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DIVISION 1

PROCEDURAL RULES

573-001-0000

Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of any rule, other than a temporary rule which shall be adopted in accordance with ORS 183.335(5), Southern Oregon University shall give notice of the proposed adoption, amendment, or repeal:

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

(2) By mailing a copy of the Notice to persons on Southern Oregon University's mailing list established pursuant to ORS 183.335(7).

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

- (a) The Medford Mail Tribune;
- (b) The Daily Tidings;
- (c) The Siskiyou;
- (d) SOU News Groups
- (e) ASSOU President.
- (f) Legislator(s) sponsoring legislation per HB 2799

Stat. Auth.: ORS 183.335 & Ch. 729, OL

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-001-005

Hist.: SOSC 1, f. & ef. 4-1-76; SOSC 6-1985, f. & ef. 6-12-85; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-001-0005

Availability of Public Records

The public may review any Southern Oregon University documents that are designated public records. See ORS 192.005(5) for the definition of "public records". These documents are on file in University offices and may be reviewed during regular working hours. Copies of public records are available to the public upon request. The following charges will be made, payable in advance or when the materials are furnished:

(1) Administrative Rules of Southern Oregon University, current notebook -- \$10.

(2) Copies of documents:

- (a) 1 - 10 copies -- 20¢ per page (40¢ if printed front and back);
- (b) 11 or more copies -- 15¢ per page (30¢ if printed front and back).

(3) Other materials such as computer tapes, microfilm, and microfiche copies, audio tape cassettes, computer services, etc., shall be provided at a fee reasonably calculated to reimburse the University for actual costs incurred in making records available to the public.

(4) When materials are not readily available, such as in the case of files in the archives, or require an inordinate length of time to assemble due to the scope of the request, an additional charge of \$10 per hour may be assessed to cover staff time required to

make the information available.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 192, ORS 351.070 & OAR 580-001-0020

Hist.: SOSC 1-1986, f. & ef. 5-5-86; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 5

FACULTY GRIEVANCE PROCEDURES

573-005-0005

General Provisions

According to OAR 580-021-0050, "grievance" means a complaint by an academic employee that the employee was wronged in connection with compensation, tenure, promotion, or other conditions of employment, or the employee's rights were denied as to reappointment:

(1) "Other conditions of employment" shall include, but are not necessarily limited to, violations of academic freedom, discriminatory employment practices, and laws, rules, policies, and procedures under which the institution operates.

(2) Procedures for hearing cases which may lead to termination or other sanctions for cause and also Oregon State Board of Higher Education review of sanctions are summarized in Section 7.400 of the Faculty Constitution and Bylaws and are found in OAR 580-021-0320 through 580-021-0470.

(3) A personal complaint by a faculty member against another faculty or staff member which does not allege a wronging of the complainant through a personnel action is not subject to the procedures set out in this section. Refer to Section 7.500 of the Faculty Constitution and Bylaws.

(4) The procedures set out in this section are available to any faculty member as defined within the Faculty Constitution and Bylaws.

(5) The faculty member may not proceed with a grievance under this section if the grievant is seeking resolution of that same grievance in another forum.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0015

Definitions

(1) "Days" shall mean calendar days unless otherwise specified.

(2) "Hearing Committee" shall mean a Faculty Senate Hearing Committee as provided in Section 1.225 of the Faculty Constitution and Bylaws.

(3) "Formal Grievance" shall mean a written statement including the information outlined below; the procedures of this section may not be invoked unless the grievance is presented in writing. These procedures are not intended to be used in the hearing of charges which may lead to disciplinary sanctions. Those procedures are outlined in Section 7.400 of the Faculty Constitution and Bylaws and also OAR 580-021-0320 ff.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0025

Informal Procedures

(1) Prior to filing a formal grievance, a faculty member is encouraged to seek mediation of the grievance with the faculty member's dean, Vice President for Academic Affairs and Provost, or, in the case of discrimination, including sexual harassment, the appropriate administrative officer. The faculty member must have the initial discussion within ten days of receiving notice of a personnel action. If the administrator agrees to seek resolution, the

administrator must provide the faculty member with a written report on the results of the mediation not more than 15 days after the initial discussion with the grievant unless the administrator and the grievant agree in writing to extend the time limit. In no case may the time limit be extended to more than 30 days after the initial discussion with the grievant.

(2) The appropriate administrative officer must be notified of any grievance alleging discrimination, including sexual harassment. That officer will identify the specific allegations, investigate each allegation of discrimination, and attempt to help the parties resolve the issue.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0035

Initiation of Formal Procedure

(1) If a grievance is not resolved to the satisfaction of the grievant at the informal stage or if the grievant chooses to bypass the informal stage, the grievant may initiate the formal grievance by filing a formal grievance in writing with the chair of the Faculty Senate, who shall immediately notify the parties involved in the grievance. If the grievant does not want the grievance heard by a Faculty Senate Hearing Committee, the grievant may file the grievance directly with the President, accompanied by a letter indicating that the grievant waives the right to a hearing before a Faculty Senate Hearing Committee. The grievance will then be heard by the President or a designee within 15 days of the grievance being filed with the President. The President will render a written decision within 30 days of the conclusion of the hearing following the provisions of OAR 573-005-0055(3).

(2) The formal grievance must be filed within ten days of the faculty member receiving notice of a personnel action. If the faculty member has sought informal resolution of the grievance within ten days of receiving notice of a personnel action, the formal grievance must be filed within ten days of receiving the written report from the administrator detailing the results of the mediation efforts.

(3) The formal grievance must be addressed to the chair of the Faculty Senate and must contain the grievant's name, address, and telephone number; the date and nature of the personnel action being appealed; the parties responsible for the personnel action; and the remedy requested.

(4) Once a formal grievance has been filed with the chair of the Faculty Senate, it may be withdrawn only with the written consent of the grievant and the parties named within the grievance.

(5) The chair of the Faculty Senate shall cause a Faculty Senate Hearing Committee to be formed, and the Hearing Committee shall meet within 15 days of the receipt of the grievance by the chair of the Faculty Senate.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0045

Hearing Committee Procedures

(1) The Hearing Committee shall send to all parties a written notice of the time and place of the hearing at least seven days prior to the hearing.

(2) The grievant shall have the option to be present throughout the hearing. The grievant shall present the grievance first, followed by responses from the person or persons who are the object of the grievance. Thereafter the grievant shall have an opportunity to respond, and the Hearing Committee shall have the opportunity to question any party to the grievance.

(3) Each party shall have a right to call and examine witnesses and to introduce exhibits or other documents. The members of the Committee may question any witness and may call additional witnesses.

(4) Where the personnel action was based upon materials assembled as specified within the policies and procedures of the

University, the Hearing Committee shall base their action upon those materials. Exception shall be made when the grievant argues that the materials:

(a) Were assembled in a manner contrary to University policy and procedures;

(b) Included or excluded materials contrary to University policy and procedures; and/or

(c) Were otherwise flawed due to a violation of University policy and procedures.

(5) The grievant may be accompanied by or represented at the hearing by another person of the grievant's choosing. The grievant will be responsible for any costs of representation except as allowed in ORS 30.285 ff.

(6) The chair of the Hearing Committee shall provide for a sound recording of the hearing which shall be filed with the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost will make such tapes available to parties of the grievance upon request.

(7) The hearing shall be open to the public at the option of the grievant to the extent allowed by law. However, deliberations of the Hearing Committee shall not be open to the public or the parties involved.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0055

Decision of the Hearing Committee

(1) The Hearing Committee will render its decision in the form of a written recommendation to the President and will forward it to the chair of the Faculty Senate. The recommendation shall be based solely upon the evidence presented at the hearing.

(2) The chair of the Faculty Senate will forward the recommendation without comment to both the President and the grievant and will notify the Faculty Senate that the Hearing Committee has completed its work. The recommendation shall be forwarded to the President within 60 days of the receipt of the formal grievance by the chair of the Faculty Senate.

(3) The President shall review the recommendation and render a written decision within 30 days notifying the grievant and the chair of the Faculty Senate of the decision. The President may interview any person concerning the grievance to supplement the record of the hearing, provided that the decision lists each person so interviewed and includes a written synopsis of the contents of each interview. In addition, the President may review any documents, provided that the decision shall identify any such documents that were not a part of the record of the hearing. The grievant shall be informed of such additional information obtained by the President in preparing the decision and shall be given seven days to provide any comment or response prior to the President rendering a decision. If the President rejects or modifies the recommendations of the Hearing Committee, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0065

Protection from Retaliation

A faculty member filing a grievance in good faith or otherwise participating in any of the actions authorized under these grievance rules shall not be subject to retaliatory action of any kind by any employee of the University, the Oregon University System, or the State Board of Higher Education.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0075

Unmet Deadlines

Should the Faculty Senate not meet the deadlines provided in this section, the grievant may file the grievance directly with the

President. Should the President not meet the deadlines provided herein, the grievant may file the grievance with the Chancellor.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

Procedure for Hearing a Charge Which May Lead to Termination or Other Sanction of a Faculty Member for Cause

573-005-0085

Procedures for Hearing Charges

Procedures for hearing charges which may lead to termination or other sanction of a faculty member for cause are outlined in OAR 580-021-0320 ff. These procedures are to be used whenever “there is probable cause to impose a sanction or sanctions more severe than an oral or written warning or reprimand” (OAR 580-021-0330).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0095

Definition of Cause

“Cause” includes conviction of a felony or a crime of moral turpitude during the period of employment by the department, committing an act of proscribed conduct as defined in OAR 580-022-0045, failure to perform responsibilities, evidence of incompetence, gross inefficiency, default of academic integrity in teaching, research, or scholarship, intentional or habitual neglect of duty, and failure to perform adequately for medical reasons.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0105

Attempts at Resolution

Procedures for formal proceedings are only to be invoked after the President has been unable to make a satisfactory resolution of the matter through informal means.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0115

Initiation of Formal Proceedings

The President is to initiate formal proceedings by the preparation of formal charges against the faculty member as described in OAR 580-021-0330. The following are provided for in OAR 580-021:

- (1) Rules for the temporary suspension of a faculty member (OAR 580-021-0335).
- (2) Faculty member’s request for a formal hearing on charges (OAR 580-021-0340).
- (3) Constitution and formation of the Hearing Committee (OAR 580-021-0345).
- (4) Conduct of the hearing (OAR 580-021-0350).
- (5) Report by the Committee (OAR 580-021-0355).
- (6) Action by the President (OAR 580-021-0360).
- (7) Date of termination (OAR 580-021-0365).
- (8) Procedure to obtain review by the Board (OAR 580-021-0370).
- (9) Effect on personnel record of investigations which do not result in formal charges or which have not resulted in oral or written warning or reprimand (OAR 580-021-0385).
- (10) Subpoenas (OAR 580-021-0410).
- (11) Powers of hearing officers (OAR 580-021-0425).
- (12) Who may appear (OAR 580-021-0430).
- (13) Evidence (OAR 580-021-0455).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

Faculty Complaints Against Other Faculty, Administrators, or Staff

573-005-0125

General Provisions

These procedures are to be used whenever a faculty member has a complaint against another faculty member, administrator, or staff person which is not covered in any other section of the Faculty Constitution and Bylaws or the Oregon Administrative Rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0135

Informal Procedures

(1) Parties to a disagreement must first seek mediation of the disagreement with the supervisor or supervisors of the parties involved. The supervisor(s) must provide both parties to the complaint with a written report on the results of the mediation not more than 15 days after the initial discussion with the complainant unless the administrator or either party to the complaint requests in writing to extend the time limit. In no case may the time limit be extended to more than 30 days after the initial discussion with the complainant.

(2) Should the complaint not be resolved to the satisfaction of any party to the complaint at this level, then the complaint may be taken to the next-higher administrative level for rehearing. This process may continue up through the President, except in situations when the complaint is against the President, in which case the complaint shall be filed with the Chancellor of the Oregon State Board of Higher Education.

(3) All complaints alleging unlawful discrimination, including sexual harassment, must be filed with the appropriate administrative officer. That officer will identify the specific allegations, investigate each allegation of discrimination, and attempt to help the parties resolve the issue.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

573-005-0145

Initiation of Formal Procedures

(1) If a complaint is not resolved to the satisfaction of the complainant at the informal stage, the complainant may initiate the formal complaint by filing it in writing with the Vice President for Academic Affairs and Provost, who shall immediately notify the parties involved in the complaint. The complaint shall then be heard by a Complaint Hearing Panel empowered by the Vice President for Academic Affairs and Provost within 15 days of the filing of the complaint. The Complaint Hearing Panel shall render a written decision within 30 days of the conclusion of the hearing:

(a) Complaints against the Vice President for Academic Affairs and Provost shall be filed with the President and shall follow the same procedures outlined below, substituting President for Vice President for Academic Affairs and Provost;

(b) Complaints against the President shall be filed with the Chancellor and shall follow the same procedures outlined below, substituting Chancellor for Vice President for Academic Affairs and Provost.

(2) The formal complaint must be addressed to the Vice President for Academic Affairs and Provost and contain the complainant’s name, address, and telephone number; the date and nature of the complaint; the parties involved; and the action requested.

(3) Once a formal complaint has been filed with the Vice President for Academic Affairs and Provost, it may be withdrawn only with the written consent of the complainant and the parties named within the complaint.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0155**Composition of Complaint Hearing Panels**

(1) The Vice President for Academic Affairs and Provost shall appoint a Complaint Hearing Panel to hear the complaint.

(2) Complaint Hearing Panels to hear faculty-faculty and faculty-administrator complaints shall be composed as follows: Three faculty members, at least one from the home department of the complainant, and two administrators, at least one from the school of the complainant.

(3) Complaint Hearing Panels to hear faculty-staff complaints shall include two faculty members (at least one from the department of the faculty member), one administrator, and two staff members (one from the department of the faculty member and one from the department of the staff person).

(4) Each disputant shall have the right to challenge an unlimited number of Committee members for cause. Any challenge for cause shall be referred to the Vice President for Academic Affairs and Provost or his designee for disposition.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0165**Hearing Procedures**

(1) The Complaint Hearing Panel shall send to all parties a written notice of the time and place of the hearing at least seven days prior to the hearing.

(2) The complainant shall have the option to be present throughout the hearing.

(3) The complainant shall present the complaint first, followed by responses from the person or persons who are the object of the complaint. Both parties shall have full rights of rebuttal. The Complaint Hearing Panel shall have the opportunity to question any party to the complaint.

(4) Each party shall have the right to call and examine witnesses and to introduce exhibits or other documents. The members of the Panel may question any witness and may call additional witnesses.

(5) The complainant may be accompanied by or represented at the hearing by another person of the complainant's choosing. The cost of legal counsel shall be borne by those individuals soliciting such help, except as provided for in ORS 30.285 ff.

(6) The chair of the Complaint Hearing Panel shall provide for a sound recording of the hearing which shall be filed with the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost shall make such tapes available to all parties of the complaint upon request.

(7) The hearing shall be open to the public at the option of the complainant to the extent allowed by law. However, deliberations of the Complaint Hearing Panel shall not be open to the public or parties involved.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 30.285, ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0175**Decision of the Hearing Panel**

(1) The Complaint Hearing Panel shall render its decision in the form of a written recommendation to the Vice President for Academic Affairs and Provost within 60 days of the empowerment of the Panel. The recommendation shall be based solely upon the evidence presented at the hearing. The Complaint Hearing Panel shall also forward a copy of its decision to each party of the complaint.

(2) The Vice President for Academic Affairs and Provost shall review the recommendation and render a written decision within 30 days. Each party to the complaint shall be provided a written copy of the decision. Before rendering a decision, the Vice President for Academic Affairs and Provost may interview any person concerning the complaint in order to supplement the record of the hearing, provided that the decision lists each person so interviewed and includes a written synopsis of the contents of

each interview. In addition, the Vice President for Academic Affairs and Provost may review pertinent documents, provided that the decision shall identify any such documents that were not a part of the record of the hearing. The complainant shall be informed of such additional information obtained by the Vice President for Academic Affairs and Provost in preparing the decision and shall be given seven days to provide any comment or response prior to the Vice President for Academic Affairs and Provost rendering a decision. If the Vice President for Academic Affairs and Provost rejects or modifies the recommendation of the Complaint Hearing Panel, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0185**Protection from Retaliation**

A faculty member filing a complaint in good faith or otherwise participating in any of the actions authorized under these complaint rules shall not be subject to retaliatory action of any kind by any employee of the University, the Oregon University System, or the State Board of Higher Education.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0195**Unmet Deadlines**

Should the Vice President for Academic Affairs and Provost not meet the deadlines provided in this section, the complainant may file the complaint directly with the President. Should the President not meet the deadlines provided herein, the complainant may file the complaint with the Chancellor.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-005-0205**Review of Decision**

(1) Should any member to the complaint disagree with the decision of the Vice President for Academic Affairs and Provost, he/she may request the chair of the Faculty Senate to convene a Faculty Senate Hearing Committee. The purpose of the Hearing Committee is not to rehear the entire case, but to examine the materials presented and the procedures followed in arriving at the decision. Possible reasons for recommending a reversal of a decision would be overlooked evidence, misplaced emphasis on evidence, and bias in the procedures for evidence collection or conducting the hearing.

(2) The request for a Faculty Senate hearing must include a copy of the decision and the basis for requesting the review.

(3) Procedure for formal review by Faculty Senate Hearing Committee:

(a) At least seven days prior to the review, the Hearing Committee shall notify all parties in writing of the time and place of the review;

(b) The faculty member shall have the option to be present throughout the review;

(c) The faculty member shall present evidence and call witnesses first, followed by the Vice President for Academic Affairs and Provost. Thereafter, both parties shall have the opportunity for rebuttal;

(d) The review shall, at the option of the faculty member and to the extent allowed by law, be open to the public. However, deliberations of the Hearing Committee shall not be open to the public or the parties involved;

(e) The Hearing Committee will render a written recommendation to the President, forwarding it through the chair of the Faculty Senate. The recommendation shall be based solely upon the evidence presented at the review;

(f) The chair of the Faculty Senate will forward the recom-

mentation without comment to both the President and the faculty member, and will notify the Faculty Senate that the Hearing Committee has completed its work. The recommendation shall be forwarded to the President within 60 days of the receipt of the formal request for review by the chair of the Faculty Senate;

(g) The President shall review the recommendation and render a written decision within 30 days, notifying the faculty member and the chair of the Faculty Senate of the decision. The President may interview any person concerning the review to supplement the record of the review, provided that the decision lists each person so interviewed. In addition, the President may review any pertinent documents, so long as such documents are identified in the President's written decision. The faculty member shall be informed of such additional information obtained by the President in preparing the decision and shall be given seven days to provide any comment or response prior to the President rendering a decision. If the President rejects or modifies the recommendations of the Hearing Committee, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

Imposition and Review of Disciplinary Sanctions

573-005-0215

Removal of Administrative Personnel from Office

If it should appear that an administrative officer does not have the support and confidence of those within the administrative unit to such an extent that its operation is jeopardized, a formal written request for the removal of the officer may be submitted to the Faculty Senate by two-thirds of the members of the unit involved. The request will be considered by the Senate and sent with the Senate's recommendation to the proper authority.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

DIVISION 10

FACULTY RECORDS POLICY

573-010-0005

Purpose

The Oregon Legislature and the Board of Higher Education have recognized by law the importance of maintaining the faculty member's right to privacy in an educational environment. Southern Oregon University is now bound by law to carry out such policy. This policy is promulgated in accordance with ORS 351.065 and the Administrative Rules of the Oregon State Board of Higher Education. The Administrative Rules of OSBHE and the ORS shall control in the event of any conflict with the SOU Faculty Records policy.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, 351.070 & OAR 580-22

Hist.: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0010

Limitation on Records to Be Maintained

Acting through its various divisions and departments, Southern Oregon University may maintain only such records as are demonstrably and substantially relevant to the educational, administrative, and research purposes of this institution.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist.: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0015

Definitions

(1) "Personal Records" means records containing information kept by the institution, division, or department concerning a

faculty member and furnished by him or by others about him at his or at the institution's, division's, or department's request, including, but not limited to, information as to discipline, counseling, membership activity, other behavioral records, professional preparation and experience, professional performance (e.g. assignment and workload, quality of teaching, research, and service to the institution), personnel data relating to such matters as promotions, tenure, leaves, retirement credits and the like, and professional activities external to the institution, including, but not necessarily limited to, awards, recognition, research activities, travel.

