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DIVISION 1

PROCEDURAL RULES

579-001-0000
Notice of Rulemaking

(1) Prior to the adoption, amendment, or repeal of any rule, except a temporary rule, when Eastern Oregon State College (Eastern) does not plan to hold a public hearing, Eastern shall give notice as specified in section (4) of this rule. The notice shall designate the person to whom a request for public hearing must be submitted. Eastern shall give notice of the intended action:

DIVISION 12

CONTESTED CASE PROCEDURES

579-012-0000

Definitions

(1) "Affected Party" means any person who seeks a hearing under OAR 579-015-0005(5), or any other person entitled to a contested case hearing but does not mean a person whose complaint is subject to being processed by a grievance procedure.

(2) "Hearing Officer" means an individual or committee designated to conduct a contested case proceeding. When a committee is to serve as hearing officer, a presiding officer will be designated who will have the power to conduct and rule on preliminary matters, to administer oaths and affirmations, to issue subpoenas and to rule on evidentiary matters. In order for a committee to hear a contested case, a majority of the identified members must be present. When both faculty and students are members, at least one of each must be present. The term Hearing Officer, whenever used in these rules, shall include both the individual hearing officer and the committee.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93; EOU 2-2005, f. & cert. ef. 7-7-05

579-012-0010

Entitlement to Contested Case Hearing

(1) An affected party shall be entitled to a contested case hearing in which the affected party's individual legal rights, duties, or privileges are required by statute or constitution to be determined only after an institution hearing, and in all cases in which an affected party is seeking return of money retained by or on deposit with institution and in all cases in which the institution is requiring the payment of claimed past indebtedness as a prerequisite to registration or other future benefit, except as provided in section (2) of this rule.

(2) An affected party is not entitled to a contested case hearing when:

(a) A contested case hearing is waived by the affected party, either expressly or by timely failure to request a contested case hearing;

(b) In any case involving collection of fees or fines for parking, improper parking, traffic fines or penalties.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93; EOU 2-2005, f. & cert. ef. 7-7-05

579-012-0020

Contested Case Defined; Notice of Hearing

(1) A contested case exists whenever:

(a) A constitutional provision or state or federal statute requires that individual legal rights, duties, or privileges be determined by the institution hearing upon the matter; and

(b) The affected party makes a written request therefore.

(2) Within five days after receipt of request for a hearing, the institution shall give notice to all parties in a contested case. The notice shall include:

(a) A statement of the time and place of the hearing, name of the hearing officer, and name and title of the person who is authorized by the institution to issue a final order after the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted or charged;

(e) A statement that, at the party's own expense and initiative, the party may be represented by counsel at the hearing;

(f) A statement that the contested case hearing is being held at the request of the affected party.

(a) By publication in the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(b) By mailing a copy of the notice to persons on Eastern's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date; and

(c) By mailing a copy of the notice to Eastern's Student Government President, Eastern's College Assembly President, Eastern's student newspaper, La Grande Observer, Associated Press, United Press International, Chancellor's Office and other interested parties who requested in writing such notice.

(2) If Eastern receives a request for a public hearing under ORS 183.335(3)(a), Eastern shall publish a notice of hearing at least 14 days before the hearing in the Secretary of State's Bulletin referred to in ORS 183.360 and give at least 21 days' notice of the hearing by mailing a copy of the notice to the requester and to the persons set forth in subsections (1)(b) and (c) of this rule.

(3) When Eastern intends to hold a public hearing on the proposed adoption, amendment, or repeal, Eastern shall give notice as specified in section (4) of this rule along with a statement that Eastern will conduct the hearing. Eastern shall give notice of the intended action:

(a) By publication in the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date; and

(b) By mailing a copy of the notice to the persons set forth in subsection (1)(b) of this rule at least 28 days before the effective date; and

(c) By mailing a copy of the notice to Eastern's Student Government President, Eastern's College Assembly President, Eastern's student newspaper, La Grande Observer, Associated Press, United Press International, Chancellor's Office, and other interested parties who requested in writing such notice.

(4)(a) The notice required by sections (1), (2), and (3) of this rule shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place, and manner in which interested persons may present their views on the intended action;

(b) Eastern shall include with the notice of intended action given under sections (1), (2), and (3) of this rule:

(A) A citation to the authority relied upon and bearing upon the promulgation of the rule;

(B) A citation of the statute or other law the rule is intended to implement;

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(D) A list of the principal documents, reports, or studies, if any, prepared by or relied upon by Eastern in considering the need for and in preparing the rule and a statement of the location at which those documents are available for public inspection;

(E) A statement of fiscal impact identifying state agencies, units of local government, and the public that may be economically affected by the adoption, amendment, or repeal of the rule and an estimate of that economic impact on state agencies, units of local government, and the public. In considering the economic effect of the proposed action on the public, Eastern shall utilize available information to project any significant economic effect of that action on businesses, which shall include a cost of compliance effect on small businesses affected;

(F) If an advisory committee is not appointed under the provisions of ORS 183.025(2), an explanation as to why no advisory committee was used to assist Eastern in drafting the rule; and

(G) A designation of the person who may be contacted to:

(i) Obtain a copy of the proposed rule, which shall show all changes by bracketing materials to be deleted and showing all new materials in boldface type;

(ii) Obtain further information; or

(iii) Making submissions or requests.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: EOSC 1, f. & ef. 1-15-76; EOSC 1-1995, f. & cert. ef. 2-13-95

(3) The notice described in section (2) of this rule shall be served personally or by registered or certified mail sent to the address of the affected party as shown on the records of this institution.

(4) Preferably with the notice described in section (2) of this rule, but no later than one day prior to the hearing, the affected party must be given the following information:

(a) A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence;

(b) Whether a record will be made of the proceedings and the manner of making the record and its availability to the parties;

(c) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the institution;

(d) Whether an attorney will represent the institution in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney;

(e) The title and function of the person presiding at the hearing, whether the person presiding at the hearing is or is not an employee, officer or other representative of the institution, the manner in which the testimony and evidence taken by the person presiding will be reviewed, the effect of that person's determination, who makes the final determination on behalf of the institution, and whether that person has the authority to make a final determination;

(f) In the event an affected party is not represented by an attorney, whether the party may, during the course of proceedings, request a recess if, at that point, the affected party determines that representation by an attorney is necessary to the protection of the party's rights;

(g) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the institution and hearing reopened;

(h) Whether there exists an opportunity after the hearing and prior to the final determination or order of the institution to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing;

(i) A description of the appeal process from the determination or order of the institution.

(5) In addition to the notice required in section (4) of this rule, the information required in section (4) of this rule may be given in writing or orally immediately before the commencement of the hearing, or the hearing officer may confirm that the affected party has received the notice.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0030

Order When Affected Party Fails to Appear

(1) If the affected party 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 hearing officer, this institution shall issue an order based on the information available to it either by proceeding as if the affected party had appeared or by referencing institution material as the record and foregoing any further proceedings.

(2) The order supporting the action of this institution shall set forth the material and/or testimony on which the action is based or the material shall be attached to and made a part of the order.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0040

Subpoena, Deposition

(1) The institution's hearing officer shall issue subpoenas in hearings on contested cases on a showing of need, relevancy to the issues stated in the notice of the hearing, and a showing that the evidence to be elicited from the witness or witnesses will be reasonably within the scope of the proceedings.

(2) An interested party to the proceedings may petition the institution for an order that the testimony of a material witness be taken by deposition. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of his testimony, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in this state and is unwilling to appear, the hearing officer may issue a subpoena requiring the appearance of the witness before such officer.

(3) Fees and mileage are to be paid to the witnesses by the applicant for the subpoena in the amounts determined by statutes applicable to witnesses in civil actions, except that fees and mileage are not required to be paid to officers and employees of the institution. Service of subpoena shall be the responsibility of the applicant.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0050

Hearing

(1) The hearing shall be conducted by and shall be under the control of the hearing officer. The hearing officer may expel any person, including affected party, if that party engages in conduct that disrupts the proceedings or, in the judgment of the hearing officer is designed to threaten, coerce or harass any participant in the proceeding.

(2) Subject to the discretion of the hearing officer, the hearing shall be conducted in the following manner:

(a) At the commencement of the hearing, the person presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove;

(b) Statement and evidence of the institution in support of its action;

(c) Statement and evidence of affected party's disputing the institution's action;

(d) Rebuttal testimony.

(3) The hearing officer, and the affected party and the institution, or attorneys representing either shall have the right to question or examine or cross-examine any witness.

(4) The hearing may be continued with recesses as determined by the hearing officer.

(5) The hearing officer may set reasonable time limits for oral presentation.

(6) Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by this institution as part of the record of the proceedings.

(7) A verbatim record of the proceedings shall be maintained.

Stat. Auth.: ORS 183.341 & 351

Stats. Implemented: ORS 183.341 & 351.070

Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0060

Evidentiary Rules

(1) Evidence of a type commonly relies upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

(2) All offered evidence, not objected to, will be received by the hearing officer subject to the hearing officer's power to exclude irrelevant, immaterial, or unduly repetitious matter.

(3) Evidence objected to may be received by the hearing officer who will make rulings on its admissibility to be made when offered, at a later time during the hearing or at the time a final order is issued.

Stat. Auth.: ORS 183.341 & 351
 Stats. Implemented: ORS 183.341 & 351.070
 Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0070**Proposed Orders on Contested Cases; Filing of Exceptions and Arguments**

(1) If the official who is to render the final order was not present at the hearing or has not reviewed and considered the record, and the order is adverse to a party (excluding this institution), a proposed order including findings of fact and conclusions of law shall be served upon the parties.

(2) When the contested case is heard by a committee, the proposed orders shall be determined by majority vote of the committee who heard the contested case.

(3) After the proposed order is issued, the parties shall be given the opportunity to file exceptions and present argument to the official who renders the final order prior to its issuance.

Stat. Auth.: ORS 183.341 & 351
 Stats. Implemented: ORS 183.341 & 351.070
 Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0080**Final Orders on Contested Cases; Notification**

(1) Final orders on contested cases shall be in writing and include the following:

(a) Rulings on admissibility of offered evidence if the ruling was deferred to that time;

(b) Findings of fact — those matters which are either agreed as fact or that, when disputed, are determined by the fact finder, on substantial evidence, to be facts even though there are contentions to the contrary. A finding must be made on each fact necessary to reach conclusions of law on which the order is based;

(c) Conclusions of law — applications of the controlling law and rules to the facts found and the legal results arising therefrom;

(d) Order — the action taken by this institution as the result of findings of fact and conclusions of law;

(e) A citation of the statutes under which the order may be appealed.

