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DIVISION 1

PROCEDURAL RULES

574-001-0000

Notice of Proposed Rule

(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 Western Oregon State College mailing list established pursuant to ORS 183.355(6).

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

- (a) Members Board of Higher Education;
- (b) Chancellor of the Board of Higher Education;
- (c) Presidents of the State System of Higher Education;
- (d) The Statesman — Salem;
- (e) Capital Journal — Salem;
- (f) Polk County Sun — Monmouth;
- (g) Itemizer Observer — Dallas.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: OCE 2, f. & ef. 8-2-77

DIVISION 10

RULES OF PROCEDURES FOR THE HANDLING OF DISPUTES AND GRIEVANCES FOR BOTH EMPLOYEES AND STUDENTS AT WOSC

574-010-0005

Persons Entitled to be Heard

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

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

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

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

(5) Any student charged with an offense under the Student Conduct Code (Division 30) which can result in suspension, expulsion, or monetary penalty or payment, is entitled to be heard in the manner set forth in OAR 574-010-0005 to 574-010-0055.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 352.200

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

574-010-0010

Oregon Administrative Rules Compilation

Definitions

(1) "Grievant" means any person mentioned in OAR 574-010-0005 or any student charged with a violation of the student conduct code of the college *but does not mean* a person whose complaint is subject to being processed by a grievance procedure established pursuant to or by a collective bargaining agreement.

(2) "Committee" means a group of students, a group of faculty members, or a group consisting of both students and faculty members selected to conduct a contested case hearing. If a committee is to conduct a contested case hearing, its members shall be selected in the manner provided:

(a) Faculty Hearing: Faculty Welfare Committee: A committee set up each year by the WOSC Faculty Senate.

(b) Student Hearing: A committee comprised of both students and faculty, to be appointed by the President of WOSC.

(3) "Hearing Officer" means an individual designated as hearing officer or committee as defined in section (2) of this rule. When a committee is to conduct a hearing, the presiding officer shall have the power to conduct and rule on all preliminary matters, to administer oaths and affirmations, and to rule on evidentiary matters.

(4) "Contested Case Hearing" means a hearing conducted pursuant to OAR 574-010-0025 to 574-010-0055.

Stat. Auth.:

Stats. Implemented: ORS 351

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

574-010-0015**Entitlement to Contested Case Hearing**

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

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

(a) A contested case hearing is waived by the Grievant pursuant to OAR 574-010-0020.

(b) A student is charged with an offense under the student conduct code which cannot result in suspension, expulsion, or monetary penalty or payment.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, ORS 351.070 & ORS 580.021

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

574-010-0020**Procedure for Informal Hearing**

Any person aggrieved as defined in OAR 574-010-0005 and 574-010-0010 shall briefly state the objection to the action taken or proposed by the college, and shall request referral to a person in a Supervisory position with sufficient authority and access to knowledge of the circumstances to resolve the grievance. Such Supervisory official shall promptly arrange an opportunity for the Grievant and the Supervisor to discuss the grievance at a time and place suitable to both. If a matter cannot be resolved by the Supervisor, or by some other college official to whom the Supervisor may refer the grievance, the Grievant then may request a hearing. The request shall be in writing, and shall be given to the Supervisor or other college official with whom the Grievant has been discussing the grievance. Such written request may be informal, shall be signed by the Grievant, and shall be submitted within ten days after completing the discussion of the grievance. The written request shall also state whether the Grievant desires a contested case hearing or use of the informal procedure prescribed by this rule. A Grievant who requests the informal procedure shall also sign a written waiver of right to a hearing under the contested case procedure, OAR 574-010-0025 to 574-010-0055.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & ORS 351.070

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

574-010-0025**Contested Case Defined: Notice of Hearing**

(1) A contested case exists whenever:

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

(b) The Grievant makes written request therefor as provided in OAR 574-010-0020.

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

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

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

(c) A reference to the particular sections of the statutes and rules which the institution deems to be involved;

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

(e) A statement that the party may be represented by counsel at the hearing;

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

(3) The notice shall be served personally or by registered or certified mail sent to the address of the Grievant as shown on the student and/or employee records of the college.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & ORS 351.070

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

574-010-0030**Order When Grievant Fails to Appear**

(1) When the Grievant fails to appear at the specified time and place, or at the time to which the hearing may have been continued by mutual consent or by order of the hearing officer, the college shall issue an order based on the information available to it.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & ORS 351.070

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

574-010-0035**Subpoena, Deposition**

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & ORS 351.070

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

574-010-0040**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 the college in support of its action;

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

(c) Rebuttal testimony.

(3) The hearing officer and the affected parties and the college 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.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183 & ORS 351.070

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

574-010-0045**Evidentiary Rules**

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

574-010-0050**Proposed Orders on Contested Cases: Filing of Exceptions and Arguments**

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

574-010-0055**Final Orders on Contested Cases: Notification**

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

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

(b) Findings of fact — Those matters which are either agreed as fact or which, when disputed, are determined by the fact-finder, on substantial evidence, to be facts even though there are contentions to the contrary;

(c) 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 the college 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.: OCE 3, f. & ef. 8-9-77

574-010-0060**When OAR 574-010-0005 Through 574-010-0055 Do Not Apply**

OAR 574-010-0005 through 574-010-0055 do not apply to procedures for imposition of sanctions on an academic staff member.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

Grievance Procedure for Unclassified Professional Employees**574-010-0065****Purpose and General Explanation**

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

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

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

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

Hist.: OCE 1-1980, f. & ef. 4-15-80; WOSC 3-1988, f. & cert. ef. 12-15-88;

WOU 2-1997, f. & cert. ef. 5-28-97

574-010-0067**Definitions**

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

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

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

(4) "Day" means a regular work day for unclassified professional employee, excluding Saturdays and Sundays.

(5) "Level I University Official" is the grievant's immediate Supervisor.

(6) "Level II University Official" is one of the following positions: Dean of Students and Enrollment Management, or Dean for University Advancement.

(7) "Level III University Official" is either the Provost or Dean of Administration, should either Level III Official be the grievant's immediate Supervisor then Step 3 will be omitted.

(8) "Level IV University Official" is the President.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

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

574-010-0068

General Provisions

(1) At any step, a Grievant has the right to be accompanied, assisted, or represented by other persons, including counsel, designated by the Grievant. Except in cases of illness, absence from the country, or official leave of absence, the Grievant shall be present in person when the grievance is presented and at any subsequent hearing. A Grievant has the right of self representation at any step of this grievance procedure.

(2) The parties may agree to modify the time limits prescribed in the grievance procedure. All such agreements shall be in writing and signed by the Grievant and the administrator who is required to act within the time limit being modified.

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

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

574-010-0070

Presentation of Grievance

(1) Grievance shall first be presented within 30 days from the date of the act or omission upon which the grievance is based or from such later date that the Grievant knew or reasonably should have known of such act or omission. However, in no event shall a grievance be presented more than 120 days after such act or omission except in those cases where the Grievant is out of the country or on an official leave of absence.

(2) Presentation of a Grievance:

(a) Having decided that he or she wishes to seek redress for a grievance, the Grievant shall orally present a grievance to Grievant's Supervisor. At the time of this presentation, the Grievant shall state that a grievance is being presented;

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

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

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

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

(f) In the expectation that a high percentage of grievances will be settled at this stage, no grievance file shall be generated.

(3) Written Presentation of a Grievance:

(a) Step 1: Review.

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

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

(C) The Level II University Official shall schedule a meeting with the Grievant to attempt to resolve the matter. This meeting shall occur within 10 days of the written presentation of the grievance. Either party may bring to the meeting any persons he or she wishes. The Level II University Official may conduct further meetings and inquiries as deemed necessary and proper;

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

(b) Step 2: Peer Hearing.

(A) If the Grievant is not satisfied with the Level II University Official's decision and desires to proceed further the Grievant shall, within 10 days of receipt of the Level II University Official's written decision, file a request for a hearing by a committee of peers appointed by the Level IV University Official from a list submitted by Administrative Support Council;

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

(C) Within 10 days of its final selection, the Hearing Committee shall set a reasonable schedule for presentation of testimony;

(D) The Hearing Committee shall present its report, including recommendations, to the Grievant and to the Level III University Official within 10 days after the conclusion of the hearing;

(E) Procedure for the Conduct of Peer Hearings:

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

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

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

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

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

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

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

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

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

(c) Step 3: Level III University Official's Decision.

(A) After reviewing the Hearing Committee's report and recommendations, the Level III University Official shall take action on the grievance including accepting or rejecting, in whole or in part, the report and recommendations of the Hearing Committee;

(B) The Level III University Official shall make his/her decisions solely on the basis of evidence presented at the hearing and the report of the committee. If he/she finds the evidence and the report insufficient to enable his/her to make a decision, he/she shall refer the matter back to the committee with a request for further evidence or findings. Upon receipt of such a request the committee shall reconvene and within 15 days present an amended report to the Level III University Official;

(C) The Level III University Official shall provide written notice to all previous parties of the decision on the grievance within 10 days of receipt of the report of the Hearing Committee. Reasons for committee findings shall be provided in writing to the Grievant.

(d) Step 4: Review by Level IV University Official.