(2) "Records of Academic Achievement" are reports of credits earned toward a degree or in post-doctoral work and/or certificate(s), diploma(s), license(s), degree(s) received and dates thereof.

(3) "Directory Information" is that information generally needed in locating a named faculty member, including information readily found in published documents.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist.: SOSC 2, f. & ef. 7-12-76

573-010-0020

Certain Information Not Required to Be Given by Faculty Members

No faculty member shall be required to give — although the faculty member may voluntarily provide — information as to race, religion, sex, national origin, marital status, political affiliation or preferences, except as required by state statute, federal law, or valid federal rules, regulations, or orders. In those instances in which the faculty member is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of the right to decline to respond. Except as the faculty member makes the foregoing information available, or except as required by state or federal law, rule, or regulation, there shall be no designation in faculty personnel record files as to the faculty member's race, religion, sex, marital status, national origin, political affiliation, or preferences.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist.: SOSC 2, f. & ef. 7-12-76

573-010-0025

Locations and Custody of Faculty Records

(1) The number of files relating to the evaluation of a faculty member shall be limited to three. One file of personal records relating to evaluation of the faculty member shall be kept by each of the following: President, Vice President for Academic Affairs and Provost, and the appropriate academic dean or division or department in which the faculty member is employed. Faculty records pertaining to matters other than evaluation shall not be limited to the three files designated above.

(2) All records containing personal information about faculty members shall be kept in secured files.

(3) The head of each academic or administrative unit maintaining faculty records shall be responsible for maintaining the confidentiality and security of all faculty records within that unit in accordance with the provisions of these regulations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist.: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0030

Release and Access to Faculty Records

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

(a) Directory information: the faculty member's full name, campus address and telephone number, home address, birthday (as distinguished from birthdate) and such other information as is readily found in published documents such as institutional directories and catalogs;

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

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

(2) All other information contained in faculty records is considered confidential and may not be released to any person or agency without the faculty member's written consent. Exceptions to this policy are limited to the following:

(a) Records of a faculty member are available to University personnel who have a demonstrably legitimate need to review them in order to fulfill their official, professional responsibility with regard to the faculty member;

(b) Upon receipt of a subpoena or other court order or process seeking access to faculty records, the recipient unit head must take reasonable efforts to notify the faculty member (including sending a registered or certified letter to the address of record) and must notify the President or his designated representative prior to any institutional responses. The latter will determine whether or not appropriate University personnel should appear in court to test the validity of the subpoena or court order or process;

(c) The University President or his designated representative may release personal information contained in faculty records only when he determines that there is a clear and present danger to the safety of the faculty member or others and/or property and that disclosure of relevant personal information about the faculty member is essential in order to avoid or substantially minimize the danger. (The basis for such determination shall be provided to the faculty member in writing.) No such disclosure shall violate any evidentiary or testimonial privilege accorded by law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0035

Open Faculty Record Files

No regulation, rule, or order promulgated pursuant to this section shall deny to a faculty member full access to the member's personnel file or personal records kept by the board or its institutions, schools, or departments, except as follows:

(1) Letters and other information submitted in confidence to the board or its institutions, schools, or departments prior to July 1, 1975, shall be maintained in the files designated. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available except that portions of the text which would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by Section 5 of ORS 351.065.

(2) Confidential letters and other information submitted to or solicited after July 1, 1975, by the board or its institutions, schools or departments prior to the employment of a prospective employee are exempt from the provisions of this section. However, if a prospective employee is employed by the board or its institutions, schools, or departments, the confidential pre-employment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential pre-employment letters and other pre-employment information shall be protected. The full text shall be made available, except that portions of the text which would serve to identify the contributor shall be excised and retained in a file other than the three designated in Section 5 of ORS 351.065.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76

573-010-0040

Post-Employment Evaluative Materials

After July 1, 1975, the board, its institutions, schools, or departments when evaluating its employed faculty members shall not solicit nor accept letters, documents, or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76

573-010-0045

Access to and Correction of Records

(1) The personal file shall be only open to the faculty member and to those officials of the institution who have demonstrable need of such access in fulfilling their official professional duties.

(2) All evaluative materials or other records originated or utilized by the president, deans, or department heads, or by personnel review committees at the department, division, or University level in reviewing a faculty member, shall be available upon a single request to the Vice President for Academic Affairs and Provost, to the subject faculty member at a reasonable place and time. A faculty member may make copies of materials in the files.

(3) Each faculty member shall be given a copy of his or her periodic regular written evaluation made by the administrative officer (department or divisional head or dean of the unit in those instances in which the dean is the evaluating administrator). The evaluation given to the faculty member shall contain or have attached to it a statement informing the faculty member that he or she may discuss the evaluative statement with the evaluating administrator. A copy of the evaluative statement, duly signed by the faculty member signifying that he or she has been given a copy thereof, shall be placed in the faculty member's personal record file.

(4) A faculty member shall be entitled to submit, for placement in the three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material which the member believes might be of assistance in the evaluation process.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0050

Telephone Evaluations

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76

573-010-0055

Classroom Evaluations

Classroom survey evaluation by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in the department or division files. All survey instruments used to obtain evaluation data shall be returned to the faculty members.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76

573-010-0060

Information on Categories of Staff

A faculty member who feels he has been adversely affected by personnel action or lack thereof may request from the Vice President for Academic Affairs and Provost objective or quantitative information contained in the files which are limited as to access concerning the personnel actions affecting categories of faculty members. The request shall be granted where such actions appear to have relevance to the case of the faculty member making the request for information. Evaluative statements concerning

individual faculty members shall not be released except with the consent of the faculty members concerned. The request for information shall be in writing containing a summary of the adverse decision, statement of need for the information, and the specific information requested.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0065

Availability of Faculty Records for Research Purposes

Information about academic staff members for research purposes may be provided, contingent upon the existence of adequate provisions to conceal from the person(s) doing the research, the identity of the individual academic staff members whose personal data or information are being included in the research. If the confidentiality of faculty personal records would be jeopardized in any way by the release of information for research purposes, the written consent of the academic staff member must be obtained prior to the release of information. All such requests for information must be submitted to the Vice President for Academic Affairs and Provost.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0070

Permanence, Duplication, and Disposal of Faculty Records

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

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

(3) Duplication of permanent faculty records shall be kept to a minimum. (A log shall be kept in each file of every duplication of faculty records.) Such duplicated permanent records as are made shall be destroyed in the same manner as temporary records, as provided for in section (4) of this rule.

(4) All duplicate copies of permanent faculty records and all temporary faculty records shall be maintained for a minimum period of three years after a faculty member departs from the University. Such records shall thereafter be destroyed as soon as they are no longer needed and may not be retained in any event for more than seven (7) years after a faculty member's appointment is terminated by the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-22

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 15

COLLECTING ACCOUNTS AND NOTES RECEIVABLE

573-015-0005

Collecting Accounts and Notes Receivable

(1) As directed by Oregon State Board of Higher Education Administrative Rule OAR 580-041-0010(1), the Department of Business Services at Southern Oregon University exercises diligence in collecting accounts and notes receivable due it by following, as appropriate, these remedies:

- (a) Withholds transcript service, placement service and other applicable campus services;
- (b) Denies or cancels registration;
- (c) Withholds further account receivable privileges;
- (d) With employee's approval, withholds wages;
- (e) Applies any non-exempt credits in favor of debtor to debt;

(f) Adds penalties, interest, and collection costs as permitted by law;

(g) Sends regular billings and past due notices;

(h) Utilizes telephone inquiries;

(i) Sends letter of demand;

(j) Uses "skip trace" information as permitted by law;

(k) Utilizes offset procedures with other state agencies;

(l) Utilizes Department of Revenue as a collection agent;

(m) Utilizes various commercial collection agencies, by contract, as permitted by law;

(n) Institutes legal action as permitted by law;

(o) Uses commercial credit reporting agencies by contract and as permitted (or required by law);

(p) Seeks collection on judgments as permitted by law.

(2) The Director of Business Services, Southern Oregon University, 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.)

(3) 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 Procedure Act.

(4) The Southern Oregon University Department of Business Services 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 Department of Business Services.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 1-1979, f. & ef. 6-20-79; SOSC 5-1985, f. & ef. 6-3-85; SOU 1-1998, f. & cert. ef. 4-23-98

573-015-0010

Southern Oregon State College Revolving Charge Account Plan

(1) Southern Oregon University adopts the Revolving Charge Account program as permitted by OAR 580-040-0041, as amended.

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

(a) Students enrolled at Southern Oregon University;

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

(3) The terms and conditions of the program are set out in the document entitled "Southern Oregon University Revolving Charge Account Plan", the most recent of which is hereby adopted by reference as a permanent rule and is available on file in the Department of Business Services.

(4) Participants in the program shall sign an agreement to abide by the terms and conditions of the program, except for debts arising from fines, penalties, and the like.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 1-1979, f. & ef. 6-20-79; SOSC 5-1985, f. & ef. 6-3-85; SOSC 4-1990(Temp), f. & cert. ef. 12-14-90; SOSC 2-1991, f. & cert. ef. 5-30-91; SOSC 2-1992, f. & cert. ef. 6-22-92; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 20

STUDENT RIGHTS AND RESPONSIBILITIES

573-020-0005

Student's Rights

(1) Within the basic philosophies, goals, and guidelines for Southern Oregon University, the student shall have the right to pursue educational, recreational, social, cultural, and residential

activities in an atmosphere where the rights, dignity, and worth of every individual is respected.

(2) The student has the right to a campus environment characterized by safety and order.

(3) The student has the right to organize and join associations to promote interests held in common with other students.

(4) The student has the right to the services of the faculty, administrative offices, and counseling agencies of the University.

(5) The student has the right to fair and impartial educational evaluations.

(6) The student has the right to have the University maintain and protect the confidential status of personal and academic records as set forth in the Administrative Rules and applicable laws.

(7) The student has the right to participate through representatives in the formulation of regulations affecting student affairs.

(8) The student has the right to dissent, to protest, or to demonstrate on University-owned property in opposition to University, city, state, or national policy provided such behavior does not infringe on the rights of others.

(9) The student has the right to participate in University activities without being discriminated against on the basis of race, color, national origin, religion, age, disability, marital status, veteran status, gender, or sexual orientation and shall be referred to the Grievance Officer in the Vice President of Student Affairs' office in matters of alleged discrimination.

(10) The student has the right to be accompanied to an institutional hearing, disciplinary or otherwise, by any person the student desires and to consult such advisor at any time during a hearing for the purpose of securing advice. The advisor shall not actively participate in a hearing unless the committee chair deems it necessary. In the instance of a contested case proceeding, the student has the right to be represented by counsel as provided under the Oregon Administrative Procedures Act.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0010

Student Responsibilities

(1) The student is responsible for maintaining standards of educational performance after being informed in advance of the standards required.

(2) The student is responsible for complying with University rules and regulations, as well as local, state, and federal laws.

(3) The student is responsible for conduct which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0015

Proscribed Conduct

(1) Conduct proscribed by the Oregon State Board of Higher Education Administrative Rules, Chapter 580, Division 22, Section 045 is applicable on this campus. In March 1987, that rule read as follows: "Procedures to impose applicable sanctions may be instituted against any person engaging in any of the following proscribed conduct":

(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 on institutionally owned or controlled property;

(b) Obstruction or disruption interfering with freedom of movement, either pedestrian or vehicular, on institutionally owned or controlled property;

(c) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on institutionally owned or controlled property, in contravention of law or institutional rules;

(d) Detention or physical abuse of any person or conduct intended to threaten imminent bodily harm or endanger the health of any person on any institutionally owned or controlled property;

(e) Malicious damage, misuse, or theft 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 in the care, custody, or control of the institution;

(f) Refusal by any person while on institutional property to comply with an order of the President or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises;

(g) Unauthorized entry to or use of institutional facilities, including buildings and grounds;

(h) Illegal use, possession, or distribution of drugs on institutionally owned or controlled property;

(i) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct which calls on 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 persons, and the protection of its property;

(j) Violating the Board's Policy for Intercollegiate Athletics as described in Section 8 of its Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.

(2) Conduct proscribed by Southern Oregon University. Any person who engages in any of the following proscribed conduct is subject to sanctions according to University procedures:

(a) Academic dishonesty including, but not limited to, cheating and plagiarism;

(b) Furnishing or withholding information to the University with intent to deceive;

(c) Forgery, alteration, or misuse of documents, records, or identification cards to misrepresent information on the University campus;

(d) Possession, consumption, or furnishing of alcoholic beverages on University-owned or controlled property, or at University-sponsored or supervised functions unless authorized by the President;

(e) Disorderly conduct, including actions resulting from voluntary intoxication which interferes with one or more of the following:

(A) The programs and functions of the University, both academic and non-academic. The teaching, research, administration, disciplinary procedures or other institutional activities including the institution's public service functions, or other authorized activities on institutionally owned or controlled property;

(B) The health and safety of members of the University community;

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

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

(E) Off-campus activities when such activities are a part of a campus-sponsored organization or event.

(f) Possession of "any instrument, article or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury". ORS 161.015(1);

(g) Violation of Residence Hall rules and procedures as listed in the official residence hall publication;

(h) On-campus violation of University, local, state, or federal

laws and regulations;

(i) Persons exhibiting behavior suggesting a serious medical or mental problem which is detrimental to themselves or the University;

(j) Hearing witness that has knowingly given false testimony at a disciplinary hearing.

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070, OAR 580-012-0010 & 580-022-0045

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

Administration of Discipline

573-020-0021

Academic Standards

The maintenance of academic standards is a joint responsibility of the students and the faculty at Southern Oregon University. Freedom to teach and freedom to learn are dependent upon individual and collective conduct to permit the pursuit and exchange of knowledge and opinion. Faculty have the responsibility to create an atmosphere in which students may display their knowledge. This atmosphere includes an orderly testing room and sufficient safeguards to inhibit dishonesty. Students have the responsibility to rely on their own knowledge and resources in the evaluation process:

(1) Academic dishonesty is defined as cheating, plagiarism, or otherwise obtaining grades under false pretenses.

(2) Plagiarism is defined as knowingly submitting the language, ideas, thoughts, or work of another author as one's original work, or allowing one's work to be used in this fashion.

(3) Cheating is defined as:

(a) Using unauthorized information during an examination verbally, visually, or by unauthorized notes, books and other materials;

(b) Obtaining or providing information concerning an examination, all or in part, in advance of that examination;

(c) Taking an examination for another student, or arranging to have someone else take an examination for you;

(d) Altering or changing:

(A) Test answers after that test has been submitted for grading;

(B) Grades after the grades have been awarded; or

(C) Other academic records, after those records have become official.

(e) Obtaining copies of an examination prior to its intended use by an instructor without the instructor's approval.

(4) Procedures: The faculty member who suspects a student of academic dishonesty should confront the student with the accusation. In the event that the student disputes the allegation of academic dishonesty, then the incident should always be referred to the Vice President for Student Affairs. The academic decision should then be deferred pending finding on the allegation. If the student admits to the misconduct, then one or more of the following sanctions shall be imposed by the instructor.

(a) Academic:

(A) Administratively withdraw the student from class. This action must have the approval of the School Director or the Vice President for Academic Affairs and is subject to appeal through Grievance Procedures in OAR Chapter 573, Division 30;

(B) Award a failing mark on the test or paper; or

(C) Require the student to take another test or resubmit the paper. The academic sanctions described above may be employed alone, or in concert with disciplinary procedures. Refer to "Proscribed Conduct" rule OAR 573-020-0015(2)(a).

(b) Disciplinary: Refer the incident to the Vice President for Student Affairs. Depending on the severity of the incident the Vice President for Student Affairs or designated representative may:

(A) Take a summary action of warning, censure or disciplinary action;

(B) Refer the incident to a hearing. The possible outcomes are warning, censure, disciplinary probation, disciplinary suspension or expulsion; or

(C) If the student agrees to the charge, the Vice President for Student Affairs will assign appropriate disciplinary action.

(D) It is suggested that more serious incidents of academic dishonesty be referred to the Vice President for Student Affairs or designated representative.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0024

Sanctions

The Dean of Students is responsible for the administration of disciplinary procedures. Such proceedings are designed to protect the educational purposes of Southern Oregon State College, including the health and safety of students, staff, and faculty. Disciplinary action may include:

(1) Loss of Privileges — Removal from a living group, use of a specific College facility or denial of on-campus use of an automobile. Loss of privileges may be accompanied by other sanctions.

(2) Restitution — Reimbursement by transfer of property or services to the College or member of the College community in an amount not in excess of the damage or loss incurred. Reimbursement may be accompanied by other sanctions.

(3) Warning — Violation of "Proscribed Conduct" which is of a relatively minor nature has occurred; the student may be notified that if this type of behavior is repeated, more severe disciplinary actions will be taken.

(4) Probation — Serious or continuous violation of "Proscribed Conduct" has occurred; the student may be permitted to continue enrollment at the College but is in danger of being suspended or expelled. The student is entitled to all rights of a student in good standing.

(5) Suspension — Serious violation of "Proscribed Conduct" has occurred; the student may be excluded from the College for a specific period of time not to exceed one year, after which the student may petition for readmission. All services of the College are withheld for the duration of the suspension except by order of the President.

(6) Expulsion — Serious violation of "Proscribed Conduct" has occurred; the student may be permanently excluded from Southern Oregon State College. All services of the College are withheld except by order of the President.

(7) All of the above sanctions may be enhanced with additional conditions deemed appropriate by the disciplinary authority.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 3-1987, f. & ef. 7-16-87

573-020-0025

Procedural Fairness

(1) The student through publication of this code in the Student Handbook is given notice of these standards of conduct.

(2) The student charged with a violation of University rules shall be advised in writing of the charges, the nature of the incident, and a notice of a student's right to a hearing. This notification is hand delivered to the student, or the notice shall be sent to the student's address of record.

(3) The above requirements must be met before any disciplinary procedures beyond notification can be carried out.

