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**DIVISION 1**

**PROCEDURAL RULES**

- 578-001-0000** 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), the Oregon Institute of Technology 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 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Oregon Institute of Technology mailing list established pursuant to ORS 183.335(7).

(3) By mailing a copy of the notice to the following ten days prior to the hearing:

- (a) KAGO Radio — Klamath Falls;
- (b) KDKF Television — Klamath Falls;
- (c) KFLS Radio — Klamath Falls;
- (d) KLAD Radio — Klamath Falls;
- (e) KOTI Television — Klamath Falls;
- (f) KTEC Radio — Oregon Institute of Technology, Klamath Falls;

(g) KWSA Radio — Klamath Falls;

(h) The Edge — Oregon Institute of Technology, Klamath Falls.

(4) By informing the campus community via electronic mail or other means.

(5) By sending a copy of the notice sent to media to the Board of Higher Education Chancellor's Office.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: OIT 1, f. & ef. 2-4-76; OIT 3-1992, f. & cert. ef. 9-24-92; OIT 8-1992, f. & cert. ef. 12-4-92

#### 578-001-0015

##### Contents of Notice of Rulemaking When Public Hearing Will be Held Only If Requested

When the agency plans to hold a public hearing on proposed rulemaking only if sufficient requests are received, the notice required by OAR 578-001-0000 shall include the following:

(1) The subject matter and purpose of the intended action in sufficient detail to inform a person that his interest may be affected;

(2) A description of the agency's intended action (adoption, amendment, or repeal of rule) and where practicable and appropriate setting forth verbatim any rule proposed to be adopted, amended, or repealed. (Lengthy rules may be summarized.) If the proposed rule, amendment, or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place, and manner in which the rule or amendment may be obtained;

(3) The time and place at which data or views may be submitted in writing to the agency;

(4) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

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

(6) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for an in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list; and

(7) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment, or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public;

(8) A statement that if ten persons or an association having not less than ten members request a public hearing, the agency will schedule a public hearing.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: OIT 2-1980, f. & ef. 1-28-80

#### 578-001-0020

##### Postponing Intended Action

(1) The agency shall postpone its intended action upon re-

quest of an interested person received within 15 days after agency notice to allow the requesting person an opportunity to submit data, views, or arguments concerning the proposed action.

(2) Postponement of the date of intended action shall be no less than ten nor more than 90 days. In determining the length of postponement, the agency shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the intended action.

(3) The agency shall give notice of the postponement pursuant to OAR 578-001-0000 except that publication in the Secretary of State's Bulletin is not required.

(4) This rule does not apply to the agency adopting a temporary rule pursuant to ORS 183.335(5) and OAR 578-001-0080.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: OIT 2-1980, f. & ef. 1-28-80

#### 578-001-0060

##### Notice of Agency Action; Certification to Secretary of State; Submitting Copy to Legislative Counsel

(1) The agency shall file in the office of the Secretary of State a certified copy of each rule adopted or amended, or notice of repeal of any rule.

(2) The agency shall submit a copy of the rule adopted, amended, or repealed to Legislative Counsel within ten days after filing a certified copy in the office of the Secretary of State.

(3) The rule shall be effective upon filing with the Secretary of State unless a later date is required by statute or specified in the rule.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: OIT 2-1980, f. & ef. 1-28-80

#### 578-001-0080

##### Temporary Rules

(1) The agency may proceed without prior notice or hearing or upon any abbreviated notice and hearing that is practicable, to adopt, amend, or suspend a rule, if the agency prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

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

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

(2) The agency shall take appropriate measures to make the temporary rule known to the persons who may be affected.

(3) A temporary rule adopted in compliance with this rule becomes effective immediately upon filing a certified copy with the Secretary of State or at a designated later date. The statements and other information required by section (1) of this rule shall be embodied in one document and shall be filed with the rule.

(4) The agency shall submit a copy of the rule adopted, amended or suspended to Legislative Counsel within ten days after filing a certified copy in the office of the Secretary of State.

(5) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed prior to the expiration of the temporary period.

(6) A temporary rule may be effective for no longer than 180 days. No temporary rule may be renewed after it has been in effect 180 days. The agency may, however, adopt an identical rule on notice in accordance with this division.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: OIT 2-1980, f. & ef. 1-28-80

**578-001-0090****Availability**

The public may review any Oregon Institute of Technology documents that are designated public records. See ORS 192.005(5) for the definition of "public records". Copies of public records are available to the public upon request in writing. Charges for these copies will be made in accordance with the most recent fee schedule on record with the OIT Business Office. All such fees must reflect material and labor costs to the College as determined by the College.

Stat. Auth.: ORS 192

Stats. Implemented: ORS 192.420

Hist.: OIT 3-1992, f. & cert. ef. 9-24-92; OIT 7-1992, f. & cert. ef. 11-30-92

**578-001-0100****Authority to Deny**

The College may deny any request for information if there is reason to believe that the information is not public or that the information is private or confidential or if the conditions for information requests from the public have not been met as determined in ORS 192.430(2). Requests that are unreasonably burdensome or disrupt College operations shall also be denied unless arrangements can be made to accommodate the requester.

Stat. Auth.: ORS 192

Stats. Implemented: ORS 192.501

Hist.: OIT 3-1992, f. & cert. ef. 9-24-92; OIT 7-1992, f. & cert. ef. 11-30-92

**DIVISION 12****GRIEVANCE PROCEDURES IN CASES OF PROHIBITED DISCRIMINATION****578-012-0010****Institutional Policy**

(1) It is the policy of this institution to treat all personnel, whether student, classified staff, or faculty, equally and fairly with regard to age, handicap, national origin, race, marital status, religion, or sex. Not to do so, whether an act is intended or unintended, is discrimination by definition.

(2) Should any individual, or group of individuals, believe that an act of discrimination has been committed against that person or group, hereafter called grievant, and such an act has in fact been committed, the grievant is entitled to a redress of that grievance.

(3) No individual participating in these grievance procedures shall be subject to any reprimand or retaliatory action by any officer or member of the OIT community.

(4) The intent of these procedures is to solve the grievant's problem at the lowest level possible. While all grievances are very real to the grievant, many will have been caused unintentionally and some may well be imaginary. Most of these should be able to be resolved informally at the level of their alleged occurrence. When a grievance cannot be solved in this manner, the grievant may request a formal redress. In all instances, it is intended that the grievant's immediate supervisors or faculty advisors should be afforded the opportunity to redress the grievance prior to forwarding it for resolution. Procedures to be followed are as specified below:

(a) Classified employees. Grievance procedures will be the same as those required by the current Collective Bargaining Contract entered into between the Oregon State Employees Association and the Oregon Institute of Technology;

(b) Faculty. Grievance procedures are as listed in OIT rules OAR 578-042-0510 through 578-042-0530;

(c) Students. Grievance procedures are as listed in OIT rules OAR 578-033-0010 through 578-033-0020.

Stat. Auth.: ORS 240 & ORS 351

Stats. Implemented: ORS 240.321 & ORS 351.070

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

**DIVISION 15****ALLIED HEALTH STUDENT LIABILITY INSURANCE****578-015-0010****Allied Health Student Liability Insurance**

Students enrolled in health related academic coursework involving patient care shall be required to carry liability insurance. The coverage shall be carried either as a part of a group insurance plan or by an independent policy as specified in the following paragraphs:

(1) Nursing Students: All students enrolled in the Associate Degree or Baccalaureate Degree Nursing Programs shall either present proof of a current liability insurance policy with coverage of \$200,000 for each claim with an aggregate limit of \$600,000 or make payment of a fee of between \$10 and \$12, depending upon the insurance premium, toward the cost of a group liability insurance policy. Payment of the premium, or the presentation of proof of a current policy, shall be made in the fall of each academic year. The students shall be required to keep this policy in effect for the duration of enrollment in this program.

(2) All other Allied Health Students: All students in any Allied Health program, except for the Nursing program, shall present proof of a current liability insurance policy with coverage of \$200,000 for each claim with an aggregate limit of \$600,000 or make payment of a fee of between \$10 or \$12, depending upon the insurance premium, toward the cost of a group liability insurance policy whenever such students are scheduled to take any of the following courses during the academic year:

- (a) DA 122, 123;
- (b) DH 221, 222, 223, 321, 322, 323;
- (c) MT 392, 480 (RFWS), 495;
- (d) RAD 249, 250, 251, 310 (RFWS);
- (e) NUR 102, 104, 106;
- (f) NUR 202, 204, 206;
- (g) NUR 200, 331, 421, 422, 423, 424;
- (h) NUR 431, 432;
- (i) R.N. Re-entry.

(3) Payment of the premium shall be made during the first term of enrollment for any academic year in which one or more of the above courses will be taken and shall remain in effect during the remainder of that academic year. Allied Health Students not enrolled in any of the courses listed above may make payment of the insurance premium on a voluntary basis.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.072

Hist.: OIT 7-1980(Temp), f. & ef. 9-12-80; OIT 9-1980, f. & ef. 12-17-80

**578-015-0020****Student Identification Cards**

(1) All students must purchase an Oregon Institute of Technology Identification Card (I.D. Card) upon registering for classes. The I.D. Card will be the official identification for all college purposes and functions. There will be a \$2 fee for each I.D. Card, and the Card will be valid for as long as the student remains enrolled at OIT. Should a student leave OIT and register again after being out of college for one or more terms, a new I.D. Card must be purchased for the \$2 fee.