(A) If the Grievant is not satisfied with the action of the Level III University Official, the Grievant may, within 10 days of receipt of the Level III University Official's decision, petition the Level IV University Official to review;

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

(e) Step 5: Appeals of the Level IV University Official's decision shall be governed by OAR 580-021-0050 of the Oregon State Board of Higher Education.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351

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

574-010-0075

Grievance Procedure for Discrimination Complaints

The following procedure is to be used in resolving complaints alleging discrimination on the basis of race, national origin, religion, sex, age, handicap, marital status, or alleging sexual harassment. The grievance procedure is open to all employees, applicants and students except as collective bargaining agreements with the Oregon Public Employees Union and the American Federation of Teachers take precedence reference Administrative Rules OAR 580-015-0090 et seq. For the purpose of this procedure, the following definitions shall be used.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & ORS 351.200

Hist.: WOSC 1-1982, f. & ef. 2-11-82

574-010-0080

Definitions

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

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1982, f. & ef. 2-11-82

574-010-0085

Procedure

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

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

(2) To file a formal grievance, the Grievant shall complete a complaint of discrimination form within 180 days after the alleged discriminatory act. The complaint may be submitted in writing or given to the affirmative action officer who will convert it to written form. The Grievant shall have access to all relevant records which are not protected under state and/or federal law. The written complaint shall contain the following:

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

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

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

(d) All information pertinent to the complaint;

(e) Resolution proposed by the Grievant;

(f) Grievant's signature;

(g) The basis upon which the complainant believes discrimination has occurred.

(3) The affirmative action officer shall forward copies of the written complaint to all concerned including the name college representative, the appropriate Dean, the President, and the Chancellor's Office.

(4) The affirmative action officer shall follow the procedures outlined in the grievance procedures including a response from the college representative named in the complaint, investigate the grievance, and attempt resolution. If unable to resolve the grievance promptly, the affirmative action officer shall make a recommendation of the appropriate action to the President, who shall order the correction of any noncompliance found to exist or to have occurred as provided for in the procedures.

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1982, f. & ef. 2-11-82

DIVISION 20

FACULTY RECORDS POLICY

574-020-0001

Faculty Records Policy

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

Stat. Auth.: ORS 351.070 & ORS 351.072

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

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

574-020-0005**Definitions**

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

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

574-020-0010**Confidential Information Not to Be Sought or Accepted**

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

574-020-0015**Information Not Required of Faculty Members**

No faculty member will be required to give, but may voluntarily provide, information as to race, religion, sex, disability, political affiliation or preferences, except as the giving of such information may be required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & ORS 351.072

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

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

574-020-0020**Locations and Custody of Faculty Records**

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

(a) The Provost;

(b) School Dean;

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

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

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

(a) Provost's Office — Secretary to the Provost;

(b) School Dean's — Secretary to the Dean;

(c) Division Office — Secretary to the Division Head;

(d) Payroll Department — Payroll Personnel.

Stat. Auth.: ORS 351.070 & ORS 351.072

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

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

574-020-0025**Release and Access to Faculty Records**

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

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

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

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

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

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

Stat. Auth.: ORS 351

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

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

574-020-0030**Confidential Records — Restrictions on Release**

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

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

Stat. Auth.: ORS 351

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

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

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

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

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

(2) Confidential letters and other information received by the institution, school, department, or division after July 1, 1975, prior to the employment of a faculty member, shall be placed in the evaluation files relating to the faculty member. If the applicant is not employed, the confidential information submitted concerning the applicant shall remain confidential. If an applicant who is employed requests access to his or her files, the anonymity of the

contributors of confidential pre-employment letters and other pre-employment information shall be protected. The full text shall be made available, except that those portions of the text which would serve to identify the contributor shall be excised and may be retained thereafter in the confidential file permitted by OAR 580-042-0730.

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

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

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

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

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

Stat. Auth.: ORS 351

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

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

574-020-0040

Retention of Evaluative Materials Concerning Candidates for Possible Employment

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

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

574-020-0045

Availability to Faculty Members of Objective Information Concerning Categories of Staff

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & OAR 580-022

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

574-020-0050

Availability of Faculty Records for Research Purposes

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

Stat. Auth.: ORS 351.070 & ORS 351.072

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

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

574-020-0055

Permanence, Duplication, and Disposal of Faculty Records

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

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

(3) Duplication of faculty records shall be kept to a minimum. Such duplicated records as are made shall be destroyed at a time to be determined and set forth in institutional regulations and in such manner as to protect their confidentiality in accordance with the rules of the State Archivist, or with the Archivist's approval.

Stat. Auth.: ORS 351

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

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

DIVISION 31

CODE OF STUDENT RESPONSIBILITY

574-031-0000

Introduction

(1) Western Oregon State College has a fundamental interest in the conduct of its students. The development of a student through his or her college experience involves a fusion of the learning process with the development of a coherent and consistent system of ethics, as well as adherence to standards of behavior created and accepted by the College community.

(2) All members of the College community have a responsibility to maintain a level of behavior that reflects favorably upon the person and the College. The College assumes that all students are responsible for their own conduct. The College expects students to abide by local, state, and federal laws and with College

policies, procedures, and regulations, including this Code of Student Responsibility.

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

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

(5) This Code of Student Responsibility was adopted on September 1, 1996, became effective September 1, 1996 and supersedes all other previous conduct codes.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0046

574-031-0010

Definitions

(1) The term "College" means Western Oregon State College, or any part or division within Western Oregon State College.

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

(3) The term "Coordinator" means the Coordinator of Campus Judicial Affairs.

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

(5) The term "witness" means any person who has information which pertains to a case of alleged student misconduct.

(6) The term "complainant" means any person whether a member of the College community or not, who has filed a complaint of alleged misconduct with Campus Public Safety or with the Campus Judicial Program concerning a student.

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

(8) The term "student in violation" means any student found to be in violation of the Code of Student Responsibility through the Campus Judicial Program.

(9) The term "Coordinator of Campus Judicial Affairs" means that person designated by the Dean of Students as the administrator of the College's Campus Judicial Program.

(10) The term "campus" means any property owned or controlled by Western Oregon State College.

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

- (a) The College plans the event;
- (b) The College pays all, or a part of, the cost of the event;
- (c) The College sponsors the event;
- (d) The College contributes any type of College owned or leased resources or equipment to the event;

(e) A Western Oregon State College student, faculty, or staff person represents the College at the event;

(f) The event occurs within a College owned or leased property, or upon or within College owned or leased property, including any type of state vehicle;

(g) The event occurs during the time frame specified on an approved sponsorship form.

(12) The term "advisor" means any person who has elected to advise a charged student, witness, or complainant within a student conduct hearing.

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

(14) The terms "administration or staff person" mean any person who holds a current non-academic appointment or classified position at the College.

(15) The term "member of the College community" means any student, faculty, administration, or staff member at the College.

(16) The term "business visitor" means any person on the College's property who has a legitimate interest or focus of business with the College, and who is not a member of the College community.

(17) The term "appeals body" means any person or group charged with hearing appeals through this Code of Student Responsibility (e.g. the Dean of Students).

(18) The term "mediation," in its purest form, means a method of dispute resolution in which disputants employ an impartial third party in facilitating their own resolution to a mutual conflict.

(19) The term "adjudication" means a method of resolving allegations of student misconduct which employs a fact-finding, impartial adjudicator, or judge, to render a binding decision in the matter.

(20) The term "disputant" means any person who uses mediation within the Campus Judicial Program to resolve a conflict with another party or parties.

(21) The term "victim" means any person not charged with a violation of the Code who has been harmed by the behavior of a student found in violation of the Code. When referring to situations in which a charged student has not been found in violation of the Code of Student Responsibility, it is assumed that the victim is an alleged victim.

(22) The term "charged student" means any student alleged to have violated any section of the Code of Student Responsibility.

(23) The term "preponderance of the evidence" means the charged student is more likely than not, based on the evidence presented, responsible for the charges of misconduct.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

Standards of Conduct

574-031-0020

Jurisdiction

(1) The regulations contained in the Code of Student Responsibility will apply to all matters affecting the College, including, but not limited to, events occurring during the time the College is in session, events occurring between academic terms, at College sponsored off-campus events, and any illegal behavior on or off the campus by Western students.

(2) Allegations of student misconduct may be adjudicated within the College's administrative Campus Judicial Program as well as within any off-campus criminal justice system regardless of whether the alleged behavior occurred on or off-campus. Adjudication of allegations of student misconduct will occur expeditiously and sometimes before or concurrently with adjudication within an off-campus system of justice.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0047

574-031-0030

Specific Standards and Policies

The following list of prohibited forms of conduct is not all inclusive since it is not possible to list all potential violations. The College expects that all students will behave in a manner congruent with established community standards and in a manner conducive to the development of the individual. Actions detrimental to the mission of the College and the legitimate activities of the academic community which constitute the College are in violation of this Code and may be subject to judicial procedures. Judicial action may be initiated by the College and sanctions may be assigned to any student or recognized student organization found participating in, attempting to participate in, or assisting others in participating in any of the following prohibited forms of conduct:

(1) Academic dishonesty, which includes but is not limited to:

(a) Cheating — intentional use, or attempted use of artifice, deception, fraud, and/or misrepresentation of one's academic work;

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

(c) Facilitating dishonesty — helping or attempting to help another person commit an act of academic dishonesty. This includes students who substitute for other persons in examinations or represent as their own papers, reports, or any other academic work of others;

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

(2) Disorderly, lewd, indecent, and any other form of conduct, including actions resulting from drunkenness or illegal drug usage, which interferes with:

(a) The academic program of the College;

(b) The health and safety of members or visitors of the College community;

(c) The security of College owned or controlled property;

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

(e) Any other College activity or College sponsored activity or event.

