied or that a student has received or to accrediting organizations when necessary to their accrediting functions. These records may not be released to any other person or agency without the student's written consent, unless upon receipt of a subpoena or other court order or process. Institutional regulations may provide for designated institutional officials to appear in court to test the validity of a subpoena or court order or process relating to release of student records.

(2) The institutional executive, or his designated representative, may make exception to the foregoing rule when he determines that there is a clear and present danger to the safety of the student or others and/or property, and that disclosure of relevant personal information about the student is essential in order to avoid or substantially minimize the danger. The factors to be taken into account in determining whether personally identifiable information from the educational records of a student may be disclosed under this rule shall include the following:

- (a) The seriousness of the threat to the health or safety of the student or other individual;
- (b) The need for the information to meet the emergency;
- (c) Whether the individuals to whom the information is disclosed are in a position to deal with the emergency;
- (d) The extent to which time is of the essence in dealing with the emergency.

(3) The health and safety exception to confidentiality shall be strictly construed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0035

##### Petition By Student for Change in Personal Record

The student shall have the right to review with appropriate institutional personnel any information contained in his records and to petition appropriate institutional officials as defined in institutional regulations for additions or deletions to the record where the accuracy of the information in his file is in question, except in the following instances:

(1) Records created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity or assisting in that capacity.

(2) Records created, maintained or used only in connection with the provision of treatment to the student and not disclosed to anyone other than individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) Records relating exclusively to an individual in that individual's capacity as an employee.

(4) Financial records and statements of the parents of students or any information contained therein.

(5) Confidential letters and confidential statements of recommendation that were placed in the educational records of a student prior to January 1, 1975, provided that the letters and statements were solicited with the written assurance of confidentiality or sent and retained with a documented understanding of confidentiality and were used only for the purposes for which they were specifically intended.

(6) Confidential letters of recommendation and confidential statements of recommendation that were placed in the educational

records of the student after January 1, 1975, respecting admission to an educational institution, respecting an application for employment or respecting the receipt of an honor or honorary recognition, provided that the student has waived rights to inspect and review letters and statements of recommendation.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 2-2004, f. & cert. ef. 8-4-04

#### 574-040-0040

##### Availability of Student Records for Research Purposes

(1) The need for educational institutions to make available information about the student for research purposes shall be acknowledged and provided for, contingent upon the institution's having adequate provisions to conceal the identity of the student whose personal data or information is being included in the research.

(2) If the regulations protecting the confidentiality of student records would seem to be jeopardized in any way by the release of information for research purposes, institutional regulations shall provide that the institution is to obtain the written consent of the student prior to releasing information about him for research purposes.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77

#### 574-040-0045

##### Permanence, Duplication, and Disposal of Student Records

(1) The individual student's record shall be maintained only for the minimum period of time required to serve the basic official functions of the office which generates and maintains it. It should then be disposed of in a manner such as to protect its confidentiality.

(2) The permanent retention of student records shall be limited to those which the institutional executive or the State Archivist shall determine to be of long-range value to the individual student or the institution.

(3) Duplication of permanent student records shall be kept to a minimum. Such duplicate permanent records as are made shall be destroyed in the same manner as temporary records as set forth in section (4) of this rule.

(4) All duplicate copies of permanent records and all temporary student records shall be destroyed at a time to be determined and set forth in institutional regulations and in a manner such as to protect their confidentiality.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77

## DIVISION 50

### SPECIAL COURSE FEES BY SCHOOL YEAR

#### 574-050-0005

##### Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

**NOTE:** The publication(s) referred to or incorporated by reference in this rule are available from the Office of the Vice President for Finance and Administration at Western Oregon University.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 1, f. & ef. 7-12-76; OCE 1-1978, f. & ef. 10-27-78; OCE 2-1980, f. & ef. 11-5-80; OCE 1-1981, f. & ef. 1-7-81; OCE 3-1981, f. & ef. 8-7-81; OCE 4-1981, f. & ef. 11-2-81; WOSC 2-1982, f. & ef. 9-17-82; WOSC 1-1983, f. & ef. 10-11-83; WOSC 1-1985, f. & ef. 10-4-85; WOSC 1-1986, f. & ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93;

WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 1-2000, f. & cert. ef. 3-16-00; WOU 2-2000, f. & cert. ef. 6-28-00; WOU 1-2001, f. & cert. ef. 3-5-01; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 1-2002, f. 3-12-02, cert. ef. 3-15-02; WOU 2-2002, f. 8-2-02, cert. ef. 8-15-02; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 1-2003, f. & cert. ef. 4-2-03; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 1-2004, f. & cert. ef. 3-24-04; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2005, f. & cert. ef. 3-8-05; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 3-2005, f. & cert. ef. 8-12-05; WOU 1-2006, f. & cert. ef. 3-2-06; WOU 2-2006, f. & cert. ef. 8-7-06; WOU 1-2007, f. & cert. ef. 3-5-07; WOU 2-2007, f. & cert. ef. 7-31-07; WOU 4-2007, f. & cert. ef. 11-1-07; WOU 1-2008, f. & cert. ef. 2-1-08; WOU 2-2008, f. & cert. ef. 9-3-08; WOU 1-2009, f. & cert. ef. 2-13-09; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 1-2010, f. & cert. ef. 1-27-10; WOU 2-2010, f. & cert. ef. 8-4-10; WOU 1-2011, f. & cert. ef. 2-2-11; WOU 2-2011, f. & cert. ef. 5-2-11; WOU 3-2011, f. & cert. ef. 8-5-11; WOU 1-2012, f. & cert. ef. 1-27-12; WOU 2-2012, f. & cert. ef. 7-31-12; WOU 1-2013, f. & cert. ef. 1-28-13; WOU 2-2013, f. & cert. ef. 7-24-13; WOU 1-2014, f. & cert. ef. 1-28-14; WOU 2-2014, f. & cert. ef. 8-5-14; WOU 1-2015, f. & cert. ef. 2-12-15