(2) Parties to contested cases and their attorneys of record shall be served, by mail or delivery, a copy of the final order. Parties shall be notified of their right to judicial review of the order. The date of service of the order to the parties shall be specified in writing on the order or, on an attachment thereto, on file with the institution, unless service is not required by statute.

Stat. Auth.: ORS 183.341 & 351
 Stats. Implemented: ORS 183.341 & 351.070
 Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

579-012-0090**Ex Parte Communications to the Institution**

(1) An ex parte communication is an oral or written communication to the institution decision maker or the hearing officer not made in the presence of all parties to the hearing, concerning a fact or issue in the proceeding, but does not include communication from the institution staff or counsel about fact in the record.

(2) The institution shall give notice to all parties, of ex parte communications during the pendency of the proceeding. The notice shall include:

(a) The substance of the communication, if oral or if in writing, a copy of the communication;

(b) An opportunity for any party who did not present the ex parte communication to rebut the substance of the ex parte communication on record.

Stat. Auth.: ORS 183.341 & 351
 Stats. Implemented: ORS 183.341 & 351.070
 Hist.: EOSC 2-1993(Temp), f. & cert. ef. 6-7-93; EOSC 3-1993, f. & cert. ef. 8-2-93

DIVISION 15**REVOLVING CHARGE ACCOUNT PLAN****579-015-0000****Revolving Charge Account Plan Terms and Conditions**

A revolving Charge Account Plan is available to all Eastern students under the following terms and conditions:

(1) Payment: One third of the current term's charges must be paid prior to or at the beginning of the current term. Any unpaid balance is part of the Revolving Charge Account Plan. Any subsequent payments will be applied to the unpaid balance on a first in, first out basis. Financial aid, refunds, and any other amounts due to the student from this institution will be applied toward any amount due this institution *before* any monies are released to the student. The option to pay the unpaid balance in full always exists.

(2) Interest: Interest will be charged each month on any unpaid balance at the rate of one percent per month, or fraction thereof (12% APR). This is subject to change as mandated by the Oregon Administrative Rules.

(3) Due Date: All current term's charges (tuition, fees, dorm and meal charges) are due and must reach the Cashier's Office by the date specified in the "Class Schedule" each term. Irrespective of the fact that only a payment of one third of the amount due (plus full payment of any past due balance) is required to validate the current term's registration, the balance of the amount due will incur interest charges each month until paid. Payment of the remaining amount due for the current term is required by the last day of the current term. Payment for all additional charges (i.e., parking fines, telephone charges, library fines, etc.) are due on the first day of each month after the charges are incurred.

(4) Past Due Accounts: It is the student's responsibility to make the scheduled payments by the due dates regardless of the circumstances. Failure to receive a billing prior to the first of the month is *not* an acceptable excuse for late payment. Interest charges and applicable late fees will be assessed on all past due accounts. The following penalties will apply:

(a) An institution collection fee of \$25 will be assessed to any account not paid in full at the beginning of the subsequent term;

(b) Registration may be denied to any student whose account has a past due balance;

(c) The extension of credit, provision of services, grade reports, diplomas, and transcripts may be withheld from any student with a past due balance;

(d) Eviction from student housing may result when past due amounts relate to dorm charges. Telephone services may be disconnected or denied when past due accounts relate to telecommunication charges;

(e) Delinquent accounts referred to outside collection agencies will be assessed all costs and charges incurred, including, but not limited to, collection costs, attorney's fees and court filing fees. The status of this account may be reported to credit bureaus.

(5) Address Information: The student is responsible for informing this institution's Business Office of any name and/or address change occurring during the life of this contract.

(6) Billing Rights: A student may challenge a charge within 60 days of the origination of the charge by directing his/her inquiry to: Eastern Oregon State College, Accounts Receivable, 1410 "L" Avenue, La Grande, OR 97850 (503) 962-3306. Any questions regarding this agreement can also be directed to the above address.

Stat. Auth.: ORS 351.070
 Stats. Implemented: ORS 351.070
 Hist.: EOSC 3-1994, f. & cert. ef. 7-25-94; EOU 4-2008(Temp), f. & cert. ef. 8-15-08 thru 1-31-09; Administrative correction 2-18-09

Collecting Accounts and Notes Receivables**579-015-0005****Collecting Accounts and Notes Receivables**

(1) As directed by Oregon State Board of Higher Education OAR 580-041-0010(1), the Business Office at Eastern Oregon State College exercises diligence in collecting accounts and notes receivables due it by following, as appropriate, these remedies:

(a) Withholds student's diploma, transcripts, or other instruments of degree confirmation/verification; (see section (2) of this rule);

- (b) Denies or cancels registration;
- (c) Withholds further accounts receivable privileges;
- (d) Withholds employee's wages after written notification;
- (e) Applies any non-exempt credits in favor of debtor to debt;
- (f) Adds penalties and interest as allowed by statutes and regulations;

- (g) Utilizes offset procedures with other state agencies;
- (h) Sends letter of demand;
- (i) Uses "skip trace" information as allowed by statutes;
- (j) Utilizes Department of Revenue as a collection agent;
- (k) Institutes legal action as permitted by statutes.

(2) The office of the Registrar, at the request of the Director of Business Services, may withhold a student's diploma, transcript, or other instruments of degree confirmation/verification, when:

(a) The student has an outstanding account receivable or notes receivable balance;

(b) The student has failed to complete a required exit interview (exit interviews are necessary to have students sign repayment agreements, obtain forwarding addresses and to gather other data needed when a student leaves an institution);

(c) The student has not made arrangements to pay the balance due or complete an exit interview; and

(d) The student has notice that an account balance is due, or an exit interview is required; and that the student's diploma, transcript or other instrument of degree confirmation/verification may be withheld.

(3) The Director of Business Services, Eastern Oregon State College, or his designee, may waive any of the above remedies only in those circumstances which serve the best interests of the institution, the state, or the federal government, or where required by state or federal statutes. (The discharge of debt through bankruptcy prevents the taking of any further action to collect.)

(4) The procedures are in conformity with the requirements of federal and state laws and regulations and were formally adopted as a rule after public hearing under the Administrative Procedures Act.

(5) The Eastern Oregon State College Business Office will grant hearings to any individual requesting information or expressing concern about the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing are available at the Business Office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 5-1979, f. & ef. 6-27-79; EOSC 7-1979, f. & ef. 10-12-79; EOSC 1-1989, f. & cert. ef. 3-31-89; EOSC 1-1993, f. & cert. ef. 2-25-93; EOU 4-2008(Temp), f. & cert. ef. 8-15-08 thru 1-31-09; Administrative correction 2-18-09

DIVISION 20

STUDENT FEES

579-020-0006

Special Student Fees

Eastern Oregon University is adopting by reference Special Student Fees for the 2014-2015 school year.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89; EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009,

f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11; EOU 4-2011(Temp), f. & cert. ef. 11-14-11 thru 5-6-12; EOU 5-2011(Temp), f. & cert. ef. 12-1-11 thru 5-6-12; EOU 1-2012, f. & cert. ef. 4-23-12; EOU 4-2012(Temp), f. & cert. ef. 6-22-12 thru 12-15-12; EOU 6-2012, f. & cert. ef. 10-15-12; EOU 2-2013, f. & cert. ef. 5-28-13; EOU 1-2014, f. & cert. ef. 5-8-14

DIVISION 30

RENTAL RATES FOR RENTAL PROPERTY

579-030-0005

Special Rental Rates for Rental Properties at Eastern Oregon State College

Address — Rental Rate:

(1) 1201 C — \$400;

(2) Damage deposit on this residence, payable in advance, is equal to one month's rent. This sum to be applied on the last month of occupancy and/or for any damage incurred during the life of this lease.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 4, f. 7-29-76, ef. 9-1-76; EOSC 5-1978, f. & ef. 10-2-78; EOSC 11-1979, f. & ef. 10-12-79; EOSC 4-1981, f. & ef. 10-2-81; EOSC 3-1984, f. & ef. 10-25-84; EOSC 3-1995, f. & cert. ef. 2-16-95; EOU 2-2008, f. & cert. ef. 3-14-08

579-030-0010

Special Rental Rates for EOCENE Courts at Eastern Oregon State College

(1) Effective **July 1, 2012** monthly rent.

(2) Family Housing two bedroom units: **\$350**, includes water, sewer and garbage service. \$30.00 application deposit required.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 9, f. & ef. 8-15-77; EOSC 3-1978, f. & ef. 6-29-78; EOSC 6-1979, f. & ef. 6-27-79; EOSC 4-1991, f. & cert. ef. 9-20-91; EOU 2-2008, f. & cert. ef. 3-14-08; EOU 2-2012(Temp), f. 4-23-12, cert. ef. 7-1-12 thru 12-27-12; EOU 5-2012, f. & cert. ef. 8-1-12

579-030-0015

Rates for Use of Campus Facilities by Off-Campus Organizations

(1) Eastern Oregon University reserves the right to negotiate any fees at any time.

(2) Groups or individuals may be assessed charges, at actual cost, for special setups, take-downs, custodial, security, damages, or special services.

(3) In addition to section (2) of this rule, fees are required for certified technicians/student technicians.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 2-1981, f. & ef. 1-12-81; EOSC 1-1983, f. & ef. 2-4-83; EOSC 1-1991, f. & cert. ef. 2-12-91; EOSC 6-1991, f. & cert. ef. 12-20-91; EOU 2-2008, f. & cert. ef. 3-14-08

579-030-0020

Fee Classification and Usage Priorities

The following classifications have been developed for the assessment of base rental fees for campus facilities. Each request for use of campus facilities will be classified by the Events Scheduling to determine the appropriate base rental charges. A current classification/rental fee schedule is available from the office of Events Scheduling. Priority for use of campus facilities is given also according to the classifications that follow:

(1) Class 1 — Eastern Oregon University Sponsored Activities:

(a) Instructional activities;

(b) Co- and extra-curricular activities and programs sponsored by EOU recognized departments, offices and organizations.;

(c) University sponsored events, meetings and conferences where faculty, staff, or administration are involved and it is deemed that the University has a special or compelling interest to host the event and it is within the mission of the University.

(d) University recognized student-organization sponsored activities;

(e) Meetings sponsored by Schools or departments that are within the mission of the University and/or directly benefit the University.

(2) Class II — Fee waiver approved by special application or negotiated rate by contract.

(3) Class III — Other Educational Institutions/government, civic and public agencies:

- (a) State agencies.
- (b) Federal agencies
- (c) Non OUS colleges and universities.
- (d) City/County government agencies.
- (e) Public School District activities.
- (f) Other public agencies.

(4) Class IV — Non-Profit Organizations:

(a) Non-profit chartered youth groups, i.e., Boy Scouts; Girl Scouts; Camp Fire Girls, etc.