(3) Harassment, which includes but is not limited to:

(a) Physical attack upon or interference with a person which prevents the person from conducting his or her customary or usual affairs, puts the person in fear for his or her safety, or causes the person to suffer actual physical injury;

(b) Conduct less than a physical attack or interference with a person, such as hazing, harassing, or threatening action, which is intended to subject another person to offensive physical contact, physical injury, property damage, or cause physical impact, such as making threatening phone calls, sending or posting (electronically or otherwise) threatening letters, or the vandalism or misappropriation of a person's property, or vandalism of a person's room;

(c) Repeatedly contacting another person when:

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

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

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

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

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

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

(4) Detention or physical abuse, or conduct which threatens imminent bodily harm, or endangers the physical or emotional health of any person.

(5) Sexual misconduct which includes, but is not limited to, the following:

(a) Forced sexual intercourse that is perpetrated against the will of the victim. The type of force employed may involve physical violence, coercion, or the verbal threat of harm to the victim;

(b) Forcible Penetration — Sodomy, oral copulation, and/or penetration by a foreign object perpetrated against the will of the victim. The type of force employed may involve physical violence, coercion, or the verbal threat of harm to the victim;

(c) Sexual Battery — The unwanted touching of an intimate part of another person, such as the genitals, buttocks, or breast;

(d) Sexual Harassment — Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature. (See 3(d) above).

(6) Specifically insulting another person in his or her immediate presence with abusive words or gestures in a manner intended and likely to provoke a violent response, whether or not it actually does.

(7) Possession, consumption, or sale of illegal drugs, alcoholic beverages, or any other controlled substance on College owned or controlled property, including:

(a) The furnishing of any controlled substance to a minor;

(b) Being a minor in possession of alcohol by consumption or otherwise.

(8) Possession, consumption, or sale of illegal drugs off College owned or controlled property.

(9) Possession, consumption, sale, or distribution of alcoholic beverages or illegal drugs during a College sponsored off-campus event.

(10) Acts which violate federal, state, or local laws.

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

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

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

(14) Possession or use of firearms, fireworks, explosives, dangerous chemicals, or other weapons or dangerous instruments on institutionally owned or controlled property.

(15) Obstruction or disruption of teaching, research, administration, judicial procedures, or other institutional activities, including the institution's public service functions, or other authorized activities.

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

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

(18) Theft of property or services, or knowingly possessing or using stolen property or services.

(19) Unauthorized entry to or use of institutional facilities, including buildings and grounds. This includes non-residential students who are in the residence hall area without an expressed invitation and/or remain overnight in a residence hall without permission from the Office of Housing and Residence Life.

(20) Disruption of campus activities.

(21) Unauthorized access to and/or use of any computer account not issued directly to the student. This includes, but is not limited to, access to programs, alteration of computer records or data, and the theft or other abuse of computer time.

(22) Refusal while on institutionally owned or controlled property, or at College sponsored on-or-off campus events, to comply with reasonable requests or directions from authorized College officials, including Campus Public Safety officers and administrators.

(23) Misrepresentation of Matters of Fact, when any of the following is intended to gain a College benefit improperly, misrepresent a student's academic performance, or avoid a College sanction. Including:

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

(b) Representing one's self as another person with or without that person's permission;

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

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

(24) Student groups representing themselves or an individual in the group representing him or herself as acting for or in behalf of the College in any commercial enterprise or in the solicitation or collection of funds for any purpose whatsoever without approval in advance by the appropriate College official or agency. This applies to all means of communication including, but not limited to, computer electronic mail, mail, telephone, facsimile, or other means.

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

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

(27) Publication, posting, or distribution on College property, or at authorized College activities, of material that violates copyright laws, postal regulations, or any other law or statute.

(28) Hazing, which includes but is not limited to any conduct or method of initiation into any student organization, whether on public or private property. Hazing means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize, or permit that the person be subjected to any of the following: calisthenics, total or substantial nudity, compelled ingestion of any substance by the person, wearing or carrying of any obscene or physically burdensome article by the person, participation by the person in boxing matches or other physical contests, transportation and abandonment of the person, confinement of the person to unreasonably small, unventilated, unsanitary, or unlighted areas, assignment of pranks to be performed by the person, or compelled personal servitude by the person.

(29) Contempt of adjudicative proceedings, which includes but is not limited to:

(a) Imposing, ignoring, or interrupting the due course of proceedings in the presence of any hearing body created under this Code;

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

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

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

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

(f) Influencing the impartiality of a hearing officer or a member of a campus judicial body or a witness;

(g) Harassment of a member of a campus judicial body or hearing officer prior to, during, and/or after a judicial proceeding;

(h) Failure to comply with the terms of any judicial sanction imposed in accordance with the Code of Student Responsibility or mandated by the Residence Halls Judicial Board.

(30) Violation of published College policies, rules, or regulations. Inciting others to engage in any of the above prohibited forms of conduct or to perform any of the acts prohibited herein. Inciting means the advocacy of proscribed conduct which calls upon the person or persons addressed for imminent actions, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of its students, faculty, and officials, and the protection of its property.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0048

574-031-0040

Sanctions

The following order of sanctions implies neither degree of severity nor appropriateness of the sanction to the number of violations. Multiple sanctions may be assigned. The sanctions that may be assigned include, but are not limited to:

(1) Mediation: When charges of theft, vandalism, harassment, assault, or other harmful treatment are upheld through the adjudicative process, the student may be assigned to participate in a mediated meeting with the victim.

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

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

(4) Warning: The student or group is given written or verbal warning that his/her/their acts violated specified College regulations or policies and is advised that further violations may result in the assigning of more severe sanctions.

(5) Loss of Privileges: The student or group is denied specific privileges normally associated with student or group status, such as participation in recognized activities, use of College facilities or services, or living in College owned student residences.

(6) Community Service: The student or group must perform a designated number of hours in service to the community affected by his or her behavior.

(7) Restitution: The student or group must replace, restore, or pay for damaged, stolen, or misappropriated property.

(8) Disciplinary Probation: The student or group is placed on a probationary status, with or without loss of designated privileges, which may include the following: restriction on an individual's participation in co-curricular activities (ie: EAG's), receiving recognition through awards, and eligibility for scholarships and grants. Probation is a serious warning. Probation occurs for a specific period of time and/or prior to completion of certain specific activities.

(9) Negative Notation on Transcript: Entry of information onto the student's permanent academic record regarding his or her violation of the Code of Student Responsibility. The entry may be permanent or for a specific period. After the expiration of the period of time specified, the notation will be removed upon written request by the student to the Coordinator of Campus Judicial Affairs.

(10) Suspension: The student or group is excluded from the College for a specific period and during that period may not enjoy academic privileges, participate in any College recognized function, or be allowed to reside in any College residence hall or building. The group may not function as a recognized group for a specific period of time.

(11) Expulsion: The student or group is permanently excluded from the College and may not enjoy academic privileges, participate in any College recognized function, or be allowed to reside in any College residence hall or building.

(12) Degree Revocation: The College may revoke a degree if a former student is found to have engaged in academic dishonesty in courses taken leading to the degree, or if the student is found to

have engaged in actions that if known at the time the degree was awarded would have made the student unqualified for the degree.

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

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

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

(c) The Coordinator of Campus Judicial Affairs will hear allegations of a student's misconduct during the period of his or her deferred sanction within five business days during which the College is in session. The original sanction will take effect at the time the Coordinator of Campus Judicial Affairs receives notice of the allegations pending this hearing. The Coordinator of Campus Judicial Affairs may render a decision in the absence of the charged student. The original sanction will remain in effect unless the allegations are not upheld;

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

(14) **Sanction of Restraint:** The student may not purposefully interact with another student or member of the College community specified by the sanctioning person or body. The restriction prohibits the restrained student from purposefully interacting with the protected person, over the phone, over any electronic source (e.g. e-mail), in person, and through the mail. Unless specifically stated otherwise in the sanction, the restriction does not prohibit the restrained student from unintentionally, or out of necessity, being in the same building or vicinity as the protected student (e.g. eating in the Dining Hall, attending the same class, etcetera). The sanctioning person or body will determine the time limit for this sanction.

(15) **Suspension of Student Status for Medical or Mental Health Reasons Pending Hearing Procedures:** When evidence is received from an appropriate health professional which indicates that a student has a medical or mental health condition which creates a serious and imminent threat to the College community, to the student, or to the educational processes of the institution, the Dean of Students will review that evidence and may suspend the student immediately pending a hearing. The hearing must occur within ten business days during which the College is in session. The student may be required to submit to psychological or physical assessment and to authorize release of such records to the Dean of Students or other appropriate College officials in order to be re-enrolled in the College.

