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**DIVISION 1**

**PROCEDURAL RULES**

**576-001-0000**

**Notice of Proposed Rule**

Prior to the adoption, amendment, or repeal of any rule, except for a temporary rule, Oregon State University shall give notice of the proposed adoption, amendment, or repeal:

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

(2) By mailing a copy of the notice 28 days prior to the effective date to the following persons, organizations, or publications:

- (a) Associated Press;
- (b) The Oregonian;
- (c) The Statesman Journal;
- (d) Eugene Register-Guard;
- (e) Corvallis Gazette-Times;
- (f) The Daily Barometer;
- (g) OSU This Week;
- (h) ASOSU Vice President;
- (i) OSU Faculty Senate President;
- (j) OPEU Headquarters; and
- (k) Oregon State Attorney General.

(3) By mailing copies of the notice at least 28 days before the effective date to persons on the mailing list established pursuant to ORS 183.335(7).

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

**576-001-0005**

**Contents of Notice When a Public Hearing is Contemplated**

When a public hearing will be held or is contemplated, the notice shall include the following:

(1) A description of the University's proposed action (adoption, amendment, or repeal of rule) and where practicable and appropriate setting forth verbatim any rule proposed to be adopted, amended, or repealed.

(2) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his or her interest may be affected.

(3) The time and place of the public hearing and the manner in which interested persons may present their views.

(4) A designation of the officer or governing body of the University or other person who will preside at and conduct the hearing.

(5) If the proposed rule, amendment, or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place, and manner in which the rule or amendment may be obtained.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80

**576-001-0010**

**Contents of Notice When a Public Hearing is Not Contemplated**

When the University does not plan to hold a public hearing, the notice referred to above shall include the following:

(1) A description of the University's proposed action (adoption, amendment, or repeal of rule) and where practicable and appropriate, setting forth verbatim any rule proposed to be adopted, amended, or repealed.

(2) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his or her interest may be affected.

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

(4) A statement that any interested person desiring to express or submit his or her data or views at a public hearing must request the opportunity to do so.

(5) A designation of the person to whom a request for public hearing must be submitted and the time and place therefor.

(6) A statement that a public hearing will be held if the University receives a request for public hearing before the earliest date that the rule could become effective after University notice from 10 or more persons or an association having not less than 10 members.

(7) If the proposed rule, amendment, or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place, and manner in which the rule or amendment may be obtained.

(8) If 10 persons or an association having more than 10 members request a public hearing, the University shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing and to persons who have requested notice pursuant to ORS 183.335(7), and shall publish notice of the hearing in the bulletin referred to in ORS 183.360 at least 14 days before the hearing.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0015

##### General Rulemaking Requirements

The University rulemaking notice must:

(1) Include a statement of the legal authority for the rule.

(2) Include a citation of the statute or other law the rule is intended to implement.

(3) Include a statement of the need for the rule and how the rule meets the need.

(4) Include a list of documents, studies or reports prepared for or relied upon in formulating the rule, and a statement of the location at which those documents are available for public inspection.

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

(6) If an advisory committee is not appointed under the provisions of ORS 183.025(2), provide an explanation as to why no advisory committee was used to assist the University in drafting the rule.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0020

##### Postponing Intended Action

(1) The University shall postpone its intended action upon request of an interested person received before the earliest date that the rule could become effective after University notice to allow the requesting person an opportunity to submit data, views, or arguments concerning the proposed action.

(2) Postponement of the date of intended action shall be for no less than 21 days nor more than 90 days. In determining the length of postponement, the President shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the intended action.

(3) This rule shall not apply to the procedure for adopting a temporary rule pursuant to ORS 183.335(5) and rule 576-001-0050.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0030

##### Conduct of the Hearing

(1) The President's designee shall be the presiding officer.

(2) At the commencement of the hearing, any person wishing to be heard shall advise the presiding officer of his or her name, address, and affiliation. Additional persons may be heard at the discretion of the presiding officer. The presiding officer may provide an appropriate form for listing witnesses which shall indicate the name of the witness, whether the witness favors or opposes the proposed action, and such other information as the presiding officer may deem appropriate.

(3) At the opening of the hearing, the presiding officer shall summarize the notice provided for in rule 576-001-0005 or 576-001-0010, as the case may be.

(4) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statement of proponents;

(b) Statement of opponents; and then

(c) Statements of any other witnesses present and wishing to be heard.