(2) Students purchasing a meal plan through the college must have their I.D. Cards validated for that purpose and have their meal plan records entered into the computer system. If no meal plan has been purchased by a student, this validation is not required.

(3) The replacement costs for lost, stolen or misplaced I.D. Cards is:

- (a) \$5 for a non-meal validated I.D. Card;
- (b) \$15 for a meal plan validated I.D. Card.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 8-1980(Temp), f. & ef. 9-12-80; OIT 9-1980, f. & ef. 12-17-80

## DIVISION 33

## STUDENT CONDUCT CODE

## 578-033-0210

**Purpose**

(1) It is the responsibility of all persons associated with the college — students, faculty, administrators, and alumni — to strive to maintain and improve a campus climate for learning and respect for human dignity in all relations among students, faculty, and administrators; to represent the College in a broader social community in a manner consistent with the principles and purposes of the College; and to respect the rules and regulations by which OIT is governed and abide by the standards of conduct set forth below. These standards of conduct are designed to promote individual and group governance in accordance with dignity, decency, and maturity. In particular, such standards are directed toward social and living relationships pertinent to the College campus. It is assumed that individuals recognize their responsibility to the College community and that ultimately they can be held accountable by other members of the community for failure to assume those responsibilities. The College's disciplinary jurisdiction over students and student organizations extends six months beyond the last date of enrollment, registration, or recognition. This jurisdiction applies to all cases except plagiarism or fraudulently obtaining a degree, which have no termination date.

(2) Standards of conduct are authorized to establish such standards and rules by concurrent action of the Student Senate and the Faculty Senate with approval of the President of the College acting on behalf of the Oregon State Board of Higher Education. Standards of conduct represent the best consensus that has been achieved through the active participation of the various constituent parts of the College community. As such, these are community expectations and neither legal prescriptions nor moral absolutes. Measures taken in regard to those who do not conform to these standards are not punishment for actions committed, but are sanctions for failure to fulfill responsibility.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

## 578-033-0220

**Responsibility of Individuals, Conduct Regulations**

The following actions are prohibited by the College and will normally result in initiation of disciplinary proceedings against a student.

(1) Academic dishonesty — Honesty in academic work is a central element of learning. Academic dishonesty includes presentation of another individual's work as one's own and also includes, but is not limited to:

(a) Plagiarism is defined as submitting material in assignments, examinations, and other academic work which is not the work of the student in question and where there is no clear and appropriate indication in the text of the assignment that the work is not that of the student;

(b) Cheating is defined as submitting material in assignments, examinations, or other academic work which is based upon sources forbidden by the instructor. Cheating also means the furnishing of materials to another person for purposes of aiding the other person to cheat.

(2) Illegal use, possession, or distribution of drugs on institutionally owned or controlled property.

(3) Falsification or misuse, including forgery, alteration, or fraudulent misuse, of college records, permits, documents, or identification card.

(4) Knowingly furnishing false or incomplete information to the College in response to an authorized request.

(5) Disorderly, lewd, indecent, or obscene conduct or behavior, including, but not limited to, that which disrupts the orderly functioning of the academic community or interferes with an individual's pursuit of an education on College owned or controlled property or during an authorized College class, field trip, seminar, competition, or other meeting or College related activity on or off College property.

(6) Detention or physical abuse of any person or conduct which threatens imminent bodily harm or endangers the health of any person on any institutionally owned or controlled property or at any college related activity off college property.

(7) Malicious destruction, damage, or misuse of institutional property or the property of any other person or group 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.

(8) Theft or conversion of College owned or controlled property.

(9) Hazing or any practice by a group or individual that degrades a student, endangers the student's health and safety or interferes with the individual's pursuit of an education.

(10) Sexual harassment — Any unwelcome and unwanted sexual advances, requests for sexual favors and 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 a college related activity; or

(b) Submission to or rejection of such conduct by an individual is used as a basis for employment or college related decisions affecting such individual; or

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

(11) Sexual assault.

(12) Rape.

(13) Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activity on institutionally owned or controlled property, obstruction or disruption which interferes with the freedom of movement, both pedestrian and vehicular, on institutionally owned or controlled property.

(14) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentality on institutionally owned or controlled property except as expressly authorized by law or institutional regulation.

(15) Unauthorized entry into or use or defacement of institutional facilities including residence halls, and other buildings and grounds including unauthorized entry into or presence in a College building after its closing hours, unauthorized erection or use on College property of any structures including specifically, but not limited to, tents, huts, gazebos, shelters, platforms, and public address systems; unauthorized sales of food, merchandise, or service; unauthorized use of college property for dances, and concerts, assemblies, meetings, sleeping, cooking, or eating if said activity interferes with the operation of the college or the surrounding community.

(16) Publication, posting, or distribution on college property or at authorized college activities of material that violates the laws of libel, copyright, (including duplication of any copyrighted computer software), postal regulations or any other law or statute.

(17) Failure to comply with an order of a college official or law enforcement officer acting in the performance of their duties on campus including, but not limited to, an order to leave such premises.

(18) Illegal or unauthorized possession, consumption, or sale of alcoholic beverages, or the furnishing or possession of alcoholic beverages to persons under the age of 21 years on college property, or possession and consumption of alcoholic beverages in unauthorized areas by those over 21.

(19) Traffic offenses listed under the OIT regulations governing traffic control.

(20) Contempt of adjudicative proceedings, including impairing or interrupting the due course of proceedings in the presence of any tribunal created under this code.



(21) Intentionally assisting in or being an accessory to a violation of the OIT Student Conduct Code.

(22) Tampering with fire-fighting equipment, turning in a false alarm, or engaging in behavior that constitutes a significant fire hazard.

(23) Unauthorized access and use of any computer account not issued directly to the student by Computing Services. This includes, but is not limited to, log on to the account, access to programs, and reading or alteration of computer records.

(24) Any other conduct regulations proscribed in OAR 580-022-0045.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### 578-033-0230

#### Disciplinary Sanctions

(1) The authority for sanctions for students who fail to accept responsibility to abide by the Standards of Conduct is provided in the Administrative Rules of the Oregon State Board of Higher Education, OAR 580-033-0200 and 580-042-0410. The specific authority for applying sanctions for student failure to accept responsibility to abide by Standards of Conduct is vested in the President of the College who has in part delegated this authority to the Dean of Students.

(2) The following sanctions may be imposed as a result of any disciplinary hearing. Sanctions may be imposed only after a disciplinary hearing at which the student has had the opportunity to be present.

(3) Students whose behavior or acts violate any of the Standards of Conduct are subject to:

(a) Loss of Privileges — Denial of on-campus use of an automobile for a specified period of time, removal from the Residence Hall complex, or other loss of privilege including the use of specific College facilities consistent with the offense committed;

(b) Fines — Financial assessment imposed by the Hearing Officer;

(c) Restitution — Reimbursement by transfer of property or services to the College as a member of the College community in an amount not in excess of the damages or loss incurred;

(d) Warning — Official notice to a student that certain conduct or actions are in violation of the Student Conduct Regulations. The continuation of such conduct or actions may result in further disciplinary action;

(e) Disciplinary Probation — A period of observation and review of conduct during which the student must demonstrate compliance with the Student Conduct Regulations;

(f) Deferred Suspension — A period of observation and review during which time, if a student is found to have violated College regulations, suspension will result;

(g) Suspension — Exclusion for a period of time, generally from two terms to one year, after which application may be made for readmission. Suspension means a student is denied any privileges and services of the institution 24 hours after notification of the suspension and during the period specified. Privileges and services include that of residing in the Residence Hall during the period of suspension, attending classes, or using other college facilities;

(h) Expulsion — Permanent exclusion from the College;

(i) Revocation of degree — An academic degree previously awarded by the College may be revoked on proof that it was obtained by fraud or that a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree was plagiarized. The Academic Progress and Petitions Committee may, upon appeal of a college graduate subjected to a degree revocation, stipulate the requirements for legitimately obtaining the degree;

(j) A combination of any of the above sanctions.

(4) Any student charged with an offense under the Student Conduct Code which can result in suspension, expulsion, or monetary penalty or payment is entitled to a contested case hearing un-

less:

(a) The student signs a written waiver of right to a hearing under the contested case procedure;

(b) The case involves collection of fees or fines for parking, improper parking, or traffic fines or penalties.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### 578-033-0240

#### Contested Case

(1) A contested case exists whenever a constitutional provision or a state or federal statute requires that individual legal rights, duties, or privileges be determined by an institutional hearing upon the matter and the student submits in writing to the Dean of Students a request to have a contested case hearing. Within ten days after receipt of the request for a hearing, the institution shall give notice to all parties concerned with the contested case. The notice shall include:

(a) A statement of the time and place of the hearing, name of the hearing officer or commission, hereafter referred to as 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 student.

(2) The notice shall be served personally or by registered or certified mail sent to the address of the student as shown on the records in the Registrar's Office.

(3) Should the student sign a written waiver to a contested case hearing, the Dean of Students, or the designated hearing officer should hear the case informally. This hearing officer shall then have the power to recommend the same sanctions as in a contested case hearing.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### 578-033-0241

#### Order If a Student Fails to Appear

(1) When the student 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 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77

### 578-033-0242

#### Subpoena, Deposition

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

(2) An interested party may petition the institution for an order that the testimony of a material witness be taken by deposition. Depositions may also be taken by the use of audio or audio-visual recordings.