(4) Student exhibiting behavior suggesting a serious medical or mental problem, or disruptive to the academic process or other institutional activities, or lacks the capacity to respond to disciplinary procedures, or cannot understand the nature or the wrongfulness of the conduct in question, or poses potential harm to the welfare of self or others, will be referred to the Vice President for Student Affairs for immediate action. If charged the student may ask in writing for a contested case hearing. Immediate action may include, but is not limited to, one or more of the following:

(a) Immediate and voluntary withdrawal from the University. This action is taken in order to prevent a clear and present danger to the University community. In cases involving a student's medical or psychological condition this shall be done in consultation with the Director of the Health Center and the Director of the Counseling Center. The student's family/guardian may be advised and their cooperation solicited;

(b) The student may be required to secure a medical/ psychological evaluation through the Student Health Center or at another facility at the student's own expense. The medical/ psychological evaluation will be used to determine the appropriateness of the student's continued enrollment;

(c) The student may be referred to a Medical Review Board, if the evaluation deems it appropriate. The membership of this Medical Review Board will include the Director of the Student Health Center, Director of the Counseling Center and one professional mental health consultant, who may be of the student's own choosing as long as the choice is acceptable to the Vice President for Student Affairs. The Medical Review Board will recommend action to the Vice President for Student Affairs who will make the final decision. All decisions of the Medical Review Board shall be provided in writing to the student after the final decision has been confirmed by the Vice President for Student Affairs. The student may appeal the final decision through the President or the President's designated representative.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0030

Notification Procedures and Student Options for Disciplinary Action

When alleged cases of violation of "Proscribed Conduct" occur, the Associate Dean of Students shall inform the accused student of the following:

(1) The charges, including:

(a) A citation of the relevant proscribed conduct;

(b) The date of the alleged violation, along with;

(c) The location; and

(d) A description of the alleged violation.

(2) The evidence upon which the charges are based.

(3) The student's option to choose a hearing body to adjudicate the case.

(4) The student's right to be accompanied to the hearing by an advisor. The advisor cannot actively participate in a hearing except as stipulated in OAR 573-020-0005(10) entitled "Student Rights".

(5) The prior conduct of the student which may be considered in determining a penalty in the event the student is found guilty of the charges.

(6) Upon being informed of the charges the accused has three academic days to choose, in writing, to have the case adjudicated as described below. (For the purposes of this document academic days are those calendar days within each academic term or session, excluding Saturday, Sunday and holidays observed by the University, between the first day scheduled for student registration and the final day scheduled for final examinations, inclusive of both days. Any time period calculated on the basis of academic days which is not completed within one term or session is continued with the first academic day of the commencement of the next term or session until the completion of the time period in question. Any intervening calendar days which are non-academic days shall not be counted. Any exceptions applied for within the time period as calculated above may be granted by the Vice President for Student Affairs for good cause.):

(a) By the Vice President for Student Affairs, if the student does not contest the charges; or if the student refuses to respond to

the charges;

(b) By a special student/faculty board, or a Contested Case Hearing when appropriate, if the student contests the charges. The choice made by the student is final and binding.

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0031

Procedures: When the Student Does Not Contest the Charges

If the student does not contest the charges, a committee shall be formed comprising the Associate Dean of Students and at least two members of the special student/faculty hearing board, one of which should be a currently enrolled student, to recommend disciplinary action to the Dean of Students. The Dean of Students shall inform the student in writing of the disciplinary action.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 1-1994, f. & cert. ef. 5-11-94

573-020-0032

Option: When the Student Contests the Charges

(1) If the student contests the charges and chooses a hearing before a special student/faculty hearing board, said hearing shall be conducted in accordance with the procedures outlined in the following section. The board will consist of five voting members, and one non-voting faculty chair. A quorum shall consist of at least two students and one faculty member. The composition will be as follows: Three students annually recommended by the ASSOU Committee on Committees and approved by the ASSOU Senate; two faculty members annually recommended by the Vice President for Student Affairs and approved by the University President; one non-voting faculty chair, annually recommended by the Vice President for Student Affairs and approved by the University President.

(2) If the student contests the charges and chooses a contested case hearing, the procedures set forth in OAR Chapter 573, Division 30, is followed. Copies of the rules are available in the Vice President for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 3-1987, f. & ef. 7-16-87; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0035

Procedures Governing Hearings by Student/ Faculty Board

Disciplinary hearings conducted by a student/faculty board, referred to herein as Hearing Board, shall observe the following procedures:

(1) All affected parties will be given notice of the hearing at least five academic days prior to the hearing date.

(2) A representative of the Office of the Vice President for Student Affairs shall investigate alleged student violation of "Proscribed Conduct", and present the collected evidence at the hearing.

(3) If the student is not present at the hearing, or if the student should leave the hearing prior to its conclusion or adjournment, the hearing shall proceed nevertheless. The Hearing Board shall render a decision based on the evidence presented. The student, upon satisfactory explanation to the Hearing Board, may request a change of hearing date. The student will be advised of a change in the hearing date at least three academic days prior to the new hearing.

(4) Hearings shall be closed to the public unless the accused student wishes them to be open. If a disruption occurs, the Hearing Board may order that the hearing be closed.

(5) The student has the right to be accompanied to the hear-

ing by an advisor. The advisor is free to be at the student's side and the student is free to consult with the advisor, but the advisor is not free to address the panel or to ask questions of them, except as stipulated in OAR 573-020-0005(10) "Students Rights".

(6) The Office of the Vice President for Student Affairs and the accused shall make available to the Hearing Board a list of witnesses pertaining to the alleged violation.

(7) Reasonable rules of relevancy shall guide the Hearing Board in ruling on the admissibility of evidence.

(8) Witnesses who testify are cautioned concerning the serious nature of the hearing and the obligation and responsibility to give truthful testimony. Disciplinary action may be imposed for knowingly giving false testimony.

(9) The Hearing Board shall make a tape recording of the hearing which is maintained at least one year in the Office of the Vice President for Student Affairs. Final disposition of recordings and/or typed transcripts is made in accordance with the directives of the University President.

(10) The Board shall clear the hearing room, and make a determination of guilt or innocence based on evidence presented, requiring a simple majority. If the verdict is guilty, the Board shall reconvene with the student present. At this time the student will have an opportunity to present evidence concerning an appropriate penalty. Also at this time, the student's prior conduct will be considered. The Board shall then clear the room again to make a recommendation concerning the appropriate penalty.

(11)(a) Within five academic days from the day closing arguments at the hearing are completed, the Hearing Board shall state in writing:

- (A) The violation;
- (B) The verdict, and, if the student is found guilty;
- (C) The penalty.

(b) A copy is sent to the Vice President for Student Affairs who shall announce the action taken on the recommendation of the Hearing Board within seven academic days after receiving said recommendation. This announcement is in the form of a written statement and is sent to the accused student and to the chair of the Hearing Board.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0036

Rehearing

A student has the right to request another hearing based on evidence not known at the time of the previous hearing of the case. A written request for a new hearing along with the evidence is presented to the Vice President for Student Affairs within five academic days from the date the student receives the final decision. The Vice President shall make the decision to grant or deny the student a new hearing. If a rehearing is granted, the same hearing board is used.

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0037

Appeals

(1)(a) The decision of the Hearing Board may be appealed by the student to the Student Affairs Appeals Board. Appeals must be submitted to the Vice President for Student Affairs within five (5) academic days from the announcement of the decision by the Vice President. The Chairman of the Student Affairs Committee, duly notified by the Vice President for Student Affairs, will convene the Student Affairs Appeals Board which will consist of an equal number of students and faculty members. The chair of this board will be a faculty member who will vote only in the case of a tie;

(b) The Student Affairs Appeal Board will review the tape recordings and documents submitted from the original hearing and decide whether to hear the case based on one or more of the following criteria:

(A) The original hearing was not conducted according to the procedures set forth in this document;

(B) The verdict was not supported by clear and convincing evidence;

(C) The penalty or disciplinary action is too severe for the charge or is not supported by clear and convincing evidence.

(2) Evidence presented to the Appeals Board is limited to that evidence which was presented by the original adjudicative body. New evidence and new testimony will not be admitted unless it is to support an appeal for rehearing based on evidence which was not available at the time of the original adjudication.

(3) If the Appeals Board hears an appeal, it shall submit its findings to the President of the University within three academic days from the time a decision is reached. The President shall review the Board's findings and render a decision, in writing, to the accused student, the chairperson of the Appeals Board, and the Vice President for Student Affairs.

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070

Hist: SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 5-1983, f. & ef. 8-3-83; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

Administration of Grievances

573-020-0045

Grievances Between the Students and the College

(1) Within 30 academic days of the incident, the grievant shall state to the Grievance Officer how the University has wrongfully or erroneously:

- (a) Denied registration;
- (b) Cancelled registration;
- (c) Required the payment of a fine, with the exception of parking or traffic fee or fine;
- (d) Withheld money; or
- (e) Denied amendment of educational records.

(2) The Grievance Officer shall inform the grievant of the right to obtain counsel and be represented at all subsequent meetings or hearings that might arise from the complaint.

(3) The Grievance Officer shall, if necessary, arrange for the grievant to meet with an agent of the University who has sufficient authority to resolve the dispute. The agent may request that other persons relevant to the dispute attend the meeting. This meeting shall be considered an informal hearing to resolve the dispute and shall be held at a time and place suitable to both the agent and the grievant.

(4) If the grievance is still not resolved to the satisfaction of the grievant, the student may request a Contested Case Hearing. The request must be made in writing within five academic days from the close of the informal hearing.

(5) Procedures for Contested Case Hearings are set forth in OAR Chapter 573, Division 30. Copies of the Rules are available in the Office of the Vice President for Student Affairs.

(6) Grievance matters are resolved by other standing committee when appropriate.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070 & OAR 580-015

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0049

Grievances Between Students and Faculty Members or Administrators

When grievances between students and faculty members or administrators arise, the initial attempt to resolve the dispute is made within the appropriate department. Grievances are initiated

and conducted as follows:

(1) Alleged violations of federal laws prohibiting discrimination must be filed within 180 days of the incident. Complaints of discrimination within the educational program of the University shall be filed with the University Grievance Officer. Those which involve employment shall be filed with the Affirmative Action Officer. Procedures governing such complaints are set forth in OAR Chapter 573, Division 35.

(2) The student registering a non-discrimination complaint must do so within 30 days following the incident which is the basis for the grievance. Exceptions to this rule may be granted by the dean of the school in which the department is located, or by the University Vice President for Academic Affairs and Provost.

(3) If resolution is not reached after talking with the faculty member and the faculty member's immediate supervisor, and the student wishes to pursue the grievance, the student shall file a written, explicit complaint on the form which is available in the appropriate department office. Copies of the grievance are given to the department chair, who shall give copies to the chair of the School/Departmental Grievance Committee and the faculty member or administrator involved. Given constraints of the academic calendar, all attempts must be made to schedule the School/Departmental grievance hearing within ten academic days from the date of filing. All affected parties will be given notice of the hearing at least five academic days prior to the confirmed hearing date.

(4) The School/Departmental Grievance Committee is composed of seven members which shall include both faculty and student representation, five of whom must be present to convene the Committee.

(a) The Committee is a standing committee and is appointed annually following procedures set by the appropriate department.

(b) The Committee has a chair and a recording secretary.

(c) The Committee shall conduct the meeting in an orderly way, so as to give both parties an opportunity to present their cases.

(5) If, after following the above procedures, the student's grievance has not been resolved, the student shall meet with the University Grievance Officer to determine whether to proceed with the contested case hearing or to continue with the established grievance hearing process. The choice must be made in writing within five academic days from the time the informal grievance hearing was held. The choice is final and binding.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015

Hist: SOSC 7-1985, f. & ef. 6-19-85; SOSC 3-1987, f. & ef. 7-16-87; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0052

Procedures Governing Formal Grievance Hearings

(1) If a Contested Case Hearing is chosen, the procedures set forth in OAR Chapter 573, Division 30, is followed.

(2) If a Grievance Committee is chosen to adjudicate the case, the Grievance Officer shall give copies of the written request to the disputants, to the immediate supervisor of the faculty member or the administrator involved, and to the Chairperson of the Student Affairs Committee who empanels a Grievance Committee to review the request.

(3) The Grievance Committee is composed of five members:

(a) An administrator;

(b) Two faculty members on full-time teaching assignments, one required to be in the same academic school as the grievant; and

(c) Two students, one of which is from the same academic school as the grievant.

(4) Each disputant has the right to one pre-emptory challenge of a Committee member. Each disputant shall also have the right to challenge an unlimited number of Committee members for cause. Any challenge for cause is referred to the student/faculty Hearing Board for disposition.

(5) The Grievance Officer or other designee of the Vice President for Student Affairs is present at the hearing and ensures that

procedures for Grievance Hearings, as set forth in this document, are followed. The designee shall not give testimony nor be present during the Committee's final deliberations.

(6) If the Grievance Committee decides, upon reading the grievance, that a hearing is warranted, it shall empanel itself and shall select from among its group a chairperson and a recording secretary. The chairperson and a representative from the Office of the Vice President for Student Affairs shall conduct a hearing as follows:

(a) Presentation of student testimony, witnesses, and exhibits;

(b) Questions to the student and witnesses from the faculty member or administrator;

(c) Presentation of faculty member/administrator testimony, witnesses, and exhibits;

(d) Questions to the faculty member/administrator and witnesses from the student;

(e) Questions at any reasonable time to the disputants and witnesses from Committee members;

(f) Closing statements from the faculty member/administrator; and

(g) Closing statements from the student.

(7) After hearing the case, the Grievance Committee shall deliberate and submit its decision and rationale in writing to the disputants, the Grievance Officer, and the chairperson of the Student Affairs Committee within five academic days from the time the closing arguments of the hearing are completed. Either disputant may appeal the Grievance Committee's decision.

(8) Tape recordings and other records of the hearing shall be the responsibility of the Grievance Officer and shall be kept for at least one year.

(9) Either disputant has a right to request a rehearing based on evidence not known at the time of the previous hearing of the case. A written request for a rehearing along with the new evidence must be presented to the original hearing committee within five academic days from the time the new evidence is discovered. New evidence shall not be accepted as a basis for a rehearing after thirty days have elapsed from the announcement of the Grievance Committee's original decision.

(10) The decision of the Grievance Committee may be appealed by either disputant. Appeals must be submitted to the Vice President for Student Affairs within five academic days from the announcement of the decision and rationale of the Grievance Committee. The Vice President shall notify the Student Affairs Committee chairperson to empanel the Student Affairs Appeal Board who shall decide if it will hear the appeal based on one or more of the following criteria:

(a) The original hearing was not conducted according to appropriate procedures set forth in this document;

(b) The decision was not supported by clear and convincing evidence.

(11) If the Appeals Committee hears an appeal, it shall submit its findings to the President of the University within three academic days from the time a decision is reached. The President reviews the findings of the Board and makes the decision. The final decision shall take effect five academic days after it is announced by the President.

Stat. Auth.: ORS 315 & ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-015

Hist: SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 7-1985, f. & ef. 6-19-85; SOU 1-1998, f. & cert. ef. 4-23-98

Administration of Student Records

573-020-0060

Maintenance of Records

The following rules shall be observed by all persons dealing with student records:

(1) Only such student records as are demonstrably relevant to the educational and related purposes of the institution, division, or department shall be generated and maintained. Institutional officials generating or maintaining such student records shall annually

review the continued relevancy of such records and shall destroy all such records which are no longer demonstrably needed, unless a student has requested access to said records or the State Archivist has directed their retention.

(2) Institutional officials generating or maintaining duplicate copies of student records (whether permanent or temporary) shall review them in the same manner as designated above.

(3) No student is required to give, though the student may voluntarily provide, information as to race, religion, political affiliation or preference, or personal values of the student except as required by state statute, federal law, or valid federal rules, regulations, or orders.

(4) Student records shall be kept in locations central to the institution, division, or department by which they are maintained, with the custody thereof assigned in writing to designated personnel specifically charged with maintaining the confidentiality of the records and shall circulate a written statement of policy regarding the handling of such records to the personnel so designated.

(5) The duplication of permanent student records and the generation of temporary student records is kept to a minimum and is maintained only for the minimum time required to serve the basic official function of the office which generated and/or maintains them.

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

(7) Student records, both originals and duplicate copies, shall be disposed of in such a manner as to protect their confidentiality.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0065

Definition of Terms

(1) "Student" means a person currently, or previously, attending Southern Oregon University. The payment of required fees is a prerequisite for legal attendance.

(2) "Parent" means includes a natural or adoptive parent, a legal guardian, or an individual acting in lieu of a parent or guardian.

(3) "Education Record" means files, documents, materials, or data recorded in, but not limited to, such media as handwriting, print, tapes, electronic records, film, microfilm, microfiche, containing information directly related to a student and maintained by the institution or by a person acting for it.

(4) "Directory Information" means a student's name, local and permanent addresses and telephone numbers, date and place of birth, academic major, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and the most recent educational agency or institution attended.

Stat. Auth.: ORS 315.070

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0070

Availability of Records

With an appropriate office or department staff member, a student may see and review all education records that pertain to him/her, except as noted below. No education records are to be released to other persons or organizations without the student's prior approval, except as noted below. Access of the student to his/her records as well as a request for copies, at the student's expense, is provided as early as possible, but at least within 45 days of the student's request:

(1) The following education records are not available to students:

(a) Records of an instructional, advisory, or administrative nature in the sole possession of the maker thereof, if such records are only accessible to the maker or a substitute (grade books, as an example);

(b) Records made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional acting in a professional capacity related to treating a student. However, such records can be reviewed by a physician or other appropriate professional with the student's written consent;

(c) Financial records of the student's parents, unless they have given written consent to the student seeing said records;

(d) Confidential evaluations/recommendations put in education records prior to January 1, 1975, if the evaluations/ recommendations continue to be used only for their original purpose;

(e) Education records to which the student has waived the right of access. Such records should be limited to applications to an educational institution, an application for employment, or a recommendation for an honor, award, or other form of recognition;

(f) Confidential evaluations/recommendations received after January 1, 1975, for which the student has signed a waiver of the right of access;

(g) Records compiled about an employee of the University which are made and maintained in the normal course of business and which relate exclusively to the individual in question in his/her capacity as an employee, and are not available for any other purpose.

(2) Release of Records Without Student Permission. Education records can be released without permission to:

(a) Other institutional officials who have a legitimate educational interest (as determined by the institution) in the records;

(b) Officials of schools to which the student seeks or intends to enroll. In such cases, the student is notified of the transfer of records, and if the student desires, shall receive a copy of the record sent and have the opportunity for a hearing to challenge the record's contents;

(c) The U.S. Comptroller General, the Secretary of HEW, the Administrator of the Office of Education, and the Chancellor of OUS;

(d) An agency from which the student has applied for, or is receiving financial aid;

(e) State and local authorities for whom information was specifically required to be disclosed by state statute prior to November 19, 1974;

(f) Organizations conducting legitimate education research, testing, accreditation, granting financial aid, or improving instruction; if such data does not permit identification of the student or parents to others, and if the information is destroyed when no longer needed to carry out its specified purpose(s).