(16) **Interim Sanction for Emergency Reasons:** The Dean of Students or the Coordinator of Campus Judicial Affairs can invoke an interim, pre-hearing sanction when it is deemed necessary for the health or safety of the individual, other students, or College staff or faculty. In such instances, the student will receive a hearing within ten working days, in which the College is in session, of the interim sanction. Only when it is not possible to schedule necessary witnesses or obtain information significant to the case will the hearing be held more than ten days in which the College is in session after assignment of the interim sanction. Interim sanctions include the following:

- (a) Expulsion;
- (b) Suspension;
- (c) Restraint;
- (d) Removal from Residence Halls;
- (e) Holding Records.

(17) **Placement of Dean's Hold or Judicial Hold:** A Dean's Hold prohibits the student from conducting most forms of business with the College, including receiving grades and sending or receiving transcripts. A Judicial Hold prohibits the student from registering for classes at the College. Holds are intended to be used with a time limit except in the case of expulsion when the Dean's Hold will be placed with no date of termination.

(18) **Other Sanctions** as assigned that are deemed appropriate to the educational/developmental nature of this Code and the student(s) involved.

(19) **Failure by a student to complete the sanctions imposed** can result in further judicial action and sanctions being assigned to the student. Appeals of sanctions can be made through the appeal process (see section 574-032-0120).

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0049

DIVISION 32

JUDICIAL STRUCTURE

574-032-0000

Introduction

(1) Western Oregon State College's Campus Judicial Program holds the education of the student at its philosophical heart. This educational philosophy defines a structure for the Judicial Program which gives the charged student choices for resolving the allegations of misconduct against him or her.

(2) The current hearing structure includes four options which vary in their degree of formality and philosophy. In order from least to most formal, they are: Hearing with Mediators, Hearing with the Coordinator of Campus Judicial Affairs, Hearing with the Student Conduct Hearing Committee, and Contested Case Hearing. The charged student first meets with the Coordinator of Campus Judicial Affairs who in turn helps direct the student to the proper arena for resolution of the allegation(s). The charged student always has the right to request that the hearing be held with a different party within the system. The party (individual or group) which hears the allegation(s) will dictate the formality of the proceedings, and all parties of the system, except for mediators, will retain equality in their jurisdiction and ability to assign sanctions.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0010

Coordinator of Campus Judicial Affairs

(1) The Dean of Students will select a Coordinator of Campus Judicial Affairs who will have primary responsibility for administering the Campus Judicial Program. These duties will include, but not be limited to:

(a) Acting as a first response by meeting with the charged student to explain his or her due process rights under this Code;

(b) Gathering information concerning the student's alleged violation of this Code for the purpose of referring the case to the proper action which includes:

- (A) Dropping the allegation(s);
- (B) Holding the allegation(s) for further information;
- (C) Sending the allegation(s) to a mediated meeting;
- (D) Hearing the allegation(s) with the Coordinator of Campus Judicial Affairs;
- (E) Referring the allegation(s) to the Student Conduct Hearing Committee;
- (F) Referring the allegation(s) to a Contested Case Hearing.

(c) Making findings concerning allegations of student misconduct and assigning sanctions related to those findings;

(d) Convening and coordinating the activities of all conduct hearings, except contested case hearings in which case the President of the College will appoint a representative of the College to convene the hearing;

(e) Advising the Student Conduct Committee, managing Student Conduct Committee hearings, and protecting the rights of the charged student, the victim(s), and the complainant(s).

(f) Advising College officials and any hearing committees formed on the campus.

(2) Maintaining records pertaining to the activities of the Campus Judicial Program and providing the Dean of Students

with quarterly and annual reports of all judicial cases heard by mediators, the Coordinator of Campus Judicial Affairs, the Student Conduct Hearing Committee, as well as any contested case hearings. These reports will include information on the hearing authority, the nature of the violations, and the sanctions assigned. Appendices to these reports will include a summary of the minutes of the Student Conduct Committee and a report of the disposition of each judicial case. The Director of Residence Life will forward records from the Residence Hall Judicial system to the Coordinator of Campus Judicial Affairs for inclusion in the Campus Judicial Program quarterly and annual reports.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0050

574-032-0020

Student Conduct Committee

(1) The President appoints the Student Conduct Committee which consists of three faculty members and six student members. The faculty members will serve for three years on a rotational basis so two experienced members serve each year. The Coordinator of Campus Judicial Affairs solicits nominations for faculty appointments to the Department Chairs and the Faculty Senate President by the end of each Spring term to fill whatever faculty vacancies exist.

(2) The Coordinator of Campus Judicial Affairs solicits nominations for student appointments by the end of Spring term from the Residence Halls Association, the Associated Students of Western Oregon State College (ASWOSC), and the Dean of Students. Each organization and the Dean submit to the Coordinator of Campus Judicial Affairs a list of students willing to serve on the committee. The Coordinator of Campus Judicial Affairs interviews all nominees and then selects students for the Committee to fill any vacancies from the year before using the following quota: three students as on-campus, three students as off-campus, and two students as alternate representatives. The Coordinator of Campus Judicial Affairs then forwards the names to the President for approval. If the Coordinator of Campus Judicial Affairs does not receive nominations by the end of Spring term, he or she may, with the approval of the Dean of Students, follow a different procedure for soliciting nominations.

(3) The Coordinator of Campus Judicial Affairs convenes the Student Conduct Committee early in Fall term of each year for orientation and training. Faculty and student members of the Committee must attend training as a condition of their membership. Faculty and students who do not attend training during the Fall and at other times during the year will be removed from the Student Conduct Committee.

(4) The Student Conduct Committee reviews and recommends to the Dean of Students appropriate changes to the Code of Student Responsibility. However, the Dean of Students, the Coordinator of Campus Judicial Affairs, or any other campus individual or group may also recommend changes at any time. The Dean of Students coordinates proposed changes with appropriate campus groups and places a notice in the student newspaper inviting interested parties to review the revision. Upon completion of the review process the Dean of Students will recommend the changes to the President for final approval. The revisions become effective when filed with the Oregon Secretary of State's Office.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0051

574-032-0030

Hearing Sub-Committee

(1) The Hearing Sub-Committee is a sub-committee of the Student Conduct Committee. This sub-committee will consist of a maximum of two faculty members and four student members. Selection of members for each hearing sub-committee occurs by lot or availability. A minimum of one faculty member and two

students is required for a quorum, and a quorum must always consist of at least one more student than faculty member. If a quorum cannot be obtained, a hearing will be postponed until a quorum is present, unless the student waives the requirement for a quorum in writing.

(2) The Hearing Sub-Committee will meet at the request of the Coordinator of Campus Judicial Affairs to hear judicial cases. The Hearing Sub-Committee will select a chair for each hearing and that chair will submit findings and sanctions to the Coordinator of Campus Judicial Affairs. A faculty member will always serve as chair.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0052

574-032-0040

Appeals Sub-Committee

An Appeals Sub-Committee is a sub-committee of the Student Conduct Committee formed as needed to hear appeals of decisions made by the Coordinator of Campus Judicial Affairs. An Appeals Sub-Committee consists of a maximum of two faculty members and four student members. For more information concerning appeals, see the appeals section (574-032-0120).

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0050

Delegation of Authority

(1) Subject to the approval of the President, the Student Conduct Committee recognizes the Residence Life Judicial System and grants the Director of Residence Life authority to:

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

(b) Formulate procedures and administrative practices to be followed by the Residence Halls Judicial Board;

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

(2) Students or groups may appeal decisions of the Residence Halls Judicial Board to the Coordinator of Campus Judicial Affairs who will determine if he or she will handle the appeal or refer it to the Student Conduct Committee. The student or group must file the appeal with the Coordinator of Campus Judicial Affairs within five working days in which the College is in session after receiving the sanction notice from the Residence Halls Judicial Board. The Director of Residence Life will submit to the Coordinator of Campus Judicial Affairs a copy of the appealing student's or student group's conduct file for each judicial case heard either by the Director or the Residence Halls Judicial Board. The file will minimally include the charges, the findings, the sanction(s) assigned, the student's previous academic and disciplinary history, and information concerning the appeal process.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0053

Judicial Procedures

574-032-0060

Complaint

(1) The judicial process at Western Oregon State College begins with the receipt of one of the following by the Coordinator of Campus Judicial Affairs:

(a) A Campus Public Safety or Residence Halls incident report; or

(b) Any other type of College incident report or complaint; or

(c) A police report; or

(d) A signed and written complaint by any individual or group whether members of the College community or not. The

complaint may be in the form of an incident report or in letter form.

(2) Upon receipt of the complaint or report, the Coordinator of Campus Judicial Affairs will evaluate the information presented and determine whether enough information exists to make allegations that the student(s) named in the complaint or report engaged in activities prohibited by the Code of Student Responsibility.