## DIVISION 60

### ATHLETIC EVENTS — GENERAL

#### 574-060-0005

##### Rates

Western Oregon University administration sets ticket rates for athletic events at Western Oregon University. The general guidelines are listed below for the Committee:

(1) The charge is not to apply to any student enrolled at Western Oregon University at the time of the game, provided they can produce a valid student identification card.

(2) The range of the assessment may be from zero to \$10.

(3) The gross receipts, less collection expenses, are to be deposited in a separate account and to be used solely for the purpose of financing national travel for the various Western Oregon University athletic teams.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 2-1978, f. & ef. 10-27-78; WOSC 6-1991, f. & cert. ef. 6-18-91; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-060-0010

##### Coverage for Health Insurance

(1) Western Oregon University is to coordinate the coverage for health insurance the athlete's family has, or is individually purchased by the student athlete, with that of the University's secondary medical insurance program, which is financed from Incidental Fees provided for athletic programs and administrative expenses.

(2) Participants in the Western Oregon University athletic programs must place their required family or personal comprehensive individual insurance program information on file with the Western Oregon University Athletic Office:

(a) Before receiving clearance to participate in any countable athletic-related activity; and

(b) Before any athlete is allowed to participate in any games, scrimmages or any other countable athletic-related activity, including conditioning activities and tryouts.

(3) The essence of this co-insurance program is:

(a) The injured student will first utilize the primary family or personal insurance;

(b) The portion not paid by the primary family or personal insurance will be paid by Western Oregon University athletic insurance financed by Incidental Fees;

(c) The University's athletic insurance coverage will pay the remainder, up to where the NCAA Catastrophic Insurance is activated.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070

Hist.: OCE 3-1978, f. & ef. 10-27-78; WOSC 6-1991, f. & cert. ef. 6-18-91; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 3-2007, f. & cert. ef. 9-5-07

## DIVISION 70

### STUDENT ACTIVITIES TRAVEL

#### 574-070-0010

##### Student Activities Travel

(1) The Vice President for Student Affairs and his designee must approve, in advance, travel for student activities. Approval for travel will be based upon a review of how it is to be financed, program content, legal and policy compliance, and insurance coverage. If problems or unanswered questions exist following the review, the request for travel will be promptly returned to the planning organization for revision:

(a) A faculty or staff advisor must approve student travel activities in writing;

(b) The use of state vehicles is encouraged for institution-approved student travel to activities. It is understood, however, that on occasion, private vehicles will need to be used. Approval for the use of private vehicles must come from the Vice President for Student Affairs. Approval for use of private or leased vehicles will not be given unless sufficient insurance, including liability coverage (FASOM 7.7), is provided;

(c) The university is not responsible for student injuries or ailments occurring off campus at a time when the student is not participating in a university activity.

(2) Emergency Procedure. Should an accident occur, the travelers should telephone 503-838-9000 and inform the Office of Public Safety of the time, location, an estimate of number of people involved, and severity of injury and damage sustained. Public Safety will then immediately contact the Vice President for Business and Finance and the department chairman. The department chairman, in conjunction with the Vice President for Student Affairs, will be responsible for assessing family contacts to be made in case of any injured students.

(3) Special Equipment for and Responsibility of Travelers. State of Oregon Motor Pool vehicles (in Salem) will be equipped with safety belts for each passenger and first aid kits. Service station credit cards are part of the information packet in each vehicle. Traction devices are also included in motor pool vehicles.

(4) Hazardous Driving Conditions. In the event of severe weather and/or perilous driving conditions, the President or his designee (i.e., department chairman), is responsible for determining when a class or an event should be cancelled. When a traveler who is away from campus on university business encounters weather conditions too hazardous to risk driving, she/he has the responsibility to postpone travel until conditions once again become safe. This is especially true if a van with passengers is involved. On occasion the State Motor Pool in Salem closes and issues no further automobiles because of hazardous driving conditions.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1988, f. & cert. ef. 8-26-88; WOU 3-2003, f. & cert. ef. 10-28-03

## DIVISION 80

### AUTHORITY OF SECURITY PERSONNEL

#### 574-080-0000

##### Definition

As used in this rule, "unwanted persons" is defined, as a criminal trespasser and as defined in ORS 164.205; as one who enters or remains unlawfully on premises which either are not open to the public or, though open to the public, the unwanted person or trespasser has failed to leave after being lawfully directed to do so by the person in charge. As used in this rule, "person(s) in charge" is defined, as in ORS 164.205, as the person, his representative or his employee who has lawful control of the premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this

state. As used in this rule, “geographical boundaries” is defined as any building or property owned or controlled by the institution.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1991, f. & cert. ef. 5-22-91