(b) Agencies/organizations serving youth recreation groups (i.e., Babe Ruth and American Legion baseball, swim club, etc.)

(c) Foundations and Boards of non-profit groups.

(d) Local charter civic organizations, (i.e., Kiwanis, Lions, Optimist, Soroptimist, AAUW, etc.)

(e) Community organization meetings of a civic/service nature, (i.e., United Way, food banks, humane society, Shelter from the Storm, Eagle Cap Support Team, etc.)

(5) Class V — Non-University, private or commercial entities, organizations, and individuals:

- (a) Private, commercial or industrial interests.
- (b) Religious organizations and activities;
- (c) Political parties or organizations;
- (d) Private individuals, unions, or groups.

(6) Effective September 1, 1992, those school libraries who wish to continue participation in the courier service currently being funded completely by the Eastern Oregon University Library will be assessed a \$10 monthly charge, payable annually (\$90) at the beginning of each school year (i.e., September 1). This fee will be charged to each drop site, regardless of whether it be an individual school, more than one school utilizing one drop site, or an entire school district utilizing one drop site. Regional (eastern Oregon) school libraries who wish to continue participation in the state-wide courier service currently being funded completely by the Eastern Oregon University Library will be assessed a \$10 monthly charge, payable annually (\$90) at the beginning of each school year (i.e., September 1). This fee will be charged to each drop site, regardless of whether it be an individual school, more than one school utilizing one drop site, or an entire school district utilizing one drop site.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 6-1991, f. & cert. ef. 12-20-91; EOSC 3-1992, f. & cert. ef. 8-24-92; EOSC 6-1995, f. & cert. ef. 4-17-95; EOU 2-2008, f. & cert. ef. 3-14-08

DIVISION 40

STUDENT CODE OF CONDUCT

579-040-0005

Student Code of Conduct

(1) Eastern Oregon University (EOU) is dedicated to a campus culture that upholds the highest standards of individual, interpersonal and academic excellence. The college experience involves a fusion of the learning process with the development of positive attitudes and standards of behavior. In keeping with EOU's values, any sanctions imposed are for the purposes of reaffirming the standards of the University community, educating students and student organizations about the seriousness of their action(s), promoting civility and positive growth, while maintaining the safety and integrity of the University community.

(2) The Student Code of Conduct applies to all on and off campus students. This Code applies to individual students and student organizations. In addition to growing intellectually and academically, students and student organizations are expected to uphold appropriate standards of behavior, form attitudes of scholarship, take personal responsibility, and respect the rights and privileges of others.

(3) Conduct occurs in the context of a community of scholars dedicated to personal and academic excellence. Joining this community obligates each member to observe the principles of:

- (a) Exemplifying personal and academic integrity;
- (b) Respecting the dignity, rights and property of all persons;
- (c) Opposing bigotry and prejudice by striving to be open to differences, ideas, and opinions, and encouraging community support of these differences;

(d) Demonstrating concern for others, their safety and need for conditions that support their work and development; and

(e) Refraining from and discouraging behaviors that threaten the freedom and respect every individual deserves.

(4) Definitions:

(a) The term "University" means Eastern Oregon University.

(b) For the purposes of the Student Code of Conduct, the term "student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are also considered "students."

(c) The term "faculty" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

(d) The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.

(e) The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Senior Hearings Officer.

(f) The term "University premises" includes all land, buildings, facilities, and other property in the possession of owned, used, or controlled by the University.

(g) The term "organization" means any number of persons who have complied with the formal requirements for University recognition or registration.

(h) The term "Campus Hearings Officer" means any person or persons authorized by the Senior Hearings Officer to determine whether a student has violated the Student Code of Conduct and to implement sanctions when a violation is determined to have been committed.

(i) The term "Senior Hearings Officer" is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.

(j) The term "Student Conduct Program Administrator" means a University official authorized by the Senior Hearings Officer to insure procedural fairness for all accused students, is responsible for scheduling conduct hearings and/or establishing records.

(k) The term "Student Conduct Coordinator" means a University official authorized by the Senior Hearings Officer to insure administration of the conduct program within an identified area, to insure procedural fairness for accused students in the identified area, responsible for scheduling conduct hearings and/or establishing and managing records.

(l) The term "Student Hearings Committee" means a specially trained committee of faculty, staff, and students authorized by the Senior Hearings Officer to determine whether a student has violated the Student Code of Conduct and to recommend sanctions when a violation is determined to have been committed.

(m) The term "policy" means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Room and Dining Contract, the University website, Information Technology Acceptable Use Policy, and Undergraduate/Graduate Catalogs.

(n) The terms related to academic honesty including "cheating, fabrication, facilitation, plagiarism or tampering" are defined in the Academic Honesty Code.

(o) The term “Complainant” refers to any member of the University community who submits a complaint alleging that a student has violated the Student Code of Conduct.

(p) The term “Respondent” means any student accused of violating the Student Code of Conduct.

(q) The term “Findings of Fact” means that the facts of the case are those events, circumstances, incidents, or actions that are found to be true based upon the evidence.

(r) The term “Good Standing” means a student is in good disciplinary standing when there are no pending, outstanding, or ongoing sanctions and/or the student is not on probationary or suspended status with the institution.

(s) The term “Advisor” refers to someone selected to serve as an advisor. Students may consult with their advisor during the hearing process in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student, question witnesses, present information or argue on behalf of the student.

(5) Prohibited Conduct. The following are offenses subject to disciplinary action: The Code of Conduct should be read broadly. It does not define all prohibited conduct in exhaustive terms. The University may initiate disciplinary action and impose sanctions against any student or officially recognized student organization/club which commits any of the following acts proscribed by the State Board of Higher Education and the University:

(a) Disruption, Obstruction, and/or Interference.

(A) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution’s public service functions or other authorized activities.

(B) Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular.

(C) Inciting others to engage in any of the conduct or to perform any of the acts prohibited by this or other University policy. Inciting means advocacy or proscribed conduct which calls upon the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of its students, faculty, and officials, and the protection of its property.

(b) Weapons and Destructive, Chemical and/or Incendiary Devices. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities, unless otherwise authorized by law or policy.

(c) Harassment, Discrimination, or other Abusive Behavior.

(A) Physical or written/verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct directed at a specific person, which threatens the health and safety of any person or seriously alarms or intimidates another person is prohibited.

(B) Written abuse, intimidation, or harassment through the use of Internet peer-networking sites, weblogs, or other online media which is open to the public is prohibited.

(C) Remarks, actions, or gestures which have the purpose or effect of creating an intimidating, hostile, and/or offensive working, campus living, and/or academic experience due to race, color, sex, religion, age, marital status, national origin, gender identity or expression, the presence of any physical or sensory disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law is prohibited.

(d) Failure to Comply.

(A) Failure to comply with directives of University officials, acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

(B) Failure to comply with the conditions of the EOU Room and Dining Contract is prohibited.

(e) Vandalism or Unauthorized Use of Property.

(A) Vandalism, malicious damage or misuse of institutional property, or the property of any other person where such property is located on institutionally-owned or -controlled property, or, regardless of location, is owned by or in the care, custody, or control of the University or a member of the University Community.

(B) Unauthorized entry to or use of institutional facilities, including the buildings and grounds.

(f) Controlled Substances.

(A) Possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years is prohibited. Possession or use of alcohol in any campus location or University sponsored or supervised activity, without University approval is prohibited regardless of age. Regulations concerning use of alcoholic beverages by students in University housing units and by recognized student organizations on or off campus are detailed in the Eastern Oregon University Student Drug and Alcohol Policy, the Room and Dining Contract and the Tailgating Policy.

(B) Use of tobacco products in unauthorized locations on campus in violation of state law, University, or public health regulations.

(C) Use, under the influence, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, except as otherwise authorized by law or policy, is prohibited.

(D) Use and/or possession of prescription drugs of another is prohibited.

(g) Academic Misconduct. Academic Misconduct involves behaviors such as cheating, fabrication, facilitation, plagiarism or tampering in connection with an educational program of the institution.

(h) Deliberate Acts of Dishonesty.

(A) In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to forging, altering, misusing, or mutilating University documents, records, identification, educational materials, or other University property.

(B) Intentionally furnishing false information, including false identification.

(i) Sexual Misconduct. Sexual Misconduct is defined as any sexual contact or sexual behavior that is non-consensual and/or inflicted upon someone who is incapacitated, and/or forced, and is prohibited. Additionally, Sexual Exploitation, and Sexual Harassment are prohibited. Definitions, as outlined by the Oregon University System, are as follows:

(A) Sexual Contact means the touching of the genitalia, anus, buttocks, breasts or mouth, as well as, any contact for the purpose of sexual gratification.

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

(C) Non-consensual means 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 responses 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.

(D) 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, or 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.

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

(F) Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive advantage of another in a sexual or intimate context, for his/her own advantage or benefit, or to 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 inflicting another person with HIV or other sexually transmitted infection, inducing incapacitation of another person with the intent to facilitate sexual misconduct against that person, and/or compelling prostitution.

(G) Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when:

(i) Submission to such conduct is made a term or condition of employment or academic advancement (explicitly or implicitly).

(ii) Submission or rejection to such conduct is used as a basis for employment or academic advancement decisions, or

(iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or learning environment; or creating an intimidating, hostile or offensive work, academic, residential living, or any University-related environment.

(j) Stalking. Stalking is a pattern of repeated harassment by unwanted attention and/or contact, and is prohibited. Stalking includes, but is not limited to:

(A) Following or lying in wait for the victim.

(B) Repeated unwanted, intrusive, and frightening contact from the perpetrator by phone, mail, email, etc.

(C) Damaging the victim's property.

(D) Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.

(E) Repeatedly sending the victim unwanted gifts.

(F) Harassment through the Internet, known as "cyberstalking," "online stalking," or "Internet stalking."

(G) Securing 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, following the victim, etc.

(k) Hazing. Hazing, is an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, or which endangers or harms animals, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the complainant will not be a defense. Apathy or acquiescence in the presence of hazing may also be considered violations of this Code.

(l) Disorderly Conduct. Loud, aggressive, abusive, and/or other behavior which disrupts the orderly functioning of the University or disturbs the peace.

(m) Theft. Possession of, attempted or actual theft of, or misappropriation of property, equipment, materials, services, or data of the University, faculty, staff, students or guests.

(n) Unwelcome or Unauthorized Use of Technology.

(A) Attempted or actual theft or other misuse of computer facilities and resources, including but not limited to any violation of the University Acceptable Use Policy.