(3) Except as otherwise noted herein, other education records may be released only with the student's prior written permission. The written notice of permission is filed with the record thereby released.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0075

Student Right to Waive Access

A student may *voluntarily* waive the right of access to an education record. A student cannot be compelled to waive the right of access. Additionally, a student who waives the right *must* be informed of the names of persons making confidential evaluations/recommendations and that such evaluations/ recommendations are being used only for the purposes originally intended.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy

Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0080**Challenge to Content of Records**

The student has the right to challenge the content of education records in order to ensure that they are accurate and in compliance with the privacy or other rights of the student. Additionally, the student has the right to request the amendment of the education record. If the student challenges the content of a record and requests deletion or modification of said record, the student is entitled to a hearing. The procedure concerning challenges will be:

(1) The person maintaining the challenged record, in reviewing the record with the student, may agree to correct matters of fact or allow the student to enter an explanatory statement relating to matters of opinion.

NOTE: Grades are not included as "matters of fact" unless an error was made in transcribing or recording the grade.

(2) If the custodian of the record does not concur with the request of the student for a deletion or modification of the record, the student may request a hearing.

(3) Requests for a hearing will be submitted to the Office of the Vice President for Student Affairs, as Custodian of Student Records, who will act in accordance with the Contested Case Hearing process.

(4) The person initiating the hearing shall bear the burden of proof of a preponderance of the evidence in order to prove the validity of his/her claim at the hearing.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0085**Non-Release to Third Parties**

All copies of education records provided to non-institutional individuals/organizations should bear a statement to the effect that: **"Under the provisions of Public Law 93-380 (as amended), the information contained in this document is not to be released to others without the written consent of the student named herein".**

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0090**Record of Access to Student Records**

A written notation is made in the education record of a student on each occasion that either a person outside the University, or a University employee who does not customarily work with said record, either requests or is given access to the record. The notation should indicate the name of the person, the organization represented, and the reason for granting access. Though not required by law, the date of access should be noted as a matter of record. However, such notation is not required where:

(1) The disclosure is made to the student as allowed in this policy;

(2) The disclosure is made pursuant to the written consent of the student;

(3) The disclosure is made to University officials with a legitimate educational interest (as defined by the University);

(4) The disclosure consists of directory information not restricted by the student; or

(5) The disclosure is made to other officials as noted in OAR

573-020-0070(2).

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0095**Destruction of Records**

Prior access is granted to students who have requested access before the records are destroyed, and the State Archivist is empowered to order the retention of some categories of records.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0100**Delay in Granting Access**

A maximum delay of 45 days is authorized in granting access to education records involving students. (HEW regulations require that requests for access to, or copies of, student records must be acted on within 45 days. However, it is institutional policy that such requests be acted on within 15 days, except in unusual circumstances. Should such circumstances arise, the custodian of said records shall provide the student making the request a written explanation for the delay.)

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0105**Health or Safety Emergencies**

(1) An educational institution may release information from education records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

(2) However, such information may be released only if the threat to health or safety is serious, if the records are needed to meet the emergency, if there are persons who can use the information to deal with the emergency, and if time is of the essence in dealing with the emergency.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0110**Access to Records on Several Students**

If a student requests access to an institutional record containing data on several students, the student is given access to only that data relating to him/herself. The privacy of the other students' data shall not be violated.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0115**Annual Publication of Institutional Policy**

The Custodian of Student Records shall annually give notice to students and to the parents of dependent students of the following:

- (1) Their right of access to education records;
- (2) The types of education records and information directly relating to students being maintained;
- (3) The name and position of the official responsible for the maintenance of each type of record, the person(s) having access to these records, and the reason for their having access;
- (4) The institutional policy for reviewing and expunging these records;
- (5) The right of the student to copies of certain records, for a reasonable charge;
- (6) The right of the student to have the meaning of entries in personal education records explained;
- (7) The procedures for challenging the content of education records and for inserting a denial or correction of disputed data;
- (8) The categories of information designated as directory information, and which of these categories the student may opt not to have released.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-13 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81

573-020-0120

Procedure for Student Access to Records

(1) If there is any doubt as to the identity of the person requesting access to education records, positive identification must be secured from the applicant.

(2) If the applicant can produce a current SOU I.D. Card and a current fees-paid card, the student can obtain access under the conditions noted in OAR 573-020-0070. A note must be made on the record if a request was made for copies of the document and what response was made to the request.

(3) If the applicant cannot produce valid current campus identification, verification of the previous student status of the applicant must be obtained from the Office of the Vice President for Student Affairs before granting access. Once verification has been made, access will be granted under the same conditions as those for current students.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0125

Non-Release of Directory Information

(1) A Student May Opt in Writing to Keep Confidential All "Directory Information" as Defined in OAR 573-020-0065(4).

(2) Exclusion of any one of the above items (OAR 573-020-0065(4)) will exclude all items. This option can be made by filing a written, dated, and signed request at the Office of the Vice President for Student Affairs prior to the close of registration, during the term of the academic year in which the student first enrolls. This option remains in effect for the remainder of the academic year, and the option may not be exercised or changed for the balance of the academic year.

Stat. Auth.: ORS 315.

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

573-020-0130

Questions and Inquiries Relating to Student Records

(1) This statement on the administration of student records provides students at Southern Oregon University the rights under Section 438 of the General Education Provisions Act, as amended (added by Section 513 of Public Law 93-380 as amended by Sec-

tion 2 of Public Law 93-568), and the regulations thereunder. All questions and inquiries regarding the policy and copies of the policy may be directed and obtained in the Office of the Vice President for Student Affairs. Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure of the University to comply with the regulations of sections 438 and 439 of the Act and its supporting regulations.

(2) The University annually shall inform the students of their rights under this policy by publishing the rules contained herein, or the substance thereof, in the Student Handbook, or in the time schedule of classes. In any instance where the provisions of institutional policy regarding student records are determined by legal counsel to be inconsistent with the requirements, limitations, or restrictions of 20 U.S.C. 1232g, the Custodian of Student Records is empowered to waive the provision in question and to administer this policy consistent with 20 U.S.C. 1232g and its implementing regulations.

(3) If federal or state authorities amend current legislative directives on student records during the academic year, the Custodian of Student Records will make such amendments known to the students via The Siskiyou.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act

Hist: SOSC 7(Temp), f. & ef. 9-22-76; SOSC 9, f. & ef. 12-21-76; SOSC 13(Temp), f. & ef. 9-15-77; SOSC 3-1978, f. & ef. 1-3-78; SOSC 1-1981, f. 1-8-81, ef. 1-12-81; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 25

STUDENT LIABILITY INSURANCE

573-025-0005

Student Liability Insurance

(1) Students enrolled in health related academic coursework which involves patient care shall be required to carry liability insurance. The coverage shall be carried either as part of a group insurance plan or by an independent policy, depending on the academic program in which the student is enrolled.

(2) All students enrolled in health related academic coursework which involves patient care shall be required to pay a fee determined by the insurance premium, toward the cost of a group liability insurance policy, which includes the cost for naming the University as an additional insured on the student's policy and other costs required by the insurance carrier. The list of specified courses and the actual premium fee charged for any academic year is available in the Schedule of Classes and from the Department of Business Services. Students shall be required to make payment each academic year at registration during the first term enrolled for that academic year. The insurance policy shall have a minimum limit of \$1,000,000 for each claim with an aggregate minimum limit of \$1,000,000 per year.

(3) Pre-Physical Therapy, Occupational Therapy Students, Athletic Training Students, and Experiential Learning Students: All students enrolled in selected practicum, internship, capstone, or other experiential learning courses requiring liability coverage shall be required to pay a fee determined by the insurance premium, toward the cost of a group liability insurance policy, which includes the cost for naming the University as an additional insured on the student's policy and other costs required by the insurance carrier. The list of specified courses and the actual premium fee charged for any academic year is available in the Schedule of Classes and from the Department of Business Services. The insurance policy shall have a minimum limit of \$1,000,000 for each claim with an aggregate minimum limit of \$1,000,000 per year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 6-1979, f. & ef. 9-27-79; SOSC 1-1980, f. & ef. 3-5-80; SOSC 3-1983, f. & ef. 5-9-83; SOSC 3-1992, f. & cert. ef. 9-28-92; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 26

MEDICAL INSURANCE

573-026-0005

Medical Insurance Requirements for Nonimmigrant Foreign Students and Their Dependents

(1) To assist the University in complying with federal regulations, nonimmigrant foreign students admitted and enrolled at Southern Oregon University must demonstrate their ability to meet their financial responsibilities in full. These responsibilities include the provision by nonimmigrant foreign students for medical care for themselves and dependent family members while in the United States.

(2) All nonimmigrant foreign students admitted and enrolled part-or full-time at Southern Oregon University will be required to carry medical insurance for themselves and all their dependent family members in the United States.

(3) The medical insurance policy carried by each nonimmigrant foreign student must provide coverage with the maximum dollar limits at least comparable to the one offered through the University. The policy may be underwritten by a foreign insurance carrier, but it must be payable in the United States for medical expenses incurred in the United States.

(4) Such insurance policy must be in force continuously during the student's enrollment at SOU, commencing during the registration period of the student's first term at the University. Students are required to provide a 30-day notice to the University Director of Business Services if their insurance is cancelled or materially changed.

(5) Nonimmigrant foreign students must provide proof of adequate insurance coverage acceptable to the Foreign Student Office and the Business Office before they are permitted to register for classes. Documentation of such comparable coverage is to be provided by completing the "Foreign Student Medical Insurance Certification" form and receiving an authorized waiver. The form and waiver authorization will be available at the site of registration and in the Foreign Student Office. Documentation must indicate in English the insurance company's name and address for billing purposes, policy number, the effective dates of the policy, a list of persons covered by the policy, and a certification that the coverage limits meet the established minimums.

(6) If an enrolling nonimmigrant foreign student does not provide acceptable proof of adequate medical insurance for himself or herself and for dependent family members in the United States, the Foreign Student Office may restrict University registration and issuance of immigration documents (for travel, extensions of stay, employment requests, practical training, dependent matters, etc.) for the student and the student's dependent family members.

(7) Nonimmigrant foreign students may contest the factual premise underlying any decision to deny a comparable insurance waiver and any subsequent restriction allowed under section

(6) of this rule by presenting their documentation and arguments before the Vice President of Student Affairs or that person's designee.

(8) Pending the resolution of any dispute over a decision under this administrative rule, the student shall be permitted to register, and shall, in the event of an adverse decision compelling withdrawal from the University subsequent to registration, be guaranteed a refund of any tuition paid for the term in which withdrawal takes place.

(9) New nonimmigrant foreign students shall be notified in writing of these requirements by the Admissions Office with their letter of admittance. Returning nonimmigrant foreign students shall be notified in writing of these requirements by the Foreign Students Office.

(10) Foreign institution exchange agreements, foreign study

agreements, and foreign visitation program agreements executed with SOU shall include a requirement that the sponsoring institution or organization is responsible for ensuring that its foreign participants are covered by medical insurance as required in sections (3) and (4) of this rule.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: SOSC 5-1988(Temp), f. & cert. ef. 12-5-88; SOSC 1-1989, f. & cert. ef. 2-16-89; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 30

MODEL RULES OF PROCEDURE APPLICABLE TO CONTESTED CASES

573-030-0005

Contested Case Defined

(1) A contested case exists whenever:

(a) A constitutional provision or institutional enabling act requires a hearing upon the action; or

(b) The institution has discretion to suspend or revoke a right or privilege of a person; or

(c) There is a proceeding in which the institution by rule or order provides for a hearing, in accordance with contested case requirements.

(2) "Contested case" does not include proceedings in which an institution decision rests solely on the results of a test.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98

573-030-0015

Entitlement to Contested Case Hearing

(1) A person is entitled to a contested case hearing whenever a contested case exists as defined in OAR 573-030-0005.

(2) A person is not entitled to a contested case hearing when:

(a) Any optional hearing method defined by Administrative Rule has been selected as the method of resolving the conflict;

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0025

Notice of Hearing

(1) Within ten 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 which the institution deems to be involved;

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

(e) A statement that 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 grievant.

(2) The notice shall be served personally or by registered or certified mail sent to the address of the grievant as shown on the records of this institution.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0026

Rights of Parties in Contested Cases

(1) The written or oral information required to be given under ORS 183.413(2) before commencement of a contested case hearing shall include:

(a) If a party is not represented by an attorney, 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 agency;

(d) That an attorney will represent the institution in 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 with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the institution, whether the person presiding at the hearing is or is not an employee, officer or other representative of the institution and whether that person has the authority to make a final independent determination;

(f) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the 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 the 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 agency.

(2) The information required in section (1) may be given in writing or orally before the commencement of the hearing.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

573-030-0030

Order When Party Fails to Appear

(1) When the 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.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0035

Subpoena, Deposition

(1) The hearing officer shall issue subpoenas to any party to a contested case request upon a showing of general relevance and reasonable scope of the evidence sought.

(2) Witnesses appearing pursuant to subpoena, other than parties or officers or employees of the institution, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

(3) On petition of any party to a contested case, the institution may order the testimony of any material witness be taken by deposition in the manner prescribed by law for depositions in civil actions (ORS Chapter 45). Depositions may also be taken by the use of audio or audiovisual recordings. The petition shall set forth:

(a) The name and address of the witness whose testimony is desired;

(b) A showing of materiality of the testimony;

(c) A request for an order that the testimony of the witness be taken before an officer named in the petition for that purpose.

(4) If the institution issues an order for the taking of a deposition and the witness resides in this state and is unwilling to appear, the institution may issue a subpoena as provided in section (1) requiring his appearance before the officer taking the deposition.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0040

Hearing

(1) The hearing shall be conducted by and shall be under the control of the hearing officer. The hearing officer may be the President of the institution or his designee.

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

(a) Statement and evidence of this institution in support of its action;

(b) Statement and evidence of affected persons disputing the institution's action;

(c) Rebuttal testimony.

(3) The hearing officer and the affected parties and this institution or their attorneys 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 and may exclude or limit cumulative, repetitious or immaterial matter.

(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) The burden of presenting evidence to support a fact or position rests on the proponent of the fact or position.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0045

Evidentiary Rules

(1) Evidence of a type commonly relied 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 his power to exclude irrelevant, immaterial, or unduly repetitious matter.

(3) Evidence objected to may be received by the hearing officer with 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.

(4) Any time ten days or more before a hearing, any party may serve on an opposing party a copy of any affidavit, certificate or other document the party proposes to introduce in evidence. Unless the opposing party requests cross-examination of the affiant, certificate preparer, or other document preparer or custodian, more than 5 days prior to the hearing, the affidavit or certificate may be offered and received with the same effect as oral testimony.

(5) If the opposing party requests cross-examination of the affiant, certificate preparer, or other document preparer or custodian as provided in section (4) and the opposing party is informed more than five days prior to the hearing, that the person will not be

able to appear for cross-examination, the affidavit, certificate or other document may be received in evidence, provided the agency or hearings officer determines that:

(a) The contents of the affidavit, certificate or other document is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and

(b) The party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0050

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) 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 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0051

Ex Parte Communications to the Institution

(1) The institution shall place on record a statement of the substances of any written or oral ex parte communications on a fact in issue made to the institution during its review of a contested case.

(2) The institution shall give notice to all parties of ex parte communications. The notice shall include:

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

(b) Whether or not the institution will consider the ex parte communication in considering the case.

(3) If the institution gives notice that the ex parte communication will be considered in deciding the case, the agency at its discretion shall:

(a) Set a date when the other parties may rebut the substance of the ex parte communication in writing; or

(b) Schedule a hearing for the limited purposes of receiving evidence relating to the ex parte communication.

(4) If an agency schedules a hearing, it may remand the matter to a hearing officer.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

573-030-0052

Ex Parte Communications

(1) The officer presiding at the hearing shall place on the record a statement of the substances of any written or oral ex parte communications or a fact in issue made to the officer during the pendency of the proceeding.

(2) The presiding officer shall give notice to all parties of ex parte communications. The notice shall include:

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

(b) Whether or not the officer will consider the ex parte communication in making a recommendation to the institution or in deciding the case.

(3) If the presiding officer gives notice that the ex parte communication will be considered in making a recommendation to the institution or in deciding the case, the officer shall either:

(a) Set a date when the other parties may rebut the substance of the ex parte communication in writing; or

(b) Schedule a hearing for the limited purposes of receiving evidence relating to the ex parte communication.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

573-030-0053

Ex Parte Communication Record

If an ex parte communication is made to the institution or a presiding officer as described in OAR 573-030-0051 and 573-030-0052 the record shall include:

(1) The ex parte communication if in writing;

(2) A statement of the substance of the ex parte communication if oral;

(3) The institution's or presiding officer's notice to the parties of the ex parte communication;

(4) Rebuttal Documents; and

(5) If a hearing is held the evidence, exhibits and transcripts of the proceedings.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

573-030-0055

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 which, when disputed, are determined by the fact-finder, on substantial evidence, to be facts even though there are contentions to the contrary;

(c) Conclusion(s) 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 the findings of fact and conclusions of law.

(2) The final order may include an opinion explaining the reasons and rationale adopted by the agency in arriving at the conclusions supporting its action.

(3) Parties to contested cases and their attorneys of record shall be served a copy of the final order and any accompanying findings and conclusions.

(4) The final order shall include a citation of the statute under which the order may be appealed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

573-030-0060

When OAR 573-030-0005 Through 573-030-0055 Do Not Apply

OAR 573-030-0005 through 573-030-0055 do not apply to procedures for imposition of sanctions on an academic staff member.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

530-030-0065

Petitions for Reconsideration, Rehearing

(1) A party may file a petition for reconsideration or rehearing on a final order with the institution within 30 days after the order is served.

(2) The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by a written argument.

(3) The institution may grant a reconsideration petition if sufficient reason therefor is made to appear. If the petition is granted an amended order shall be entered.

(4) The institution may grant a rehearing petition if sufficient reason therefor is made to appear. The rehearing may be limited by the institution to specific matters. If a rehearing is held an

amended order shall be entered.

(5) If the institution does not act on the petition within the 60th day following the date the petition was filed, the petition shall be deemed denied.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

DIVISION 35

DISCRIMINATION

573-035-0005

Definition

As used in OAR 573-035-0010 and 573-035-0015, "discrimination" means any act or practice, either in form or operation, whether intended or unintended, that unreasonably interferes with the rights of students or employees to pursue educational, recreational, social, cultural, residential, employment, or professional activities in an atmosphere where the rights, dignity, and worth of every individual are respected. These rights are granted independent of an individual's race, color, national origin, religion, age, disability, marital status, veteran status, gender, or sexual orientation.

Stat. Auth.: ORS 351.070 & 659

Stats. Implemented: ORS 351.070 & OAR 580-15; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 9-1980, f. & ef. 11-19-80; SOSC 1-1993, f. & cert. ef. 2-19-93

573-035-0010

Discrimination

Harassing, threatening, or intimidating activities, or any practice by an employee or a student, which abuses, endangers, jeopardizes personal safety, or interferes with the official duties, class attendance, or educational pursuits of any person, are prohibited. Southern Oregon University is committed to free speech. Nothing in this policy is intended to limit constitutional protections of speech. If any person feels subject to prohibited discrimination, the procedures outlined in OAR 573-035-0015, or procedures outlined in an applicable collective bargaining agreement, shall be used for redressing the grievance. An employee who is a faculty member may alternatively elect to follow the grievance procedure outlined in the Faculty Constitution. Faculty members alleging harassment or intimidation by students may file complaints under applicable student conduct codes.