(5) The presiding officer shall have the right to question any witness making a statement at the hearing. At the discretion of the presiding officer, other persons may be permitted to question witnesses.

(6) There shall be no rebuttal or additional statements given by any witness unless requested by the presiding officer. However, when such additional statement is given, the presiding officer shall allow an equal opportunity for reply.

(7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present and desiring to make a statement have had an opportunity to do so.

(8) The presiding officer shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. The exhibits shall be preserved by the University for one year or, in the discretion of the University, returned to the witness offering the exhibit.

(9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(10) A verbatim oral, written, or mechanical record may be made of all the proceedings, or, in the alternative, a record in the form of minutes.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0040

##### Filing and Taking Effect of Rule

(1) The University shall file in the Office of the Secretary of State a certified copy of each rule adopted by it.

(2) A rule shall be effective upon filing unless a later effective date is required by statute or specified in the rule.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80

#### 576-001-0045

##### Submission to Legislative Counsel

A copy of the rule shall be submitted to the Legislative Counsel within 10 days after the rule has been filed with the Secretary of State.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0050

##### Temporary Rules

(1) The University may proceed without prior notice of hearing, or upon any abbreviated notice and hearing that is practicable, to adopt a rule without the notice otherwise required by ORS Chapter 183 and Division 1 of these rules. In such case the University shall:

(a) File with the Secretary of State the rule and the University's findings that failure to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned and the rea-



sons for that finding, a citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule, a statement of the need for the rule and a statement of how the rule is intended to meet the need, and a list of the principal documents, reports or studies, if any, prepared by or relied upon by the University in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection;

(b) Take appropriate measures to make the temporary rule known to the persons who may be affected; and

(c) Furnish copies of the temporary rule pursuant to section 576-001-0000(2).

(2) A temporary rule adopted in compliance with this rule becomes effective upon filing with the Secretary of State or at a later date designated in the rule.

(3) A temporary rule may be effective for no longer than 180 days. The University may, however, adopt an identical rule upon notice in accordance with Division 1 of these rules, and may give such notice contemporaneously with adoption of the temporary rule.

(4) File a copy of the adopted rule with the Legislative Counsel within 10 days after filing with the Secretary of State.

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### 576-001-0055

##### **Petition to Promulgate, Amend, or Repeal Rule: Contents of Petition, Filing of Petition**

(1) An interested person may petition the University to adopt, amend, or repeal a rule. The petition shall state the name and address of the petitioner and any other person known to the petitioner to be interested in the rule. The petition shall be legible, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

(a) The rule petitioner requests the University to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted enclosed in brackets and proposed additions shown by boldface;

(b) Facts or arguments in sufficient detail to show the reasons for and effects of adoption, amendment, or repeal of the rule;

(c) All propositions of law to be asserted by petitioner.

(2) The University:

(a) May provide a copy of the petition, together with a copy of the applicable rules of practice, to all persons named in the petition;

(b) May schedule oral presentations;

(c) Shall, in writing, within 30 days after receipt of the petition, either deny the petition or initiate rulemaking proceedings.

Stat. Auth. ORS 183.341

Stats. Implemented: ORS 183.341 & 183.390

Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

## **DIVISION 2**

### **CONTESTED CASES AND OTHER HEARINGS**

#### 576-002-0000

##### **Definitions**

As used pursuant to ORS 183.310(2):

(1) A "contested case" exists whenever:

(a) A University rule provides for a contested case hearing; or

(b) The University elects to grant a hearing in accordance with contested case requirements.

(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.

(3) "Hearing officer" means an individual designated as hearing officer or a 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.

Stat. Auth.: ORS 183.341, ORS 351.070, ORS 351.088, & ORS 352.004

Stats. Implemented: ORS 183.341 & ORS 351.088

Hist.: OSU 1-1980, f. & ef. 10-31-80; OSU 2-1996, f. & cert. ef. 6-21-96; OSU 3-1998, f. & cert. ef. 6-24-98; OSU 6-2001, f. & cert. ef. 6-18-01