#### 574-080-0010

##### Persons in Charge

Western Oregon University recognizes its role under 20 U.S.C. 1092, Higher Education Act of 1965 and the Crime Awareness and Campus Security Act of 1990. In the interest of preserving a safe and secure campus environment, orderly operations of the university and crime prevention activity, the Public Safety Office through the director and uniformed officers are authorized to direct unwanted persons from the campus and related state facilities and deliver related correspondence to persons prohibiting their entry and/or ordering them off the campus premises. Public Safety and its officers have the status of “person(s) in charge” of institution property and buildings while on duty for purposes of satisfying ORS 164.205(5) and the National Crime Awareness and Campus Security Act.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-080-0020

##### Arrest and/or Criminal Activities

Public Safety shall act as liaison and coordination between the University and local law enforcement for crimes and incidents that violate Oregon Revised Statutes. For purposes of this OAR, campus officers are not designated as peace officers and shall therefore coordinate with the Monmouth Police Department for matters relating to arrest or criminal activities within the geographical boundaries of Western Oregon University.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 3-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

### DIVISION 85

#### PARKING AND TRAFFIC ENFORCEMENT REGULATIONS

#### 574-085-0000

##### Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of all motor vehicles on the Western Oregon University (Western) campus for visitors, faculty, staff and students, is derived from Oregon Revised Statute 352.360 and action of The Oregon State Board of Higher Education pursuant to such statute. The rules and regulations as published herein were approved by the Office of the Chancellor and are filed with the Secretary of State in accordance with the provisions of ORS 183.310 to 183.500. Strict enforcement of these regulations is necessary to maintain safety on campus parking facilities and streets, reduce congestion, enhance security, and effectively maximize utilization of parking facilities.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0010

##### Application of Motor Vehicle Laws of the State of Oregon and the City of Monmouth

(1) In order to facilitate the operation of campus traffic flow and parking lots of the University, the following rules and regulations are hereby established and are enforceable under authority provided by ORS 352.360.

(2) All motor vehicle laws of the State of Oregon including specifically, but not limited by, ORS Chapters 801 through 822, together with amendments hereafter adopted, are applicable to the campus of Western Oregon University to the same extent as if this

campus and its streets were public highways, and all provisions of said motor vehicle laws are applicable and enforceable. State motor vehicle laws shall apply should any of these parking rules and regulations be found inconsistent and incompatible.

(3) Western Oregon University, through the President and other administrative officers designated by her/him, is hereby authorized to place these rules and regulations into effect and to provide for the enforcement thereof through the appointment of peace officers, public safety officers and parking attendants, pursuant to ORS 352.360(5).

(4) The parking lots are for the use of faculty, staff, students, and guests of the Oregon University System. All persons — faculty, staff, students, visitors and commercial representatives — who park in University-owned permit parking lots must obtain and display a permanent or temporary permit or service permit. Vehicles cited for failure to display such permits are subject to penalty as assessed by the University. Western Foundation-owned property may be enforced upon request by the Western Foundation staff for those vehicles found in violation as defined in ORS 98.810-812.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-085-0020

##### Definitions

(1) For the purpose of these regulations, the word “parked” means any vehicle which is stopped and/or waiting, regardless of the period of time the vehicle is stopped or whether a driver is present, except for vehicles immobilized by traffic control, congestion, or accident.

(2) The word “vehicle” or “motor vehicle” means any type of motor powered conveyance including, but not limited to, automobiles, trucks, motorcycles, mopeds and all methods of transportation on wheels where license registration is required by motor vehicle laws of Oregon.

(3) A “permit” is a valid decal, hangtag or paper permit as recognized by Parking Services.

(4) A “decal” is the permanent sticker affixed to a vehicle as recognized by Parking Services.

(5) A “hangtag” is the type of permit that hangs from the rearview mirror of a vehicle as recognized by Parking Services.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2002, f. & cert. ef. 10-7-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0030

##### Driver Responsibility

(1) All persons operating vehicles on the Western campus are responsible for knowing and adhering to the regulations stated herein. The regulations are enforced 24 hours a day, seven days a week, unless otherwise authorized and posted by Parking Services.

(2) The responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space is not a valid excuse for violating any Western parking regulation.

(3) Persons whose motor vehicles have broken down on campus property must immediately notify Public Safety. Major mechanical repairs to vehicles on campus property are prohibited. Abandoned or inoperable motor vehicles remaining on campus property for more than 72 hours may be removed at the owner’s expense. Unlicensed vehicles parked on campus will be considered abandoned and subject to removal.

(4) Western assumes no liability for personal injuries, injuries to others, or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

(5) The vehicle registrants or users are responsible for traffic violations on campus involving their vehicles. Failure to pay fines will result in fines being placed on accounts receivable, loss of

parking privileges, vehicle immobilized or booted, and/or notification of the Oregon Department of Motor Vehicles when applicable.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-085-0040

##### Vehicle Permits and Parking Areas

(1) All vehicles parked on the Western campus are required to display a recognized parking permit. Permits are not required at parking meters. Valid parking permits are required 24 hours per day, 6:00 a.m. Monday through 6:00 p.m. Friday. Permits are not required on Saturdays, Sundays and State recognized holidays except when classes are in session. Full year permits are valid from October 1 through September 30.

(2) All permits may be purchased at the Cashiers Office in the Administration Building.

(3) All permit fees are established in accordance with the Administrative Rule of the State Board of Higher Education, 580-040-0025. The cost of the permits is established to provide adequate funds to cover all operating and maintenance costs and meet bond debt service and reserve requirements. Parking Services is an auxiliary self-supporting entity and receives no financial support except through established parking fees. Permit fees may increase yearly based on the actual costs of operation, maintenance and debt service.