(3) On petition of any party to a contested case, the institu-

tion may order the testimony of any material witness be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth:

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

(b) A showing of the materiality of the testimony;

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

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

(5) If the institution issues an order for the taking of a deposition and the witness resides in the state and is unwilling to appear, the hearing officer may issue a subpoena requiring the appearance of the witness as provided in ORS 183.440.

(6) Service of subpoena and payment of witness and mileage fees shall be the responsibility of the applicant.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### **578-033-0243**

#### **Hearing**

(1) The hearing shall be conducted by and shall be under the control of the hearing officer.

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

(a) Statement and evidence of institution officials or employees in support of the institution's 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.

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

(7) A verbatim oral, written, or mechanical record shall be made of all motions, rulings, and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The college may charge the party requesting transcription the cost of a copy of transcription, unless the party files an appropriate affidavit of indigency. However, upon petition, a court having jurisdiction to review under ORS 183.480 may reduce or eliminate the charge upon finding that it is equitable to do so, or that matters of general interest would be determined by review of the order of the college.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### **578-033-0244**

#### **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) The institution may take notice of judicially cognizable

facts, and may take official notice of general, technical or scientific facts within specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed. The institution may utilize experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### **578-033-0245**

#### **Proposed Orders on Contested Cases; Filing of Exceptions and Arguments**

(1) If the majority of officials who are to render the final order have not heard the case and considered the record, and the order is adverse to a party (excluding this institution), a proposed order including findings of fact and conclusions of law shall be served upon the parties.

(2) When the contested case is heard by a commission, the proposed order shall be as determined by majority vote of the commission.

(3) The adversely affected parties shall be given the opportunity to file exceptions and present argument to the official who renders the final order prior to its issuance.

(4) The proposed order shall become final after the 30th day following the date of service of the proposed order, unless the institution within that period issues an amended order.

(5) If the institution determines that additional time will be necessary to allow for adequate review of a proposed order, the institution may extend the time after which the proposed order will become final by a specified period of time. The institution shall notify all parties to the hearing of the period of extension.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

### **578-033-0246**

#### **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) Conclusions of law — Applications of the controlling law and rules to the facts found and the legal results arising therefrom;

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

(2) Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77

### **578-033-0252**

#### **Appeals**

(1) Within the College structure, there is an opportunity for appeals from decisions made by the student governing group, discipline committees, and College administrators. Particular care is taken to provide safeguards in any action which significantly alters the students' status at the college, i.e. changes the living situation, prohibits the student from participation in certain activities, or suspends the student from the institution.

(2) Any questions regarding appeal procedures should be directed to the Dean of Students.

(3) Disciplinary action taken by the Residence Hall Judicial

Board, or a designated hearing officer may be appealed to the Dean of Students

(4) Disciplinary action taken by the Dean of Students is subject to appeal to the President of the College. The appeal of a disciplinary action and the justification thereof must be submitted to the President in writing:

(a) Filing of an appeal must be made within a seven-day period following the date the action is taken;

(b) Specific justification for an appeal must be submitted in writing by the student. New evidence may be used as grounds to make a request for a new hearing;

(c) The request for a new hearing and/or an appeal shall include specific justification (errors, failure to consider all of the evidence presented, or any other error or action which denied the student a fair and due process hearing);

(d) The President will review the records involved with the appeal or request for rehearing and decide upon one of two actions:

(A) That the action taken stand; or

(B) That the case be referred to the hearing officer or the Dean of Students for further deliberation and/or rehearing.

(5) A student suspended for misconduct who wishes to return to the College must apply for re-instatement by writing to the Dean of Students.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77; OIT 9-1991, f. & cert. ef. 10-22-91

#### 578-033-0260

##### Utilization of Hearing Officers as a Contingency Measure

If the President determines that the commission and/or administrators are not operating adequately because of an inability to schedule all cases for prompt hearing or because of repeated or continuous disruption of normal proceedings, he may temporarily set aside and/or supplement the Student Conduct Code Procedures by appointing a hearing officer or officers. When hearing officers are appointed as a contingency measure, they shall be persons outside of the College community and shall be practicing attorneys or persons otherwise considered qualified to serve in this capacity. The hearing officer will be directed to hear individual student discipline cases in accordance with due process procedures and to recommend to the President appropriate action in each case.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 4(Temp), f. & ef. 9-22-76; OIT 9, f. & ef. 1-26-77

### DIVISION 34

#### EDUCATIONAL RECORDS POLICY

#### 578-034-0010

##### Institutional Responsibility

(1) In order to plan educational opportunities to meet the needs of individual students and to counsel effectively with them, Oregon Institute of Technology must accumulate data and keep records on students. The educational records of students enable the faculty and administrators to understand the individual student better and to provide more effective education and counseling assistance.

(2) From the time a student enters the College and submits the required personal data for academic and personal records, there is an implicit and justifiable assumption of good faith placed in the College as custodian of these materials. The College maintains a similar posture relative to subsequent data generated during the student's enrollment. Preserving the confidential nature of student records protects the individual's rights to privacy and enhances the effectiveness of the College's educational and counseling processes. Accordingly, the College shall exercise care and concern in obtaining, recording, maintaining, and disseminating information about students with duplication of records kept to a

minimum.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

### Regulations

#### 578-034-0020

##### Type and Content of Educational Records

(1) Definitions:

(a) "Educational Records". For purposes of this policy, educational records are files, documents, materials, or data recorded in any medium but not limited to handwriting, print, tapes, film, microfilm, and microfiche, kept by the College, division, or department, which contain information concerning a student and which is furnished by the student or by others about the student at the student's or at the College's, division's, or department's request, including, but not limited to, records of grades attained, information concerning discipline, counseling, membership activity, employment performance, financial aid material, or other behavioral records of individual persons;

(b) *Excluded* from the category of "educational records" that are available to the student are the following:

(A) Records of instructional, supervisory, and administrative personnel and education personnel ancillary thereto which are created by an individual staff member for the sole possession of the maker, such as notes to oneself, *and* which are not accessible to any other person(s);

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

(C) Psychiatric and psychological records which are maintained only in connection with provision of treatment to the student and which are not available to persons other than the College Custodian of Educational Records and those providing treatment except that such records:

(i) May be reviewed by the student with the consent and under the conditions of the attending professional; and/or

(ii) May be personally reviewed by a physician or other appropriate professional of the student's choice and with the student's written consent.

(D) Financial records of the parent(s)/ guardian(s) of a student or any information contained therein that relates to the parent(s)/ guardian(s) unless written consent has been granted by the parent(s)/guardian(s);

(E) Confidential letters and statements of appraisal which were placed in the student's education records *prior* to January 1, 1975, if such letters were solicited with an assurance of confidentiality, and are used only for purposes for which they were specifically intended;

(F) Confidential letters and statements of appraisal received after January 1, 1975, for which the student has signed a waiver of the right of access and which pertain to:

(i) Admission to this or any other educational institution or agency;

(ii) Application for employment; or

(iii) Receipt of an honor or honorary recognition so long as these letters are used solely for the purpose(s) for which they were specifically intended.

(c) "Student". For purposes of this policy, anyone who is or has been enrolled at Oregon Institute of Technology.

(d) "College Custodian of Educational Records". A person officially delegated College-wide responsibility by the College President.

(e) "Unit Custodian of Educational Records". Except as otherwise designated in this policy, the head of each academic or administrative unit responsible for the educational records within the unit.

(f) "Consent" (release consent elements). Consent shall be in writing and shall be signed and dated by the person giving con-



sent. It shall include:

- (A) Specification of records to be released;
- (B) Purposes for such release; and
- (C) Parties or class of parties to whom such records may be released.

(g) "Directory Information". Student's full name; the fact that the student is or has been enrolled in the College; local and permanent address(es) and telephone number(s); dates of attendance; curriculum; degrees and awards received; marital status; educational institution(s) attended by the student; job title(s) and dates of employment for student employees who have been or are paid from College-administered funds;

(h) "School Officials". Faculty, staff, student employees, or committees (when the members of the committee are appointed or elected to an officially constituted committee) who perform a function, or task on behalf of and at the request of, the College, its faculty, or divisions;

(i) "Legitimate Educational Interests". The interest of College personnel who have a demonstrably legitimate need to review records in order to fulfill their official professional responsibilities. Such responsibilities must involve the College in its primary educational and scholarly functions and/or secondary administrative functions of maintaining property, receipt and disbursing funds, keeping records, providing living accommodations and other services, sponsoring activities, and protecting the health and safety of persons or property in the College community. This paragraph shall be strictly construed, and instances of doubt shall be referred to the College Custodian of Educational Records.

(2) General Policies:

(a) Only such records as are demonstrably and substantially relevant to the educational and related purposes of the College, division, or department shall be generated or maintained;

(b) No student shall be required to give (although the student may voluntarily provide) information as to the student's race, religion, political affiliation or preferences, or personal values, except as specifically required by state statute, federal law, or valid federal and/or state rules or orders.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

### 578-034-0025

#### Location and Custody of Educational Records

(1) All educational records shall be kept in locations central to the division or department by which they are maintained.