(3) Within seven working days, not counting days when the College is not in session, from when the Coordinator of Campus Judicial Affairs determines that there is sufficient basis to charge the student named in the complaint or report (now called "the charged student"), the Coordinator will send the charged student a letter that includes the following:

(a) A notice for the student to meet with the Coordinator of Campus Judicial Affairs for a pre-hearing meeting;

(b) The alleged violations of the Code of Student Responsibility;

(c) The student's basic rights granted by the Code of Student Responsibility;

(d) Notice that a copy of the Code of Student Responsibility can be found in the Dean of Student's Office, on reserve at the Library, or at the Offices of the Associated Students of Western Oregon State College; and

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0070

Pre-hearing Meeting with the Coordinator of Campus Judicial Affairs

The purpose of a pre-hearing meeting with the Coordinator is to explain the conduct procedures to the charged student and to select the proper hearing body to resolve the allegations. The charged student may at this meeting request that the pre-hearing meeting serve as an actual hearing, thereby waiving his or her right to five days written notice prior to a hearing. If the charged student does not wish the pre-hearing meeting to be treated as the actual hearing, a hearing will be scheduled with the hearing body the charged student has chosen at a time that gives the charged student at least five working days notice prior to the hearing excluding days the College is not in sessions.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0080

Types of Hearings

All those considering evidence at all levels of the judicial structure at Western Oregon State College will base their decisions on a preponderance of the evidence. A preponderance of the evidence occurs when the charged student is more likely than not, based on the evidence presented, responsible for the charges of misconduct.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0090

Hearing with the Coordinator of Campus Judicial Affairs

(1) The purpose of a hearing with the Coordinator of Campus Judicial Affairs is to:

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

(b) Make findings based on that information;

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

(d) If allegations are upheld, assign sanctions commensurate with the violation(s) and the student's previous disciplinary and academic history. The Coordinator of Campus Judicial Affairs has

authority to levy sanctions deemed appropriate under this Code (see 574-032-0010) or can refer the student and case to the Hearing Sub-Committee without action.

(2) For all hearings with the Coordinator of Campus Judicial Affairs, the student has the following rights:

(a) To have access to his or her judicial file to the extent permitted by law after giving the Coordinator sufficient notice to purge the file of information within the file considered to be the educational record of another student(s);

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

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

(d) To be notified in writing of the outcome of the hearing within five working days in which the College is in session;

(e) To request a hearing with the Hearing Sub-Committee or a contested case hearing; and

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0100

Hearing with the Hearing Sub-Committee

The Hearing Sub-Committee will be convened when requested by the Coordinator of Campus Judicial Affairs. The Coordinator of Campus Judicial Affairs will present information pertinent to the case and, when appropriate, present witnesses for both the charged student and the complainant.

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

(a) Five working days noticed prior to the hearing excluding days in which the College is not in session unless the student waives this right in writing;

(b) To have knowledge of the charges and of those providing information supporting the charges;

(c) To have an advisor attend the hearing with the student. The advisor cannot speak for or represent the student. Failure of the advisor to comply with this stipulation will result in the removal of the advisor from the proceeding by the faculty chairperson of the Hearing Sub-Committee;

(d) To question the statements of the complainant(s) or victim(s) and those providing information supporting the charges;

(e) To have advance notification of the hearing process and procedures through the mail or in a meeting with the Coordinator of Campus Judicial Affairs. This meeting with the Coordinator of Campus Judicial Affairs is to be scheduled prior to the hearing. It is the student's responsibility to schedule this meeting;

(f) To not appear for a hearing;

(g) To remain silent during a hearing;

(h) To be notified in writing of the outcome of the hearing within five working days in which the College is in session;

(i) To appeal to a College official.

(2) The student may present information on his or her own behalf and challenge the statements of complainants, witnesses, and statements read during the hearing. The student may be accompanied to the hearing by a person of the student's choosing (advisor) who may neither represent the student nor present the student's case.

(3) The members of the Hearing Sub-Committee may question the charged student witnesses, and complainants to determine facts relevant to the case. The Hearing Sub-Committee, during deliberations, then resolves any disputations of fact using the evidence presented at the hearing. Based upon these findings the Hearing Sub-Committee renders a decision concerning whether to uphold or drop each separate allegation. While the Hearing Sub-Committee resolves the allegations only the Hearing Sub-Committee members and the Coordinator of Campus Judicial Affairs are present.

(4) The findings will be announced to the charged student following deliberations and, at that time, the Coordinator of Cam-

pus Judicial Affairs will present information concerning the charged student's academic record and any previous judicial record. The charged student may also present information relevant to his/her/their previous record, as well as circumstances which may have a bearing on possible sanctions.

(5) For the determination of sanctions, only the Hearing Sub-Committee members and the Coordinator of Campus Judicial Affairs are present. Following that determination, the Chair of the Committee will announce, with the charged student present, the sanctions the Hearing Sub-Committee assigned.

(6) The Coordinator of Campus Judicial Affairs will confirm in writing to the charged student the results of the hearing within five working days in which the College is in session.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0056

574-032-0110

Procedures when Charged Student Fails to Appear at Hearing

When the charged student fails to appear at the time specified for a hearing, provided no prior arrangements for delay have been confirmed, the hearing will be held with the charged student not present. The results of the hearing will indicate that the hearing was held with the charged student in absentia.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0057

574-032-0120

Appeal of Hearing

(1) A student in violation may appeal decisions reached at a hearing. The appeal must be filed within five working days in which the College is in session following the date the student receives notice of the hearing results. Appeals must be delivered, in writing, to the Office of the Dean of Students. An appeal form must include specific justification for the appeal as listed in section (2) below.

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

(a) To determine whether the original hearing was conducted in conformity with the procedures described in the Code of Student Responsibility;

(b) Preponderance of the evidence; that is, whether the facts presented were sufficient to establish that a violation of the Code of Student Responsibility occurred;

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

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

(3) The following decisions may be made by the Appeals Body:

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

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

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

(4) Procedure:

(a) The Dean of Students will hear appeals of hearings with the Student Conduct Hearing Sub-Committee;

(b) An appeals sub-committee of the Student Conduct Committee will hear appeals of hearings with the Coordinator of Campus Judicial Affairs;

(c) The Provost will hear appeals of cases of academic dishonesty;

(d) The Coordinator of Campus Judicial Affairs will hear appeals of hearings with the Residence Halls Judicial Board;

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

(f) The Appeals Body must consider the appeal based on the record, with no new evidence considered. If new evidence becomes available, the Appeals Body must remand the case to a new hearing with the original hearing body. The Coordinator of Campus Judicial Affairs must provide a complete and accurate record of the original hearing to the Appeals Body. The Appeals Body may, but is not required to, meet with the student regarding his or her appeal;

(g) Within ten days in which the College is in session following receipt of the appeal, the Appeals Body will notify the student in writing of the results of the appeal.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1982, f. & ef. 10-20-82; WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0058

574-032-0130

Hearing with Mediators

(1) The Judicial Program at Western places confidence in the process of mediation as a preventative and educational method of intervention for student misconduct. When the Judicial Program makes use of mediation it does so with the primary goal of diverting students from the adjudicative and adversarial judicial hearing process. The anticipated outcome of this action is for participants in mediation to voluntarily create a resolution to their conflict that is confidential and non-binding.

(2) The Judicial program is primarily an adjudicative process which often must address allegations that a charged student's behavior harmed another person. In some of these cases, mediation may be used as a diversion or as a sanction in the form of victim/offender reconciliation. The nature of a case involving a victim and an offender necessitates a modification of the way mediation traditionally is structured. In victim/offender mediations, participation by the charged student may not be voluntary, the mediated agreement may not be confidential, and the mediated agreement may become binding for the charged student.

(3) Uses:

(a) Use of Mediation in the Absence of Charges: Disputants not charged with a violation of the Code of Student Responsibility may use mediation at any time by making a request for mediation services at the Office of the Dean of Students. This includes victim/offender mediation in which the victim declines to file a complaint and the Coordinator of Campus Judicial Affairs does not pursue the allegations;

(b) Use of Mediation after a Complaint is Made: When a victim files a complaint with the Campus Judicial Program alleging that the behavior of a charged student harmed him or her, or when judicial action is initiated by a report of harmful treatment to the person, mediation may be used in place of the adjudicative process, provided both victim and charged student agree to such mediation. All charges are suspended pending the victim's and the charged student's satisfaction with the outcome of the mediation. The victim has the right to return the complaint to the Coordinator of Campus Judicial Affairs for a formal judicial review if he or she is not satisfied with the outcome of mediation;

(c) Student Found In Violation and Victim: When a charged student has been found in violation of any section of the Code where that charged student's behavior victimized or harmed another member(s) of the Western community, victim-offender mediation may be assigned as a sanction.

(4) Mediation Procedures:

(a) A student(s) charged with a violation of the Code may request to use mediation at any time during the judicial process. A victim may request mediation without filing a complaint. Mediations of this type are non-binding and completely confidential;

(b) Victim/Charged Student, Voluntary Mediation:

(A) Mediation between a victim and a charged student may occur at the request of either party and with the consent of and voluntary participation of both parties;

(B) Before or during a student conduct hearing, the Coordinator of Campus Judicial Affairs may offer mediation to a charged student in place of that hearing;

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

(D) Agreements reached when mediation is used in place of adjudication will be binding with the permission of the victim. Permission for a binding agreement will be given to the Coordinator of Campus Judicial Affairs by the victim prior to the mediation. In such a case, the binding agreement becomes a de facto sanction and will become part of the charged student's judicial file. The charged student must adhere to the agreement or face possible future judicial action;

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

(F) The victim may, at any time, withdraw his or her complaint and withdraw from the mediation process;

(G) The charged student may, at any time, withdraw from the mediation process. Such action by the charged student, however, may return the original charges to the adjudicative process;

(H) If the victim reports dissatisfaction with the outcome of the mediation he or she may return his or her complaint to the adjudicative judicial process for an student conduct hearing;

(I) The Coordinator of Campus Judicial Affairs will normally honor the victim's request to withdraw his or her complaint from the adjudicative process. The Coordinator of Campus Judicial Affairs may, however, adjudicate charges whenever he or she determines that it is in the best interest of the College community to do so.