Stat. Auth.: ORS 351.070 & ORS 659

Stats. Implemented: ORS 351.070 & OAR 580-015; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 9-1980, f. & ef. 11-19-80; SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98

573-035-0015

Grievance Procedure

The following procedures are to be used in resolving complaints alleging discrimination by a student or employee of SOU, if not otherwise processed under a collective bargaining contract or the Faculty Constitution:

(1) For the purpose of this rule, the following definitions shall be used:

(a) "University Representative": The person who is alleged to be responsible for the policy, practice, or act considered by the grievant to be discriminatory;

(b) "Compliance Officer": The Vice President for Student Affairs for education-related complaints; the Vice President for Academic Affairs and Provost for academic employment-related complaints; the Vice President for Administration and Finance for other employment-related complaints;

(c) "Grievance Officer": The Associate Dean of Students for education-related complaints; the Affirmative Action Officer for

all employment-related complaints;

(d) "Grievant": The person initiating the complaint;

(e) "Sexual Harassment" (includes sexual orientation harassment): Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an academic program or activity;

(B) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

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

(g) "Investigating Officer": University official appointed by the designated compliance officer to investigate complaints of discrimination. This may be the Associate Dean of Students, the Affirmative Action Officer, or other official as deemed appropriate by the compliance officer.

(h) "Institution Official": University administrator, supervisor, faculty member, graduate assistant, or other person acting in an official capacity for the University.

(2) A complaint alleging discrimination shall be processed as described below. Cases involving allegations of discrimination are especially sensitive, and special attention will be given to the issue of privacy for all individuals. However, absolute confidentiality cannot be guaranteed. Investigation may make complete confidentiality impossible:

(a) Informal Resolution. A grievant is encouraged to attempt to resolve the complaint with the University representative responsible for the policy, practice, or act considered discriminatory within 30 days of the alleged discriminatory act. The grievant may do this individually, or request assistance from the appropriate grievance officer. If no resolution is reached, a formal grievance may be filed. Informal grievances filed after the 30-day period may be resolved informally, providing the President determines it is in the best interest of the institution to do so. Otherwise, formal resolution may be pursued;

(b) Formal Resolution. A grievant may file a formal grievance even if no informal resolution has been pursued. To file a formal grievance, the grievant shall submit the complaint, in writing, within 180 days of the alleged discriminatory act. The grievant may request the assistance of the appropriate grievance officer in writing the complaint. The grievant shall have access to all relevant records which are not protected under state and/or federal law. The complaint shall be addressed to the appropriate compliance officer, and shall contain the following:

(A) The grievant's name, address, status, and telephone number where the grievant may be contacted;

(B) The date(s) of the alleged act of discrimination and a detailed description, including possible witnesses;

(C) An outline of the attempts to resolve the grievance, including the name of the University representative alleged to be responsible for the discriminatory policy, practice, or act and the date(s) of the attempt at resolution, if any;

(D) All information pertaining to the complaint;

(E) Resolution proposed by the grievant;

(F) Grievant's signature;

(G) The complaints relating to educational programs, the compliance officer shall forward summaries of the written complaint to the University representative named in the complaint, the Vice President for Academic Affairs and Provost, the President, and the Chancellor's Office; for employment-related complaints, the compliance officer shall forward copies of the written complaint to the President;

(H) The compliance officer shall direct that the grievance officer or other University official as determined by the compliance officer, conduct an investigation into the circumstances surrounding the complaint. Even if informal review shows that the formal complaint does not appear to be valid, all formally submitted complaints shall receive a formal response under these guidelines. The investigating officer shall request a statement from the

University representative named in the complaint, investigate the grievance, and attempt resolutions. If unable to resolve the grievance promptly, the compliance officer shall recommend appropriate action to the President. The President shall order correction of any noncompliance found to exist or to have occurred;

(I) The final decision shall be given to the grievant, in writing, by the President within 30 days after receipt of the written complaint by the compliance officer, unless additional time is granted by the President for employment-related complaints, or the Chancellor's Office for education-related complaints. Copies of the President's decision shall be sent to the named University representative, the appropriate compliance officer, the appropriate Dean, and, for education-related complaints, to the Chancellor's Office;

(J) If the grievant in an education-related complaint finds the President's decision unsatisfactory, the grievant may request a hearing in the manner provided in the Administrative Rules of the Oregon State Board of Higher Education. (See OAR 580-015-0105.) The compliance officer shall send a copy of the grievant's response and request for a hearing to the named University representative, the appropriate Dean, the Vice President for Academic Affairs and Provost, the President, and the Chancellor's Office;

(K) If the respondent in a discrimination complaint wishes to appeal any sanctions imposed, applicable grievance procedures may be used. Academic staff members having indefinite tenure may alternatively request review by the Board as outlined in OAR 580-021-0370.

(c) Institution-initiated complaints. If institution officials learn of incidents of potential discrimination, but the alleged victim(s) are reluctant to bring a complaint, the President may direct an investigation on behalf of the institution. Such investigations will be conducted as outlined in OAR 573-035-0015(2)(b)(H) unless the President determines that it is in the best interests of the University to do otherwise. The University may take corrective action, if appropriate, based on this investigation.

Stat. Auth.: ORS 351.070 & ORS 659

Stats. Implemented: ORS 351.070 & OAR 580-15; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 9-1980, f. & cert. ef. 11-19-80; SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98

573-035-0040

Formal Investigations

Formal investigations are necessary whenever:

(1) A formal complaint has been received;
(2) The nature of the complaint (formal or informal) is such that the alleged harassment may lead to formal disciplinary actions; or

(3) Directed by the President.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-15; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93

573-035-0050

Responsibility of Institutional Officials

Institution officials, as defined in OAR 573-035-0015(1)(h), who learn of incidents of potential sexual harassment must take prompt and appropriate corrective action whenever it is within their authority to do so unless to do so would violate a communication protected by the Oregon Code of Evidence. Institution officials who learn of potential incidents of sexual harassment who do not have the authority to take corrective action shall report the incidents of harassment promptly to institution officials with such authority unless to do so would violate a communication protected by the Oregon Code of Evidence.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Civil Rights Act; Title

VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98

573-035-0060

Disciplinary Action

(1) Informal resolution of complaints is aimed at stopping the discriminatory action(s). Informal resolution is educational, rather than legal in intent for both the complainant and the alleged harasser. Persons complained against may agree to actions such as apologies, reprimands, demotions, or voluntary resignations, without going through formal disciplinary procedures.

(2) Formal resolution may result in formal sanctions or disciplinary action as outlined in the applicable collective bargaining agreement, Faculty Constitution, Oregon Administrative Rules, or other personnel policies.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-15; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93

573-035-0070

Retaliation

It is a violation of University policy to intimidate, discipline, discharge, or harass any individual because she or he has filed a complaint, instituted proceedings, assisted in an investigation, or formally or informally objected to discriminatory practices. It is a violation of University policy to intimidate, discharge, or harass any individual even if his or her complaint is not sustained. If retaliation occurs, the incident should be reported immediately to the appropriate grievance officer.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98

573-035-0080

Frivolous or False Charges

This policy shall not be used to bring frivolous or malicious charges against fellow students, faculty members, or other employees. Disciplinary action under the appropriate personnel policies concerning personal misconduct or under student disciplinary codes shall be taken against any person bringing a charge of discrimination in bad faith.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-15; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93

573-035-0090

Alternative Complaint Procedures

Charges of discrimination may also be filed with appropriate federal, state, or local agencies. The University may suspend an investigation under this procedure if the grievant also seeks review under another internal or external review procedure.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Civil Rights Act; Title VII; Title VI; Americans with Disabilities Act; Equal Pay Act; Executive Order 11246; Age Discrimination Act

Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 40

SCHEDULE OF FEES

573-040-0005

Special Fees

The Special Fees for certain courses and general services

approved by Southern Oregon University are hereby adopted by reference.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-0040-0010

Hist.: SOSC 4, f. & ef. 9-2-76; SOSC 10, f. & ef. 5-9-77; SOSC 6-1978, f. & ef. 6-2-77; SOSC 8-1978, f. & ef. 12-15-78; SOSC 2-1979, f. & ef. 6-20-79; SOSC 4-1980, f. & ef. 5-20-80; SOSC 4-1980, f. & ef. 5-20-80; SOSC 2-1981, f. & ef. 6-2-81; SOSC 3-1982, f. & ef. 7-1-82; SOSC 4-1983, f. & ef. 5-26-83; SOSC 1-1984, f. & ef. 6-20-84; SOSC 4-1985, f. & ef. 6-3-85; SOSC 9-1985, f. & ef. 12-17-85; SOSC 2-1986, f. & ef. 5-30-86; SOSC 1-1987, f. & ef. 6-5-87; SOSC 4-1987, f. & ef. 9-4-87; SOSC 1-1988, f. & cert. ef. 5-19-88; SOSC 2-1988(Temp), f. & cert. ef. 9-2-88; SOSC 4-1988, f. & cert. ef. 11-23-88; SOSC 3-1989, f. & cert. ef. 6-1-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 3-1991, f. & cert. ef. 5-30-91; SOSC 1-1992, f. & cert. ef. 6-3-92; SOSC 3-1993, f. & cert. ef. 5-21-93; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOSC 1-1996, f. & cert. ef. 6-5-96; SOU 1-1997, f. & cert. ef. 5-20-97; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 41

GUIDELINES AND PROCEDURES FOR ALLOCATION OF INCIDENTAL FEES

573-041-0005

Incidental Fees

(1) An incidental fee is assessed quarterly as part of each student's tuition and is used to finance certain auxiliary campus activities including the College Union operation; educational, cultural, and student government activities; and athletic activities.

(2) This document outlines the policies and procedures related to the funding of activities, programs, and services supported by the incidental fee and supersedes all previous guidelines and policy statements.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-10-090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94

573-041-0010

Authority to Prescribe Fees

(1) The Oregon State Board of Higher Education (OSBHE) established the incidental fee to be assessed at each institution in accordance with applicable statutes and upon the recommendation of the institutional President and the Chancellor.

(2) The Incidental Fee Committee is a recognized standing committee of the Associated Students of Southern Oregon University (ASSOU) and, as such, is assigned advisory functions, including responsibility for conducting budget investigations, matching program requests for funding with available resources, and recommending the budgets for those activities, as well as the incidental fee level required to support them.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0020

Operating Procedures

(1) The College Union Committee and the Athletic Committee are advisory to their respective Directors, who, together with the Chairpersons, present budget requests directly to the Incidental Fee Committee. The Educational Activities Committee is advisory to the Associate Director of the College Union who, together with the Chairperson, presents that budget request directly to the Incidental Fee Committee. College Union, Athletic, and Educational Activities Advisory Committees are herein referred to as sub-committees of the Incidental Fee Committee.

(2) The Chairperson of the Incidental Fee Committee and the subcommittees shall be selected by the members of the respective committees at their first meeting. Chairpersons and Vice-Chairpersons of the Incidental Fee Committee and subcommittees shall

be chosen from the student membership of each committee and shall be conferred by the ASSOU Senate.

(3) Absences, whether excused or not, shall be determined by the Chairperson of the committee. Members shall be considered to have resigned from their respective committees after the third unexcused absence from scheduled meetings during the course of the academic year.

(4) An "academic year" is defined herein as starting on September 15 and extending through June 14 of the following year. "Fiscal year" is defined as starting July 1 and extending through June 30 of the following year, and includes both the academic and summer terms.

(5) All student members of the Incidental Fee Committee and its subcommittees must maintain at least half-time enrollment status.

(6) Proxies shall not be permitted.

(7) With the exception of the two-year appointments, the term of each member of the Incidental Fee Committee and subcommittees will coincide with the academic year.

(8) A quorum shall be necessary for the transaction of business.

(9) Minority reports may be submitted to the Chairperson of the appropriate subcommittee or committee, or ASSOU Senate.

(10) No person shall serve as a voting member simultaneously on the Incidental Fee Committee and any subcommittees.

(11) All meetings of the Incidental Fee Committee and related subcommittees are subject to the provisions of the Public Meeting Law, ORS 192.610 et seq. Under this law meetings are to be considered open and appropriate notice shall be given.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80 ; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

Incidental Fee Committee

573-041-0025

Function of Incidental Fee Committee

(1) The Oregon State Board of Higher Education (OSBHE) established the incidental fee to be assessed at each institution in accordance with applicable statutes and upon the recommendation of the institutional President and the Chancellor.

(2) The Incidental Fee Committee is a recognized standing committee of the Associated Students of Southern Oregon University (ASSOU) and, as such, is assigned advisory functions, including responsibility for conducting budget investigations, matching program requests for funding with available resources, and recommending the budgets for those activities, as well as the incidental fee level required to support them.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0027

Operating Procedures

(1) The Incidental Fee committee shall establish a preliminary incidental fee for purposes of budget preparation by the subcommittees as well as the distribution of funds. The recommendations shall be forwarded to the ASSOU President.

(2) Incidental fee allocation and budget preparation procedures shall be established by the Incidental Fee Committee with the assistance of the institutional Budget Director.

(3) The institutional Budget Director shall initiate budget instructions which will consider proposed salary adjustments, inflation rates as supported by the Chancellor's staff, and any other pertinent data which would be helpful in the preparation of the annual budget request.

(4) The Committee shall review, and modify if necessary, the budget instructions and then transmit them to subcommittees according to an accepted budget calendar.

(5) The Incidental Fee Committee shall not be involved in budget management of individual programs once allocation has been approved for those programs. It is the responsibility of individual program directors to manage their respective budgets.

(6) The IFC shall send its final recommendation simultaneously to each subcommittee Chairperson and the ASSOU President by a specified date to be set by the IFC during the budget process.

(7) The ASSOU will only consider those appeals involving failure to follow prescribed procedure, changes in Initial Budget Level, or changes to priority rankings from the subcommittee. The ASSOU Senate is responsible for hearing any valid appeals, acting on the Incidental Fee Committee's recommendation, and forwarding the final recommendation to the SOU President by a date specified by the IFC during the budget process.

(8) Once the SOU President receives the ASSOU recommendation, within ten academic working days the President shall accept the recommendation in writing or, should there be modifications to the recommendation, communicate these modifications and reasons to the ASSOU and the IFC.

(9) If the ASSOU concurs with the President's proposed modifications, such shall be communicated in writing to the President within ten academic working days.

(10) If the ASSOU does not concur with the President's proposed modifications, such shall be communicated in writing to the President within ten academic working days. During the next two weeks, the President (or designee) shall meet with the ASSOU representatives to attempt to reconcile the differences. If the President and the ASSOU do not reach agreement, either party may request a hearing before the SOU Hearings Board (see OAR 573-041-0095).

(11) All subcommittees must have an accounting structure that will enable the production of monthly reports for review. Each subcommittee chairperson shall be expected to review the monthly reports with the subcommittee director as needed, and advise the full subcommittee on the status of each account.

(12) Any change in subcommittee expenditures from the approved budget must be reported and approved by the IFC.

(13) Subcommittees must identify income elements, the use of these funds, and discuss potential effects to their operating budgets if such income were not realized.

(14) Requests for supplemental funding from the IFC accounts shall be made by individual subcommittees only when the subcommittees do not have sufficient reserves to fund the particular need.

(15) If budget cuts are recommended due to unrealized income, the directors of each program shall be responsible, with the assistance of their advisory subcommittees, for making those cuts. It is expected that there shall be minimal cutting of programs affecting students whenever possible.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0030

Membership of Incidental Fee Committee

(1) The Incidental Fee committee shall establish a preliminary incidental fee for purposes of budget preparation by the subcommittees as well as the distribution of funds. The recommendations shall be forwarded to the ASSOU President.

(2) Incidental fee allocation and budget preparation procedures shall be established by the Incidental Fee Committee with the assistance of the institutional Budget Director.

(3) The institutional Budget Director shall initiate budget instructions which will consider proposed salary adjustments, inflation rates as supported by the Chancellor's staff, and any other pertinent data which would be helpful in the preparation of the annual budget request.

(4) The Committee shall review, and modify if necessary, the budget instructions and then transmit them to subcommittees according to an accepted budget calendar.

(5) The Incidental Fee Committee shall not be involved in

budget management of individual programs once allocation has been approved for those programs. It is the responsibility of individual program directors to manage their respective budgets.

(6) The IFC shall send its final recommendation simultaneously to each subcommittee Chairperson and the ASSOU President by a specified date to be set by the IFC during the budget process.

(7) The ASSOU will only consider those appeals involving failure to follow prescribed procedure, changes in Initial Budget Level, or changes to priority rankings from the subcommittee. The ASSOU Senate is responsible for hearing any valid appeals, acting on the Incidental Fee Committee's recommendation, and forwarding the final recommendation to the SOU President by a date specified by the IFC during the budget process.

(8) Once the SOU President receives the ASSOU recommendation, within ten academic working days the President shall accept the recommendation in writing or, should there be modifications to the recommendation, communicate these modifications and reasons to the ASSOU and the IFC.

(9) If the ASSOU concurs with the President's proposed modifications, such shall be communicated in writing to the President within ten academic working days.

(10) If the ASSOU does not concur with the President's proposed modifications, such shall be communicated in writing to the President within ten academic working days. During the next two weeks, the President (or designee) shall meet with the ASSOU representatives to attempt to reconcile the differences. If the President and the ASSOU do not reach agreement, either party may request a hearing before the SOU Hearings Board (see OAR 573-041-0095).

(11) All subcommittees must have an accounting structure that will enable the production of monthly reports for review. Each subcommittee chairperson shall be expected to review the monthly reports with the subcommittee director as needed, and advise the full subcommittee on the status of each account.

(12) Any change in subcommittee expenditures from the approved budget must be reported and approved by the IFC.

(13) Subcommittees must identify income elements, the use of these funds, and discuss potential effects to their operating budgets if such income were not realized.

(14) Requests for supplemental funding from the IFC accounts shall be made by individual subcommittees only when the subcommittees do not have sufficient reserves to fund the particular need.

(15) If budget cuts are recommended due to unrealized income, the directors of each program shall be responsible, with the assistance of their advisory subcommittees, for making those cuts. It is expected that there shall be minimal cutting of programs affecting students whenever possible.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0035

Authority to Operate

Authority to adopt by-laws and rules for the Incidental Fee Committee is delegated by the State Board of Higher Education to the SOU President. The Committee is authorized to recommend by-laws and rules to the ASSOU for approval and transmittal to the President for final approval. In carrying out its authority, this committee shall do the following:

(1) Select its own Chairperson, Vice-Chairperson, and Secretary.

(2) Meet on an "as needed" basis, and meet on a scheduled basis at least one time per month.

(3) Establish additional subcommittees as it deems necessary.

(4) Conduct open hearings on the three major categories: the College Union operations; educational, cultural, and student government activities; and athletic activities.

(5) Consult with Director of Athletics (AAC), the Director of the College Union (CUAC), and the Associate Director of the

College Union (EAAC), or any other resource persons on campus to obtain the necessary information and recommendations to carry on its work.

(6) Provide notification of all committee meetings, including budget hearings, to The Siskiyou at least three academic working days prior to the meeting. All meetings to be held in conformity with the Public Meeting Law.