(2) Each unit custodian of educational records shall be responsible for maintaining the confidentiality of all educational records within that respective academic or administrative unit.

(3) The Dean of Students shall be the College Custodian of Educational Records.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

### 578-034-0030

#### Student Rights to Access and Copies of Educational Records

(1) A student has the right (unless otherwise provided by this policy) to see and review with a staff member of the department that maintains the record, that educational record or portion of the record that pertains to the student. Access of the student to the education record shall be provided as early as possible but shall be within 45 days of the student's request:

(a) Copies of any such records shall be provided to the student (unless otherwise provided by this policy) at the student's request and expense. Unless otherwise provided in the "List of Special Fees, Fines, Penalties, Service Charges, Etc. Levied by Oregon Institute of Technology" (published in the catalog), the charge to the student for any such records may not exceed 25¢ per page;

(b) Copies of psychiatric or psychological records shall not be provided to a student without the consent of the attending professional and College Custodian of Educational Records. In the

event such copies are released to a student, the unit custodian shall secure a signed release from said student. No unit custodian shall release said records to the student without his or her written consent;

(c) If any question arises as to the identity of the requesting student, the student shall be asked to provide his or her College I.D. Card and/or other positive identification;

(d) All requests for information under this section shall be directed to the head of the academic or administrative unit who is responsible for maintaining the particular records involved or to the College Custodian of Educational Records.

(2) Release of non-directory educational records of an individual who:

(a) Has not been enrolled in the College, but who has filed a formal application for admission; or

(b) Has sought and been denied admission; or

(c) Has been admitted but did not enroll in the College is prohibited (unless otherwise permitted by the unit custodian) except to a third party as provided under OAR 578-034-0040 of this policy, and under the provisions relating to statements of recommendation and letters of appraisal.

(3) Notwithstanding any provision included in this student records policy, no information shall be released where such release is contrary to the laws or rules of the State of Oregon.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

### 578-034-0035

#### Student's Right to Challenge Information Contained in Educational Records

A student may challenge the content of an educational record on the grounds that the record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. However, no hearing under this policy shall be granted for challenging any grade except the accuracy of its recording. The following procedure for challenging the content of an educational record shall apply:

(1) The student has the right upon reasonable requests, for brief explanations and interpretations of the records in question, from the respective unit custodian.

(2) The unit custodian of the challenged education record, after reviewing the record with the student, may settle the dispute informally with the student with regard to deletion or modification of the education record. The unit custodian shall make his or her decision within 14 days after the request and shall notify the student of the decision.

(3) In the event the unit custodian disapproves the student's request to delete or modify the record in question, the student shall be notified by the unit custodian, in writing, of the decision and of the student's right to a formal hearing upon the request:

(a) All requests for formal hearings by the student shall be directed to the College Custodian of Educational Records, and shall contain a plain and concise written statement of the specific facts constituting the student's claim;

(b) The hearing shall be scheduled and conducted by Oregon Institute of Technology's Hearing Officer. The hearing shall be held in accordance with the established rules for contested case hearings;

(c) The student shall bear the burden of proof of a preponderance of the evidence in order to prove the validity of his or her claim at the hearing;

(d) Oregon Institute of Technology rules for the conduct of contested cases shall regulate the conduct of the hearing, unless the student waives said provisions. If a student waives formal proceedings, he or she will nonetheless be afforded a full and fair opportunity to present his or her case (at the student's expense);

(e) Based solely on the evidence presented at the hearing and within ten working days of the hearing, the Hearing Officer shall make a written recommendation to the College Custodian of Student Records together with written findings of fact concerning the student's request. Within an additional 14 working days of receipt



of the Hearing Officer's report, the College Custodian of Educational Records shall notify the student in writing of the decision:

(A) In the event the decision of the College Custodian of Educational Records is adverse to the student's request, the student shall be notified of the opportunity to place within the file in question, a summary statement commenting upon the information in the records and/or setting forth any reason for disagreeing with the decision. In the event release of the questioned document is provided to a third person, the before-described student's statement shall accompany the release of any such information;

(B) If a student challenge to the content of a given record is successful, and upon the student's specific written request to the College Custodian of Educational Records, the College shall make a reasonable effort to contact student-designated third persons who have received copies of the previous record to inform them of the change which has been made.

(f) Additional procedures may be added in order to comply with state laws.

(4) If the student cannot make the time scheduled for the hearing, he may request an extension from the Custodian of Educational Records.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

#### 578-034-0040

##### Release of Personally Identifiable Records

Information, except that directory information not restricted by the student, laws, or rules, that is identifiable by individual and which is maintained in educational records is designated as confidential and, without the written consent of that individual, may not be released to any party or for any purpose *except* the following:

(1) School officials within the educational institution or local educational agency who have been determined by the College to have legitimate educational interests.

(2) Officials of another school in which the student seeks or intends to enroll.

(3) When complying with a judicial order or lawfully issued subpoena. However, the Custodian of Educational Records will make a reasonable effort to notify the student of the order or subpoena in advance of compliance. In the event a court appearance by a College official is required to fulfill an obligation described in this paragraph and the student has not been notified prior to said appearance, the College official shall notify the court or other officer before whom he or she is to appear that the student has not been informed of the pending action nor provided an opportunity to defend against the release by the College of information of his or her educational records.

(4) Information released to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The facts which shall be taken into account in determining whether information may be released include:

(a) The need for such information to avoid or substantially minimize the danger;

(b) Whether the persons to whom such information is released are in a position to deal with the emergency; and

(c) The extent to which time is of the essence in dealing with the emergency;

(d) The College Custodian of Educational Records or his designee shall release the information.

(5) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, improving instruction, and for accreditation purposes, in those instances where the personal identification is kept confidential. The information shall be destroyed when no longer needed for the purposes for which the study was conducted.

(6) The Comptroller General of the United States, the Secretary of the U.S. Department of Health, Education and Welfare, the U.S. Commissioner of Education, the Director of the National In-

stitute of Education, the Assistant Secretary for Education in the Department of Health, Education and Welfare, and state educational authorities when necessary in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements which relate to those programs. Information released under this paragraph shall be protected in a manner which will not permit the personal identification of students by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with federal legal requirements.

(7) Parents of a dependent student, as defined in **Section 152 of the Internal Revenue Code.**

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

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

#### 578-034-0045

##### Release and Restriction of Directory Information

The College shall disclose upon request directory information as defined in this policy. A currently enrolled College student may request that directory information not be released to a third party. The student must complete and file the request with the Dean of Students (Snell Hall, Room 111) prior to the conclusion of the scheduled first day of class, during the term of the academic year in which the student first enrolls. The request will remain in effect only for that academic year and the request may not be exercised or changed for the balance of that academic year.

**EXAMPLE:** If a student enrolls for the first time during the winter term of the 1976-77 academic school year, and opts to restrict certain directory information for the winter term, said restriction shall apply for the balance of the 1976-77 academic school year.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070(4)(e)

Hist.: OIT 6, f. & ef. 10-27-76

#### 578-034-0050

##### Waivers

(1) A person applying for admission, or a student, may waive the right of access to confidential letters of appraisal regarding admission, employment, and the receipt of an honor or honorary recognition. The waiver under this section may be made with respect to specified classes of educational records, and persons or institutions. The person is entitled, upon request, to be notified by the appropriate office of the names of all persons making confidential appraisals in such an instance where a waiver has been exercised. Waiver of the right to access under this paragraph shall only apply so long as the letters or statements of appraisal are used solely for the purpose(s) for which they were specifically intended.

(2) A waiver under this section may be revoked with respect to any actions occurring after the revocation. All waivers and revocations must be in writing, signed and dated by the student or person applying for admission.

(3) Waivers which conform with these provisions and which are given in conjunction with the writing of a confidential evaluation may be relied upon by any College personnel when the evaluation is used in conformity with its stated purpose. Waivers shall not be required as a condition for admission to, receipt of financial aid from, or receipt of any other service or benefits from the College.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

#### 578-034-0055

##### Files or Records Containing Letters of Appraisal

(1) No letters of appraisal received prior to January 1, 1975, shall be revealed to a person applying for admission or a student

unless the author notifies the unit custodian in writing of his or her agreement.

(2) Letters of Appraisal received after January 1, 1975, shall be treated as follows:

(a) Unless a waiver in accordance with this policy is on file, letters solicited with an assurance to the writer of confidentiality, or if the writer claims confidentiality, shall be returned by the department to the writer. The departmental letter to the writer shall contain the notation that under **20 U.S.C. Sec 12232g** the document is open to review by the student. If the writer is willing to resubmit the letter under that condition, the writer is asked to return the letter to the unit;

(b) Letters which were not solicited with an assurance of confidentiality nor which claim confidentiality, shall be open for review by the applicant or student involved unless a waiver, in accordance with this policy, is on file.

(3) College application instructions and appraisal forms shall inform writers and applicants or students of student rights to letters of appraisal under this section.

(4) Student objections to letters of appraisal:

(a) The student may choose to have any letter(s) of recommendation permanently removed from the student's file;

(b) When a review by the Director of Career Planning and Placement Service of a student's placement file reveals a confidential letter of appraisal to be significantly different from other appraisals in the file and to be of such nature as to be unsubstantiated, unfair, and seriously damaging to the candidate.