(B) The use of any device to make a recording of any person while on University premises without prior knowledge, or without consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(o) Abuse of the Student Conduct System. Abuse of the Student Conduct System, including but not limited to: failure to obey the notice from the Senior Hearings Officer or his/her designee, the Student Conduct Program Administrator or Coordinator, a Campus Hearings Officer, or University official to appear for a meeting or hearing as part of the Student Conduct process; falsification, distortion, or misrepresentation of information before a Campus Hearings Officer or Student Hearings Committee; disruption or interference with the orderly conduct of a conduct proceeding; participation in a conduct proceeding in bad faith; attempting to discourage an individual's proper participation in, or use of, the conduct; attempting to influence the impartiality of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, and/or during the course of the hearing; harassment (verbal or physical) and/or intimidation of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, during, and after a hearing; failure to comply with the sanction(s) imposed under the Student Code of Conduct; influencing or attempting to influence another person to commit an abuse of the Student Conduct process.

(p) Violation of University Policy, Local, State, or Federal Laws

(A) Violation of any University policy, rule, or regulation published or posted in hard copy or available electronically on the University website.

(B) Conviction of any federal or state law or city or local ordinance.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

579-040-0007

Jurisdiction

(1) The provisions of OAR 579-040-0005 apply to all students and activities on University owned or controlled property; during any University-sponsored activity or the activity of a University-sponsored or recognized organization, regardless of location; when the behavior adversely impacts the University Community, or any persons or property on campus or University sites; or the orderly operation of the institution. Activities include, but are not limited to field trips, athletic events, and all co-curricular activities or theatre/music productions.

(2) In general, the off-campus activities of students are viewed as their personal business. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate. When a student violates local, state, or federal laws and/or violates the Student Code of Conduct, regardless of location, the University reserves the option of initiating and carrying out disciplinary action on its own.

(3) The student disciplinary process is fundamentally different from the criminal legal process, with differing purpose, objectives, procedures and standards of proof and potential learning outcomes.

(4) Determinations made or sanctions imposed under the Student Code of Conduct 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

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

579-040-0010

Student's Rights and Responsibilities

This Code outlines the procedures to be followed by the University.

(1) Respondents charged with violations of University regulations have the following rights in accordance OAR 579-040-0013:

(a) Written notice to include:

(A) Time, location, and/or other relevant information regarding the conduct violation(s);

(B) Reference to the particular section(s) of the Student Code of Conduct that is/are alleged to have been violated;

(C) The information regarding an educational conference to be scheduled no earlier than three days from the date of the notice unless requested by the student; and

(D) Where the Student Code of Conduct and the Hearing Procedures may be found.

(b) The opportunity to provide input about whether a Campus Hearings Officer or the Student Hearings Committee will hear the case;

(c) The right to be accompanied by an advisor when the student is presenting information to the Hearings Officer or Student Hearings Committee or presenting information in any other context to University officials as a part of the student conduct process;

(d) The opportunity to review all information being considered at a conduct hearing;

(e) The opportunity to have witnesses relevant to the case at hand and/or documents in support of the student's defense;

(f) The opportunity to appeal (see Grounds for an Appeal).

(2) Respondents have the following responsibilities:

(a) To appear at the designated time and place for an educational conference or hearing to answer the complaint(s) filed. Failure to appear at the educational conference or hearing will result in the Hearings Officer or Student Hearings Committee issuing a decision based on the information available;

(b) To meet with a Campus Hearings Officer or Coordinator, or her/his designee, to review hearing policies and procedures during an educational conference;

(c) To provide a list of all witnesses who will appear on the student's behalf to the Hearings Officer or Student Hearings Committee at least 48 hours prior to the scheduled conduct hearing.

(d) To maintain civil decorum during the conduct process.

(3) Complainant's Rights

(a) A complainant has the right to have an advisor or advocate accompany them when they are presenting information to the Hearings Officer or Student Hearings Committee or presenting information in any other context to University officials as a part of the student conduct process.

(b) A complainant has the right to request to be permitted to present their side of the story in a separate room from the respondent at the conduct hearing so long as the process, as a whole, does not unduly compromise the respondent's right to have the Hearings Officer or Chair of the Student Hearings Committee ask the complainant questions.

(c) A complainant has a right to submit an impact statement to the Hearings Officer or Chair of the Student Hearings Committee for consideration in the sanctioning phase of the conduct process only. The statement may include a description of how the complainant was impacted by the behavior and may include recommendations for sanctions, penalties, or restitution. The Hearings Officer or Student Hearings Committee, however, is not bound to impose the recommended sanctions.

(d) Where the respondent was alleged to be responsible for conduct which, if proven, would constitute any of the following offenses or attempts to commit the following offenses: arson, assault, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping, robbery, forcible sex offenses, non-forcible sex offenses (incest or statutory rape), the complainant has a right to be notified of the final results that will include 1) the name of the student, 2) the violation with which the student was charged, 3) whether the student was found "responsible" or "not responsible," and 4) any sanction(s) imposed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

579-040-0013

Due Process

Procedural fairness is basic to the proper enforcement of all University regulations. No conduct action shall be initiated against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard (except in the event of potential harm to the welfare of self or others as indicated in OAR 579-040-0035):

(1) The Senior Hearings Officer, or designee(s), shall insure that the best interests of students and student organizations are served, regardless of whether conduct action is taken.

(2) All University regulations and policies pertaining to student conduct shall be promulgated in such a manner as to furnish adequate notice.

(3) Regulations and conduct sanctions affecting the conduct of students shall be based on general principles of equal treatment.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

Disciplinary Hearing Procedures and Disciplinary Sanctions

579-040-0015

Procedures for Complaints and Educational Conferences, Hearings, Potential Sanctions, and other University Actions

(1) The Senior Hearings Officer is responsible for coordination of the University's student conduct program. The Senior Hearings Officer shall designate a Student Conduct Program Administrator who will coordinate the activities of the student conduct process. University housing conduct is administered by the Residence Life staff (see Residence Hall Conduct Policy for further information regarding this process), but such matters will also be referred to the Office of Student Success and Engagement when a student's status at the University must be reviewed or when the conduct is of an egregious nature. The Student Conduct Program Administrator and Coordinator(s) shall be responsible for maintaining conduct records. These records may include a summary of the proceedings, results, and the appointed hearings officer/committee acting on the case.

(2) Conduct proceedings at EOU do not mirror courtroom proceedings. At a conduct hearing, civil and criminal rules of evidence do not apply. Hearings regarding sexual misconduct and/or heard by the Student Hearing Committee may be recorded or transcribed.

(3) Decisions of "responsible" or "not responsible" regarding the charge(s) shall be based on the information presented at the hearing. The Hearings Officer or Student Hearing Committee shall determine whether or not the student has violated the Student Code of Conduct as charged based upon the appropriate standard of proof. The appropriate standard of proof shall be "more likely than not" that the behavior occurred. This means that the information presented supports the finding that it was more likely than not that the violation occurred.

(4) Procedures for Complaints and Educational Conferences

(a) Alleged violations of the Student Code of Conduct may be reported to the Office of Student Success and Engagement by any member of the community.

(b) The Student Conduct Program Administrator or Coordinator in Residence Life (if incident occurs in or within close proximity of the residence halls) will review the information to determine if the University will charge the student with violating the Student Code of Conduct.

(c) If at any time during the course of the process the Senior Hearings Officer's designee(s) determines that either charges are not warranted or that insufficient evidence exists to continue, then the charges may be withdrawn, and the student will be notified in writing.

(d) If the complaint is forwarded for a hearing, the Student Conduct Program Administrator or Coordinator will afford the respondent the opportunity of an educational conference with a campus hearings officer. The hearings officer will review the allegations and charges, the Student Code of Conduct, the hearing options, the student conduct process, possible sanctions, the student's rights and responsibilities as proscribed in OAR 579-040-0010, with the respondent and answer questions.

(e) If the respondent elects to have the case heard by a campus hearings officer, the hearing will proceed at that designated time. If the respondent elects to have the Student Hearings Committee hear the case, it will be referred back to the Student Conduct Program Administrator to arrange for a hearing. A time shall be set for a hearing, not less than five or more than fifteen calendar days after the stu-

dent has been notified of the complaint. Maximum time limits for scheduling of hearings may be extended at the discretion of the Student Conduct Program Administrator. The Administrator will work with the Hearings Officer or the Student Hearings Committee to arrange hearings and determine the subsequent appropriate institutional response.

(f) All parties may have counsel or an advisor to serve as advisors at their own expense. However, the counsel or advisor shall not speak on behalf of the student, question witnesses, present information or argue on behalf of the student. Hearings options are:

- (A) Campus Hearings Officer presiding; or
- (B) Student Hearings Committee presiding.

(g) In the event of a sexual misconduct hearing, if the respondent chooses the Campus Hearings Officer option to preside over the case, two hearings officers will be present to hear the case. In addition, the complainant will be notified in writing of the outcome of the hearing, including sanctions and timelines, and any appeals and the resultant outcomes.

(5) Student Conduct Hearings before a Campus Hearings Officer. Conduct Hearings shall not be open to the public. Hearings Officers are charged with:

- (a) Making findings of fact;
- (b) Determining if the student has violated the Code(s);
- (c) Dismissal of the case; and/or
- (d) Imposing any sanction listed in OAR 579-040-0015 of this Code.

(6) Student Conduct Hearings before the Student Hearings Committee.

(a) The respondent and the Student Conduct Program Administrator may arrange for witnesses to present pertinent information to the Student Hearings Committee. Witnesses will provide information to and answer questions from the Student Hearings Committee. The Student Hearings Committee is charged with:

- (A) Making findings of fact;
- (B) Determining if the student has violated the Code(s);
- (C) Recommending dismissal of the case; and/or
- (D) Recommending any sanction listed in 579-040-0015 of the Student Code of Conduct to the Student Conduct Program Administrator or designee.

(b) The respondent shall appear along with witnesses and other parties requested to be in attendance by the Student Hearings Committee. Questions may be suggested by the respondent and/or Complainant to be answered by each other or by other witnesses at the discretion of the Student Hearings Committee chair.

(c) A secretary may record information presented, accept information, statements, and prepare a summary of the Student Hearings Committee's findings. After the conclusion of the hearing, every effort will be made to issue a written decision in a timely fashion by the Student Conduct Program Administrator.

(d) Regardless of the nature or type of hearing, the respondent will be given an opportunity to provide information. This may include, but is not limited to, pertinent records, documents, written or oral statements. The student will also be given an opportunity to inspect records that have been submitted regarding the specific case.

(e) If a witness cannot appear, the witnesses written or taped statement may be considered. Witnesses will be required to wait outside until their point of participation and asked to leave the hearing after being questioned.

(7) Potential Sanctions. The following sanctions may be rendered as a result of a conduct hearing:

(a) Mandated counseling assessment and/or recommendations for completed treatment.