(7) The following actions shall take place prior to the close of fall term:

(a) Orient the IFC;

(b) Discuss distribution of budget instructions to subcommittees and encourage IFC members to attend subcommittee meetings;

(c) Review criteria for funding;

(d) Set time lines for receipt of AAC, CUAC, and EAAC budgets;

(e) Set time lines for conducting budget hearings;

(8) The Incidental Fee Committee is responsible for conducting a joint in-service training of committee members, subcommittee members, and interested student groups. Such training shall include a review of incidental fee policies and procedures, the annual budget request, and the opportunity for those interested to present procedural questions to the IFC. This in-service training shall take place no later than the fifth week of the fall term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0036

Operating Procedures for Incidental Fee Subcommittees

Each of the subcommittees, in carrying out its authority as advisory to the Incidental Fee Committee, shall do the following:

(1) Select its own student chairperson, student vice-chairperson, and secretary, who will be confirmed by the ASSOU Senate.

(2) Meet on an "as needed" basis, and meet on a scheduled basis at least once a month. A quorum must be present to conduct business. No proxies shall be allowed.

(3) Conduct open budget hearings as outlined in OAR 573-041-0037(5) and (6).

(4) Every effort should be made to schedule meetings early enough so they may be published in The Siskiyou. The subcommittees should provide notification of all committee meetings, including budget hearings, early enough to be published in The Siskiyou at least three academic working days prior to the meeting. All meetings of the subcommittees are subject to the Public Meeting Law, ORS 192.610 et. seq.

(5) Send minutes of each meeting to the IFC Chairperson, the Vice President for Student Affairs, and the ASSOU President.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0037

General Budget Guidelines for Incidental Fee Committee Subcommittees

The following guidelines pertain to the Incidental Fee Committee subcommittees.

(1) The subcommittees shall identify income elements, indicate how they will be used, and provide information as to what would happen to operating budgets if such income were not realized. The potential for and plan to generate program funds should also be addressed.

(2) All subcommittees must have a formal accounting structure, with monthly reports available for review, to assure the managers that budgets and expenditures are on target. Such reports are to be forwarded, on a monthly basis, to the student union business office, where they will be made available for review by interested parties.

(3) Requests for funds from the IFC reserve must be initiated on the form "Application for Funding from the SOU Incidental Fee Reserve" (such forms are available in the College Union

Office and the athletic department). This Incidental Fee Committee shall consider all requests on the basis of emergency or contingency need. No consideration shall be given to any request that could have reasonably been anticipated but failed to be submitted through the normal budget process.

(4) If budget cuts are recommended due to unrealized income, the manager of each designated program shall be responsible for making those cuts with the assistance of their advisory subcommittees. It is expected that there shall be minimal cutting of programs affecting students whenever possible.

(5) The three subcommittees shall be required to hold at least two scheduled open hearings on their proposed budgets before submitting them to the Incidental Fee Committee. All account managers (i.e., coaches, educational activities program managers) must present and justify their budget requests to the appropriate subcommittees at this time.

(6) Each subcommittee shall be given sufficient time to present and explain its budget to the Incidental Fee Committee. All hearings shall be open and in accordance with the Public Meeting Law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

Educational Activities Advisory Committee

573-041-0040

Function

A variety of educational and cultural activities funded by the incidental fee are available that enrich and supplement curricular programs, as well as provide opportunities for constructive use of leisure time. The EAAC oversees budget requests, holds hearing for requests from the reserve, and monitors the expenditures of funds throughout the fiscal year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94

573-041-0045

Membership

The membership of this subcommittee shall be composed of 11 persons, 10 of whom have voting privileges. A quorum shall consist of 5 students and 1 faculty. The Chairperson of the committee, in cooperation with the Associate Director of the College Union, will jointly present the budget to the Incidental Fee Committee. All members have voting privileges except as noted.

(1) Student Membership (9):

(a) Senator, recommended by the ASSOU Committee on Committees, approved by the ASSOU Senate (4);

(b) Students-at-large, representing a broad base of students, selected by the ASSOU Committee on Committees using an application process, and approved by the ASSOU Senate. The at-large members shall not be ASSOU Senators (4).

(c) ICC representative approved by the ASSOU Senate (1).

(2) Faculty Membership (2);

(a) Faculty recommended by Vice President for Student Affairs (1);

(b) Associate Director of the College Union, Ex Officio, non-voting (1).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

College Union Advisory Committee

573-041-0050

Function

The primary purpose of the College Union Advisory Committee (CUAC) is to help in the formulation of the Union budget and to be available to provide a sounding board for Union poli-

cies. The CUAC oversees budget requests, holds hearings for requests from the CUAC reserve, and monitors the expenditures of funds throughout the fiscal year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94

573-041-0055**Membership**

The membership of this subcommittee shall be composed of 11 persons, 10 of whom have voting privileges. A quorum shall consist of 5 students and 1 faculty. The Chairperson of the committee, in cooperation with the Associate Director of the College Union, will jointly present the budget to the Incidental Fee Committee. All members have voting privileges except as noted.

(1) Student Membership (9):

(a) Senator, recommended by the ASSOU Committee on Committees, approved by the ASSOU Senate (4);

(b) Students-at-large, representing a broad base of students, selected by the ASSOU Committee on Committees using an application process, and approved by the ASSOU Senate. The at-large members shall not be ASSOU Senators (4).

(c) ICC representative approved by the ASSOU Senate (1).

(2) Faculty Membership (2);

(a) Faculty recommended by Vice President for Student Affairs (1);

(b) Associate Director of the College Union, Ex Officio, non-voting (1).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

Athletics Advisory Committee**573-041-0060****Function**

This subcommittee shall be responsible for recommendations concerning the development and operation of programs which encourage participation in physical development activities by all students at SOU. This includes both a strong intramural program of mixed and varied activities, as well as intercollegiate athletic competition. These programs not only provide satisfaction to those who desire to participate in competitive sports, but also support the physical education curricular program aimed at the development and maintenance of a healthy body and lifetime recreational skills. Also, these programs provide spectator opportunities for SOU and the wider community. The AAC oversees budget requests, holds hearings for requests from the AAC reserve, and monitors the expenditures of funds throughout the fiscal year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0065**Membership**

The membership of this subcommittee shall be composed of 11 members, 10 of whom have voting privileges. A quorum shall consist of five students and 1 non-student voting member. The Chairperson of the subcommittee, with cooperation with the Athletic Director, shall present the budget to the Incidental Fee Committee. All members have voting privileges except as noted:

(1) Student Membership (8):

(a) ASSOU senator, recommended by the ASSOU Committee on Committees, approved by ASSOU Senate (4);

(b) Students at-large, representing a broad base of students, selected by the ASSOU Committee on Committees using an application process, and approved by ASSOU Senate. The at-large members shall not be ASSOU senators (4);

(2) Other Membership (3):

(a) Community Representative, recommended by Vice President for Student Affairs, non-voting, two-year term (1);

(b) Alumnus, recommended by Vice President for Student Affairs, two-year term (1);

(c) Athletic Director, Ex Officio, non-voting (1).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

Southern Oregon State College Hearings Board**573-041-0085****Function**

If the President and ASSOU cannot reconcile differences as to proposed modifications to the recommendations, then a Hearings Board shall be established. It shall hear testimony from both parties, provide written findings of fact, and make recommendations for resolution of the disagreement to both parties.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0090**Membership**

Membership of the Hearings Board shall be composed of five voting persons.

(1) Two senators shall be appointed by ASSOU. Appointees shall not be members of the Incidental Fee Committee or its subcommittees.

(2) A student-at-large will be mutually agreed upon. Prior to November 1 of each year, both parties will compile a list of students mutually acceptable to sit on the Hearings Board. Both parties shall select this fifth member from this list.

(3) Two faculty shall be appointed by the SOU President with the same qualifications as in section (1) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0095**Hearings Board Process**

(1) If the institution President and ASSOU do not reach agreement within ten academic working days, either party may request a hearing board.

(2) A hearing shall be held within the next five academic working days. The SOU President and the ASSOU President shall be given notice of the time and place of the hearing at least 48 hours before the hearing. All meetings of the Hearings Board shall be open to the public and at least two academic working days' notice shall be given.

(3) A representative of ASSOU and the President (or designee) shall present to members of the Hearings Board relevant information that may include, but is not limited to, memoranda, budget requests, minutes, and correspondence.

(4) The hearings Board shall make written findings of fact and recommendations for resolution of the disagreement and shall provide such findings and recommendations to both parties within five academic working days after the hearing.

(5) Both parties shall provide written notification to the Hearings Board within five academic working days as to whether they accept or reject the recommendations of the Hearings Board.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-041-0096**OSBHE Appeals Process**

(1) After completion of the SOU Hearings Board Process, the President shall recommend to the Chancellor the amount of incidental fee for the University. A representative of ASSOU or IFC may appeal to the Chancellor the recommendations of the President regarding the amount of incidental fee or the allocation among the three major categories listed in OAR 573-041-0005(1). Allocations among programs and activities within a major category are not subject to appeal. The Chancellor shall order a timely review of the appeal and shall communicate to the parties involved a decision in writing within a reasonable period of time.

(2) The Chancellor shall recommend to the OSBHE an incidental fee for each institution. Representatives of ASSOU, the IFC, as well as members of the public, may appear in support of, in opposition to, or to request modification of, the recommended incidental fee in accordance with the provisions of OAR 580-001-0005 (Procedural Rule for Changes and Additions to Administrative Rules). The Board will concurrently consider appeals of the substantial unresolved differences in the allocation of incidental fees among the three major categories. The Board will not consider allocations within a major category except in extraordinary circumstances or upon its own motion.

(3) Within one week or five academic working days after final action taken by the OSBHE, the SOU President shall confer with the ASSOU and IFC in making any necessary adjustments in the allocations. The SOU President shall communicate the final action of the Board and the President in writing to the ASSOU and Incidental Fee Committee Chairperson.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

Summer Incidental Fee Committee

573-041-0100

Incidental Fee Committee

(1) The summer term IFC handles all business of the regular IFC according to established policies and procedures. This may include requests for summer use of incidental fees, including education activities, athletics, and College Union programs. The summer IFC acts as a sounding board for union policy changes that occur over the summer months and hears regular and emergency requests for athletic and/or activity funds needed during the summer and early fall months. The summer IFC meets on an "as needed" basis and meets on a scheduled basis at least once in the summer term. The summer IFC continues to act for the regular IFC and each of the subcommittees until the summer IFC Chairperson reports the actions and decisions of the summer IFC to the regular IFC. The summer IFC operate according to the operating procedures described in the Incidental Fee Guidelines and Procedures.

(2) During the spring term the ASSOU shall appoint four students, two ASSOU senators and two students-at-large, who, along with the ASSOU President (or designee) and one faculty member appointed by the Vice President for Student Affairs, shall make up the Summer Incidental Fee Committee. All student members must be registered students of SOU. A quorum shall consist of three voting members.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Hist: SOSC 2-1980, f. & ef. 4-1-80; SOSC 7-1983, f. & ef. 10-6-83; SOSC 5-1994, f. & cert. ef. 12-7-94; SOSC 5-1994, f. & cert. ef. 12-7-94; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 42

FEES FOR THE COLLEGE COMMUNITY RECREATION PROGRAM

573-042-0005

College Community Recreation Program Policies and Fees

(1) Physical education facilities at Southern Oregon University may be used for the College Community Recreation Program.

Such usage is on a space-available basis after the needs of academic programs and student activities have been met. Questions regarding scheduling of the facilities shall be directed to the Community Recreation Director. The following fees pertain to usage by employees and students and their family members and guests as well as the general public.

(2) Policies Governing Facilities Use:

(a) Community Memberships:

(A) Memberships may be used by paying members only and are not transferable;

(B) Membership identification cards are required for the use of all facilities;

(C) Memberships entitle the members to the use of all facilities when they are scheduled for Community Recreation use. Facilities include pool, racquetball courts, track, gym, lockers and showers, fields, and sauna.

(b) All individuals using Health/PE facilities will be required to show identification:

(A) SOU student body card;

(B) Faculty/staff card;

(C) Community Recreation pass.

(c) Student, faculty, and staff passes will be honored through summer session. Community recreation passes will be honored through the term of purchase, or for the year of purchase;

(d) The facility schedule is subject to change;

(e) Facilities users will be responsible for payment of costs for repair or replacement due to damage of facility or equipment during rental time beyond normal wear and tear.

(3) Fee Schedule:

(a) SOU Students:

(A) Facilities for which there is no charge include gyms, lockers and showers, track, fields, and sauna;

(B) \$10.00 fee per term per person or \$25.00 fee per year per person for the pool and racquetball courts;

(C) \$2 fee per visit per person for the pool;

(D) \$2.00 fee per visit per person for the racquetball courts.

(b) SOU Faculty and Staff:

(A) Facilities for which there is no charge include gyms, lockers and showers, track, fields, and sauna;

(B) Emeritus and adjunct faculty receive faculty/staff rates. Part-time faculty below .50 FTE do not receive faculty/staff rates;

(C) \$15 fee per term per person to use the pool and racquetball courts;

(D) \$45 fee per year per person to use the pool and racquetball courts;

(E) \$2 fee per visit per person for the pool and \$2 fee per visit per person for the racquetball courts.

(c) Immediate family members of SOU students, faculty, and staff (i.e., spouse, son, or daughter) will pay same fees as the students, faculty, and staff;

(d) Community Members:

(A) Facilities include gyms, lockers and showers, track, fields, racquetball courts, pool, and sauna;

(B) \$30.00 fee per term per person for use of swimming pool and all community recreation facilities except racquetball courts;

(C) 30.00 fee per term per person for use of racquetball courts and all community recreation facilities except swimming pool.

(D) \$2 fee per visit per person for use of swimming pool and all community recreation facilities except racquetball courts.

(E) Charges for group use for extended periods will be negotiated considering the number of participants, equipment used, frequency of use, and any lifeguard requirement;

(F) \$2.00 fee per visit per person for use of racquetball courts and all community recreation facilities except swimming pool;

(G) You must sign up and make a reservation to play racquetball.

(e) Alumni (must be active member of SOU Alumni Association):

(A) \$25.00 fee per term per person for use of swimming pool and all community recreation facilities except racquetball courts;

(B) \$25.00 fee per term per person for use of racquetball

courts and all community recreation facilities except swimming pool.

(C) \$2 fee per visit per person for use of swimming pool and all community recreation facilities except racquetball courts;

(D) \$2.00 fee per visit per person for use of racquetball courts and all community recreation facilities except swimming pool.

(f) For rental of activity areas, refer to "Basic Rental Rates" available from Community Recreation Director at 552-6273.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 1-1985, f. & ef. 1-16-85; SOSC 1-1991, f. & cert. ef. 1-25-91; SOSC 5-1991, f. & cert. ef. 9-20-91; SOSC 4-1993, f. & cert. ef. 6-22-93; SOSC 3-1994, f. & cert. ef. 7-29-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 50

REGULATIONS GOVERNING USE OF VEHICLES

573-050-0005

Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of motor vehicles on the Southern Oregon University campus for visitors, faculty, staff, and students is derived from ORS 352.360 and action of the Oregon State Board of Higher Education pursuant to such statute. The regulations as herein published have been approved by the Office of the Chancellor and filed with the Secretary of State in accordance with provisions of ORS 183.310 to 183.500. Strict enforcement of these regulations is necessary to minimize congestion, maintain safety on campus streets, enhance security, and maximize the use of existing parking facilities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOU 2-1997, f. & cert. ef. 8-26-97

573-050-0010

Application of Motor Vehicle Laws of the State of Oregon and the City of Ashland

All motor vehicle laws of the State of Oregon and City of Ashland, including specifically, but not by way of limitation, ORS Chapters 810, 811, 814, 815 and 816, together with amendments hereafter adopted, are applicable and enforceable on the campus of Southern Oregon University to the same extent as if this campus and its streets were public highways.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1990, f. & cert. ef. 5-31-90; SOU 2-1997, f. & cert. ef. 8-26-97

573-050-0015

Definitions

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

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

(3) The word "permit" as used in these regulations includes all the following:

- (a) Faculty/Staff decal;
- (b) Student Commuter decal;
- (c) Residence Hall decal;
- (d) Motorcycle and Scooter decal;
- (e) Carpool decal;

(f) Temporary Substitute permit;

(g) Weekly Parking permit;

(h) Guest Parking permit;

(i) Service Vehicle permit;

(j) Daily Parking permit.

(4) A "decal" is the permanent permit affixed to a vehicle.

(5) The word "permit" means a valid decal or permit as recognized by the Parking Department.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 5-1987, f. & ef. 9-8-87; SOSC 2-1996, f. & cert. ef. 8-2-96

573-050-0020

Driver Responsibility

(1) All persons operating vehicles on campus are responsible for knowing and adhering to the regulations herein. The regulations are enforced 24 hours per day, unless posted otherwise.

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

(3) Persons whose vehicles have broken down on the campus must immediately notify the Security and Safety Office. Major mechanical repairs to vehicles on the campus are prohibited. Abandoned or junked vehicles remaining on the campus more than 72 hours will be removed at the owner's expense. Unlicensed vehicles parked on the campus will be considered abandoned and subject to removal at the owner's expense. Unlicensed vehicles include those with expired vehicle registration.

(4) Southern Oregon University assumes no liability for personal injuries or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOU 2-1997, f. & cert. ef. 8-26-97

573-050-0025

Vehicle Permits and Parking Areas

(1) All vehicles operated on the University campus are required to display a permit when the posted signs require a permit. Permits are not required in timed lots. Faculty/Staff lots are posted yellow; Student Commuter lots are posted green; Resident Student lots are posted red. The Parking Department can be contacted for the location where other types of permits may be obtained. Failure to display a permit may result in the issuance of a parking citation. Decals may be purchased during normal registration or at the Business Services Office located in Churchill Hall.

(2) *Parking decals are serialized for use on a specific vehicle with a license plate designated by the purchaser at the time of purchase.* The decal must be affixed outside to left-rear bumper, left-rear body, left-rear window, or rear side window behind driver of the vehicle where visible. The adhesive on the back of the decal must be the attaching mechanism. *If a vehicle is disposed of, the decal must be removed and returned to the Parking Office.*

(3) Parking decals may be purchased for the remainder of the academic year or for each quarter. The academic year begins and ends in September. Parking decals purchased during the winter, spring, or summer quarters are at a proportionately reduced rate.

(4) "Faculty/Staff" parking decals will be sold to classified employees, graduate assistants, temporary employees who are half-time or more, and to faculty. Vehicles displaying Faculty/Staff decals are authorized to park in designated Faculty/Staff (yellow), Student Commuter (green), and Residence Hall (red) parking areas.

(5) "Student Commuter" parking decals will be sold to persons who live off campus and wish to bring vehicles on campus.

Vehicles displaying Student Commuter decals will park in Student Commuter (green) parking lots only.

(6) "Residence Hall" parking decals will be sold to students living in campus residence halls. Vehicles displaying a Residence Hall decal may park in any Residence Hall (red) parking lot only.

(7) "Second" parking decals may be purchased for an additional vehicle if more than one vehicle will be brought to campus. The purchaser must also be the registered owner of the vehicle. Only one decal (the original or second decal) is valid on permit-required lots at a time. If both first and second permits of one person are parked in permit-required lots at the same time, both vehicles will be cited for improper permits. A second decal may not be purchased for a car if the first decal is for a motorcycle, moped or scooter.