#### 576-002-0015

##### **Procedure for Informal Hearing**

Any person entitled to a contested case may elect to have an informal hearing in lieu of a formal contested case procedure. To obtain an informal hearing, an aggrieved person shall briefly state the objection to the action taken or proposed by the University in writing, and shall request referral to a person in a supervisory position with sufficient authority and access to knowledge of the circumstances to act on behalf of the University to resolve the grievance. The appropriate supervisory official shall promptly arrange for the person to meet with the supervisory official to discuss the case at a time and place suitable to both. The written request may be informal and shall specifically waive a contested case hearing and elect the informal procedure prescribed by this rule.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 1-1980, f. & ef. 10-31-80; OSU 2-1996, f. & cert. ef. 6-21-96

#### 576-002-0017

##### **Notice of Rights and Procedure in Contested Case Hearing**

Contested case hearings shall be noticed and conducted in accordance with the rules in this division and ORS 183.413 to 183.470.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2-1996, f. & cert. ef. 6-21-96

#### 576-002-0030

##### **Order When Grievant Fails to Appear**

(1) When the grievant fails to appear after proper notice 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 University shall issue an order based on the information available to it.

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 1-1980, f. & ef. 10-31-80; OSU 2-1996, f. & cert. ef. 6-21-96

#### 576-002-0035

##### **Subpoena, Deposition**

The University's hearing officer shall issue subpoenas in hearings on contested cases as provided in ORS 183.440. Service of subpoena shall be the responsibility of the applicant.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 1-1980, f. & ef. 10-31-80; OSU 2-1996, f. & cert. ef. 6-21-96

#### 576-002-0060

##### **Exclusion Appeals**

Individuals excluded from campus pursuant to an exclusion notice issued by the Department of Public Safety may appeal the exclusion to the Director of Public Safety in writing. The Director of Public Safety must receive the appeal within 5 days of the date the exclusion notice was received. The Director shall review the notice, consider the basis of the appeal set out by the excluded individual, and shall issue a decision within 7 days of the receipt of the appeal. The decision shall be sent certified mail to the individual who filed the appeal. The decision of the Director is final.

Stat. Auth.: ORS 351.070 & ORS 351.088

Stats. Implemented: ORS 351.070 & ORS 351.088

Hist.: OSU 9-2001(Temp) f. & cert. ef. 10-5-01 thru 4-2-02

## **DIVISION 4**

ACCESS TO PUBLIC INFORMATION

**576-004-0000**

**Policy**

(1) Any person may obtain public information, not otherwise exempt from disclosure, from the University.

(2) Requests for public information may be made in person or by mail.

(3) Each request made under this rule shall describe the public information requested with such reasonable and sufficient specificity as to allow the requested information to be identified and located.

(4) If a request does not comply with the requirement of reasonable and sufficient specificity as to allow the identification and location of the requested information, such a request shall be denied until this requirement is satisfied.

Stat. Auth.: ORS 192.440 & ORS 351.070

Stats. Implemented: ORS 192.440 & ORS 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

**576-004-0005**

**Authority to Deny**

(1) The appropriate University department head or designee may deny a request for information if he or she has reason to believe that the information is exempt from disclosure or if the conditions for requests are not met.

(2) A written denial shall be sent to the person making the request for the information.

Stat. Auth.: ORS 192.430 & ORS 351.070

Stats. Implemented: ORS 192.430 & ORS 351.070

Stat. Auth.: ORS 351

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

**576-004-0010**

**Petition**

A person who has been denied information under rule 576-004-0005 may petition the Attorney General in accordance with Oregon Revised Statutes 192.450.

Stat. Auth.: ORS 192.430 & ORS 351.07

Stats. Implemented: ORS 192.430 & ORS 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

**576-004-0015**

**Response**

Responses to requests for public information shall be made within a reasonable time of the request.

Stat. Auth.: ORS 192.430 & ORS 351.070

Stats. Implemented: ORS 192.430 & ORS 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

**576-004-0020**

**Fees**

(1) The University and its departments may charge reimbursement costs for the duplication, copy, or preparation of information, materials, and documents (and for any labor involved) requested by a person under OAR 576-004-0000 et. seq.

(2) If a request does not comply with this payment of fees, such a request shall be denied until this requirement is satisfied.

Stat. Auth.: ORS 192.440 & ORS 351.070

Stats. Implemented: ORS 192.440 & ORS 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

**DIVISION 5**

**TIME, MANNER, AND PLACE RULES  
FOR SPEECH ACTIVITIES**

**576-005-0005**

**Purpose and Scope**

(1) The University recognizes and supports the rights of free expression and speech. It is the purpose of these regulations to inform members of the University community and the public of the manner in which they may engage in constitutionally protected speech and expression at Oregon State University. It is the further intent to ensure the primary educational purpose of the University while promoting debate and the sharing of information.