(b) Restitution: Reimbursement a) by dollar amount, b) by transfer of property, or c) by provision of services to the University or a member of the University community in accordance with the nature of the violation in an amount not to exceed actual expenses, damages, or losses incurred.

(c) Required Educational Activities: Mandatory participation in educational activities and any associated fees.

(d) Warning: Notice to a student that the student's conduct or actions are in violation of the Student Code of Conduct. The continuation of such behavior may result in further action.

(e) Probation: Probation will include observation and review of behavior and demonstrated compliance with the Student Code of Conduct. A student on probation is not in "good standing" with the University. Students on probation, who are found in violation of the Student Code of Conduct again are subject to more severe disciplinary actions.

(f) Loss of Privileges: Denial of specified privileges for a designated period of time, consistent with the violation(s) committed.

(g) Residence Hall Suspension: Separation from the residence halls for a designated period of time, after which the student is eligible to return. Conditions of readmission may be specified.

(h) Residence Hall Expulsion: Permanent separation from the residence halls.

(i) Suspension: Separation from the University for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(j) Deferred Sanction: Placement on deferred sanction status. If the student violates University regulations during this period, the deferred sanction(s) will be immediately imposed along with any new sanctions.

(k) Expulsion: Permanent separation from the University.

(l) Revocation of Admission and/or Degree.

(m) Withholding of Degree.

(n) Academic Honesty Code violations: in addition to any of the above sanctions, academic sanctions, such as failing the assignment and/or course, removal from an academic program, or removal from a college may also be imposed.

(8) Other University Actions

(a) Hold on Student Record: The Student Conduct Program Administrator, Student Conduct Coordinator, or designee, may place a hold on the records or registration of any student who fails to fulfill any sanctions issued by the University. The Administrator or Coordinator may take other action necessary for resolution of a case prior to the student's enrollment in a subsequent term, transfer or graduation. All pending conduct matters must be resolved prior to a student's graduation from EOU.

(b) Mediation, voluntary participation in a facilitated discussion with the complainant, may be appropriate in certain cases and may be strongly recommended.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

Disciplinary Hearing

579-040-0020

Disciplinary Hearing

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Disciplinary Hearings at Eastern Oregon University. Contested Case procedures in ORS Ch 183 do not apply to these hearings.

(1) Disciplinary Hearings with a Hearings Officer are intended to determine a factual basis for assertions in complaints filed. Disciplinary Hearings shall not be open to the public. The Hearings Officers are empowered to:

- (a) Make findings of fact;
- (b) Dismiss the case;
- (c) Refer the student for counseling;
- (d) Impose any sanction listed in OAR 579-040-0015 of this Code.

(A) The Complainant, the Accused Student and the Student Conduct Coordinator may arrange for witnesses to present pertinent information to the Hearings Officer. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two week-

days prior to the hearing. Witnesses will provide information to and answer questions from the Hearings Officer. The person(s) complained against shall appear along with witnesses and other parties requested by the Hearings Officer to be in attendance. All parties may have counsel or an advocate to serve as advisors at their own expense. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Hearings Officer. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the Hearings Officer.

(B) A secretary may record information presented, accept information, statements, and prepare a summary of the Hearings Officer's findings. No transcription of a disciplinary hearing will be made. After the portion of the hearing concludes in which all pertinent information has been received, the Hearings Officer will determine whether the Accused Student has violated each Code of Conduct which the student is charged with violating. Every effort will be made to issue a written decision within two business days by the Hearings Officer after the conclusion of the hearing. However, no fixed deadline is imposed.

(2) Disciplinary Hearings before the Student Hearings Committee. The Complainant, the Accused Student and the Student Conduct Coordinator may arrange for witnesses to present pertinent information to the Student Hearings Committee. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the hearing. Witnesses will provide information to and answer questions from the Student Hearings Committee. The Student Hearings Committee has the power to:

- (a) Make findings of fact;
- (b) Determine whether or not the student has violated the Code;
- (c) Recommend to dismiss the case;
- (d) Recommend any sanction listed in 579-040-0015 of the Student Code of Conduct to the Senior Hearings Officer.

(A) The person(s) complained against shall appear along with witnesses and other parties requested by the Student Hearings Committee to be in attendance. All parties may have counsel or an advocate to serve as advisors at their own expense. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Hearings Committee.

(B) A secretary may record information presented, accept information, statements, and prepare a summary of the Student Hearings Committee's findings. No transcription of a disciplinary hearing will be made. Every effort will be made to issue a written decision within two business days by the Senior Hearings officer after the conclusion of the hearing. However, no fixed deadline is imposed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; Suspended by EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

Appeals and Contested Case Hearings

579-040-0030

Appeals

Following a conduct hearing, the respondent and a student complainant has the right to an appeal. Appeals shall be made to the Dean of Student Success and Engagement within five working days after notice. The appeal shall be in writing, stating the ground(s) for appeal. The Dean may do any of the following:

- (1) Review all information presented at the hearing and consult with the campus hearings officer or student hearings committee chair at his/her discretion,
- (2) Return the case to the original hearing body for reconsideration,
- (3) Alter the findings and/or sanctions imposed by the original hearing body, or

(4) Determine that the original findings and/or sanctions stand.

(a) The Dean will make a decision within five working days after receipt of appeal. The Dean's decision is final. Appeals for violations in the residence halls shall be conducted as identified in the Residence Life Conduct Policy.

(b) Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the educational conference, meeting, or hearing.

(5) The specific grounds to be addressed on appeal are:

(a) Were the procedures of the Student Code of Conduct followed?

(b) If a procedural error occurred, were the rights of the respondent/student complainant or organization violated to the extent that the respondent/student complainant or organization did not receive a fair hearing?

(c) Was the hearing conducted in a way that did not permit the respondent/student complainant or organization adequate notice and the opportunity to present its version of the facts?

(d) Was the information presented at the hearing sufficient to justify the decision reached?

(e) Was there relevant information existing at the time of the hearing that would have affected the outcome that was not discovered until after the hearing?

(f) Are sanctions disproportionate to the violation and previous disciplinary history of the student?

(6) Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Dean of Student Success and Engagement, or designee(s) may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

579-040-0035

Emergency Action

Any interim measure may be taken at any time. Notice of interim measure shall be provided to the student or student organization in writing.

(1) Interim Suspension: The Dean of Student Success and Engagement may initiate a temporary suspension of a student or student organization when it is determined that there is an imminent threat or that a student's presence negatively affects the health, safety or welfare of the University community or a member of the University community.

(2) Restrictions on Activity: The Dean of Student Success and Engagement may restrict a student's or student organization's activities when it is determined that the health, safety or welfare of a student or member of the University community is at risk. Restrictions on activities may include, but are not limited to: registering or attending class; accessing or contacting certain individuals (no contact order); accessing University property, facilities, resources or equipment; participating in University activities, organizations or student activities.

(3) Appeal of Interim Measures: The student or student organization has the opportunity to submit a written request for a hearing regarding the interim measures to the Dean of Student Success and Engagement. If requested, the hearing will be conducted within three business days of the receipt of the written request. The scope of this hearing is limited solely to the interim measures.

(4) Student Enrollment Status: If a student's enrollment status is changed as a result of an interim measure, but the student is subsequently found not responsible for the violation, the University shall correct any record of the change in enrollment status in the student's permanent records and other reports in a manner compliant with State and Federal laws.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

Disposition of Complaints

579-040-0045

Student Conduct Records

Disciplinary records of students will be destroyed pursuant to the Oregon University System retention schedule governing institutional records. For all complaints, a conduct file will be created and secured by the Office of Student Success and Engagement. Other than expulsion, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record.

(1) For those sanctions at the level of Probation the student will be considered not in "good standing" with the University for the duration of the sanction. Multiple sanctions may be imposed where appropriate. Disciplinary Probation shall involve written notice that is to be kept in the student's conduct file.

(2) Disciplinary Suspension shall involve removal of privileges to enroll at the University for a specified period of time and there shall be a written notice that is to be kept in the student's conduct file. There shall also be a Disciplinary Hold placed on the student's electronic record. After the period of suspension has expired and the student has met all proscribed obligations, the Disciplinary Hold will be removed. A student suspended for misconduct and wishing to return to the University after the suspension period must contact the Dean of Student Success and Engagement to discuss returning to the University.

(3) Disciplinary Expulsion shall involve permanent removal of privileges to enroll at the University and there shall be a written notice kept in the student's conduct file. A Disciplinary Hold will be placed on the student's electronic record.

(4) Student conduct records of students who have not yet responded to allegations will remain active. Once they have responded, the records are retained in accordance with the procedures above.

(5) Disciplinary files are treated as "educational records" under the provisions of the Family Education Rights and Privacy Act (FERPA) and may be viewed only by those who "need to know" such information in the context of their official duties, as determined by the Dean of Student Success and Engagement or designee(s). Otherwise, content of the file may be released to others only with consent of the student whose name is on the file.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13; EOU 5-2013, f. & cert. ef. 12-6-13

DIVISION 45

STUDENT RECORDS POLICY

579-045-0005

Student Records Procedures

(1) Student records are maintained for the purpose of preserving a permanent record of the academic achievement and progress of the student at Eastern Oregon University (EOU). For a limited period, other information pertaining to the student's attendance and academic progress, is also maintained.

(2) Only such records as are demonstrably and substantially relevant to the educational and related purposes of EOU are generated or maintained.

(3) The official academic student records are located in the Registrar's Office and are under the supervision of the Registrar.

(4) There are three categories of official student records maintained:

(a) Records of Academic Achievement include those personal biographic and academic items relating to admission, transcripts,

enrollment, courses taken, credits earned, GPA, and degree(s) received. The academic records are kept permanently;

(b) Health Records include the physical examination record and outpatient records of student visits to the Student Health Service. These records are confidential and are only made available to any other professional/institution by written student request (forms available in the Student Health Service). Such records are kept indefinitely — or as specified by the State Archivist;

(c) Personal Records include information kept by the institution concerning the student and furnished by the student or by others on his or her behalf at the institution's request. Application for admission and supporting documents, various correspondence, as well as other information about the individual may also be included. Personal records are retained in accordance with institutional needs or as specified by the state records retention schedules.

(5) Information contained in the student records is deemed confidential and access is restricted to the student and, upon approval of the Registrar, to the faculty and administrative officers of the institution in performance of their assigned responsibilities. The records may not be released to any other person or agency except if authorized in writing by the student or upon receipt of the subpoena or other court order. These restrictions do not apply to records more than 25 years old.