(8) "Replacement" decals may be obtained to replace a decal which has become unreadable or to transfer the decal to a different vehicle. The different vehicle must be registered to the same person the decal originally came from. The decal which is being replaced will be considered void and should be returned to the Business Services Office upon purchase of a replacement decal.

(9) "Guest" permits are available at the Parking Office, Business Services Office, departmental offices, school offices, and/or Campus Information Office. Guest permits are issued for one day only. Guest permits may not be used in timed lots. Buses will be expected to have a Guest permit, and park where directed by the Security or Parking Office. If a citation is issued to a vehicle while the driver is obtaining a Guest permit, it will be waived if the Parking Office is notified in a timely manner as stated in the "Guest Parking Permit Policy". Guest permits will not be valid if issued to University employees, faculty, students, or vehicles displaying a valid parking permit. Guest permits are not valid and may be cited for failure to display permit if any of the following information is illegible or omitted:

- (a) Both license number and make or color;
 - (b) Date permit is valid;
 - (c) Departmental personnel issuing and telephone extension.
- (10) "Carpool" parking decals will be sold for entire school year only if the carpool meets the following criteria:

- (a) The carpool must contain at least two individuals with cars, but no more than six;
- (b) Carpool members must complete a "Statement of Intent", available from the Parking Office, for each member of the carpool. No more than one vehicle from the carpool is allowed on campus at a particular time. No Second decals will be sold. However, Replacement decals are available if requirements, as stated in regulations for Replacement decals, are met.

(11) Substitute vehicles for a vehicle having a decal may be brought on campus after obtaining a "Substitute Vehicle Parking" permit from the Parking Office. This permit is used for temporary situations of short duration.

(12) "Special" permits may be approved by the Parking Office on an as-needed basis.

(13) "Weekly" or "Daily" permits for those persons who use the campus parking facilities only intermittently may be purchased at the Business Services Office in Churchill Hall.

(14) "Reserved Parking" spaces are available for reserved parking for a one-year period. Applications will be forwarded to the Transportation Planning & Parking Committee for review, and recommendation to the President, or designee, who will render final decision. Applications are available at the Parking Office. Parking spaces are reserved at all times for the President, Vice President for Student Affairs, Vice President for Administration and Finance, Provost and Director of Institutional Advancement.

(15) "Courtesy Parking" permits are available to personnel retiring with ten years of service or more, volunteer board members, designated governmental officials, media representatives, and such others as deemed necessary by the President to facilitate their interaction with the institution.

(16) "Disabled" parking: In accordance with ORS 811.602, 811.605, 811.606, 811.607, and 811.615, only vehicles displaying permits or placards issued and registered at the Motor Vehicles Division will be allowed to park in spaces posted for use by disabled persons.

abled persons.

(a) "Temporary (Disabled Person) Parking" permits are issued by the Motor Vehicle Division for persons with qualifying temporary disabilities upon submission of a certificate and fee (as provided by ORS 811.606 and ORS 811.640);

(b) All other insignia not described above (including official out-of-state insignia) on vehicles bearing license plates of Oregon registration will be invalid, and vehicles will be cited;

(c) Vehicles with appropriate disabled insignia may park in any lot or space without incurring citations, except where the lot or space is designated for parking limited to 30 minutes or less or in a parking space reserved for other vehicles.

(17) "Refunds" for a parking decal will be made only for whole terms (fall, winter, and spring) remaining, and upon return of the decal or fragments thereof showing the decal number. Refunds for a term will not be made after the published date for late school registration for that term. There will be no refunds for summer term permits. Refund schedules are on file in the Parking Office.

(18) Faculty/Staff, Residence Hall, and Commuter decals may be purchased for a single term. There is no refund on single-term decals. Rules related to yearly decals shall apply to single-term decals while they are valid.

(19) Vehicles displaying valid decals or parking permits are not guaranteed a parking space on the campus.

(20) Vehicles displaying valid decals or parking permits are not exempt from timed parking restrictions. Timed parking restrictions apply to all vehicles on the University campus regardless of decals or permits displayed.

(21) Mopeds, scooters, and motorcycles must be parked in parking spaces designated and posted for "Motorcycles Only". Mopeds, scooters, and motorcycles parked in bicycle racks and on the campus grounds will be cited for improper parking. Vehicles parked inside University buildings will be towed at the owner's expense.

(22) If, during the process of issuing a parking citation, the driver of the violating vehicle drives away from the scene, thus preventing the issuing agent from placing the citation on the vehicle, the citation will be entered into the parking system as if it had been placed on the vehicle. When a driver leaves the scene during the issuing process, this will be considered "constructive notice" of the citation.

(23) Vehicles parked facing in the direction against one-way arrows will be cited for improper parking. Vehicles parked on the side of street opposing direction of usual traffic flow will be cited for improper parking.

(24) Vehicles using parking lots marked "50-cents-park-all-day" or "Visitor Pay Parking" are required to display the serialized permit purchased at each lot of this type. Failure to display the permit on the dashboard of the vehicle will result in a citation for Failure To Display A Permit. There is no grace period to obtain change for the permit machine. Signs in the lots will instruct users to first occupy a parking space; immediately purchase a parking permit and place it on the dashboard of the vehicle; and that there is no grace period for obtaining change for the permit machine. All day means continuous occupancy of the lot for which a permit was purchased; departure from said lot invalidates further use of said permit.

(25) "Loading Zone" spaces are provided for loading and unloading purposes not to exceed 30 minutes; unless by prior approval through the Parking Office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 1-1983, f. & ef. 1-3-83; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98

573-050-0030**Driving and Parking Regulations on Campus**

The Vice President for Administration and Finance, in consultation with the Transportation Planning and Parking Committee, will designate parking areas on campus:

(1) Anyone operating a vehicle on campus will observe speed limits, barricades, bicycle lanes, crosswalks, stop signs, and will drive in a safe and prudent manner. The speed limit on campus is 15 MPH. Driving or parking vehicles, bicycles, motorcycles, mopeds, scooters, or motorized bicycles on sidewalks, lawns and other areas not designated for driving, parking, or public thoroughfare is prohibited.

(2) Regulations may change from time to time. In the event of conflict between traffic signs or markings and printed regulations, the signs or markings will be followed.

(3) Vehicles shall be parked within indicated parking areas only. All lots will have permit requirements suspended during Saturdays, Sundays and institution holidays, except handicapped, yellow zones, pay lots, reserved parking spaces, and restricted areas, which are enforced at all times. "Holidays" refers to the following observed state holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the Friday following Thanksgiving, and Christmas Day.

(4) Residence Hall (red) parking areas and pay lots are enforced 24 hours a day except for holidays as specified in the previous paragraph.

(5) Bicycle racks are provided on campus for bicycle parking only. Pedestrians have the right-of-way over bicycles on campus. Bicycles to be used or parked on campus will be registered and licensed with the City of Ashland Bicycle License. Bicycles not parked in racks and impeding traffic may be removed at the discretion of the Director.

(6) Persons, departments or schools sponsoring university-hosted events must contact the Parking office to arrange for parking and fee payment as appropriate. Unless otherwise arranged, participants will be restricted to Lot 1 during the academic school year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 2-1994, f. & cert. ef. 6-10-94; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98

573-050-0035**Traffic Committee and Traffic Appeals Board**

(1) The "Transportation Planning and Parking Committee" is established to advise on policies, procedures, and programs which address the transportation needs of students, faculty, staff, and visitors who access the Ashland campus, including routes and parking within the campus. Further, makes recommendations creating or modifying traffic and parking policies and assists in the equitable, effective, and economic regulation of vehicle use on campus. Included in these duties is the adjudication of second appeals for parking citations, and consideration of petitions for reserved parking. The committee will be convened as necessary to serve as the institution's Vehicle Accident Review Board.

(2) The Transportation Planning and Parking Committee will include: Three faculty members recommended by the Faculty Senate; three student members recommended by the Student Senate; and three classified staff members identified through the Administrative Committee appointment procedure. All members are subject to final confirmation by the President, or the President's designee. A minimum of three members at a meeting shall constitute a quorum. Final authority for traffic parking policies will rest with the President or the President's designee.

(3) Each member of the Transportation Planning and Parking Committee will be appointed for the period of three years. Terms of office will be staggered to provide continuity.

(4) The Director of Security and Safety, being responsible for the enforcement of these regulations, will be an ex-officio (non-voting) member of the Transportation Planning and Parking Committee. In this capacity, the Director of Security and Safety will serve as an advisor concerning traffic problems on the campus and the fiscal impact of present and proposed parking policies. The Director will make recommendations on needed improvement or changes required in this program to ensure the parking program maintains its mandated self-supporting fiscal status.

(5) The "Traffic Appeals Board" (TAB) is established to provide an expedient method of handling appeals for citations issued by Southern Oregon University personnel. The TAB is the first level of appeal concerning traffic and parking citations on the campus.

(6) The TAB will consist of: two faculty members nominated by the Faculty Senate, one classified staff member identified through the Administrative Committee appointment procedure, and three students nominated by the Student Senate. All members are subject to confirmation by the President, or the President's designee. The Faculty Senate, classified staff, and Student Senate will provide a minimum of one, but no more than three, alternate members of the TAB each. Alternate members can only be used in the absence of appointed members. It will be the responsibility of the absent member to notify an alternate. Decisions of the TAB shall reflect the majority vote of those members present.

(7) Each member of the TAB will be appointed for a period of three years. Terms of office will be staggered.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 3-1993, f. & cert. ef. 5-21-93; SOU 2-1997, f. & cert. ef. 8-26-97

573-050-0040**Penalties for Offenses**

Multiple violations may be cited for a single incident:

(1) Failure to display valid permit: Fine \$25.

(2) Fraudulent display of permit: Fine \$55.

(3) Permit not affixed: Fine \$20.

(4) Improper permit: Fine \$20.

(5) Parking in Disabled Space: Maximum fine \$250.

(6) Overtime Parking: Fine \$20.

(7) Blocking wheel chair ramp: Fine \$30.

(8) Improper Parking: Fine \$20.

(9) Parking in Reserved Space: Fine \$30.

(10) Blocking Traffic: Fine \$30.

(11) A vehicle may be towed off campus property and impounded at the owner's expense, in addition to fines, under the following circumstances:

(a) A vehicle causing imminent danger to people or University property;

(b) A vehicle not having a valid yellow, green, or red parking permit and records of \$50 or more in unpaid citations may be towed or booted. Owner is responsible for towing expenses.

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

(d) A vehicle parked in a handicapped space may be towed if other handicapped spaces are more than 150' away or all handicapped spaces within 150' are in use.

(e) A vehicle which is blocking traffic or is blocking any other vehicle, blocking any door or fire exit, blocking access to any trash container, standpipe, fire lane, crosswalk, driveway, or other safety hazard. Vehicles violating these rules may be cited for blocking traffic.

(12) Vehicles in timed parking areas may be cited when their time parked exceeds the posted time limit. The vehicle may be cited again after double the posted time limit is exceeded. Example: In a 30-minute parking area, a vehicle may be cited after 30 minutes; again after a total of 90 minutes (including the first 30 minutes); again after 150 minutes, etc.

(13) Vehicles parked in permit-required parking areas may be cited every eight hours, not to exceed three citations every 24 hours.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98

573-050-0045

Enforcement and Appeals

(1) Campus regulations are in effect 24 hours a day, seven days a week, except when parking permits are not required (as stated in OAR 573-050-0030).

(2) Tow-away zones will be enforced 24 hours a day, seven days a week.

(3) All penalties prescribed in OAR 573-050-0040 will be administratively enforced by Southern Oregon University. Violators will receive a parking citation of offense, together with the scheduled fine for said violation in accordance with the penalties set forth in OAR 573-050-0040.

(4) After receipt of a parking citation, the individual must, within seven calendar days of the date of the citation, file a request for a hearing before the TAB, or pay the appropriate fine.

(5) Any University personnel or student issuing a Guest permit may contact the Parking Office to transfer responsibility for citations received by their guests to themselves. This in no way implies the fine will be suspended, only that the guest will not be billed or pursued to pay the fine. The University personnel or student will be responsible, and has all avenues of appeal available as if the citation were issued to them personally.

(6) Any person wishing to take a case before the TAB must prepare a "Petition for Appeal of Traffic Violation" for a hearing indicating why the citation should be adjudicated. The petition form, available from the Parking Office, must be completed and returned to the office within seven calendar days of the citation date. At this time, the appellant will have the right to request substitution of any one member of the TAB and select the replacement from the TAB alternate group.

(7) A person appealing the citation may appear before the TAB to present his/her case. If the appellant does not wish to appear in person, for reasons he/she may specify, the written appeal will be reviewed by the TAB which shall render judgment. The appellant shall be notified by mail of the decision of the TAB.

(8) The party appealing the citation may have legal counsel to present his/her case to the TAB.

(9) In adjudicating appeals, the TAB shall have full authority to:

- (a) Dismiss the violations.
- (b) Find the individual not guilty of the charges of the citation.

(c) Find the individual guilty of the violation and either impose the fine stipulated in these rules, or impose a lesser fine.

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

(10) The decision of the TAB may be appealed in writing to the Transportation Planning and Parking Committee by obtaining, completing and filing a second appeal form with the Parking Office within ten calendar days following the decision of the TAB. The Parking Office will also have an opportunity to submit a written statement concerning the issuance of the citation.

(11) Once the TAB makes the decision on an appeal for a parking citation, the student will have ten calendar days from the decision date to appeal the TAB's decision further via the Transportation Planning and Parking Committee. After a decision has been made on the second appeal, a student has ten calendar days

to pay any amount owed before it is charged his/her account.

(12) The student's right to receive a registration packet and to enroll during the registration period will be denied if any fines owing under these regulations remain unpaid at the time of registration.

(13) A student who fails to pay the University for any outstanding fine will have the fine charged to his/her account.

(14) Students leaving or graduating from the University will continue to be responsible for parking fines owed to the University, as long as such fines can be identified as belonging to the student(s) responsible.

(15) A faculty or staff member who fails to pay the University for any outstanding parking fines will have the fine deducted from his/her payroll check 30 days after written notice of the outstanding fines.

(16) Vehicles having outstanding parking fines will be denied issuance of a replacement, transferred, or new parking decal.

(17) Fee Schedule:

(a) Carpool. Sold for entire school year only — \$50/each pool;

(b) Faculty and staff decal for first registered vehicle:

- (A) Fall term through summer term — \$64;
- (B) Winter term through summer term — \$53;
- (C) Spring term through summer term — \$42;
- (D) Quarter/Term Decals — \$32.

(c) Student Commuter and Residence Hall decal for first registered vehicle:

- (A) Fall term through summer term — \$60;
- (B) Winter term through summer term — \$49;
- (C) Spring term through summer term — \$38;
- (D) Quarter/Term Decals — \$28.
- (d) Motorcycles, Mopeds, and Scooters - one vehicle only:
- (A) Fall term through summer term — \$23;
- (B) Winter term through summer term — \$21;
- (C) Spring term through summer term — \$19;
- (D) Quarter/Term decals — \$17.

(e) Second Vehicle Permit — \$10.

(f) Replacement Permit — \$10.

NOTE: The second permit is for the convenience of those persons who may be driving a different vehicle from time to time. Only one decal (the original or second decal) is valid on campus permit-required lots at a time. Violation of this rule will result in both vehicles being cited for improper permit.

(A) Second permits will be sold only to Faculty/Staff, Commuter, and Residence Hall permit holders.

(B) One second permit is allowed for each full-price (first registered vehicle) permit purchased.

(C) Replacement permits can be obtained only in accordance with OAR 573-050-0025(8).

(g) Reserved Parking spaces (Non-Refundable) — \$100 over and above price for regular parking permit, and \$10 fee for each subsequent sign-change after a sign is posted.

(h) Weekly parking permits (for red and green lots only) — \$5 per week (available at the Business Services Office and Housing Office).

(i) Daily parking permits (for red and green lots only) — \$1 per day (available at the Business Services Office and Housing Office).

(j) Park-all-day in specified lots — 50 cents.

(k) Visitor Pay Parking in specified lots — 25 cents/hr.

(l) Handling charges:

- (A) For mailing out bills for fines — \$2;
- (B) For deducting fines from payroll check — \$2.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 3-1993, f. & cert. ef.

5-21-93; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98

DIVISION 51

COMMERCIAL SPEECH AND ACTIVITIES (SOLICITATION)

573-051-0005

Statement of Policy

(1) All students who apply for Southern Oregon University family housing shall be charged a \$25 family housing application deposit.

(2) At the time of "Check in" to family housing, the \$25 application deposit will be transferred to a deposit.

(3) Upon receipt of written notification from the applicant cancelling their family housing application, the \$25 application deposit will be fully refunded. However, if the applicant fails to verify their family housing status each term or declines a unit assignment, the \$25 application deposit will be forfeited in full.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80; SOU 1-1998, f. & cert. ef. 4-23-98

573-051-0010

Definitions

As used in this rule the following definitions apply:

(1) "Sale", "Selling", or "Purchasing" mean an activity which creates an obligation to transfer property or services for a valuable consideration.

(2) "Commercial Solicitation" means any direct and personal communication in the course of trade or business reasonably intended to result in a sale.

(3) "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation".

(4) "Private Sale" means occasional selling between persons who are campus students or employees.

(5) "Commercial Transaction" means selling or purchasing or both selling and purchasing by any person in the course of employment, or in the carrying on of, a trade or business.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

573-051-0020

Commercial Solicitation, Commercial Transactions and Solicitation

(1) To qualify for family housing an applicant must be a student at the University

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

(3) Priority for family housing space is first given to students who are married with or without dependent children, and to students who are single parents with dependent children. Priority for family housing to all other students is as follows:

(a) First priority is to pregnant women with medical verification;

(b) Second priority is to graduate students;

(c) Third priority is to all other students.

(4) Prior to signing the Family Housing Agreement, the University shall require the applicant to provide proof eligibility, including but not limited to, marriage certificates, custody papers, and/or children's birth certificates

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80; SOSC 11-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98

573-051-0030

Permission to Engage in Solicitation

Any person granted permission under OAR 573-051-0020 to engage in commercial solicitation, commercial transactions, or solicitation must abide by anytime, place and manner restrictions which may be imposed as a condition to the grant of such permission.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

573-051-0040

Discipline for Violation of Solicitation

Persons who violate the provisions of OAR 573-051-0010 through 573-051-0030 shall be disciplined as follows:

(1) Members of the campus community shall be disciplined in accordance with the procedure which is appropriate to that person's status as a student, faculty member, administrator, employee, or other category.

(2) Nonmembers of the campus community shall be prohibited from entering upon the campus for a period of one year.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

573-051-0050

Private Sales and Campus Advertising

(1) Nothing in this division shall affect private sales.