(4) Faculty and staff may pay for their primary and secondary permits by payroll deduction if arrangements are made between September 1 and October 1.

(5) Western recognizes a variety of parking permits, including but not limited to:

(a) "Day Permits" may be purchased for as many days as needed;

(b) "Weekly Permits" are valid for five (5) working days (Monday through Friday);

(c) "Monthly Permits" are valid through the same day of the following month;

(d) "Term Permits" are valid through the last day of the term for which purchased;

(e) "Full Year Faculty/Staff permits" are valid in all parking lots except East section of Lot J, J loop, and Lot N;

(f) "Full Year Student Commuter permits" are valid in all parking lots except East section of Lot J, J loop, and Lot N;

(g) "Full Year Student Resident permits" are valid only in lots G, J, J loop, and P. Family housing residents (Knox St. and Alderview) are required to display a "special permit" indicating a reserved space that corresponds to a housing unit.

(h) "Motorcycle/Moped decals" are valid in marked motorcycle stalls only. If a motorcycle owner wishes to park in a regular stall they may obtain a staff, commuter or residence hall permit decal at the automobile rate;

(i) A "Hangtag" may be purchased for an additional fee and is registered to the individual to whom it is issued. Hangtags are not to be used or transferred to any other person for parking on campus unless such use or transfer is to members of a carpool with which that person is affiliated and the use or transfer facilitated the carpool activities. It is the permit holder's responsibility to ensure the hangtag is properly displayed on the rear view mirror when parking on Western's campus.

(j) "Contractor permit" may be issued to contractors and/or businesses involved with construction, equipment repair, etc., on campus;

(k) "Emeritus/Volunteer Decals" are issued to emeritus faculty/staff and/or volunteers working on campus when approved and on file in Parking Services located within the Cashiers Office. The permit is a staff/faculty permit that is valid October 1 through September 30 annually. Volunteer permits are valid only when doing volunteer work for the University. Staff, faculty and students are not allowed to use volunteer permits to park on campus;

(l) "Conference, Workshop and Special Event" permits and parking rentals are available upon request from departments or sponsors for distribution to conference, workshop and special event guests. Such events include: workshops, theater events, sporting events, conferences, etc., where adjacent parking lot enforcement is temporarily terminated or permits issued to support the event. (The lot is rented for a predetermined rate.) Permit rates are calculated according to the number of participants and duration of the conference/event, dates, times and the type of user;

(m) "Temporary Disabled" permits for persons with mobility type injuries/illnesses will be issued for up to a week of time without a doctor's note. A doctor's note will be required for extended periods of time over one week. A valid permit is required on their vehicle. "Temporary Disabled" permit holders may use disabled parking stalls and parking meters without paying them on Western property;

(n) "Secondary" decals may be purchased for an additional vehicle if a primary decal has been purchased by the same registered owner. Permits that are issued with the hangtag option are not eligible for secondary permits. Only one vehicle at a time is valid on Western lots. Loaner vehicle permits may not be used in place of secondary permits. All vehicles must be registered through DMV to the permit holder or their parents;

(o) "Loaner Vehicle" permits may be obtained if a vehicle other than the primary decal vehicle is on campus. They are valid up to 15 days per year and may be obtained at the Cashiers Office. If 15 days are used on a loaner vehicle the decal permit holder may purchase a secondary decal. Loaner vehicle permits are only available after a primary decal permit has been purchased. Permits that are issued with the hangtag option are not eligible for loaner vehicle permits. If additional days past the original 15 are used, the day permit charge will be placed on the requester's accounts receivable for each additional day that is requested;

(p) "Department Permits" may be purchased by departments in blocks of 20 permits, to be given away or sold at cost, and are valid for one day only;

(q) "OUS Permit" — Persons issued permits from the Oregon University System Board's Office may park in all parking lots except meters and reserved parking stalls;

(6) Western reserves the right to develop or change permits to meet parking needs.

(7) "Government Vehicles" — Vehicles belonging to cities, municipalities, counties, states or federal government are not required to purchase a permit and may park in any recognized parking space, excluding reserved, meter, service vehicle or a parking stall for persons with disabilities.

(8) The Oregon Military Academy (OMA) parking lot designated as "Lot O" may be used by Western as campus parking under the same rules and regulations governing campus, with the following additions: No Western permitted vehicle may park in Lot O from 5:00 p.m. Friday through 8:00 a.m. Monday; no overnight parking. Citations issued to OMA guests will be handled administratively by the Oregon Military Academy.

(9) "Permit Refunds" are issued on a prorated basis for full year permits only (secondary, replacement and paper permits are not refundable) and under the following conditions:

(a) If unused, unopened (in the original packaging) and returned within 10 days of the beginning of the term;

(b) Prorated for whole terms to include fall and winter terms;

(c) If returned prior to the first 10 days of spring term;

(d) All current permits must be returned in order to receive a refund;

(e) No refund if permit purchased through payroll deduction, pre-tax.

(10) "Parking Meters" are located in all major parking lots. Holders of valid permits may park at meters if the meter has valid time.