(6) Certain public information may be released from the student records without the student's consent. Such unrestricted access applies to the following:

(a) Directory Information — Name; *municipality (city, state); telephone number and EOU email address; dates of attendance and current class standing; major field(s) of study, degrees, honors, and awards received, including dates; participation in officially recognized activities; and height and weight of students representing EOU Athletics. Each student may request in writing, that the above information will not be released to parents or anyone else requesting the information, except in cases of proven emergency. Students who want the above information withheld from public release must submit a written, signed notification to the Registrar's Office each term of attendance. The Dean of Enrollment Services or other university official may release otherwise restricted directory information if an emergency occurs wherein contact with the student is imperative;

(b) Objective evidence of a student's academic achievement, limited to degree(s) earned.

(7) Student records kept by divisions are considered to be unofficial. They are confidential and are available to institutional personnel in order to fulfill their official and professional responsibilities.

(8) Regulations and recommendations governing the maintenance and use of the student records are set forth by the Oregon State Board of Higher Education and may be referred to in Administrative Rules, Section 34.000 on file in the Records Office. ORS 351.065 also concerns student records.

(9) The Registrar shall draft the necessary regulations and rules to enforce the policy as herein described. These regulations shall be processed by administrative approval prior to posting.

*mailing address may be used for institutional business and may include third party entities in order to fulfill University program needs.

Stat. Auth.: ORS 351.065

Stats. Implemented: ORS 351.070

Hist.: EOSC 2-1979, f. & ef. 6-27-79; EOSC 9-1979, f. & ef. 10-12-79; EOSC 4-1995, f. & cert. ef. 2-16-95; EOU 6-2008, f. & cert. ef. 9-15-08

DIVISION 60

RESIDENCE HALLS AND EOCENE COURT (FAMILY HOUSING) POLICIES AND PROCEDURES

579-060-0140

Definitions

(1) Family Housing: All apartments operated by Eastern Oregon University which are rented specifically and only to students who qualify under the rules to rent such apartments, and all grounds and buildings used by tenants and/or Residence Life Staff in the operation and administration of the program.

(2) Family: A legally married couple under Oregon law, or a legally married couple with dependent children/child; or an unmarried person with legal custody of dependent children/child. One adult who lives with an unmarried qualified resident may be listed as a family member. Couples with recognized civil unions or domestic partnerships may also be considered.

(3) Student: A person who has applied for admission and, at the time of possession of the unit, accepted for admission to the University, and enrolls for eight (8) credits or more at the University for three of the four academic sessions each year of occupancy of the unit. A student must also make normal academic progress as described in the Catalog and remain as a student in good standing. Special permission must be obtained from the Director of Residence Life for any student tenant who drops below these academic requirements at any time and wishes to remain in EOU Family Housing.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05

579-060-0150

Qualifications for Family Housing (Eocene Court)

(1) Family Size: No more than two adults and two children, or one adult and three children may reside in an apartment. All residents must be included on the application form for Family Housing. Spouse and/or dependents listed on the application form must reside with the tenant in order to qualify for Family Housing. An infant under 12 months will not be counted in the total.

(2) Guests may not stay more than two weeks without the written permission from the Director of Residence Life.

(3) Status Change: If the tenant's student or family status changes so that the tenant is no longer eligible for Family Housing, the University will terminate tenancy by providing the tenant with 30 days written notice of the intent to do so.

(4) Proof of Eligibility: The University may require the applicant to provide custody papers or birth certificates, marriage license, and letter of admission. The University reserves the right, upon 24 hours notice to inspect the apartment premises in the accompaniment of the tenant to confirm those residing in the apartment.

(5) Priority: Priority for assigning space in Family Housing is by date of receipt of application and fee from qualified applicants, providing the applicant can move into the apartment within 45 days.

(6) Policies: The Oregon University System Fee Book, the Eastern Oregon University Fee Manual and the Family Housing Handbook of Eastern Oregon University are by reference included in the Oregon Administrative Rules herein.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05

EOU Residence Halls

579-060-0160

Eligibility

(1) During the regular academic year, room assignments are contingent upon the applicant applying for admission to the University and enrolling for eight (8) credits or more each academic quarter the applicant is in residence. Any exceptions must be approved by the University Residence Life Department.

(2) Priority for room assignments will be first, currently housed residents returning for an additional year provided they sign up during the advertised open enrollment period; and second, new resident applicants based on the date the application fee and contract are received.

(3) Cohabitation is not allowed in residence hall rooms. Cohabitation is defined as having a guest of the opposite sex spend one or more nights in a residence hall room.

(4) International students are required to live in the residence halls during their first year at the University. This requirement will only be waived if authorized through the University waiver appeal process.

(5) EOU maintains a requirement for newly matriculated students to live on campus for a transition period. Campus live-in

requirements are published annually in the University catalog and the Residence Life Handbook. Students wishing to be exempt from the requirement must receive approval from the EOU residence waiver appeal board.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05

579-060-0170

Residence Life Contract

(1) Each applicant for residence hall accommodations shall be required to sign a Residence Life Contract before occupying a room. All rules and regulations in the agreement and the Residence Life Handbook are binding. The Residence Life Contract may be canceled under the terms and conditions outlined in the contract.

(2) If a resident is evicted from, moves from, or otherwise leaves a residence hall before the end of the housing contract period, but does not withdraw from the institution, the resident is assessed a cancellation fee. Cancellation fees and prorated charges for residents who enter or leave the residence halls during an academic quarter shall be in accordance with the conditions outlined in the Residence Life Contract and Oregon University System Fee Manual.

(3) With an approved petition by the Residence Life Department, a resident may be released from their Residence Life Contract without paying the cancellation fee. The main criteria used in approving such a petition are as follows:

(a) Health reasons, verified by a licensed physician and Student Health Services;

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

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

(d) If the student moves to the permanent residence of parents or legal guardians;

(e) If a resident, not restricted by being included in the University's Live-in requirement, finds a suitable replacement to take over the contract, i.e., a student who meets the eligibility requirements and who has not previously contacted the Residence Life Office to make arrangements to live in the residence halls;

(f) If a resident is required by the University to live in a residence hall and the University then waives this requirement for the individual.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05

579-060-0180

Hall Assignment and Room Changes

(1) The Residence Life Office has the responsibility for assigning all residence hall room assignments.

(2) All room changes and hall transfers must be approved through the Residence Life Office and coordinated with the building staff.

(3) The Residence Life Office may reassign residents for administrative or disciplinary reasons with 24 hours notice. In the event that a resident is a potential threat to self or others, he or she may be relocated to a new housing space, or may be required to vacate the premises immediately.

(4) The Residence Life Program may terminate a resident's contract for lack of payment, non-academic attendance or for disciplinary reasons as outlined in the Residence Life Contract, Residence Life Handbook, and Oregon University System Fee Manual, requiring the resident to vacate the premises with 24 hours notice.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05

579-060-0190

Policies and Rates for Residence Halls and Board Dining

Policies that govern the operation of the residence halls shall be in accordance with the Residence Life Room and Dining Contract, Student Handbook, and the Residence Hall Room and Board Din-

ing Rates. These documents are by reference included in the Oregon Administrative Rules herein.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 3-2012(Temp), f. & cert. ef. 6-8-12 thru 12-1-12; EOU 7-2012, f. & cert. ef. 10-15-12

DIVISION 65

THE REBARROW RESEARCH FOREST

579-065-0015

Advisory Board

(1) The Rebarrow Research Forest Advisory Board (herein “the Board”) of Eastern Oregon State College is established to advise the President regarding the management and use of the Rebarrow Research Forest within the following guidelines.

(2) The Board shall acquire the necessary scientific and ecological information required in order to manage, preserve and develop the Rebarrow Research Forest in a reasonable manner.

(3) The Board shall include two Eastern Oregon State College Biology faculty members, one other Eastern Oregon State College faculty member, the Dean of Administration at Eastern Oregon State College, one person associated with the U.S. Forest Service or the State of Oregon, Department of Forestry, one person associated with the Oregon State Fish and Wildlife Department or the United States Fish and Wildlife Service, and one resident of Union County, who is not employed by the College.

(4) The President of Eastern Oregon State College (President) shall appoint all the members of the Board. However, the President shall request the responsible officials in the state or federal agencies identified in section (3) to recommend a person from their respective agencies to be Board members. Each representative shall serve a term for the length of time designated by the President. The President shall designate one of the faculty members appointed to the Advisory Board to be the presiding officer of the Board.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: EOSC 2-1987, f. & cert. ef. 12-28-87

579-065-0020

Jurisdiction and Powers of Board

(1) The Board shall advise the President regarding the preservation, management, maintenance and development of the Research Forest. In particular, the Board shall counsel the President regarding educational and research uses as well as regarding various ecological considerations of the Research Forest.

(2) In advising on educational uses, the Board shall consider such uses as:

(a) Field trips for the College’s science classes;

(b) Self-guided nature trails set up by the College;

(c) Designating study areas within the Forest Reserve for use by students in classes studying plants, animals, forest soil systems and riparian zones.

(3) In advising on research uses of the area, the Board shall consider:

(a) Developing on-going student initiated research projects;

(b) Providing for research projects by members of the faculty at the College;

(c) Providing for research projects by graduate students from other colleges and universities.

(4) In advising on the overall preservation, maintenance and development of the forest, the Board shall seek to:

(a) Promote the natural forest habitat, including game and wildlife inhabiting the areas;

(b) Manage the forest habitat to benefit the entire forest, including game and nongame wildlife inhabiting the area;

(c) Manage the riparian habitat in a manner befitting the watershed and the entire ecosystem;

(d) Manage the forest for a sustained yield;

(e) Develop a portion of the research forest into a material climax stand;

(f) Restrict logging in the research forest to a minimum impact basis;

(g) Allow the cutting of firewood with a permit;

(h) Fence any unfenced portions of the outer boundaries of the research forest;

(i) Develop and monitor plans for appropriate buildings to be constructed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: EOSC 2-1987, f. & cert. ef. 12-28-87

579-065-0025

Board Procedures

(1) A quorum of the Board is five members. A majority of a quorum is sufficient to decide an issue. The Board shall meet a call of the chairperson at least once a year or upon the call of three members. Reasonable notice of a meeting including an agenda shall be given to all members prior to each meeting.

(2) The Board shall select a Board member as secretary to keep minutes of its meetings. The President shall provide for such secretarial and other technical services as may be reasonably necessary to keep such records and to distribute reports of the Board’s action. The minutes of a Board meeting shall be provided to Board members after each meeting.

(3) The Board may review, initiate or formulate policy recommendations to the President on various matters within its charge. The Board may review other matters brought to it by the President or other College representatives, or by organizations or persons with an interest in the Rebarrow Research Forest.