The Director, ensuring confidentiality specified by the writer, shall advise the candidate that the candidate may elect to have that appraisal removed from the candidate's file.

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

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

#### **578-034-0060**

##### **Transfer of Information by Third Parties**

Information regarding a student shall be released to a third party on the condition that the third party will not permit any other party to have access to such information without the written consent of the student, except where:

(1) Such "other parties" otherwise qualify under an exception in OAR 578-034-0040 of this policy; or

(2) Such information is disclosed to an institution, agency, or organization in which case the information may be used by its officers, employees and agents, but only for the purposes for which the disclosure was originally made.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

#### **578-034-0065**

##### **Lists of Students**

(1) The College shall not provide a special service of releasing lists of the names of its students to individuals, organizations, or commercial enterprises who wish to acquire such lists as a resource to support their personal or profit-making ventures. Such lists, or mailing labels produced from such lists, are available only to administrative offices of the College, such as the Alumni Office.

(2) Prior to fall term registration and the publication of the directory, the Admissions Office may provide the names and addresses of newly admitted students to the administrative offices of the College, to the ASOIT for specified purposes which have been approved by the College's New Student Orientation Committee, and to the local daily newspaper.

(3) In the interim period between the Committee's planning activities and registration, requests for lists of new students may be submitted to the office of the Dean of Students by the agencies mentioned above.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

#### **578-034-0070**

##### **Permanence, Duplication, and Disposal of Educational Records**

(1) Permanent retention of educational records shall be limited to those records which are of long-range value to the individual and/or to the College; applications for scholarships (if applicant receives and utilizes the award); honors and awards received by the student; Registrar's permanent record and permanent academic folder; Student Health Center records; Career Planning and Placement Service placement file; and student employee payroll records.

(2) All duplicate copies of permanent records, other than those maintained by the College Registrar, and all non-permanent educational records shall be maintained only for the minimum period of time required to serve the basic, official functions of the individual, division, or department generating or maintaining them. Such records shall be destroyed as soon as they are no longer needed unless there is an outstanding request to inspect and review them, and, with the exception of records of unpaid accounts, may not be retained for more than seven years after a student departs from the College. Records of unpaid College accounts of any form of debt to the College may be retained until all payments are completed or otherwise settled and shall then be destroyed.

(3) Records of applicants for admission who are not admitted or who, if admitted, do not enroll in the College, need not be retained.

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

#### **578-034-0075**

##### **Location/Administration of Records Policy**

(1) This Educational Records Policy provides students at Oregon Institute of Technology the rights under section 438 and 439 of the General Education Provisions Act, as amended (added by Section 513 of Public Law 93-380 and amended by Section 2 of Public Law 93-568), and the regulations thereunder. All questions regarding the policy and copies of the policy may be directed and obtained respectively, in the Office of the Dean of Students, (Snell Hall 111). Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure by the College to comply with the requirements of Section 438 and 439 of the Act and its supporting regulations.

(2) The College shall inform students of their rights under this policy by publishing the rules contained herein, or the substance thereof, in the **Student Handbook**. Copies of the policy are available as indicated above.

(3) In any instance where the provisions of this College Educational Records Policy are determined by legal counsel to be inconsistent with the requirements, limitations, or restrictions of **10 U.S.C. 1232g**, the College Custodian of Educational 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.

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

Stat. Auth: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 6, f. & ef. 10-27-76

## **DIVISION 41**

### **ACCOUNTING POLICIES**

#### **578-041-0010**

##### **Collection of Accounts and Notes Receivable**

(1) As directed by Oregon State Board of Higher Education

OAR 580-041-0010(1), the Business Office at Oregon Institute of Technology must exercise diligence in collecting accounts and notes receivable due by following, as appropriate, these remedies:

- (a) Withhold transcripts, certificates, and diplomas;
- (b) Deny or cancel registration;
- (c) Withhold further account receivable privileges;
- (d) With employee's approval, withhold wages;
- (e) Apply any non-exempt credits in favor of debtor to debt;
- (f) Add penalties and interest as allowed by statutes and regulations;
- (g) Utilize telephone inquiries;
- (h) Send letter of demand;
- (i) Use "skip trace" information as allowed by statutes;
- (j) Utilize offset procedures with other state agencies;
- (k) Utilize Department of Revenue as a collection agent and collection agencies under contract with the state;
- (l) Institute legal action as permitted by statutes and regulations;
- (m) Seek collection on judgments as permitted by statutes;
- (n) Require exit interviews for borrowers under Federal loan programs.

(2) The Director of Business Affairs, Oregon Institute of Technology, 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. Collection of non-dischargeable debts in bankruptcy proceedings continue.

(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 Oregon Institute of Technology Business Office will grant hearings to any individual requesting information or expressing concern about the amount owed or circumstances related thereto.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(2)

Hist.: OIT 3-1980, f. & ef. 4-25-80; OIT 4-1991, f. & cert.

#### 578-041-0030

##### Special Institution Fees and Charges

The Schedule of Special Institution Fees and Charges for selected courses and general services for Oregon Institute of Technology is hereby adopted by reference.

[ED. NOTE: Copies of subject fees may be obtained from the agency Business Office.]

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(2)

Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7-7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996, f. & cert. ef. 12-19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98

#### 578-041-0040

##### Revolving Charge Account Plan

Oregon Institute of Technology adopts the Revolving Charge Account programs as permitted by OAR 580-040-0041 as amended, for all receivables due the Institute.

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

- (a) Current and past students, faculty and staff;
- (b) The general public;
- (c) Companies and corporations;
- (d) Governments and governmental organizations.

(2) The terms and conditions of the program are set out in the document entitled, **Oregon Institute of Technology Revolving Charge Account Plan**, dated June 30, 1992, which is hereby adopted by reference as a permanent rule.

(3) Participants in the program shall sign an agreement to abide by the terms and conditions of the program, including repayment as required thereby, 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

Stats. Implemented: ORS 351.070

Hist.: OIT 6-1992, f. & cert. ef. 10-23-92

#### 578-041-0050

##### Cash Deposit Requirements

(1) Any office or department receiving cash, i.e., money, checks, money orders and other negotiable instruments, is responsible for the safekeeping and timely deposit with the Cashier's Office of these items. All cash received must be deposited. Personal checks are never to be cashed from money received.

(2) Offices receiving cash must deposit all receipts with the Cashier's Office at least every five working days or whenever \$500.00 or more is on hand. Oregon Institute of Technology requires more frequent deposits if there is not a secure place for holding funds.

(3) All money received in the Cashier's Office from departments, by mail or in person, must be deposited to the U.S. Bank the working day after being processed.

(4) Off-campus sites must deposit to the bank designated by the State Treasurer's Office all cash, checks, money orders or other negotiable items at least every five days or whenever \$500.00 is on hand. If the office does not have a secure place to hold the cash, the deposit must be made daily. Personal checks are never to be cashed from money received. Deposit slips are provided by the Business Office and must be filled out by the department and validated by the bank. The pink copy of the bank deposit slip then is to be forwarded to the Cashier's Office along with a cash receipt for credit to the appropriate account.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(4)(b)

Hist.: OIT 1-1998, f. & cert. ef. 5-12-98

## DIVISION 42

### GRIEVANCE PROCEDURES IN CASES OF PROHIBITED DISCRIMINATION

#### 578-042-0050

##### Faculty Grievance Procedure

(1) Oregon Administrative Rule 580-021-0050 requires that each institution adopt and publish procedures for redressing grievances, including grievances concerning prohibited discrimination. Actions which discriminate against individuals on the basis of age, handicap, national origin, race, marital status, religion or sex are prohibited by law:

(a) "Grievance" means a complaint by an academic employee that the employee was wronged in connection with reappointment, compensation, tenure, promotion, or other condition of employment;

(b) "Other conditions of employment" shall include, but not be limited to, violations of academic freedom, discriminatory and non-discriminatory employment practices, and laws, rules, policies and procedures under which the institution operates. Grievances requiring disciplinary actions or procedures shall not be filed under this grievance procedure.

(2) Grievants are urged to resolve their grievances informally by presenting the grievance directly to their supervisor, department chair, director, dean, or other appropriate officer within 20 calendar days from the time the grievant became aware of the act, omission, or condition which gave rise to the grievance. The supervisor shall have 15 calendar days to respond.

(3) A grievance may be resolved at any step. In no instance shall the length of time between the presentation of a written grievance and the State Board of Higher Education's decision be more than 180 days, unless agreed to by the grievant. If a decision is not made at any level within the designated time limit, the grievant may submit the grievance to the next step.



(4) If the faculty member chooses to follow external statutory or regulatory procedures to resolve the grievance, the institution may elect not to follow this grievance procedure.

(5) If a grievance is not resolved informally (as provided in section (2) of this rule), formal grievance procedures may be initiated as follows:

(a) Not later than 45 days after the grievant became aware of the act, omission, or condition which gave rise to the grievance, the grievant may present a formal grievance in writing to the immediate supervisor. The supervisor must respond, in writing, within 20 calendar days of receipt of the grievance;

(b) Should a satisfactory agreement not be reached, the grievant may appeal, in writing, the decision to the appropriate dean within 14 calendar days of receipt of the supervisor's decision. The dean must respond, in writing, within 14 calendar days of receipt of the appeal;

(c) Should a satisfactory agreement not be reached, the grievant may request, in writing, a hearing before a faculty grievance committee (refer to section (6) of this rule) or appeal, in writing, the dean's decision to the OIT president within 14 calendar days of receipt of the dean's decision;

(d) If the matter being grieved relates to an act or omission by the immediate supervisor or dean, the grievance may be presented in subsection (b) or (c) of this section as appropriate.