(11) The following are instructions for properly displaying a permit:

(a) “Decal Permits” are to be located on the left rear bumper or outside on the left rear window where visible, using the adhesive on the back of the decal;

(b) “Paper Permits” are to be located on the driver’s side dash and fully visible to the outside of front windshield;

(c) “Hangtags” are to be displayed on the rear view mirror and visible to the outside of front windshield.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 3-2007, f. & cert. ef. 9-5-07; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0050

##### Lost and Stolen Permits

(1) Permits which are lost or stolen must be reported immediately to Parking Services. They will be replaced for a replacement fee only if the person to whom the permit was originally issued signs an affidavit of loss. A Stolen Permit Report must be filed with the Public Safety Office if the permit has been stolen.

(2) Any vehicle appearing on campus with a permit listed in the Public Safety Office as lost or stolen will be booted or towed immediately upon discovery, and will be subject to a fine, towing and storage costs. Possession of a lost or stolen permit may be grounds for criminal charges and/or University disciplinary action, including revocation of parking privileges indefinitely.

(3) Vehicles bearing forged or altered permits are subject to a fine, criminal proceedings and/or discipline by the University. The car will be booted, impounded and/or towed immediately on discovery and all associated costs are the responsibility of the owner.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-085-0060

##### Replacement Decals and Hangtags

Replacement decals and hangtags: A replacement decal or hangtag may be purchased when the original vehicle is sold, damaged beyond repair, or when the decal or hangtag is lost or damaged. In the event a decal or hangtag is stolen, a report must be filed with the Public Safety Office before a replacement may be issued. A replacement fee will be charged for all stolen decals or hangtags and refunded upon apprehension of the offender.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0070

##### Driving and Parking Regulations on Campus

(1) Persons driving or parking on campus are responsible to read, know, and adhere to Western driving and parking regulations.

(2) “Valid Permits” — All persons parked on campus lots must display a current recognized parking permit. Permits are required 24 hours per day Monday through Friday, excluding State holidays except when classes are in session. Vehicles with permits obscured or not clearly visible or displayed may be cited for “no permit.”

(3) “Parking Availability” - Lack of or overabundance of parking spaces are not valid reasons for violating parking regulations.

(4) “Parking Stalls” — Vehicles must park within indicated parking spaces only. Parking in any area not designated as a parking stall is prohibited.

(5) “Secondary Permits” — Persons who have primary and secondary permitted vehicles may only have one vehicle on campus at a time.

(6) “Parking Enforcement” — All parking regulations are enforced 24 hours per day, seven days a week. No Permit, Expired Meter, and Wrong Lot are not enforced on Saturdays and Sundays.

(7) “Speed Limit” — Parking lot speed limit in all lots is 10 MPH unless otherwise posted.

(8) “Signage” — Persons driving or parking a vehicle are required to comply with all signs and pavement markings on campus parking lots and access roads and must drive in a safe and prudent manner. This includes fire lanes, crosswalks, lawns, loading zones, bike lanes, stop signs, and all other traffic control devices. (Enforcement officers will issue citations for these violations on University property.)

(9) “Fire Lanes and Driveways” — Vehicles parked in fire zones indicated by either a yellow curb or signage are in violation and may be subject to a citation or impoundment at the owner’s expense.

(10) “Loading Zones/15/30 Minute Zones” are available throughout campus for the convenience of persons loading or unloading their vehicle. Maximum time allowed is 15 minutes. Thirty (30) minute zones are available in front of Heritage Hall. Maximum time allowed is 30 minutes. Permits are not required in 15/30 minute zones.

(11) Parking spaces for persons with disabilities — All parking lots meet or exceed the State requirements of ORS 447.233 for disabled parking availability. Violation of these statutes will result in a fine as specified in ORS 811.625. Persons with disabled placards, permits or license plates are required to purchase or have on their vehicles a valid Western parking permit.

(12) “Vehicle Impoundment” — Western reserves the right to boot and/or impound vehicles that: have three (3) or more unpaid citations or \$100 or more owed in unpaid parking citations; are parked in fire lanes, loading zones, entry ways or driveways that prevent the safe continual flow of pedestrian or vehicle traffic; cause imminent danger; have been abandoned in excess of 72 hours; have stolen or misused permits; and are being driven or are owned by persons in violation of criminal trespass and other Oregon Revised Statutes and authorized by a Western Administration level official who deems it in the best interest of the University. Release of a booted, towed or impounded vehicle will be made upon cash payment of all outstanding fines with Parking Services located within the Cashiers Office.

(13) “Recreational Vehicle” — RVs and trailers are not authorized to park on campus overnight with the intent to reside in the vehicle, based on Monmouth City Ordinance 62.330.

(14) “Compact” vehicle parking — Vehicles parking in spaces marked “COMPACT” must not exceed 5 feet 6 inches in height and 15 feet 6 inches in length.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0080

##### Pedestrian Traffic

(1) Right of Way. Pedestrian traffic shall have the right of way over vehicular traffic in any place in the parking lots, or in any of the University-controlled street areas.

(2) Trespassing. Trespassing in the University-controlled parking lots or street areas may be subject to arrest for criminal trespass under ORS 164.243 and 164.245.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOU 2-1998, f. & cert. ef. 7-24-98

#### 574-085-0090

##### Parking Review Committee

(1) The Parking Review Committee (PRC) shall act in an advisory capacity and is coordinated by the Parking Services Coordinator or designee. The purpose of the committee is as follows:

(a) Provide recommendations to create or modify traffic policies and procedures on campus;

(b) Act as a quasi-judicial hearing body to arbitrate matters concerning enforcement, parking citations and traffic violations issued by Western officers;

(c) Provide recommendations to Parking Services that will enhance the ability of the office to meet campus needs and plan annual goals and objectives;

(d) Help facilitate system changes among the constituents on campus. Assist in making recommendations and changes in campus rules as they apply to parking lots, safety and system improvements.