(2) These regulations do not limit otherwise authorized University community use of University facilities.

(3) These regulations do not affect any rights which an employee organization, certified as the exclusive representative pursuant to ORS 243.650 and following, may have been granted pursuant to its collective bargaining agreement or Oregon Revised Statutes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

**576-005-0010**

**Definitions**

(1) "Person" means any member of the public or the University community.

(2) "Public" means any individual or group not included in the definition of "University community."

(3) "Speech Activities" means leafletting, picketing, speech-making, demonstration, petition circulation, and similar speech-related activities.

(4) "University" means Oregon State University.

(5) "University Community" means all students, faculty and staff of the University including student, faculty and staff sponsored organizations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

**576-005-0015**

**Public Areas**

(1) University grounds are open to the public and the University community for speech activities except any grounds designated for authorized access only. University buildings are open to the public and the University community for speech activities during the regular business hours of the particular building, except the following:

(a) Classroom buildings;

(b) Research and laboratory facilities and buildings;

(c) The Valley Library;

(d) Plageman Hall (Student Health Center);

(e) Any area or building designated for authorized access only.

(2) Speech activities in residence halls and University-owned cooperative houses may be regulated by the Director of University Housing and Dining Services in consultation with appropriate student residence associations. Such regulations shall be content neutral.

Stat. Auth.: ORS 164.205(5) & ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 3-1990, f. & cert. ef. 8-22-90;

OSU 7-1996, f. & cert. ef. 8-23-96

**576-005-0020**

**Access, Traffic, and University Business Not to Be Impeded**

(1) No speech activities shall impede pedestrian and vehicular traffic nor unreasonably disrupt regular or authorized activities in classrooms, offices, laboratories and other University facilities or grounds. The Chief Business Officer may require any speech activity to be conducted 15 feet or more from any exit, entrance, staircase, parking lot, or roadway if necessary to allow access.

(2) No speech activities shall be conducted at a volume which unreasonably disrupts the normal use of classrooms, offices and laboratories.

(3) The Chief Business Officer may designate the portion of a street and the time of day during which a street is not available for speech activities in order to meet traffic, emergency access, and public transit needs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 7-1996, f. & cert. ef. 8-23-96

**576-005-0025**

**Notification**

(1) In order to allow scheduling and to assure public safety, persons desiring to picket or demonstrate are encouraged to notify the appropriate University official at least 24 hours in advance.

(2) The officials to be notified are:

(a) The LaSells Stewart Center and adjoining plaza: the Director of Conference Facilities and Services;

(b) The Memorial Union and the Quadrangle to the north of the Memorial Union: the Director of the Memorial Union;

(c) All other areas: the Chief Business Officer.

Stat. Auth.: ORS 164.205(5) & ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

#### 576-005-0030

##### University Mail System

In addition to mail delivered through the U.S. Postal System, University mailboxes may be used for the distribution of material related to University business.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

#### 576-005-0032

##### Use of Tables, Carts, Booths, and Similar Structures

(1) Tables, carts, or booths or similar structures may be set out and used on campus only as provided in this rule.

(2) Except as provided in section (3) of this rule, use of a table, cart, booth or similar structure on campus for informational, non profit, commercial, or any other purposes, must be sponsored by a recognized student organization or university department, or a faculty or staff organization:

(a) Recognized student organizations must register the activity with the university through the Student Activities Center in Memorial Union East. Student members of the organization shall conduct all activity. If sales result, gross receipts must be deposited in a university account in accordance with university policies and procedures. The Student Activities Center and the recognized student group shall establish the time period during which the sponsored use may take place;

(b) University department or faculty/staff organization sponsored uses must be scheduled with the Memorial Union Reservation Office. Faculty or staff members (or students) of the sponsoring department or organization must conduct all activity. The Memorial Union Reservation Office shall establish the time period during which the use may take place;

(c) Users may provide their own tables, carts, or booths, or reserve tables available through the Student Activities Center. Use is restricted to the quad north of the Memorial Union. Alternatively, on a first come, first serve basis, counter space within these rules (without use of tables, carts, or booths) may be reserved in the Memorial Union;

(d) Users sponsored by the OSU Athletic Department may request placement of tables, carts or booths in Gill Coliseum or other facilities controlled by the Athletic Department through the Athletic Department Business Office.