(c) Mandated participation in mediation: When charges of theft, vandalism, harassment, assault, or other harmful treatment are upheld through the adjudicative process, participation in a victim/offender mediation may be assigned to the charged student as a sanction. When mediation is used as a sanction, the following will apply:

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

(B) The charged student must verify that he or she attempted mediation in order to fulfill the sanction of mediation;

(C) Unless requested by the victim, agreements reached during sanctioned mediations will be submitted to the Coordinator of Campus Judicial Affairs. This agreement will serve as a part of the sanction which the charged student must complete. Failure to abide by the agreement may result in the charged student facing further judicial charges for failure to complete a sanction.

(d) Automatic Diversion from the Adjudicative Procedures:

(A) When two or more students have been charged with violating the Code of Student Responsibility for the same event, the Coordinator of Campus Judicial Affairs may offer, or the students may request, to use mediation as a diversion from the adjudicative judicial process. The Coordinator of Campus Judicial Affairs may assign interim sanctions pending the mediation. The following conditions must apply:

(i) Two or more students have been involved in the same incident;

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

(iii) The students are each victims of the other's behavior (e.g. by assault, vandalism, theft, et cetera);

(iv) The students willingly agree to fully participate in mediation;

(v) The students agree to share the results of the mediation with the Coordinator of Campus Judicial Affairs;

(vi) The mediated agreement becomes binding and must be adhered to by both parties as a sanction unless otherwise indicated by the Coordinator of Campus Judicial Affairs.

(B) The Coordinator of Campus Judicial Affairs may return the case to the adjudicative judicial process for the following reasons:

(i) One or more of the students does not participate in the mediation;

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

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

574-032-0140

Contested Case Hearings

(1) Entitlement: A student is entitled to a contested case hearing when charged with a severe violation of this code, i.e., one that would result in a negative notation on the transcript, suspension, or expulsion. The request for a contested case hearing must be submitted in writing to the Coordinator of Campus Judicial Affairs within seven days, in which the College is in session, of receipt by the charged student of the notice of charges.

(2) Notice: The College President, or his or her authorized representative, will notify all parties in a Contested Case within ten days, in which the College is in session, after receipt from the charged student of a request for a hearing. The notice will include:

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

(b) A statement of the authority and jurisdiction under which the hearing will 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.

(3) Procedure when charged student fails to appear.

(a) When the charged student fails to appear, the hearing will continue in absentia;

(b) The order supporting the action of the College will set forth the material on which the action is based or the material will be attached to and made a part of the order.

(4) Subpoena-Deposition:

(a) The hearing officer for the contested case will issue subpoenas in hearings on a showing of need, relevancy to the issues stated in the notice of the hearing, and a showing that the evidence to be elicited from the witness or witnesses will be reasonable within the scope of the proceedings;

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

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

(5) Hearing:

(a) The hearing officer will conduct and control the hearing procedure;

(b) A permanent record will be made of the proceedings;
(c) The hearing officer will conduct the hearing in the following manner:

(A) Statement and evidence of the College in support of the charges;

(B) Statement and evidence by charged student(s) disputing the charges of the College;

(C) Rebuttal testimony.

(d) The hearing officer, the affected parties and the College, or their attorneys, have the right to examine, or cross-examine any witness;

(e) The hearing may be continued with recesses as determined by the hearing officer;

(f) The hearing officer may set reasonable time limits for oral presentation;

(g) Exhibits will be marked, and markings will identify the person offering the exhibits;

(h) The exhibits will be preserved by the College as part of the record of the proceedings in accordance with state statutes.

(6) Evidentiary Rules:

(a) Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs is admissible;

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

(c) 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.

(7) Proposed order, exceptions, and final order on contested cases: Notification.

(a) Proposed Order. The proposed order on a contested case will be written by the hearing officer and will include the following:

(A) Rulings on admissibility of offered evidence;

(B) Findings of fact — those matters which, when disputed, are determined by the hearing officer and the evidence in the record, to be facts even though there are contentions to the contrary;

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

(D) Recommended sanctions if the defendant(s) is found guilty;

(E) The President of the College, the parties to the contested case, and their attorneys will be served a copy of the proposed order within ten days, in which the College is in session, of completion of the hearing.

(b) Exceptions. The parties to the contested case will have 10 days, in which the College is in session, to submit exceptions to the proposed order in writing to the College President.

(8) Final order. The President of the College will serve the parties to the contested case and their attorneys a copy of the final order within 10 days, in which the College is in session, of the filing of exceptions to the proposed order. The final order will include a citation of the statutes under which the final order may be appealed.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0059

574-032-0150

Rights of Victims

A fundamental aspect of the Code of Student Responsibility is to provide procedures that ensure the Constitutional rights of the charged student. However, the College also recognizes that the victims of misconduct should also have rights. Therefore, the following rights of victims must be guaranteed during judicial proceedings conducted by the College.

(1) A victim has the right to remain present during the entire judicial proceeding except when a hearing sub-committee is deliberating, announcing its decision, or imposing sanctions.

(2) A victim has the right to have a person of her or his own choice accompany her or him while in attendance at the judicial hearing.

(3) A victim has the right not to have her or his past history or behavior discussed during a hearing. This includes reference to past violations of the Code of Student Responsibility, past sexual history, and past indiscretions of any type.

(4) A victim has the right to make a victim impact statement during a hearing, to be used or considered for sanctioning purposes.

(5) A victim has the right to be shielded from face to face contact with the charged student.

(6) A victim has the right to be kept informed during the judicial process within legal guidelines.

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 3-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 4-1993, f. & cert. ef. 10-21-93; WOSC 2-1996, f. & cert. ef. 11-12-96; Renumbered from 574-030-0060

574-032-0160

Revising and Interpreting the Code of Student Responsibility

(1) Refer all questions concerning the Code of Student Responsibility to the Coordinator of Campus Judicial Affairs. The Coordinator of Campus Judicial Affairs is the final interpreter of the Code of Student Responsibility.

(2) The Code of Student Responsibility will be reviewed every two years under the direction of the Coordinator of Campus Judicial Affairs.

(3) A formal, written request to review the Code of Student Responsibility may be submitted to the Coordinator of Campus Judicial Affairs.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 2-1996, f. & cert. ef. 11-12-96

DIVISION 35

HEALTH REQUIREMENTS FOR INTERNATIONAL STUDENTS AND SCHOLARS

574-035-0005

Health Requirements for International Students and Scholars

(1) For international students and scholars good health is an essential condition for achieving educational objectives and assuring the quality of the educational and cultural experience. For purposes of this policy, international students and scholars shall be defined as individuals who are not U.S. citizens or immigrants, including citizens of the Federated States of Micronesia, Republic of the Marshall Islands, or the Republic of Palau.

(2) It is the responsibility of the institution to ensure that health care, which is culturally appropriate, accessible, and affordable, is available to international students and scholars. To meet this responsibility, Western Oregon University requires that each international student, prior to fee payment for classes, and each international scholar, prior to formal affiliation with the University, comply with the following:

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

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

(c) Purchase the University's group plan for health and accident insurance, meeting university minimum guidelines (F-1 students) or federal (J-1 students and scholars) minimum guidelines. All non-immigrant students must meet these guidelines; OR provide proof of comparable coverage by submission of an Insurance

Waiver Form available at the International Education & Services Office or Student Health Center.

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

(a) The Director of International Education will make students aware that health and accident insurance is available for spouses and children and encourage them to purchase such insurance. This will be accomplished by mailing an information sheet along with the student's official admissions letter and adding the insurance fee to the school expense list on the Certificate of Eligibility (Form I-20). Subsequent notification may be sent from the International Education & Services Office.

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

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

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

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

(f) Students may purchase comparable insurance of their choice and have the WOU Group Plan charge removed from their account during the first 30 days of each term by submitting and a waiver form and having it approved by the Director of International Education. A copy of the student's other insurance policy in ENGLISH will be required. Insurance waivers for other coverage must follow the exact dates covered by the WOU group insurance policy and must be in effect every term that a student is in student status, including summer term.

(g) Dependents of international students and scholars will be required to show proof of insurance meeting the minimum university (F-1) or federal (J-1) guidelines.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 4-1989, f. & cert. ef. 9-7-89; WOU 1-1999, f. & cert. ef. 2-15-99

DIVISION 40

STUDENT RECORDS

574-040-0001

Student Records Policy

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-040-0005

Definitions

(1) "Personal Records" means records containing information kept by the institution, division, or department concerning a student and furnished by him or by others about him at his or at the institution's, division's, or department's request, including,

but not limited to, record of grades attained, information concerning discipline, counseling, membership activity, employment performance, or other behavioral records of individual persons.