(2) Parking Services policies related to personnel, organization, structure and fiscal decisions are not subject to Parking Committee Review and are the responsibility of the Director of Business Services and/or the President.

(3) During the academic school year, meetings shall be scheduled monthly and include written meeting minutes of all committee review recommendations and decisions. Generally an employee of Parking Services shall be present to act as staff to the committee.

(4) The Parking Review Committee will include members from the faculty, student body and full time classified staff. All members will be subject to final confirmation by the President or the President's designee.

(5) Each member of the Parking Review Committee will be appointed for a period of two years. Terms of office will be staggered to provide continuity.

(6) The Parking Services Coordinator or designee, being responsible for the enforcement of these regulations, will be an ex-officio (non-voting) member of the PRC, serving as an advisor concerning parking problems on the campus.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 3-2007, f. & cert. ef. 9-5-07

#### 574-085-0100

##### Penalties for Offenses

(1) All fines are subject to annual change based on enforcement expenses. (Refer to OAR 574-050-0005 for amounts.):

(a) "No permit" — No valid permit visible in or on vehicle (7 a.m.-5 p.m.);

(b) "No permit" — No valid permit visible in or on vehicle (5 p.m.-7 a.m.);

(c) "Loading/Reserved Space/15/30 minute zones";

(d) "Fire Lanes and Driveways" — parked in marked or posted area;

(e) "Misuse or altered permit" — altered, counterfeited, defaced, transferred to different vehicle, false vehicle information provided, misused;

(f) "Expired Meter";

(g) "Parking on grass/sidewalks";

(h) "Failure to comply with street/lot signs" including traffic signs on institution property;

(i) "Not a designated stall";

(j) "Wrong lot" — parked in other than designated lot;

(k) "Permit not properly displayed/affixed to vehicle";

(l) "Vehicle Impoundment/Boot";

(m) "Disabled Space" — Parking in a space designated for persons with disabilities (ORS 811.615(5));

(n) "Blocking Disabled Space/Area";

(o) "Other" — including but not limited to parking in reserved spaces, or taking two spaces.

(2) Failure to pay fines within 10 working days will result in a service charge.

(3) Vehicles receiving five or more citations may have their parking privileges revoked.

(4) Improper driving including, but not limited to, such offenses as: reckless driving, driving while intoxicated, speeding, driving the wrong way on a one way street, failing to stop at stop signs, driving on grass or landscaped areas, excessive noise, other offenses not specified herein which are violations of the motor vehicle laws and ordinances of the State of Oregon or the City of Monmouth. Violators are subject to prosecution in the appropriate state or municipal court or through the Student Conduct Court or Student Judicial Board.

(5) Persons with vehicles receiving a citation in a metered zone are subject to additional citations being issued when it is documented that the vehicle has not been moved in more than two hours.

(6) Persons with vehicles that have received a citation, and have not taken steps to correct the violation, are subject to additional citations.

(7) Vehicles that are in violation and have received a citation may not be issued an additional citation unless the driver of the vehicle is made aware of said violation.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 3-2007, f. & cert. ef. 9-5-07

#### 574-085-0110

##### Enforcement and Appeals

(1) All penalties prescribed in 574-085-0050, other than violations referred to appropriate courts of law as provided in paragraph (4) will be administratively enforced by Western. A traffic citation of notice of offense, together with the scheduled fine, will be given to the violator or placed on the violator's vehicle.

(2) All appeals must be submitted within 10 working days from the date of the citation. Appeals submitted after 10 working days will not be considered for review/appeal unless the person can prove they are indigent, at which time the appeal date may be extended.

(3) The following types of reasons are not acceptable grounds for appeal:

(a) Lack of knowledge of the regulations, for example, "new to campus" or "did not read regulations;"

(b) Other vehicles were also parked improperly;

(c) Late to class or appointment;

(d) Disagreement with or inability to pay the amount of the fine(s);

(e) Lack of space;

(f) Unread or misunderstood signs.

(4) Fines for cited violations shall be paid to the Western Business Office, unless otherwise indicated on the citation, in the amount of the fine posted, and a "Petition for Parking Citation Appeal" filed within 10 working days after the citation is issued.

(5) Any person wishing to appeal a citation must prepare a "Petition for Parking Citation Appeal" for a hearing, indicating why the citation should not be enforced. Petition forms are available at Parking Services located within the Cashiers Office in the Administration Building. The citation must be paid and the form filed within 10 working days of citation issuance. Staff, faculty, and students may have the citation charge placed on their account in lieu of paying by cash or check. Payment of the citation(s) must accompany the appeal before it will be reviewed for persons other than staff, faculty, and students. Those appeals received in writing that do not indicate a desire to appear before the Parking Review Committee (PRC) will be handled administratively by Parking Services or designee.

(6) A person appealing the citation must appear before the PRC to present his/her case. In the event a person is unable to appear before the PRC, the appeal will be reviewed in his/her absence.