(3) Nothing in this rule is intended to authorize:

(a) Sale of products or food on campus in conflict with existing exclusive contracts for similar merchandise or services;

(b) Uses in conflict with the OSU catering policy guidelines.

(4) It is the responsibility of the user to acquire any necessary state, county, or municipal licenses.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1992, f. & cert. ef. 6-5-92; OSU 7-1996, f. & cert. ef. 8-23-96

#### 576-005-0035

##### Administrative Interpretation

Any person may request from the Chief Business Officer an interpretation of any provision of these regulations which he or she finds unclear or believes to have been misapplied.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 7-1996, f. & cert. ef. 8-23-96

#### 576-005-0040

##### Authorized Exceptions

The Chief Business Officer may authorize speech activities which are determined not to cause disruption of campus activities despite a

literal violation of these regulations. Such determinations shall be made without consideration of the content or message of the speech activities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 7-1996, f. & cert. ef. 8-23-96

#### 576-005-0041

##### Enforcement

(1) Any person violating these rules is subject to:

(a) Institutional disciplinary proceedings, if a student or employee;

(b) An order to leave the immediate premises or property owned or controlled by the University by a person in charge of University property.

(2) Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

(3) The Chief Business Officer, Vice Provost for Student Affairs, the Dean of Students, Security Services Manager, Director of University Housing and Dining Services, Director of Conference Facilities and Services, the Director of the Memorial Union and Educational Activities, and their designees, have the authority of "persons in charge" of University property for purposes of ORS 164.205(5) and these rules.

Stat. Auth.: ORS 164.205(5) & ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

## DIVISION 8

### COMPETITIVE PROCEDURES FOR THE PURCHASING, PROCUREMENT AND CONTRACTING OF GOODS AND SERVICES

#### 576-008-0200

##### Purpose

The purpose of the rules outlined in Oregon Administrative Rules chapter 576, division 008, sections 0200 through 0295, is to:

(1) Establish competitive procedures that are flexible enough to allow the University to purchase and contract in a way that most suits its institutional organization;

(2) Reduce prior approvals and ensure accountability through auditing;

(3) Generate and retain only necessary documentation;

(4) Develop procedures that will allow the University to use the most appropriate procurement methods and encourage innovation;

(5) Allow the University to work cooperatively with other OSSHE Institutions and other governmental units; and

(6) Allow the University to do business more easily with local and regional vendors.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0205

##### Code of Ethics

(1) The following Code of Ethics, adopted by the State Board of Higher Education in OAR 580-040-0205, shall apply to University employees who perform contracting and purchasing.

(a) Give first consideration to the objectives and policies of OSSHE and the institution;

(b) Strive to obtain the maximum value for expenditures;

(c) Grant all competitive suppliers equal consideration insofar as state or federal statutes and institutional policies permit;

(d) Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation;

(e) Demand honesty in sales representation whether offered through the medium of an oral or written statement, an advertisement, or a sample of the product;

(f) Encourage all segments of society to participate by demonstrating support for emerging small, disadvantaged, and minority-



owned and women-owned businesses, and Qualified Rehabilitation Facilities;

(g) Consistent with the provisions of ORS 244, decline personal gifts or gratuities from any current or potential supplier of goods or services to OSSHE or its institutions;

(h) Refrain from knowingly engaging in any outside matters of financial interest incompatible with the impartial, objective, and effective performance of duties. Activities that may create a conflict of interest must be addressed in accordance with the procedures outlined in OSSHE's Internal Management Directives;

(i) Receive written consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes;

(j) Foster fair, ethical, and legal trade practices.

(2) The Code is for use only by OSSHE and its institutions and creates no enforceable obligations for contractors, proposers, bidders, or other parties doing business with OSSHE nor may it be used by contractors, proposers, bidders, or other parties doing business with OSSHE who are challenging actions taken by OSSHE, its institutions, officers, employees, or agents. The code is not subject to amendment, unless amended by OSSHE.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

### 576-008-0210

#### Delegation of Authority

The following delegations have been adopted by the in OAR 580-040-0210, shall apply to University procedures.

(1) Institutions of OSSHE may follow the procedures in OAR 580-040-0223 to 580-040-0295 or may develop and promulgate their own procedures by Administrative Rule for purchasing and contracting provided that such procedures ensure competitive practices. Procedures developed by the campuses must be approved by the OSSHE Vice Chancellor for Finance and Administration prior to adoption.