(4) The President or other College representatives shall advise the Board in writing in those situations in which the Board’s recommendations are not accepted.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: EOSC 2-1987, f. & cert. ef. 12-28-87

579-065-0030

Timber Harvest and Firewood Cutting Permits

(1) In accordance with forest management practices and public contracting requirements, the College may invite qualified persons to log the Rebarrow Research Forest on a low impact basis.

(2) The College may allow individuals to cut firewood in the Rebarrow Research Forest for a nominal fee. Such cutting shall be limited to times and places which will not interfere with the research and educational activities taking place in the forest or disrupt the overall management of the area.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: EOSC 2-1987, f. & cert. ef. 12-28-87

DIVISION 70

PARKING AND VEHICULAR TRAFFIC REGULATIONS

579-070-0005

Purpose

(1) Campus parking and vehicular traffic regulations are designed to minimize congestion, maintain safety, enhance security, and maximize the use of existing parking facilities.

(2) “The Board of Higher Education is empowered under ORS 352.360 and 351.070 to enact such regulations as it shall deem convenient or necessary to provide for the policing, control, and regulation of traffic and parking of vehicles on the property of any institution under the jurisdiction of the Board,” and to “prescribe and collect charges for services rendered to any person or entity.” The fees and charges are set at levels sufficient to support fully annual operating expenses of maintaining parking facilities and to meet obligations for bonded indebtedness incurred for the acquisition of property and/or the construction of parking facilities.

(3) These regulations and fees will be reviewed annually by the Vice President of Finance and Administration, and Facilities and the Parking Advisory Committee

(4) Oregon State Police, the Union County Sheriff, and the La Grande City Police are authorized to issue citations for violations of vehicular traffic regulations occurring anywhere within approved campus boundaries. If a citation is issued by one of these enforcement agencies, the person cited should post bail or appear at the time and place stated on the citation. The university exercises no authority or responsibility over these actions.

(5) All signs and curb markings will meet established EOU standards. Curb Colors: Yellow — No parking; Handicapped — Blue; Green — 30 minute parking; Red—Fire zone.

(6) A vehicle is any conveyance requiring a state or city license to operate in any public area. This includes motorcycles and mopeds.

(7) The University assumes no responsibility for damage to or loss of vehicles or their contents when parking within the campus boundaries.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOSC 4-1992, f. & cert. ef. 8-24-92; EOSC 2-1994, f. & cert. ef. 3-7-94; EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 8-2012, f. & cert. ef. 12-20-12; EOU 1-2013, f. & cert. ef. 2-22-13

579-070-0010

Parking Permits and Fees

(1) EOU parking permits are required at all locations on campus except Community Stadium.

(a) Parking permits must be displayed on the rear view mirror with the permit numbers clearly visible from the front of the vehicle. If this is not possible, then permit must be clearly visible on the driver's side of the vehicle dash with the permit numbers clearly visible. Motorcycle permits must be affixed near the handlebars.

(b) Some general parking spaces on campus are dedicated to student, faculty or staff and are available on a first-come, first-served basis. Students will receive 'Student' permits and may use the spaces dedicated to students, Faculty will receive 'Faculty' permits and may use the spaces dedicated to faculty, and Classified Staff and Administrative Faculty will receive 'Staff' permits and may use spaces dedicated to staff. These spaces are clearly marked by signs. Each General parking permit will be color-coded designating the dedicated spaces that may be used. Faculty and staff of on-campus EOU partners (OSU-Ag, OHSU Nursing, ODFW) will be have the same privileges as EOU students, faculty and staff and will receive 'Staff' permits.

(2) General parking permits allow permit holder to park in general parking spaces and in the dedicated spaces mentioned in section 1(b).

(a) Annual general parking permits are valid from July 1–June 30 and will be issued for a fee.

(b) General parking permits valid for one-term only will be issued for a fee.

(c) One-day parking permits may be purchased from the parking permit vending machine for a minimal fee. These permits are good for one day only date of purchase only and holders may park in any general parking space but may not park in a reserved space or in any space dedicated to Faculty or Staff or Students.

(3) Reserved parking permits with a dedicated parking space (Annual/or Academic Year) will be issued for a fee.

(4) Vehicles are allowed to park without a permit in the parking lot of Community Stadium.

(5) Annual motorcycle permits will be issued for a fee and the motorcycle must be parked in a designated motorcycle parking space. The cost of the annual permit will allow the driver to park the motorcycle in an automobile parking space.

(6) Vendor permits may be issued by Facilities Services or Campus Safety for contractors, media personnel and vendors performing work on campus.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOSC 2-1991, f. & cert. ef. 6-24-91; EOSC 4-1992, f. & cert. ef. 8-24-92; EOSC 2-1994, f. & cert. ef. 3-7-94 EOSC 5-1994, f. & cert. ef. 9-6-94; EOSC 2-1996, f. & cert. ef. 9-16-96; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0015

Visitor Parking

Some campus events such as meetings and conferences may obtain Visitor Permits at no charge upon the approval of the Director of Facilities and Planning, Asst. Director of Facilities and Planning or the Security Supervisor prior to the event. Visitor permits must be displayed by hanging the permit from the rear view mirror of the vehicle and must have the current date showing.

(1) Visitors may also park in any designated 'Visitor' parking space with the purchase of a one-day pass at a minimal cost from the parking permit dispensing machine.

(2) Parking a vehicle with a current EOU parking permit in a designated 'Visitor' parking space is prohibited. Visitor parking is defined as parking for persons not affiliated with EOU.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOSC 2-1991, f. & cert. ef. 6-24-91; EOSC 4-1992, f. & cert. ef. 8-24-92; EOSC 2-1994, f. & cert. ef. 3-7-94 EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13

579-070-0025

Bicycle Parking

Bicycles must be in a rack supplied for that purpose adjacent to an instructional building or residence hall.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86

579-070-0030

Driving and Parking Regulations on Campus

(1) Government vehicles not assigned a Reserved parking space may only be parked for a period of 24 hours in any lot on campus. Vehicles may be liable for enforcement action for non-compliance.

(2) Any vehicle appearing on campus with a permit listed as lost or stolen or with a counterfeit permit will be booted upon discovery and will be subject to a fine. Possession of a lost, stolen or counterfeit permit may be grounds for criminal charges and/or University disciplinary action.

(3) Vehicles parking in a space posted for disabled persons must display a valid disabled permit, placard or license plate. Students and staff with a state-issued ADA disabled permit are authorized to park in any valid parking space on campus, in addition to parking in a designated ADA space.

(4) Temporary Disabled permits for persons with mobility-type injuries will be issued for up to one week of time without a doctor's note. A doctor's note will be required if the permit is requested to extend past one week. For faculty and staff, the request for a temporary disabled permit shall be submitted to the Security Supervisor by the appropriate Supervisor or Dean. For students, the request for a temporary disabled permit shall be submitted by the Student Health office or the Head Athletics Trainer.

(5) Persons are prohibited from living in vehicles of any kind on EOU property. This policy is in no way intended to restrict visitors, parents and/or special event participants from short term overnight stays in campers or motor homes. However, all such guests must check in with campus security and comply with all safety regulations. Vehicles towing trailers of any kind are not permitted to park on campus.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOSC 4-1992, f. & cert. ef. 8-24-92; EOSC 2-1994, f. & cert. ef. 3-7-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0035

Citations and Fines

(1) Parking Regulations are enforced Monday–Friday 8 a.m.–5 p.m. and citations and fines will be issued for the following violations:

(a) Parking in a General Parking space without a valid permit or sticker — \$15.

(b) Parking in a Reserved Parking space without a valid Reserved Permit — \$50.

(c) Parking in a designated Handicapped Space without a valid DMV permit — \$100. An EOU parking permit is also required in designated Handicapped spaces.

(d) Parking in a designated loading zone (marked yellow) — \$20.

(e) Parking overtime in any time-limited space — \$20.

(f) Parking in a designated “Fire” zone — \$50.

(g) Parking improperly (backing into spaces, parking against the flow of traffic, parking over the lines) — \$15.

(h) Possession of stolen or altered permit, or misuse of permit — \$100.

(i) Improper display of permit — \$15.

(j) Driving or parking on or over sidewalks/lawns, pedestrian malls — \$20, plus the cost of any/all repairs.

(k) Blocking traffic — \$20.

(l) Parking/chaining bicycle in unauthorized area — \$15.

(m) Boot Fee — \$50.

(n) Parking in a Visitor parking space by an EOU student/faculty/staff member — \$25.

(o) Parking in an incorrect dedicated space — \$15.

(2) Fines for violations can be paid at the Student Accounts Office in Inlow Hall #101. (EOU Business Office, One University Blvd., La Grande OR 97850).

(3) The fine of one \$15 violation may be applied to the purchase of a General or Reserved Parking Permit.

(4) Non Payment of Fines: 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.

(a) 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.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 11, f. & ef. 11-17-77; EOSC 3-1979, f. & ef. 6-27-79; EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOSC 2-1991, f. & cert. ef. 6-24-91; EOSC 4-1992, f. & cert. ef. 8-24-92; EOSC 2-1994, f. & cert. ef. 3-7-94; EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0041

Appeal

(1) A person wishing to appeal a parking citation may do so online at <http://www.eou.edu/facplan/parking-services/> or by submitting a written appeal form that is available from the Student Accounts office, Inlow #101. An appellant may, but is not required to, appear in person before the Committee. The Parking Appeals Committee will review the appeal and its decision is final.

(2) All appeals must be submitted within 30 days from date of the citation. Appeals submitted after 30 days will not be considered for review. Appeals will be considered by the committee at the next regularly scheduled meeting.

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

(a) Lack of knowledge of the regulations: i.e., new to campus or have not read regulations.

(b) Other vehicles were also parked improperly.

(c) Disagree with or inability to pay the amount of the fine(s).

(d) Lack of available space.

(e) Did not read or misunderstood parking signs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0042

Parking Appeals Committee

(1) The Parking Appeals Committee is established to provide an expedient method of handling appeals for parking citations issued by Eastern Oregon University personnel.

(2) The Parking Appeals Committee will consist of two unclassified staff members and two classified staff members appointed by the Vice President of Administration, Finance, and Facilities, two students appointed by the ASEOU Committees Chairperson, one Faculty member, with the Security Supervisor chairing the Committee meetings, voting only as a tie-breaker. A Campus Security/Public Safety officer may serve ex-officio without vote.

(3) Each member of the Parking Appeals Committee will serve for a period of 2 years, and are eligible for reappointment by the Vice President of Finance and Administration. Terms of office will be staggered to help insure continuity and consistency in the appeals review process.

(4) The Parking Appeals Committee will meet monthly or as needed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0043

Parking Appeals Committee Authority

The Parking Appeals Committee shall have the authority to:

(1) Find the individual not guilty of the violation and dismiss the citation.