(2) For purposes of compliance with Chapter 566, Oregon Laws of 1971, "Records of Academic Achievement" shall mean the record of credits earned toward a degree and/or degrees received.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

574-040-0010

Purpose of Student Records

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

574-040-0015

Certain Information Not Required of Students — General Information

No student will be required to give, although he may voluntarily provide, information as to his race, religion, disability, political affiliation or preferences, or personal views, except as required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-040-0020

Location and Custody of Student Records

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

(2) The Dean of Students Office is responsible for the custodianship of "personal records" and confidential information resulting from normal contacts of those offices.

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

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

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

(6) The Placement Service files consist of an accumulation of transcripts, references, etc. for the individual student using this service for the purpose of making contracts with prospective employers.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-040-0025

Release and Access to Student Records

(1) Appropriate information about the student may be released without the student's consent. Such unrestricted access shall be limited to the following information:

(a) Student's full name;

(b) Home town;

(c) The fact that the student is or has been enrolled in the college;

(d) Parent(s) — Guardian(s) name;

(e) Participation in officially recognized activities and sports;

(f) Class level;

(g) Program of study; and

(h) Degrees and awards received.

(2) All other information in the student records, apart from directory information as defined in section (1) of this rule shall be considered personal and confidential and subject to the restrictions hereinafter set forth.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OCE 3, f. & ef. 8-9-77

574-040-0030

Confidential Records — Restrictions on Release

(1) Personal records designated as confidential pursuant to Chapter 566, Oregon Laws of 1971, shall be available only to institutional personnel who have to fulfill their official, professional responsibilities as defined in institutional regulations. These records may not be released to any other person or agency without the student's written consent, unless upon receipt of a subpoena or other court order or process. Institutional regulations may provide for designated institutional officials to appear in court to test the validity of a subpoena or court order or process relating to release of student records.

(2) The institutional executive, or his designated representative, may make exception to the foregoing rule when he determines that there is a clear and present danger to the safety of the student or others and/or property, and that disclosure of relevant personal information about the student is essential in order to avoid or substantially minimize the danger.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OCE 3, f. & ef. 8-9-77

574-040-0035

Petition By Student for Change in Personal Record

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

(1) Medical and psychological reports.

(2) Letters of recommendation or evaluations that have been submitted under specified conditions of confidentiality.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OCE 3, f. & ef. 8-9-77

574-040-0040

Availability of Student Records for Research Purposes

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

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

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OCE 3, f. & ef. 8-9-77

574-040-0045

Permanence, Duplication, and Disposal of Student Records

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

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

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

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

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OCE 3, f. & ef. 8-9-77

DIVISION 50

SPECIAL COURSE FEES BY SCHOOL YEAR

574-050-0005

Special Fees for Selected Courses and Some General Services

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

Stat. Auth.: ORS 351.070 & ORS 351.072
Stats. Implemented: ORS 351.070 & ORS 351.072
Hist.: OCE 1, f. & ef. 7-12-76; OCE 1-1978, f. & ef. 10-27-78; OCE 2-1980, f. & ef. 11-5-80; OCE 1-1981, f. & ef. 1-7-81; OCE 3-1981, f. & ef. 8-7-81; OCE 4-1981, f. & ef. 11-2-81; WOSC 2-1982, f. & ef. 9-17-82; WOSC 1-1983, f. & ef. 10-11-83; WOSC 1-1985, f. & ef. 10-4-85; WOSC 1-1986, f. & ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99

DIVISION 60

ATHLETIC EVENTS — GENERAL

Rates for Athletic Events

574-060-0005

Rates

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

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

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

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

Stat. Auth.: ORS 351.070 & ORS 351.072
Stats. Implemented: ORS 351.070 & ORS 351.072
Hist.: OCE 2-1978, f. & ef. 10-27-78; WOSC 6-1991, f. & cert. ef. 6-18-91

Health Insurance

574-060-0010

Coverage for Health Insurance

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

(2) Participants in the Western Oregon State College athletic programs must place their family individual insurance program information on file with the Western Oregon State College Athletic Office:

(a) Before receiving clearance to participate in any organized or athletic sponsored practice or drill; and

(b) Before any athlete is allowed to participate in any games or scrimmages.

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

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

(b) The portion not paid by the primary family insurance will be paid by Western Oregon State College athletic insurance finance by Incidental Fees;

(c) The College's athletic insurance coverage will pay the remainder, up to the maximum coverage of \$100,000.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070

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

DIVISION 70

STUDENT ACTIVITIES TRAVEL

574-070-0010

Student Activities Travel

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

(a) A faculty or staff advisor must accompany student travel activities;

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

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

(2) Emergency Procedure. Should an accident occur, the travelers should telephone 838-1220 and inform the Campus Security Office of the time, location, an estimate of number of people involved, and severity of injury and damage sustained. Campus Security will then immediately contact the Dean of Administration and the department chairman. The department chairman, in conjunction with the Dean of Students, will be responsible for assessing family contacts to be made in case of any injured students.

(3)(a) Special Equipment for, and Responsibility of Travelers. Western Oregon State College Motor Pool vehicles will be equipped with safety belts for each passenger, and special travel packages. These packages will contain an emergency reflector kit, flares, an ice scraper, an operable flashlight, a trauma kit, accident reporting blanks, and instructions for handling emergencies. Service station credit cards will be issued to the driver at the time she/he receives the vehicle keys. Traction devices will also be provided when needed;

(b) The College has available, upon request from the department chairman or Dean, a portable short-wave citizen-band radio, to be used when travelers anticipate being on an extended trip in remote areas while driving a State Motor Pool vehicle.

(4) Motor Pool Closure. In the event of severe weather and/or perilous driving conditions the College reserves the right to stop issuing vehicles, for the protection of state property as well as the safety of students and staff. The President or his designee (i.e. department chairman), is responsible for determining when a class

or an event should be cancelled. When a traveler who is away from campus on college business encounters weather conditions too hazardous to risk driving, she/he has the responsibility to postpone travel until conditions once again become safe. This is especially true if a van with passengers is involved. On occasion the State Motor Pool in Salem closes and issues no further automobiles because of hazardous driving conditions. When this occurs, the Western Oregon State College Motor Pool will close and no vehicles will be released.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1988, f. & cert. ef. 8-26-88

DIVISION 80

AUTHORITY OF SECURITY PERSONNEL

574-080-0000

Definition

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-080-0010

Persons in Charge

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-080-0020

Arrest and/or Criminal Activities

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

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

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

DIVISION 85

PARKING AND TRAFFIC
ENFORCEMENT REGULATIONS

574-085-0000

Authority to Establish Motor Vehicle Regulations

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

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

574-085-0010

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

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

(2) All motor vehicle laws of the State of Oregon including specifically, but not limited by, ORS Chapters 801 through 822, together with amendments hereafter adopted, are applicable to the campus of Western Oregon University to the same extent as if this campus and its streets were public highways, and all provisions of said motor vehicle laws are applicable and enforceable. State motor vehicle laws shall apply should any of these parking rules and regulations be found inconsistent and incompatible.

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0020

Definitions

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

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

(3) A “decal” is the permanent permit affixed to a vehicle as recognized University Public Safety.

(4) A “permit” is a valid decal, dangler or paper permit as recognized by University Public Safety.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1999, f. & cert. ef. 7-27-99

574-085-0030

Driver Responsibility

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

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

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

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

(5) The vehicle registrants or users are responsible for traffic violations on campus involving their vehicles. Failure to pay fines will result in fines being placed on accounts receivable, loss of parking privileges, vehicle immobilized or booted, and/or notification of the Oregon Department of Motor Vehicles when applicable.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0040

Vehicle Permits and Parking Areas

(1) All vehicles parked on the Western campus are required to display a recognized parking permit. Permits are not required at parking meters. Valid parking permits are required 24 hours per day 8:00 a.m. Monday through 6:00 p.m. Friday. Permits are not required on Saturdays, Sundays and State recognized holidays except when classes are in session. Full year permits are valid from October 1 through September 30.

(2) All permits may be purchased at the Cashiers Office in the Administration Building and the Parking Office. Guest permits are available at no charge in all department offices on campus.

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

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

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

(a) “Day Permits” may be purchased for as many days as needed.

(b) “Weekly Permits” are valid for five (5) working days (Monday through Friday).

(c) “Monthly Permits” are valid through the same day of the following month.

(d) “Term Permits” are valid through the last day of the term for which purchased.

(e) "Full Year Faculty/Staff Decals" are valid in all parking lots except J and N.

(f) "Full Year Student Commuter Decals" are valid in all parking lots except J and N.

(g) "Full Year Student Residence Halls decals" are valid in lots G, and J only. Campus Estates (CE) residents are required to have a CE decal displayed to park in lot N. Campus Estates decal permitted vehicles may park in lot I 24 hours a day as an overflow to lot N.

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

(i) "Car Pool Dangler" is provided for two or more persons who share rides. It is valid only in the vehicle where it is displayed and only for the vehicles registered to the car pool.

(j) "Department of Public Safety Standards and Training Dangers" (DPSST) are issued to DPSST students, instructors and trainers and are valid in lot G only.