(7) In considering appeals, the PRC will have full authority to:

(a) Dismiss the violation (excluding handicap violations);

(b) Find the individual not guilty of the violation on the citation;

(c) Find the individual guilty of the violation and either impose the fine stipulated in these regulations or impose a lesser fine;

(d) Enter a finding of guilty and, without imposing a fine, issue a reprimand or warning, or impose a fine but suspend its payment during a fixed probationary period;

(e) Find the individual guilty of the violation and reduce the fine to an administrative fee for dismissing the citation.

(8) A student who fails to pay for a violation on or before 10 working days after citation issuance will have a service charge added to their accounts receivable and forfeit the right of appeal unless extenuating circumstances arise where a person can prove they had no knowledge of the issued citation.

(9) The student's registration packet and enrollment may also be withheld if any penalties under these regulations remain unpaid at the time of registration.

(10) Any person who fails to pay for any citation within 10 working days will have a service charge placed on accounts receivable and will forfeit their right to appeal.

(11) If a guest receives a citation for "no permit," it may be waived if Parking Services is notified immediately and there are extenuating circumstances where the guest was not aware of the permit requirements. The person must demonstrate proof of being a guest and had no knowledge of parking regulations.

(12) A person receiving a citation for "no permit" may have it dismissed if a full year primary permit is purchased within 10 working days of citation issuance. Only one citation may be dismissed per person per year.

(13) Departments which have guests, visitors, speakers, etc., are required to have parking permits for their guests upon arrival. In the event a citation is issued to a department guest, the Cashiers Office will defer the citation to the department.

(14) Certificate of Dismissal — Every vehicle receiving a citation for "no permit" or "expired meter" will receive a certificate of dismissal that entitles the vehicle driver to purchase a full year primary permit in lieu of paying the fine. The certificate also allows guests receiving a citation for "no permit" to have the citation dismissed if information can be provided indicating they were not aware of the parking regulations. Certificates of dismissal are not valid for secondary or replacement permits. Only one dismissal per person per year will be issued.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 3-2007, f. & cert. ef. 9-5-07; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0120

##### Permit Types

(1) Permit prices may be adjusted annually to meet bond indebtedness, staffing needs, maintenance, capital improvements and forecasted revenue adjustments. All permits have associated permit costs. Refer to OAR 574-050-0005 for amounts.

(a) Decals

(b) Hangtags

(c) Paper

(2) Conference parking arrangements can be made by the conference planner through Parking Services.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2012, f. & cert. ef. 7-31-12

#### 574-085-0130

##### Nonpayment of Fines

(1) A student who fails to tender payment in full to the University for any parking violations received, or fails to appeal as specified on or before the date specified in the traffic citation, will have the fine deducted from any credits/refunds and may be subject to vehicle boot or tow.

(2) Students may have their transcripts withheld or may have their registrations canceled or may be denied graduation if any fines or fees under these regulations are unpaid.

(3) A faculty or staff member who receives a parking citation will have the fine posted to the accounts receivable system at the Business Office.

(4) Drivers of vehicles bearing forged, altered or stolen permits, may be denied parking privileges for a period of one year.

Six or more violations resulting in non-payment of citations in a fiscal year may be cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within the boundaries of the University campus may result in the violator's vehicle being towed or booted.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070 & 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-085-0140

##### Bicycle Regulations

(1) Bicycles must be operated in a safe manner and be equipped in accordance with applicable state laws and city ordinances. Bicyclists shall maintain a safe speed and shall obey all applicable Signage and state, city, and campus laws and regulations regarding bicycle use.

(2) Bicycles must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A bicycle or its rider must be equipped with lighting equipment that must be used during hours of darkness and during limited visibility conditions. The lighting equipment required includes:

(a) A white light attached to the front of the bicycle, visible from a distance of at least 500 feet; and

(b) A red reflector or lighting device or material attached to the rear of the bicycle, visible from a distance of at least 600 feet.

(4) Bicycles must not be operated on sidewalks or other walkways unless Signage indicates otherwise.

(5) Bicycles may be parked, stored, or left on campus only in areas so designated by bicycle racks, Signage or storage. All bicycles, regardless of owner, must be maintained in working order while parked on campus. Bicycles parked at bicycle racks at or near academic or research buildings longer than five days will be considered abandoned and will be impounded.

(6) Bicycles users may be cited for:

(a) Improper or unsafe operation of a bicycle including failing to obey a traffic control device, having more persons on a bicycle than it is designed to hold, riding encumbered, and riding faster than the posted speed limit;

(b) Use of improper or inadequate equipment including no bicycle headlight, no rear reflector or lighting device, and no bicycle helmet for riders under 16 years of age;

(c) Being parked in a way that creates a hazard including blocking the bicycle or traffic lane, blocking access to any stairway, ramp or doorway, and blocking access to any handrail or other device used to aid entry to a building or structure;

(d) Being parked in a way that hinders the use of a bicycle parking device by other bicyclists;

(e) Being parked in buildings except in designated bike rooms;

(f) Any other violations of these regulations or applicable state law and city ordinances.

(7) Bicycles may be impounded by the Campus Public Safety office if left in a place that creates a safety hazard or if they appear to be non functional or abandoned. A notice of impoundment will be sent to the registered bike owner, if known, within 24 hours. Campus Public Safety at Western will not be liable for the cost of repair or replacement of a securing device damaged when removing and impounding a bicycle.

(8) All bicycles that are operated, parked, or stored on campus by students, staff, or faculty may be registered with the Campus Public Safety office at Western.

(9) Registrants and owners are responsible for parking violations involving their bicycles on campus.