(2) Find the individual guilty of the violation and impose the designated fine or impose a lesser fine.

(3) Find the individual guilty and issue a warning without imposing a fine.

(4) Defer the citation, meaning that the citation will be treated as a warning unless the individual receives another citation at which time the person will be charged for both.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 5-1994, f. & cert. ef. 9-6-94; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13

579-070-0045

Towing/Immobilizing Vehicles

(1) A vehicle may be towed off the campus and impounded and the owner subject to towing and storage fees in addition to designated penalties under the following circumstances:

(a) A vehicle causing imminent danger to people or University property by parking in fire lanes or too close to fire hydrants.

(b) A vehicle left parked or standing in an area not normally used for vehicular traffic. This includes parking on a sidewalk or the grass.

(c) Abandoned or immobilized vehicles left on EOU property more than 72 hours may be removed at the registered owner's expense unless an extension has been granted by the EOU Security. Unlicensed vehicles parked on campus will be considered abandoned and subject to removal at the owner's expense. Expenses include towing and storage fees.

(2) A vehicle may also be immobilized by using a mechanical boot device under the following circumstances:

- (a) Three or more unpaid citations.
- (b) Displaying an altered, stolen or forged permit.
- (3) Release of the vehicle will be made upon payment of the fines or by satisfactory arrangements for payment with the Student Accounts office. A \$50 boot fee may be assessed in addition to any outstanding fines.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86; EOU 5-2005, f. & cert. ef. 9-2-05; EOU 3-2007, f. & cert. ef. 8-15-07; EOU 1-2013, f. & cert. ef. 2-22-13; EOU 6-2013, f. & cert. ef. 12-6-13

579-070-0050

Change of Address

Vehicle owners are urged to notify the Oregon State Motor Vehicle Division of any change of address within 30 days after occurrence. The nearest Motor Vehicle Division Office is located on Highway 82 between La Grande and Island City.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 352.360

Hist.: EOSC 1-1982, f. & ef. 6-11-82; EOSC 4-1984, f. & ef. 10-25-84; EOSC 2-1986, f. & ef. 7-28-86

DIVISION 75

EASTERN OREGON UNIVERSITY USE OF VEHICLES FOR UNIVERSITY BUSINESS

579-075-0000

Eastern Oregon University Use of Vehicles for University Business

- (1) For purposes of this rule:
- (a) "Vehicle" means cars, vans, trucks, and buses;
- (b) "State-owned vehicle" means a vehicle owned by or registered in the name of the State of Oregon, the Board, or any institution;
- (c) "Hired vehicle" means a vehicle that is leased, hired, or rented by the State, the Board, or any institution. This definition excludes borrowed vehicles;
- (d) "Borrowed vehicle" means a vehicle that is not a "state-owned vehicle" or a "hired vehicle" but that is used on state business. "Borrowed vehicle" includes vehicles owned by employees, students, and others participating in institution activities, and used on state business;
- (e) "State business" means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of the Department of Higher Education.
- (f) "Officially sanctioned program" means any program undertaken to further the instructional, research or service missions of the institution or designed to promote the cultural and physical development of students. Such programs include but are not limited to:
 - (A) Academic department programs;
 - (B) Co-curricular programs;
 - (C) Intramural, recreational sports, club sports, and intercollegiate athletic programs;
 - (D) Any student programs or activities identified by the president or designee. Examples of such activities include but are not limited to student government, student housing activities, activities sponsored by student organizations that are consistent with the institution's mission.
 - (E) No motor vehicle owned, leased, or controlled by the state shall be used to transport students to an event or activity not directly related to an officially sanctioned program.
- (2) Authorization for the use of a state vehicle will be based on the following:
 - (a) Athletic schedules will have priority if their request is turned in at the beginning of the term to cover their scheduled athletic contests during that term. If the schedules are not turned in at the beginning of the term, they will be served on a first come, first served basis.
 - (b) All use must be for the convenience of the college.

- (c) Personal use is prohibited.

(3) Vehicles will be driven only by employees or agents of the university who are holders of a valid driver's license. Approval to drive vehicles on University business must be obtained from the Facilities and Planning Office. Driving record information for drivers will be verified with the Department of Motor Vehicles. Persons with physical impairments which might cause them to have problems operating a vehicle safely, having questionable driving records and citations for alcohol or other drug abuse, or who have been convicted of a major traffic offense, as defined in ORS 153.500, within three years of proposed operation are prohibited from driving vehicles on institution-approved business. It is the policy of Eastern to check the driving record of all faculty, staff, student and non-employee drivers and to reserve the right to check the driving record of any prospective driver. The Shipping and Receiving Office will maintain a current list of all approved drivers.

(4) When an employee uses his/her private vehicle on an authorized trip, the employee shall be reimbursed at the prevailing rate approved by the Oregon State Board of Higher Education. Vehicles used for state-authorized travel should be equipped as set forth in Subsection (6)(a) through (f).

(5) It is the responsibility of the driver of a vehicle to insure that there is an operable safety belt for every passenger.

(6) University motor pool vehicles are equipped and maintained to meet or exceed State of Oregon standards. It is the responsibility of the Motor Pool to verify before every trip that a vehicle is safe to operate and is equipped with the following required safety devices:

- (a) Emergency reflector kit and/or flares;
- (b) Ice scraper;
- (c) Flashlight;
- (d) First aid kit;
- (e) Accident-reporting forms and instructions for handling emergencies;
- (f) Tire chains or other approved traction devices when required by weather conditions.
- (7) Vehicle inspection and emergency equipment inventory form is included in the "car book" supplied by the Shipping and Receiving Office — the "car book" also includes credit cards for gas, oil, and emergency repairs and instructions to be followed if repairs are needed or there is an emergency — and must be signed by the driver. The Motor Pool staff is responsible for insuring that the vehicle is in safe operating condition and that all emergency items are in the vehicle.

(8) The Shipping and Receiving Office (telephone number, 2-3570) should be notified if a vehicle is not in safe operating condition or if any of the above items are missing before the trip commences so that the vehicle can be repaired or missing items supplied. Any problems that develop with a vehicle during a trip that would cause it to be unsafe to operate must be repaired — see instructions in "car book." All problems with a vehicle, no matter how minor, must be reported on the mileage report form included in the "car book" so they can be attended to by Motor Pool staff. Vehicles are inspected and serviced by Motor Pool staff after each trip. Private vehicles used on state business must be maintained in a safe operating condition and must carry the safety devices set forth in Section 6 of this rule.

(9) It is the responsibility of the driver to operate the vehicle in a safe manner. The maximum speed is the posted speed limit. Any driver of a state vehicle exceeding the speed limit may assume the responsibility in case of an accident resulting from speeds exceeding the posted speed limit. Individuals who receive a police citation while driving a state car shall be subject to disciplinary action and/or have driving privileges revoked. On lengthy trips, it is the responsibility of the driver to avoid drowsiness by making frequent rest stops and using certified relief driver.

(10) Group travel involving students: Trip itinerary information must be included on the Travel Authorization Form and should specify approximate departure and arrival times. A list of students traveling on field trips and other extracurricular activities or to athletic events must be filed with the Travel Authorization Form (see example in Appendix A). Information to be included on the student list

includes the name, address, and telephone number of the person to be notified in the event of an emergency. This list will be forwarded by the Purchasing Agent/Risk Manager to the Vice President for Student Affairs. Student Travel Information Forms are available in School and Unit offices and on the Business Services Web Site.

(11) The names of all drivers must be included on the trip itinerary. Provisions must be made for the use of relief drivers during long trips. Please allow adequate time to research driving records through the Department of Motor Vehicles if alternate drivers have not previously been approved through the Shipping and Receiving Office.

(12) In the event of an injury accident, the following authorities are responsible for contacting relatives of travelers and must be notified immediately:

(a) Sheldon Nord, VP, Student Affairs; Student Injuries; O: 962-3635;

(b) Marvin Wigle, VP, Business, Finance & Facilities; Employee Injuries; H: 910-0408; O: 962-3773;

(c) Khosrow Fatemi, President; If unable to contact VP, Student Affairs; H: 963-3512; O: 962-3512.

(13) All accidents must be reported promptly following procedures outlined in the information included in the "car book."

(14) Lectures, classes, athletic contests, field trips and other extra-curricular activities will be cancelled when vehicle or weather conditions create unacceptable risk to the health and safety of vehicle passenger.

(15) Except in the case of authorized travel such as intercollegiate athletic trips, musical group tours, or other student activity which requires travel across state borders, no state vehicles will be used for travel outside of Oregon except for western Idaho, northern California and most of the state of Washington.

(16) Passengers are not permitted to ride in University vehicles unless they will be performing duties for the University at the destination.

(17) Use of university vehicles will be charged to School or Unit budgets at the following rates:

(a) 15 passenger vans — \$0.65 per mile;

(b) Sedans — \$0.45 per mile;

(c) 4-Wheel Drive Jeeps — \$0.50 per mile;

(d) Mini Vans — \$0.55 per mile.

(A) 24-hour notification of car request cancellation or \$15.00 no-show charge assessed.

(B) Car books must be returned by 8:30 am following day of car usage (so the car can get serviced for next user) or \$15 return charge.

(C) A minimum cleanup charge \$10.00 for more than normal trash and dirt.

(D) Sedans driven 45 miles or less round trip charge \$17.50. 15 passenger vans driven 45 miles or less round trip charge \$28.50. All 4-wheel drives driven 45 miles or less roundtrip charge \$20.00. All mini vans driven 45 miles or less roundtrip charge \$22.50.

(E) The deductible for collision is \$2500.00 per accident and will be borne by the department assigned the vehicle.

(F) Vehicles should be returned with full tanks of gas, or a \$10.00 service fee will be added to the total charges.

(18) State vehicles are scheduled through the Shipping and Receiving Office and requests must be made on the form provided.

(19) Use of a Personal Car. Travel by private vehicle in lieu of a state vehicle may be authorized in order to permit a combination of official travel with a holiday or weekend trip, vacation, or for other valid personal reasons. Reimbursement for mileage is at the Oregon State System of Higher Education approved rate. Reimbursement is limited to the mileage the employee would have traveled on official business, and the meal and lodging allowance to which he or she would have been entitled while on official travel.

(20) Vehicles loaned to the University must meet the State of Oregon safety standards. Loaned vehicles MUST be inspected by Motor Pool staff and the approval of Vice President for Business, Finance & Facilities obtained before used.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 1-1987, f. & ef. 12-28-87; EOSC 5-1995, f. & cert. ef. 2-16-95; EOU 2-2001, f. & cert. ef. 9-28-01; EOU 3-2005, f. & cert. ef. 7-7-05