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

(l) "Emeritus/Volunteer Decal" is issued to emeritus faculty/staff and/or volunteers working on campus when approved and on file in the parking office. The permit is a staff/faculty permit that is valid October 1 through September 30 annually.

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

(n) "Temporary Disabled" permits for persons with disabilities will be issued for a short duration to persons with qualifying temporary disabilities who present a physician's statement and have a valid permit on their vehicle. "Temporary Disabled" permit holders may use handicap parking stalls on Western property.

(o) "Guest Permits" are valid for 24 hours from the time of issue and are available in all department offices. Fifteen (15) working days must elapse prior to issuing another guest permit for the same vehicle/person. Faculty, staff and students, and persons doing business on campus are not considered guests. Departments are responsible for providing a parking permit to their guests within 30 minutes of their arrival. Citations issued to guests for no permit after 30 minutes have elapsed will have the citation dismissed and the department will be responsible for the administrative fee for the actual cost of processing and dismissing the citation.

(p) "Secondary" decals may be purchased for an additional vehicle if a primary permit has been purchased by the same registered owner. Only one vehicle at a time is valid on Western lots. Loaner vehicle permits may not be used in the place of Secondary permits.

(q) "Loaner Vehicle" permits may be obtained if a different vehicle other than the permitted one is on campus. They are valid up to 15 days per year and may be obtained at the Cashier or Parking offices. If 15 days are used on a loaner vehicle the permit holder may purchase a secondary permit. Loaner vehicle permits are only available after a primary permit has been purchased.

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

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

(t) "Historical/Show Car Dangler" is available to historical or show car vehicles. The driver is required to produce a dash plaque from a car show as proof of historical or show car status. The dangler is valid only in the registered vehicle.

(u) "Car Dealer Dangler" is available to individuals who have a car dealer license and a copy of the license must be provided for validation. This dangler is valid on any vehicle. The dangler permit applicant will be responsible for any citations received on any vehicle displaying this dangler.

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

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

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

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

(a) If unused and returned within 10 days of the beginning of the term;

(b) If returned prior to the end of winter term;

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

(d) Refunds are not made after the 10th day of spring term.

(e) All current permits must be returned in order to receive a refund.

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

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

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

(b) "Paper Permits" are to be located on the driver's side dash and fully visible to the outside.

(c) "Dangers" are to be displayed on the rear view mirror or driver's side dash and visible to the outside of front windshield.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99

574-085-0050

Lost and Stolen Permits

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

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0060**Replacement Permits**

Replacement Permits: A replacement permit may be purchased for a substitute vehicle when the original vehicle is sold, damaged beyond repair, or when the permit is lost or damaged. In the event a permit is stolen, a stolen permit report must be filed with the Parking Office before a replacement permit may be issued. A replacement fee will be charged for a stolen permit and refunded upon apprehension of the offender.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98

574-085-0070**Driving and Parking Regulations on Campus**

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

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

(3) "Parking Availability" — Lack of or overabundance of parking spaces are not valid reasons for violating parking regulations.

(4) "Parking Stalls" — Vehicles must park within indicated parking spaces only. Head in parking is required in lots with angled parking except for marked police vehicles in lot G. Parking in any area not designated as a parking stall is prohibited.

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

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

(7) "Speed Limit" — Parking lot speed limit in all lots is 10 MPH.

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

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

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

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

(12) "Vehicle Impoundment" — Western reserves the right to boot and/or impound vehicles that: have three (3) or more unpaid citations, are parked in fire lanes, loading zones, entry ways or driveways that prevent the safe continual flow of pedestrian or vehicle traffic, cause imminent danger, are abandoned vehicles exceeding 72 hours, have stolen or misused permits, and are being driven or are owned by persons in violation of criminal trespass and other Oregon Revised Statutes and authorized by a

Western Administration level official who deems it in the best interest of the University. Release of a booted, towed or impounded vehicle will be made upon cash payment of all outstanding fines with the parking or cashier office.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0080**Pedestrian Traffic**

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 352.360

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

574-085-0090**Parking Review Committee**

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

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

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

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

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

(2) Parking Office policies related to personnel, organization, structure and fiscal decisions are not subject to parking committee review and are the responsibility of the Vice President of Administration and/or President.

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

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

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0100**Penalties for Offenses**

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

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

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

(c) "Loading & 15/30 minute zones."

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

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

(f) "Wrong lot" — parked in other than designated lot.

(g) "Expired Meter."

(h) "Failure to comply with signs" including traffic signs on institution property.

(i) "Vehicle Impoundment."

(j) "Parking in a space designated for persons with disabilities" (ORS 811.615(5)).

(k) "Parking on grass/sidewalks."

(l) "Not a designated stall."

(m) "Permit not properly displayed/affixed to vehicle."

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

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

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

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

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

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0110

Enforcement and Appeals

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

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

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

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

(b) Other vehicles were also parked improperly;

(c) Late to class or appointment;

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

(e) Lack of space;

(f) Unread or misunderstood signs.

(4) Fines for cited violations shall be paid to the Western Business Office or University Public Safety Office, unless other-

wise indicated on the citation, in the amount of the fine posted, and a "Petition for Parking Citation Appeal" filed within 10 working days after the citation is issued.

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

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

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

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

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

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

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

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

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

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

(10) A faculty or staff member who fails to pay for any citation within 10 working days will have the amount placed on accounts receivable and will forfeit their right to appeal. Staff at the Department of Public Safety Standards and Training (DPSST) who fail to pay fines will forfeit their parking privileges and/or have the issue deferred to the director of DPSST.

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

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99

574-085-0120

Permit Types

(1) Permit prices may be adjusted annually to meet bond indebtedness, staffing needs, maintenance, capital improvements and forecasted revenue adjustments. The following permits have associated permit costs. Refer to OAR 574-050-0005 for amounts. Faculty/Staff, Student Commuter and Residence Hall decal:

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

- (a) Full year permit.
- (b) Three term permit (Winter-Summer).
- (c) Two term permit (Spring-Summer).
- (d) Summer term permit.
- (e) Second vehicle permit.
- (f) Daily permit (dangler) (per day).
- (2) Motorcycles, Mopeds & Scooters:
- (a) Full year permit.
- (b) Three term permit (Winter-Summer).
- (c) Two term permit (Spring-Summer).
- (d) Summer term permit.
- (3) Replacement permits.
- (4) Second vehicle permit.
- (5) Weekly permit.
- (6) Monthly Permit.
- (7) Term Permit.

(NOTE: The second permit is for the convenience of those persons who may periodically be driving a different vehicle. Only one vehicle is valid on Western parking lots at a time. Violation of this rule will result in both vehicles being cited for misuse of a permit.)

(8) Conference parking arrangements can be made by the conference planner through the University Public Safety office.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

574-085-0130

Nonpayment of Fines

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

(2) Students without a general deposit or whose general deposit has been exhausted may have their transcripts withheld or may have their registrations canceled or may be denied graduation if any fines or fees under these regulations are unpaid.

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

(4) Drivers of vehicles bearing forged, altered or stolen permits, may be denied parking privileges for a period of one year. Six or more violations resulting in non-payment of citations in a fiscal year may be cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within the boundaries of the University campus may result in the violator’s vehicle being towed or booted.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

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

DIVISION 90

ACCESS TO STUDENT HOUSING AT WESTERN OREGON STATE COLLEGE

574-090-0000

Purpose Statement

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

574-090-0010

Family Housing Definitions

(1) “Family Housing” refers to all apartments operated by Western Oregon State College which are rented specifically and only to students who qualify under these rules for to rent such apartments, including all grounds and buildings used by said tenants and/or Housing and Residence Life staff in the operation and administration of the Family Housing program.

(2) “Family” is a couple recognized as legally married under Oregon law, whether or not with dependent child/children, or an unmarried person with legal custody of dependent child/children; the components of the family unit must reside together.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

574-090-0020

Family Housing Access Qualifications

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

(1) Is admitted to Western Oregon State College with full time status and in good standing;

(2) Is a member of a “family as defined in OAR 574-090-0010 and who agrees to supply to the College custody papers, birth certificates, marriage license, letters of admission, and other relevant documents as required;

(3) Has executed the housing contract.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

574-090-0030

Family Housing Space Assignment

Family housing space is assigned:

(1) From an inquiry waiting list which is updated bi-annually (October and April) via a mailing to all individuals on the list;

(2) On a first-come first served basis to any student meeting the Family Housing Access Qualifications outlined in OAR 574-090-0020;

(3) As vacancies become available.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

574-090-0040

Family Housing Access Termination

Termination of family housing access will be in accordance with the housing contract.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

574-090-0050

Residence Hall Eligibility

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

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

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

(a) First priority is given to first year out of high school freshman applicants based upon the date the application and required fee are received by the College’s Housing Office;

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

(c) Third priority is given to other new resident applicants based upon the date the application and required fee are received by the College’s Housing Office.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94

574-090-0060

Residence Hall Housing Contract

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

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

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

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

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

(d) A qualifying replacement is found to take over the contract, i.e., a student who meets the eligibility requirement and who has not previously contacted the College's Housing Office to make arrangements to live in the residence halls.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94