(10) Bike lockers may be available for rent on an annual or term basis; fees may be adjusted annually to meet maintenance, staffing needs, and forecasted revenue adjustments. Please refer to OAR 574-050-0005 for amounts.

Stat. Auth.: ORS 351.070 & 352.072

Stats. Implemented: ORS 351.070, 351.072 & 352.360

## DIVISION 90

### ACCESS TO STUDENT HOUSING AT WESTERN OREGON UNIVERSITY

#### 574-090-0000

##### Purpose Statement

Western Oregon University has established this rule to inform the general public of the University's policies and procedures involving access to student housing.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-090-0010

##### Family Housing Definitions

(1) "Family Housing" refers to all apartments operated by Western Oregon University which are rented to students and faculty/staff in transition who qualify under these rules to rent such apartments, including all grounds and buildings used by said tenants and/or University Residences staff in the operation and administration of the Family Housing program.

(2) "Family" is a couple recognized as legally married under Oregon law, whether or not with dependent child/children, [or] an unmarried person with legal custody of dependent child/children, or a student/faculty/staff member and his/her domestic partner; the components of the family unit must reside together.

(3) "Dependent" is anyone meeting the dependent definitions as outlined in the Internal Revenue Code.

(4) "Domestic Partnership" is defined as a legal or personal relationship between individuals who live together and share a common domestic life but are not joined in a traditional marriage, a common-law marriage, or a civil union.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2006, f. & cert. ef. 8-7-06

#### 574-090-0020

##### Family Housing Access Qualifications

(1) A student is eligible to apply for and maintain residence in family housing if the student:

(a) Is admitted to Western Oregon University with full time status and in good standing;

(b) Is a member of a "family" as defined in OAR 574-090-0010 and who agrees to supply to the University custody papers, birth certificates, marriage license, letters of admission, proof of domestic partnership, and other relevant documents as required;

(c) Has executed the housing contract.

(2) A faculty/staff member is eligible to apply for residence in family housing if the faculty/staff member is in the first year of a transition to WOU as an employee. Family housing for faculty/staff members is limited to a one-year contract.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2006, f. & cert. ef. 8-7-06

#### 574-090-0030

##### Family Housing Space Assignment

Family housing space is assigned:

(1) On a first-come first-served basis to any student, faculty or staff member meeting the Family Housing Access Qualifications outlined in OAR 574-090-0020;

(2) As vacancies become available.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2006, f. & cert. ef. 8-7-06

#### 574-090-0040

##### Family Housing Access Termination

(1) For student occupants, termination of family housing access will be in accordance with the housing contract.

(2) For faculty/staff occupants, termination of family housing access will be one year from the date of check-in. Exceptions to this guideline must be filed by petition with the Office of University Residences.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-2006, f. & cert. ef. 8-7-06

#### 574-090-0050

##### Residence Hall Eligibility

(1) During the regular academic year, room assignments are contingent upon the applicant being accepted for admission to the University.

(2) The applicant must be registered as a full time student in good academic standing to remain eligible to live in the residence halls.

(3) Priority for room assignments will be as follows:

(a) First priority is given to first-year-out-of-high school freshman applicants based upon the date the application and required fee are received by the WOU University Residences Office;

(b) Second priority is given to currently housed residents returning for an additional year who have signed up for a room during the advertised period; and

(c) Third priority is given to other new resident applicants based upon the date the application and required fee are received by the WOU University Residences Office.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

#### 574-090-0060

##### Residence Hall Housing Contract

(1) Each applicant for residence hall accommodations shall be required to sign a Housing Contract before occupying a room.

(2) Upon petition, a resident may be released from their Housing Contract without a penalty, at the discretion of the University. The criteria used in the exercise of such discretion includes:

(a) Health reasons, verified by a licensed physician and/or Western's Student Health Services;

(b) Marriage; upon receipt of a copy of the marriage certificate;

(c) Student teaching, practicums and other University academic programs requiring the student to live in another community;

(d) A qualifying replacement is found to take over the contract, i.e., a student who meets the eligibility requirement and

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who has not previously contacted the WOU University Residences Office to make arrangements to live in the residence halls.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## **DIVISION 95**

### **REVOLVING CHARGE ACCOUNT PLAN**

#### **574-095-0010**

##### **Revolving Charge Account Plan**

(1) Purpose Statement: Western Oregon University has established this rule to inform the general public of the University's policies governing its use of revolving charge accounts for all receivables due the university as permitted by OAR 580-040-0041.

(2) Eligibility: The following are eligible to participate in the Revolving Charge Account Plan:

(a) Current and past students, faculty and staff;

(b) Any other person or entity who incurs charges, fines, or penalties at Western Oregon University, including but not limited to library fines, parking fines, facility rental charges, program user charges, and lease agreements.

(3) Terms and Conditions: The terms and conditions of the Plan are set out in the document entitled, **Western Oregon University Revolving Charge Account Plan**, dated June 1994, which is hereby incorporated by reference into this permanent rule.

(4) Plan Participation: Participants in the Plan shall sign an agreement to abide by the terms and conditions of the Plan, including repayment as required thereby, provided that participants incurring debts arising from fines, penalties, and the like are not required to sign an agreement. A participant's acceptance of credit or a decision not to pay cash contemporaneously with a transaction shall obligate the participant to all of the terms and conditions of the Plan, even if the participant fails to sign an agreement.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03