(2) Nothing in this division shall affect advertising in campus newspapers or over campus radio or television stations.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

DIVISION 70

PROCEDURAL RULES

573-070-0004

Department of Residence Halls, Conference, Senior Programs, and Food Services Policies

All departmental policies for residence halls, conferences, senior programs, and food services shall be maintained in appropriate policy documents in the Housing Office. Copies of these policy documents shall be made available upon request. Policies shall be developed and/or revised in the following manner:

(1) A sub-committee of the Housing Policy Committee shall be appointed by the Chairperson and shall work with the department director or his/her designee:

(a) The department director or his/her designee shall chair the committee;

(b) Committee members shall include the following:

(A) The committee Chairperson;

(B) A departmental representative from one of the following areas appointed by the Advisor to the Housing Policy Committee:

(i) Residence halls;

(ii) Conferences;

(iii) Senior Programs;

(iv) Food Services;

(C) Two students from the Housing Policy Committee;

(D) One classified or faculty member from the Housing Policy Committee.

(2) The Chairperson of the committee shall convene the committee on an as-needed basis for policy review and/or revision.

(3) Recommendations of the Housing Policy Sub-committee shall be forwarded to the Housing Policy Committee for review and recommendation.

(4) The recommendations of the Housing Policy Committee shall be forwarded to the department director for review and final decision.

(5) Those policies needing approval from the appropriate dean or the president shall be forwarded by the director to the

appropriate dean or the president.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94

573-070-0005

Freshman Live-In Requirement

Single freshmen students who enroll at Southern Oregon University within one year of high school graduation must live in the residence halls unless they are living with parents, legal guardians, or have written parent or guardian approval to live off campus.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: SOSC 12, f. & ef. 8-26-77; SOSC 3-1979, f. 8-8-79, ef. 9-1-79; SOSC 6-1980(Temp), f. & ef. 9-23-80; SOSC 10-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98

573-070-0011

Residence Hall Room and Board Agreement

(1) Each applicant for residence hall accommodations shall be required to sign a Room and Board Agreement before occupying a room. The Room and Board Agreement specifies all contractual obligations for resident students. All rules and regulations in the Room and Board Agreement are binding.

(2) The Room and Board Agreement shall be revised each year during the spring academic term:

(a) The Housing Policy Committee is responsible for revisions;

(b) Revisions must be consistent with existing department policies or revised policies which have been approved through the appropriate revision procedure.

(3) The Room and Board Agreement shall be reviewed by the State Attorney General's Office before being finalized by the department director.

(4) Copies of the current Room and Board Agreement will be available in the Student Housing Office.

(5) If a student is evicted from, moves from, or otherwise leaves a residence hall, but does not withdraw from the institution, the student is assessed a per day fine for the remaining days of the agreement period and forfeits his/her housing deposit.

(6) If a student changes rooms anytime during the contract period, the student will be assessed a \$10.00 moving fee for each move.

(7) If a student fails to follow procedures when completing a room change, the student is subject to a \$20.00 improper moving fee.

(8) With an approved petition a student may be released from their Residence Hall Room and Board Agreement without the per day penalty. The main criteria used in approving such a petition are as follows:

(a) Health reasons, verified by a licensed physician, preferably local, who is acceptable to the Housing Policy Sub-Committee;

(b) Marriage, upon receipt of a copy of a student's marriage certificate;

(c) Student teaching or academic programs requiring the student to live in another community;

(d) If a student is a non-freshman, and finds a suitable replacement to take over the agreement, i.e., someone not required by University policies to live in residence halls, and someone who has not previously contacted the Housing Office;

(e) If a student moves to permanent residence of parents or legal guardian.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 6-1980(Temp), f. & ef. 9-23-80; SOSC 10-1980, f. & ef. 11-19-80; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-070-0012

Residence Hall Application/Room Reservation Fee

Students applying for residence hall accommodations shall be required to complete the Residence Hall Application form and

submit it to the Housing Office accompanied by a \$50 non-refundable application/room reservation fee. When the student moves into the residence hall, one half of the application/reservation fee will be retained as an application fee and the remaining one half will be applied to the student's room and board charges. Residence hall space is assigned on a first-come, first-served basis, based upon the date that the \$50 application fee is received by the Housing Office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1993, f. & cert. ef. 2-19-93

573-070-0013

Forfeiture of Residence Hall Application/Room Reservation Fee for Failure to Take Timely Occupancy

If a student fails to take occupancy the date the residence halls opens for the academic term for which they have reserved a residence hall space, the \$50 application/room reservation fee will be forfeited and their application will be cancelled. If a student fails to qualify for admission, the entire application/room reservation fee will be refunded.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1993, f. & cert. ef. 2-19-93

573-070-0067

Student Housing and Residential Life Student Conduct Policies and Procedures

(1) All student housing rules and regulations, as well as judicial policies and procedures governing student conduct in and around the residence halls, shall be published in the following documents:

(a) The Southern Oregon University Student Handbook;

(b) A summary brochure published by the department.

(2) Copies of the Student Handbook and the summary brochure shall be made available upon request.

(3) Policies shall be developed and/or revised in the following manner:

(a) A sub-committee of the Housing Policy Committee shall be appointed by the Chairperson and shall work with the department director or his/her designee. The department director or his/her designee shall chair the committee and will be a non-voting committee participant.

(b) Committee members shall include the following:

(A) The committee chair;

(B) A representative from the Vice President for Student Affairs;

(C) One departmental representative appointed by the Advisor to the Housing Policy Committee;

(D) Two students serving on the Housing Policy Committee;

(E) One classified or faculty member serving on the Housing Policy Committee;

(F) The student advocate or his/her designee who will be a non-voting committee participant.

(3) The Chairperson of the committee shall convene the committee on an as-needed basis for policy review and/or revision.

(4) Recommendations of the Housing Policy sub-committee shall be forwarded to the Housing Policy Committee for review and recommendations.

(5) The recommendations of the Housing Policy Committee shall be forwarded to the department director for review and final decision.

(6) Those policies needing approval from the appropriate dean or president shall be forwarded by the director to the appropriate dean or the president.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-070-0068

Resident Hall Policy Implementation

(1) All agencies affected by any change in policy shall be

notified of any and all policy changes no less than ten working days before the changes are implemented:

(2) In the case of a policy change that would affect the student population of the residence halls, the students shall be informed and the policy change implemented in the following manner:

(a) Notice of the policy change shall be sent to the following agencies:

(A) The Housing and Residential Life Office;

(B) The office of the Student Advocate.

(b) During the first week of the academic term in which the policy change is to be implemented, notice of the policy change shall be posted in each of the residence halls.

(c) The student population of the residence halls shall be informed of the policy change by the Hall Directors during the mandatory all-hall meeting at the beginning of the academic term in which the policy change is to be implemented.

(d) After the all-hall meeting, a copy of the changed policy shall be made available from the Housing Office and the Hall Directors to any student who requests it.

(e) The policy change shall be implemented one working day after the last residence hall has had its all-hall meeting for that term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94

DIVISION 71

FAMILY HOUSING APPLICATION

573-071-0005

Family Housing Application Deposit

(1) All students who apply for Southern Oregon University family housing shall be charged a \$25 family housing application deposit.

(2) At the time of "Check in" to family housing, the \$25 application deposit will be transferred to a deposit.

(3) Upon receipt of written notification from the applicant cancelling their family housing application, the \$25 application deposit will be fully refunded. However, if the applicant fails to verify their family housing status each term or declines a unit assignment, the \$25 application deposit will be forfeited in full.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1990, f. & cert. ef. 2-13-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-071-0010

Family Housing

The following words and phrases mean:

(1) "Family Housing" -- All housing and/or apartments operated by Southern Oregon University which are rented specifically and only to a student(s) that qualify under these rules to rent such houses or apartments, and all grounds and buildings used by tenants and/or the Family Housing Office for the operation and administration of family housing rental units and programs.

(2) "Family" -- A legally married couple; or a legally married couple with a dependent child/ children; or an unmarried person with legal custody of a dependent child/children.

(3) "Student" -- A person who has applied for admission to Southern Oregon University, and at the time he/she takes possession of the housing unit has been officially admitted to the University; who registers for and completes a minimum of eight academic credit hours each academic term; who meets the minimum qualifications for satisfactory academic progress as stated in the current University Catalogue; and who is enrolled in three of four academic terms each calendar year, one of which must be fall term.

(4) "Graduate Student" -- A person who has applied for admission to a graduate program or the 5th year teaching certifica-

tion program at Southern Oregon University, and at the time he/she takes possession of the housing unit has been officially admitted to the University; who is making satisfactory progress toward being admitted into a specific graduate program; who registers for and completes a minimum of eight academic credit hours each academic term; who meets the minimum qualifications for satisfactory academic progress as stated in the current University Catalogue; and who is enrolled in three of four academic terms each calendar year, one of which must be fall term.

(5) Check-outs:

(a) Twenty-four hours prior to check-out, a student has the right to schedule a pre-check-out for assessment of cleaning fees and damages;

(b) Students have the option at check-out time to request two student members of the Advisory Committee be present.

(6) Maintenance. Students may request a yearly maintenance inspection of their rental unit with a list of damage charges.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-071-0020

Qualifications for Family Housing

(1) To qualify for family housing an applicant must be a student at the University

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

(3) Priority for family housing space is first given to students who are married with or without dependent children, and to students who are single parents with dependent children. Priority for family housing to all other students is as follows:

(a) First priority is to pregnant women with medical verification;

(b) Second priority is to graduate students;

(c) Third priority is to all other students.

(4) Prior to signing the Family Housing Agreement, the University shall require the applicant to provide proof eligibility, including but not limited to, marriage certificates, custody papers, and/or children's birth certificates

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-071-0030

Fees

(1) At the time the Family Housing Agreement is signed the \$25 family housing application deposit will convert to become a part of the security deposit.

(2) At the time the Family Housing Agreement is signed the student applicant must submit an additional \$200 deposit.

(3) For family housing units, part of the \$200 deposit submitted at the time the Family Housing Agreement is signed may be retained at the time the student vacates the family housing unit as a carpet cleaning fee:

(a) \$35 may be retained for one bedroom unit;

(b) \$40 may be retained for two bedroom units;

(c) \$45 may be retained for three bedroom units.

(4) For family housing houses, \$50 of the \$200 deposit submitted at the time the Family Housing Agreement is signed may be retained as a pet fee if, at the time the student vacates, there is evidence that cat(s) or dog(s) have been in the unit.

(5) The remainder of the \$200 deposit plus the \$25 application deposit will become a security deposit.

(6) Monthly rental rates for family housing units are as follows:

(a) Monthly rental rates for individual houses owned and

rented by the University as family housing vary with each particular house and are determined by the University on an individual basis;

(b) Monthly rental rates for the family housing apartment complex located between Wightman and California streets are as follows, effective July 1, 1996:

- (A) One bedroom, \$345;
- (B) One bedroom (handicap), \$345;
- (C) Two bedroom flat, \$415;
- (D) Two bedroom townhouse, \$415;
- (E) Three bedroom townhouse, \$465.

(c) Monthly rental rates for the family housing apartment complex located east of Wightman Street between Quincy Street and the railroad tracks are as follows, effective November 1, 1996:

- (A) Studio, \$310;
- (B) Three bedroom townhouse, \$532;
- (C) Four bedroom townhouse, \$585.

(d) The monthly rental rate for all apartments may be increased a minimum of \$5 per month each year through June of 2000.

(7) One month's rent or the prorated amount thereof, plus the \$200 security deposit, are payable at the time the Family Housing Agreement is signed. Thereafter, rent is due on the first day of each month. Rent must be paid according to the procedures outlined in the Family Housing Agreement and the Family Housing Office policies and procedures.

(8) If rent is not paid on or before 5 p.m. of the seventh day after the due date, the tenant must pay a late charge of \$10.

(9) Charges for lost and replaced keys and changed locks include:

- (a) A charge of \$12.50 for each key lost and not returned;
- (b) A charge of \$16 for each lock changed, which is in addition to the charge for lost keys. Lock change charges are nonrefundable;

(c) No refund of lost key charges will be made for keys returned after 5 p.m. of the 10th day after vacating the rental unit.

(10) Tenants may be charged for damages, cleaning and replacement of missing items, over and above normal wear and tear, as specified in the Family Housing Agreement.

(11) Delinquent accounts will be charged at a rate of 12 percent per annum.

(12) For the family housing apartments located at 1361 Quincy Street, a penalty fee of \$100 will be assessed to any student found to have a nonapproved pet living at or visiting their rental unit. Beginning June 1, 1996, new residents in family housing houses will be charged a pet fee of \$50 per dog or cat. No more than a total of two pets (dogs/cats) will be allowed. All applicable city ordinances regarding pets will apply.

(13) In all family housing units, a fee will be charged for the cleaning of blinds and drapes if a resident resides in family housing less than nine months:

- (a) One bedroom, \$25;
- (b) Two bedroom, \$30;
- (c) Three bedroom, \$35;
- (d) Four bedroom, \$40;
- (e) Five bedroom, \$45.

(14) In all family housing units, a penalty fee of \$25 per day will be assessed to residents that are still residing in family housing after their 30-day Notice of Intent to Vacate has expired.

(15) At the time a family housing resident moves from one College-owned house or apartment to another College-owned house or apartment, a moving fee of \$100 will be charged to cover routine maintenance moving costs and administrative expenses.

(16) The Family Housing Office shall have discretion to waive any of the above fees based upon unusual circumstances.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.170

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOSC 1-1996, f. & cert. ef. 6-5-96; SOSC 3-1996, f. & cert. ef. 11-29-96; SOU 1-1998, f. & cert. ef. 4-23-98

573-071-0040

Family Housing Office and Family Housing Advisory Committee

(1) The Family Housing Office shall establish additional family housing policies, procedures and practices that may not conflict with these administrative rules.

(2) A Family Housing Advisory Committee shall be created to advise the Family Housing Office regarding policies, procedures and administration of family housing operations. It shall be a standing administrative advisory committee of the University whose membership shall consist of faculty, staff and students from the University, appointed through the appropriate administrative

advisory committee procedures:

(a) At least five members of this committee shall be students, four of whom must be residents of family housing rental units;

(b) The Associate Director of Family Housing shall be a *ex officio*, nonvoting member of the committee;

(c) The chairperson of the committee shall be elected from within the membership of the committee each academic year;

(d) The term of office of students shall be no more than four years or until graduation, whichever occurs first. The terms of staff and faculty will be a three-year rotation.

(3) The Family Housing Advisory Committee shall provide advice in the following areas:

(a) Family housing policy and procedure formulation and implementation;

(b) Hear appeals of financial charges imposed upon residents by the Family Housing Office. Appeals will be administered by the Family Housing Office following the appropriate appeals procedures and using the appropriate appeals forms;

(c) Hear appeals regarding exceptions to policies and procedures based upon unusual circumstances;

(d) Review of contracts.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98

DIVISION 80

STUDENT HEALTH CENTER

573-080-0005

Population Served

(1) General. The Student Health Center exists primarily to provide medical care for the registered students of Southern Oregon University. Such care is available only during those hours the Health Center is open. The provision of all medical services must be free of discrimination with regard to age, handicap, national origin, race, marital status, religion, or sex.

(2) Population served:

(a) Full-time registered students. Full-time students (defined as students carrying at least 9 hours for credit) pay a health fee in advance each term at registration. The fee, which is subject to change from year to year, is adopted by the Oregon State Board of Higher Education;

(b) Students carrying less than 9 hours for credit have the option of paying a fee for health services;

(c) Participants in selected on-campus activities. Participants in the following on-campus activities have the option of paying a fee for health services:

(A) On-campus, non-credit workshops and programs sponsored by SOU;

(B) On-campus, non-credit workshops and programs sponsored by SOU under contract with an off-campus organization;

(C) On-campus workshops and programs sponsored and taught by off-campus organizations under a lease or contract with SOU;

(D) Health service fees charged to these categories of users shall be a prorated fee based on current fees charged full-time and

part-time students, prorated according to the period of use, with a minimum charge of \$2.50.

(d) Limited care, such as immunizations and injections, and emergency services, may be provided for personnel employed by the University at least half-time (.5 FTE) as permanent classified employees or academic employees on an annual contract;

(e) Non-registered students (auditor status) are not eligible for regular services rendered by the Health Center;

(f) Any non-enrolled student who was enrolled the previous term and will be enrolled the subsequent term is eligible for services provided the health fee is paid for that term.

(3) All persons will be charged an additional amount for supplies, pharmaceuticals, lab tests, x-rays, and special procedures. The charges for these items are posted in a conspicuous place in the waiting room of the Health Center, or are available upon request from SOU.

(4) Persons in need of emergency care or first-aid, other than those eligible for regular Health Center Care as outlined above, who present themselves or are brought to the Student Health Center may receive emergency care. As soon as such a person has been stabilized, and can safely be transferred, he or she will be transferred to the care of an appropriate facility and/or physician for follow-up care. Emergency care is available only during those hours the Health Center is normally open. Persons receiving emergency care will be billed for services and supplies.

(5) Services to an eligible person must be administered directly. The patient receiving care should be examined and the findings, diagnosis, and rationale for treatment carefully documented for medical and legal reasons. Services or products which a person might obtain without medical diagnosis, such as over-the-counter drugs or supplies, are excluded from this stipulation.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070, ORS 351.590, ORS 689.605 & ORS 580-011-0005

Hist.: SOSC 2-1978, f. & ef. 1-3-78; SOSC 7-1978, f. & ef. 8-23-78; SOSC 5-1979, f. & ef. 9-19-79; SOSC 2-1982, f. & ef. 4-15-82; SOSC 2-1983, f. & ef. 4-22-83; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

573-080-0025

Funding

The Student Health Center is funded by fees paid by the population served. In general, there are two types of fees paid:

(1) A health service fee paid each term which covers certain basic services, such as seeing a nurse or physician; and

(2) A fee charged for specific supplies and services, such as laboratory tests, x-rays, or certain procedures, such as application of a cast.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070, ORS 351.590, ORS 689.605 & ORS 580-11-005

Hist.: SOSC 2-1978, f. & ef. 1-3-78; SOSC 5-1979, f. & ef. 9-19-79; SOSC 7-1980, f. & ef. 11-19-80; SOSC 2-1982, f. & ef. 4-15-82; SOSC 1-1994, f. & cert. ef. 5-11-94

DIVISION 90

FIELD TRIP POLICY

573-090-0000

Definition

A field trip is a required or optional study trip outside the on-campus classroom or laboratory for which transportation may be necessary. Its purpose is to observe and study phenomena not readily available for classroom or laboratory presentation, but considered by the instructor to be subject matter important to the course.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 5-1978, f. & ef. 5-18-78; SOU 1-1998, f. & cert. ef. 4-23-98

573-090-0005

Procedure

The faculty member in charge of the course is responsible for establishing and informing the students in the class of the field trip's requirements and grading criteria. Students will be held responsible for knowing and adhering to the policies regarding conduct as set forth in the Administrative Rules of Oregon State Board of Higher Education and Administrative Rules of Southern Oregon University, entitled; "Student Rights and Responsibilities", all of which are available in the Southern Oregon University library and in the Office of the Vice President for Student Affairs.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 5-1978, f. & ef. 5-18-78; SOU 1-1998, f. & cert. ef. 4-23-98

573-090-0010

Cost

Individual charges covering the cost of the field trip are to be borne by the student. Such charges will be established under the Administrative Procedures Act in the annual listing of Special Fees by the University. Funds will be collected in advance, and will be deposited in the Department of Business Services. Costs will be paid from that account.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 5-1978, f. & ef. 5-18-78; SOU 1-1998, f. & cert. ef. 4-23-98