(6) The faculty senate, through its own procedures, will annually appoint a faculty grievance committee consisting of three tenured faculty members. The faculty grievance committee will hold its hearing within 20 calendar days after receiving notification of the request, in writing, for a hearing by the grievant.

(7) The rules of procedures for the faculty grievance committee shall allow for:

(a) A meaningful opportunity for the grievant to be heard;

(b) An opportunity for each party to present evidence, argument, and rebuttal;

(c) The right to representation for each party at that party's expense;

(d) A hearing open to the public, unless closed at the option of the grievant, as permitted by law;

(e) Written conclusions by the committee, based only upon evidence presented at the hearing;

(f) Access by each party to a tape recording of the hearing; and

(g) Other lawful procedures not in conflict with subsections (a) through (f) of this section which may be adopted by the committee.

(8) The faculty grievance committee shall make written recommendations to the president regarding the disposition of the grievance within ten calendar days of the conclusion of the hearing.

(9) The president of the institution, or his designee, shall review the grievance and issue a decision in writing within 12 calendar days after receipt of the grievance or faculty grievance committee recommendations. If the president rejects or modifies the recommendations of the faculty grievance committee, the reasons shall be stated in writing, and a copy provided to the grievant.

(10) The grievant may appeal, in writing, the decision of the president to the State Board of Higher Education within 15 calendar days of receipt of the president's decision for hearing in accordance with the Board's procedures in OAR 580-021-0055.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2-1988(Temp), f. & cert. ef. 11-17-88; OIT 1-1991(Temp), f. & cert. ef. 1-4-91; OIT 5-1991, f. & cert. ef. 7-22-91

### Faculty Records Policy

#### 578-042-0710

##### Definitions

(1) "Faculty records" mean documents containing information kept by the institution, Dean, or department concerning a faculty member and furnished by him or by others at his or at the institution's, Dean's or department's request, including, but not

limited to, information as to professional preparation and experience; personnel data relating to such matters as position description, academic rank, tenure status, compensation, other conditions of employment, leaves, retirement credits, workload, supplemental employment, and the like; employment performance relating to instruction, research, and scholarly achievement, professionally-related public service, and institutional service; and professional development plans and activity reports including, but not limited to, industrial employment, academic achievement, professional membership, leaves, patents, grants, awards, and recognition.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065(1)

Hist.: OIT 3, f. & ef. 9-7-76

#### 578-042-0720

##### Limitation on Records

(1) Only such records as are demonstrably and substantially related to the educational and related purposes of the institution, division, or department shall be generated and maintained.

(2) No faculty member shall be required to give — although he or she may voluntarily provide — information as to race, religion, marital status, sex, political affiliation or preferences, except as required by valid state or federal laws, statutes, 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. There shall be no designation in faculty records as to the foregoing except as the faculty member voluntarily makes the information available.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065

Hist.: OIT 3, f. & ef. 9-7-76

#### 578-042-0730

##### Location and Custody of Faculty Records

(1) All faculty records shall be kept within the President's, Dean's, or department chairman's offices in which they are utilized. The President, Dean, or department chairman shall be the official custodian of the personal records contained within the operating unit, unless another person is specifically designated in writing to assume this responsibility.

(2) The custodian of personal records shall maintain them in a manner which shall insure their confidentiality and security in accordance with these regulations.

(3) Any person, including administrative and clerical personnel, seeking access to personal records for authorized purposes, shall first secure the consent of the custodian.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.065

Hist.: OIT 3, f. & ef. 9-7-76

#### 578-042-0740

##### Open Faculty Records for Access and Additions

(1) Each faculty member shall have access, upon request at a reasonable place and time, to all evaluative materials or other records originated or utilized by the President, Dean, division head, department chairman, or by personnel review committees relating to his or her renewal or appointment, promotion, tenure, or post-tenure review except as provided in subsections (a) and (b) of this section:

(a) Letters and other information submitted in confidence to the institution 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 facul-

ty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three designated in OAR 578-042-0730;

(b) Confidential letters and other information submitted to or solicited after July 1, 1975, by the institution prior to the employment of a prospective employee shall not be made available to the prospective employee. However, if the prospective employee is employed by the institution, 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 those 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 OAR 578-042-0730.

(2) 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.

(3) 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 at least one of the files designated in OAR 578-042-0730 of this policy. All survey instruments used to obtain evaluation data shall be returned to the faculty member.

(4) The institution shall not solicit nor accept letters, documents, or other material, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provided kept confidential when evaluating employed faculty members except as noted in section (3) of this rule.

(5) Each faculty member shall review his or her periodic regular written evaluation with the immediate evaluating officer (department chairman, division head, Dean, or President). A copy of the evaluative statement, duly signed by the faculty member, shall be placed in the faculty member's personal record file. Other evaluations given to the faculty member shall contain or have attached to it a statement informing the faculty member that he may, at his option, discuss the evaluative statement with the evaluating administrator.

(6) Each faculty member who believes the evaluative statement is incorrect or incomplete may enter into his or her personal record file such comments, explanation, or rebuttals as desired. These additions shall be attached to each copy of the evaluative statement retained by the institution.

(7) Faculty records shall be closed to all other persons and agencies except institutional personnel who have demonstrably legitimate need for particular information in order to fulfill their official, professional responsibilities with regard to the faculty member. Such personnel shall include, but not be limited to, the President, Deans, division heads, department chairman, and members of the institutional, divisional, and departmental personnel committees.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.065  
Hist.: OIT 3, f. & ef. 9-7-76

#### 578-042-0750

##### Release of Faculty Record Information

(1) Certain information about the faculty member may be released upon request and without the faculty member's consent. Such information shall be limited to directory information (that is, information generally needed in identifying or locating a named faculty member); the faculty member's full name, campus address and telephone number, home address, birthday (as distinguished from birth date) and such other information as is readily found in published documents such as institutional catalogs.

(2) All other information, subject to such restrictions as the faculty member determines, can be made available only upon written consent directing the custodian to furnish specific information to the named individual or individuals.

(3) The 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  
Stats. Implemented: ORS 351.065  
Hist.: OIT 3, f. & ef. 9-7-76

#### 578-042-0760

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

(1) Faculty records 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 shall be disposed of in a manner such as to protect its confidentiality.

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.

(2) Duplication of permanent faculty records shall be permitted only when such records are required to serve the official functions of the office which maintains them and when the custodian has given his consent. Such duplicated permanent records as are made shall be destroyed in the same manner as temporary records, immediately following completion of the use which justified the duplicating. The duplicate copies will be lodged as provided in OAR 578-042-0730(1).

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 institution. 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 years after a faculty member departs. Such records shall be destroyed in such a manner as to protect their confidentiality.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.065  
Hist.: OIT 3, f. & ef. 9-7-76

## DIVISION 45

### USE OF CAMPUS FOR COMMERCIAL PURPOSES

#### 578-045-0005

##### Definitions

As used in this rule the following definitions apply:

(1) "Sale", "Selling", or "Purchasing" means 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 a 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 in, or in the carrying on of, a trade or business.

(6) "Recognized Campus Organization" means any club, group, or organization which has a charter or constitution approved or accepted by the president of Oregon Institute of Technology.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.060  
Hist.: OIT 5-1980, f. & ef. 5-8-80

Stats. Implemented: ORS 351.060

Hist.: OIT 1-1980, f. &amp; ef. 1-9-80

**578-045-0010****Commercial Solicitation, Commercial Transactions and Solicitation**

Commercial solicitation, commercial transactions and solicitation are prohibited on campus except upon written application by the vendor or solicitor, and with written permission by the college president or his designated representative:

(1) The application shall include:

(a) The applicant's name;

(b) The name, address and telephone number of the company or organization represented by the applicant;

(c) The purpose of the visit to the campus;

(d) The type of activity to be engaged in;

(e) The duration of the visit;

(f) Any other information deemed to be relevant.

(2) Such application is submitted at least 72 hours prior to requested use and permission is granted.

(3) Permission may be granted if the proposed activity does not interfere with the operation of the institution and if it is not prohibited by law.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: OIT 5-1980, f. & ef. 5-8-80; OIT 8-1991, f. & cert. ef. 9-23-91

**578-045-0015****Permission to Engage in Solicitation**

Any applicant granted permission under OAR 578-045-0010 to engage in commercial solicitation, commercial transactions, or solicitation must abide by any time, place and manner restrictions which may be imposed as a condition to granting such permission. Normally, space for such activities will be provided in the college union.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: OIT 5-1980, f. & ef. 5-8-80

**578-045-0020****Discipline for Violation of Solicitation**

Persons who violate the provisions of this rule shall be disciplined as follows:

(1) Members of the campus community shall be disciplined as appropriate to that person's status as a student, faculty member, employee or other category.

(2) Nonmembers of the campus community shall be prohibited from entering upon the campus for a period of 90 days.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: OIT 5-1980, f. & ef. 5-8-80

**578-045-0025****Private Sales and Campus Activities**

(1) Nothing in this rule shall affect private sales.

(2) Nothing in this rule shall affect advertising in campus newspapers or over the campus radio station.

(3) Nothing in this rule shall affect the activities of recognized campus activities.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: OIT 5-1980, f. & ef. 5-8-80

**DIVISION 50****GENERAL****578-050-0005****Dog Control**

With the exception of guide dogs for handicapped persons and dogs in vehicles, all dogs are banned from the Oregon Institute of Technology campus.

Stat. Auth.: ORS 351

**Possession and Use of Firearms on Campus****578-050-0010****Possession and Use of Firearms and Explosives**

(1) ORS 166.370 and OAR 580-022-0045(3) prohibits the possession and use of firearms and explosives on campus unless expressly authorized by institutional rule.

(2) OIT further prohibits employees, students and the public from carrying or possessing firearms and explosives onto OIT property, including vehicles, even if they have a concealed weapons permit with the following exception: This policy exempts police, military and other law enforcement officials with specific statutory and agency authority to possess a firearm in the performance of their duties.

(3) Faculty and staff may request from the president an exemption to this policy based on a compelling educational interest.

(4) Students living in the OIT Residence Hall and their guests may store firearms on campus in the Residence Hall gun storage locker, which is a controlled firearm storeroom.

(a) The controlled firearm storeroom requires that firearms be tagged with the owner's name and that the gun has a visible identification number. The firearms(s) must be unloaded and dismantled to be inoperable or have a trigger lock in place.

(b) Firearms will be released only to the owner.

(c) Access to the firearms storage area for the purposes of checking in and out firearms will be during predetermined hours and controlled by the Residence Hall staff.

(d) OIT may refuse to issue a firearm to the owner, if in the staff's judgment the owner's current physical or emotional condition or other circumstances make possession of the firearm unreasonably dangerous. The supervisor's decision regarding return of the firearm may be appealed to the Director of Housing and Residence Life who will decide when the firearm will be returned to the owner.

(e) No fees are required for firearm storage. Temporary storage for a registered guest of a resident using the controlled firearm storeroom will also be provided at no cost.

(5) Persons observed possessing firearms in the Residence Hall should be reported immediately to the Director of Housing or Residence Life staff. Persons observed possessing firearms elsewhere on campus should be reported to Campus Security.

(6) Persons violating this rule are subject to sanctions authorized by OAR 580-022-0045, Proscribed Conduct.

Stat. Auth.: ORS 166

Stats. Implemented: ORS 166.370

Hist.: OIT 2-1991, f. & cert. ef. 6-19-91; OIT 1-1998, f. & cert. ef. 5-12-98

**578-050-0020****Access to Student Housing**

Access to the Oregon Institute of Technology Residence Hall is open to all single students registered during the regular academic year. In keeping with the educational mission of Oregon Institute of Technology, approved by Oregon State Board of Higher Education (1991), exceptions to this rule may be granted to groups and individuals participating in related community programs and/or bona fide educational activities. Requests for exception should be directed to the Office of Housing and Residence Life. Exceptions will be reviewed on a case-by-case basis and will take into consideration extenuating circumstances which may include such things as current occupancy, length of residency period, time of the year, and groups of individuals previous registration and residence history.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.060

Hist.: OIT 1-1993, f. & cert. ef. 9-24-93

**578-050-0050****Firearm Storage Regulations and Fees**



(1) Pursuant to OAR 578-050-0010, a controlled firearm storage will be maintained for use of students living in the OIT Residence Hall or their guests. Such use will be available under the following conditions:

(a) Firearms must be tagged with the owner's name and have a visible identification number;

(b) Firearms must be unloaded and have the firing pin removed or a trigger lock in place;

(c) Access to the storage area for purposes of checking items in and out will be during pre-determined hours and be controlled by Residence Hall staff. Weapons must be logged in and out of the area by the designated staff person;

(d) Weapons will be released only to the owner.

(2) If the storage area is not open and arrangements cannot be made immediately for storage, the firearm must be stored off campus or in a vehicle. Regulations for storage in a vehicle on campus are stated in OAR 578-050-0010.

(3) The controlled storeroom supervisor may refuse to return a weapon to the owner, if in the supervisor's judgement, the owner's current physical or emotional condition or other circumstances make possession of the weapon unreasonably dangerous.

(4) The supervisor's decisions regarding return of weapons may be appealed to the Dean of Students, who after talking with both the owner and the supervisor, and others if relevant, will decide when the weapon will be returned.

(5) A fee of \$15 per term, per item, is required for this service. Temporary storage for a registered guest of a resident using the controlled firearm storeroom will be provided at no additional cost.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 166.370

Hist.: OIT 7-1991, f. & cert. ef. 9-5-91

## DIVISION 72

### TRAFFIC CONTROL

#### 578-072-0010

##### Responsibility in Traffic Control

(1) ORS 352.360 authorizes the State Board of Higher Education to **“ . . . enact such regulations as it shall deem convenient or necessary to provide for the policing, control, and regulation of traffic and parking of vehicles on the property of any institution under the jurisdiction of the Board. Such regulations may provide for the registration of vehicles, the designation of parking areas, and the assessment and collection of reasonable fees and charges for parking”**.

(2) Strict enforcement for these regulations is necessary to minimize congestion and maintain safety of campus roads and in parking areas. The administration of these regulations lies within the Campus Traffic Commission working in coordination with the Campus Police.

(3) The regulations listed hereinafter, which provide for the policing, control, and regulating of traffic and parking of vehicles on campus, are enforceable whenever a vehicle is on campus. All faculty, staff, and students of Oregon Institute of Technology are required to be knowledgeable of and abide by these regulations.

(4) Administrative and disciplinary sanctions may be imposed upon students, faculty, and staff for violation of the regulations, including, but not limited to, a reasonable monetary penalty which may be deducted from student general deposits, and faculty or staff salaries or other funds in the possession of the institution as provided in ORS 352.360(2). The regulations may also be enforced by the impoundment of vehicles or bicycles, and a reasonable fee may be charged for the cost of the impoundment and storage, if any, prior to the release of the vehicles or bicycles to their owners, as provided in ORS 352.360(4).

(5) The regulations governing traffic control may, by authority of the Traffic Commission and with approval of the State Board of Higher Education, be changed or altered whenever it is deemed to be beneficial to the public interests. In the event of an

emergency or special event, parking and traffic regulations may be waived by the Traffic Commission, Traffic Coordinator, or Administrator in Charge.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 6-1991, f. & cert. ef. 7-24-91

#### 578-072-0020

##### Vehicle Registration

(1) A vehicle is any motor conveyance requiring a state or city license to operate on public highways.

(2) After the first day of classes, vehicles must be registered when brought on the campus the first time. Permits are issued at the Cashier's Office, Snell Hall, or during fee payment at the beginning of each term.

(3) Parking permits must be permanently affixed to the rear bumper (left third) on the registered vehicle in plain view. If it is impossible to attach a permit to the bumper, it must be attached, in plain view, to the left rear portion of the vehicle or on the outside lower left portion of the rear window.

(4) Vehicles must have either a faculty/staff or student permit. Double registration of any vehicle is not permitted.

(5) Registration may be rescinded and removal of the permit required:

(a) For failure to comply with traffic regulations or to rulings of the Traffic Commission or Traffic Appeals Board;

(b) For failure to pay fines as prescribed in OAR 578-072-0070 or as assessed by the Traffic Commission;

(c) When the permit is used on an unregistered vehicle or by an unauthorized person;

(d) When registration is found to be false or inaccurate;

(e) When enrollment is terminated;

(f) When the time specified on the permit has expired.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1991, f. & cert. ef. 7-24-91

#### 578-072-0030

##### Parking Permit and Fees

(1) Student permits will be issued for a fee of \$49 per year or \$22 per term.

(2) Faculty and staff permits (adhesive or hanging) will be issued for a fee of \$54 per year or \$30 per term. Vehicles with these permits must park in the faculty/staff parking areas.

(3) Summer-term parking permits will be issued to staff and students who are not registered full-time during the preceding year. A fee of \$20 is charged for these permits and will be valid for Summer term only.

(4) Two-wheeled (power and scooter) permits will be issued for a fee of \$20 per year or \$8 per term. Such vehicles must be parked according to instructions in Rule 578-072-0050.

(5) Bicycles must be licensed by the City of Klamath Falls. A parking permit is not required.

(6) Discount-Permits (N. CORNETT Gravel Lot Only). Full year faculty/staff — \$44, and students — \$39. Per term Discount Permits faculty/staff — \$25, and students — \$17.

(7) Special permits may be issued at the Cashier's Office under the following circumstances:

(a) Application for a Disabled Parking permit must be submitted to the Student Health Service. After approval by Student Health Service, a Disabled Parking permit may be purchased at the Cashier's Office;

(b) Persons temporarily handicapped may be issued a temporary handicapped permit upon submission of evidence of disability and after paying appropriate permit fee;

(c) Persons displaying either permanent or temporary disabled permits are authorized open parking on the campus in addition to parking in the areas designated as disabled parking;

(d) Temporary permits are issued by Campus Security/Public Safety at the information booth. Vehicles displaying temporary permits must park in the area designated by that permit;

(e) Visitor permits must be obtained at the Security and Information Booth on Campus Drive and displayed as indicated on the permit;

(f) Special guest permits: Guest permits will be issued by Campus Security/Public Safety.

(8) Each additional adhesive permit costs the full price.

(9) A replacement permit may be obtained for a fee of \$5 upon submission to the cashier of permit number evidence from the original permit.

(10) Parking permits are issued by the academic year or by the term. Refunds will be made only if a parking permit is removed from the vehicle and returned to the college cashier within ten (10) days of the purchase date. No other refunds will be given.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 1-1988(Temp), f. 6-20-88, cert. ef. 7-1-88; OIT 3-1991, f. & cert. ef. 7-8-91; OIT 2-1992, f. & cert. ef. 7-21-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98

#### 578-072-0040

##### Driving on Campus

(1) Any operator of a motor vehicle or bicycle, while driving on campus, must comply with the traffic laws and ordinances of the State of Oregon and the City of Klamath Falls, and with the regulations governing motor vehicles and bicycles on campus.

(2) Maximum speeds for operating vehicles on campus are posted.

(3) Vehicles leaving service roads and parking aisles must yield to vehicles operated on access roads; and these vehicles must in turn yield to main roads which include Circle Drive; and vehicles operated on any road must yield to pedestrian traffic.

(4) Driving any vehicle on sidewalks, lawns, landscape areas, or any area not designated or designed for driving is prohibited.

(5) Cases involving destruction of state property resulting from the use of a motor vehicle or bicycle shall be automatically referred to the Business Manager for collection of damages, in addition to the customary fine.

(6) Visitors must abide by all posted regulations.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 6-1991, f. & cert. ef. 7-24-91

#### 578-072-0050

##### Parking on Campus

(1) Any operator of a motor vehicle or bicycle, while parking on campus, must comply with the traffic laws and ordinances of the State of Oregon, the City of Klamath Falls, and the regulations governing motor vehicles and bicycles on campus. A "parked vehicle" refers to any vehicle which is stopped with or without a driver in attendance.

(2) Areas designated for parking are indicated on the campus traffic map.

(3) Zones designated as special service are restricted to loading/unloading and for repair services.

(4) Vehicles shall be parked on campus *only* in areas designated for parking. Parking of vehicles on any road, driveway, fire lane, entranceway to building, pedestrian lane, and landscaped area is prohibited. Encroachment upon adjacent spaces and parking aisles is prohibited, i.e., all vehicles must be parked between parking space markers.

(5) Parking with the front wheels adjacent to the curb (head in only) is required where angle or right-angle parking spaces are provided. Parallel parking is required where paralleled spaces are provided and is permissible in service zones for purposes of loading and unloading.

(6) When need has been established, a reserved parking space may be authorized by the Traffic Commission within a parking area; no other vehicle may be parked in this space.

(7) Special areas are designated for parking motorcycles, and

they may not be parked in any other area. Bicycles must be parked in bike rack. Parking of a bicycle in any building is prohibited.

(8) Open parking is permissible in designated faculty, staff, student, and visitor lots between 6 p.m. and 6 a.m., and on week-ends and school holidays *except* for parking in reserved spaces, service areas, fire lanes, and limited parking zones.

(9) Repair of vehicles in any parking area or zone is prohibited, except in designated minor-repair areas.

(10) Visitors may park in any area designated for parking.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 6-1991, f. & cert. ef. 7-24-91

#### 578-072-0055

##### Roller Skates and Skateboards

(1) OIT students, faculty, staff and their guests may use skates on campus. "Skates," mean in-line skates, rollerblades or similar devices. Non-campus persons may be asked to leave the campus for skating. Proof of Oregon Tech identification may be required of skaters.

(2) OIT students, faculty, staff and their guests may skate only between the hours of 3:00 pm and 7:00 am on weekdays and any time on weekends. Skating may be prohibited during any posted scheduled event on campus any time.

(3) Skaters must abide by all traffic regulations and yield to pedestrians.

(4) Use of *skateboards* on the OIT campus is prohibited.

(5) The use of "skates," is prohibited inside buildings, structures, patios or facilities.

(6) Because of the extreme safety hazard, skaters may not skate on any stairs on campus. Jumping against buildings or on fixtures is prohibited.

(7) Skaters must wear approved safety equipment including a helmet, knee pads and wrist guards.

(8) Campus Security, building managers, deans, directors, department heads, and faculty are authorized to enforce these rules.

(9) Oregon Institute of Technology assumes no liability for injuries to any skater while skating on campus.

(10) Any person violating these rules is subject up to a \$20.00 fine and/or OIT disciplinary action. He or she will also be asked to remove their skates and leave the premises.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 1-1996, f. & cert. ef. 9-11-96

#### 578-072-0060

##### Application of Motor Vehicle Laws of the State of Oregon

All motor vehicle laws of the State of Oregon and the City of Klamath Falls, together with amendments hereafter adopted, are applicable to the campus of Oregon Institute of Technology to the same extent as if said campus and its roads were public highways, and all provisions of said motor vehicle laws are invoked and enforceable except insofar as they are incompatible or inconsistent with these regulations.

Stat. Auth.: ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77

#### 578-072-0070

##### Penalties for Offenses

(1) Vehicle not registered \$15.

(2) Permit not properly displayed \$15.

(3) Falsification of information \$25.

(4) Parking offenses \$15.

(5) Driving in nondesignated areas \$20 plus cost of repairs \$15.

(6) Parking bicycles in illegal areas \$5.

(7) Parking in designated disabled space \$100 (by authority of ORS 811.625(5)).

(8) Using the hanging permit in an unregistered vehicle \$50.

(9) Moving violations, including such offenses as reckless driving, driving while intoxicated, speeding, driving the wrong way, running stop signs, excessive noise, and other offenses not otherwise specified herein which are a violation of the motor vehicle laws of the State of Oregon, are punishable upon conviction, in accordance with said motor laws. Violators will be fined \$20.

(10) Habitual offenders will be fined \$20 in addition to the regular fine for the offense for which they are found guilty. Habitual offenders are individuals who have been found guilty of three or more offenses in a school year. This \$20 fine, in addition to the regular fine for an offense, will be imposed for the third conviction and each conviction thereafter each school year.

(11) Failure to Answer a Citation as Directed or Respond to a Letter from the Traffic Appeals Board within three working days may be punishable by a fine of \$5. An additional fine of \$5 will be levied for failure to respond to a second letter within the time specified.

(12) Excessive citations may result in revocation of a parking permit by the Traffic Commission. A student may be referred to the Vice President for Student Affairs for disciplinary action. A faculty or staff member may be referred to the Vice President for Finance and Administration.

(13) Payment of fines will be required prior to appeal of citation before the Traffic Appeals Board.

(14) A student who fails to pay the Cashier's Office for any traffic citation, after written notice, will have the fine added to their account balance, or deducted from their payroll check.

(15) A faculty or staff member who fails to pay the OIT Cashier's Office for any traffic citation, after written notice, may have the fines deducted from their payroll check.

(16) A vehicle may be towed off campus and impounded and the owner subjected to towing and storage fees in addition to penalties, under the following circumstances;

(a) A vehicle causing imminent danger to people or college property;

(b) A vehicle having a parking permit and receiving five (5) or more citations within the school year;

(c) A vehicle not having a parking permit and receiving three (3) citations within the school year;

(d) A vehicle left parked or standing in an area not normally used for vehicular traffic including parking on sidewalks or grass;

(e) Vehicles considered abandoned for at least (7) days.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 6-1991, f. & cert. ef. 7-24-91; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1997, f. & cert. ef. 12-31-97

## 578-072-0080

### Enforcement of Penalties

Tickets will be issued after the first day of classes. A student, faculty, or staff member who is cited for violation of a traffic regulation shall, within the time provided on the citation:

(1) Pay the amount prescribed on the citation.

(2) Request a hearing in person or in writing before the Traffic Appeals Board and pay the amount prescribed on the citation. The Traffic Appeals Board shall review the matter and its decision will be final. Appeal to the Traffic Appeals Board waives the right to appear before the District Court or Municipal Court of Klamath Falls. Failure to appear before the Traffic Appeals Board on the hearing date, unless prior arrangements have been made, shall subject the person to payment of the fine as shown on the citation.

(3) Any person refusing to appear before the Traffic Appeals Board or failing to pay their fine may be cited into Municipal or District Court of Klamath Falls under the **Oregon Vehicle Code**. Oregon Institute of Technology will transfer the charges through the City Attorney.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 6-1991, f. & cert. ef. 7-24-91

## 578-072-0090

### Authority of Traffic Commission

The Traffic Commission or Traffic Appeals Board shall have the full authority to:

(1) Dismiss the violation.

(2) Find the individual not guilty of the charges on the traffic citation.

(3) Find the individual guilty of the violation and impose the appropriate fine.

(4) Enter a finding of guilty and, without imposing any fine, issue a reprimand or warning, or impose a fine and suspend its payment during a probationary period.

(5) Recommend to OIT administration a restriction or suspension of driving or parking privileges, or other disciplinary actions. Such actions.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 6-1991, f. & cert. ef. 7-24-91

## 578-072-0091

### Authority of Campus Police Officers

All notices of violations of any of the regulations herein will be signed by campus security. Any resistance to, interference with, or physical assault upon a campus police officer, will be handled in the same manner and to the same extent as a similar offense against other police officers.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.385

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 6-1991, f. & cert. ef. 7-24-91



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