(2) Notwithstanding section (1) of this rule, institutions shall be subject to:

- (a) OAR 580-040-0223;
- (b) OAR 580-040-0228;
- (c) OAR 580-040-0290;
- (d) OAR 580-040-0292; and
- (e) OAR 580-040-0295.

(3) For those institutions following OAR 580-040-0223 to 580-040-0295, the Oregon State Board of Higher Education delegates authority to each OSSHE president to develop guidelines and oversee practices regarding the purchasing and procurement of, and contracting for, goods and services at each respective campus consistent with these rules.

(4) OAR 580-040-0223 to 580-040-0295 provide procedures to be used for purchasing and contracting except for:

(a) Contracts covered under the following Oregon Administrative Rules:

(A) OAR 580-040-0100 — Screening and Selection for Personal Services Contracts; or

(B) OAR 580-050-0032 to 580-050-0042 — Facilities contracting; or

(b) Where an OSSHE institution has adopted its own rules, consistent with OAR 580-040-0223 to 580-040-0295, to cover purchasing and contracting.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

### 576-008-0215

#### Definitions

The following definitions shall apply to all Oregon Administrative Rules contained in this division unless the context requires otherwise:

(1) "Bid": A competitive offer, which is binding on the bidder, in which price, delivery (or project completion), and conformance with specifications and the requirements of the Invitation to Bid or other competitive bidding method will be the predominant award criteria.

(2) "Bidder": A person or entity offering to supply goods or services to OSSHE or any of its institutions in response to an Invitation to Bid or other competitive bidding method.

(3) "Buying Cooperative (Co-Op)": A group of entities or organizations which have bid or negotiated for the best price available on various commodities and services based on the size of their combined purchasing power.

(4) "Closing": The date and time announced in the solicitation (e.g., Invitation to Bid or Request for Proposals) as the deadline for submitting bids or proposals.

(5) "Competitive Process": The process of procuring goods and services by fair and open competition, under varying market conditions, with the intent of minimizing opportunities for favoritism and assuring that contracts are awarded equitably and economically using various factors in determining such equity and economy.

(6) "Competitive Quotes": The solicitation of offers from competing bidders. The solicitation may be accomplished by advertisement and/or by OSSHE or any of its institutions initiating a request to vendors to make an offer. The solicitation and the offer may be in writing or oral.

(7) "Contract": The written agreement, including OSSHE's or any of its institution's solicitation document and the accepted portions of a bid or proposal, between OSSHE or any of its institutions and the contractor describing the work to be done and the obligations of the parties. Depending upon the goods and services being procured, OSSHE or any of its institutions may use "contract" as meaning a purchase order, price agreement, or other contract document in addition to OSSHE's or any of its institution's solicitation document and the accepted portions of a bid or proposal.

(8) "Contract Price": The total of the awarded bid or proposal amount, including any approved alternates, and any fully executed change orders or amendments.

(9) "Contractor": The individual, firm, corporation, or entity awarded the contract to furnish OSSHE or any of its institutions the goods, services, or work procured through a competitive process.

(10) "Days": Calendar days, including weekdays, weekends, and holidays, unless otherwise specified.

(11) "Disadvantaged Business Enterprise (DBE)": As defined in OAR 125-030-0000.

(12) "Electronic Data Interchange (EDI)": The movement of electronic information from computer to computer. The electronic transfer of standard business transaction information between organizations in a structured application.

(13) "Emergency": Not reasonably foreseeable circumstances that create a substantial risk of loss, damage, interruption of services, or threat to the public health or safety that requires prompt execution of a contract to remedy the condition.

(14) "Emerging Small Business (ESB)": The meaning given in ORS 200.005(3) and (4).

(15) "Facsimile": Electronic equipment that communicates and reproduces both printed and handwritten material. If used in conjunction with a reference to a document (e.g., facsimile bid), the term refers to a document (in the example given, a bid) that has been transmitted to and received by OSSHE or any of its institutions via facsimile.

(16) "Invitation to Bid": The solicitation of competitive, written, signed, and sealed bids in which specification, price, and delivery (or project completion) are the predominant award criteria.

(17) "Minority Business Enterprise (MBE)": The meaning given in OAR 125-030-0000.

(18) "Opening": The date, time, and place announced in a solicitation for the public opening of written, sealed bids or proposals.

(19) "Oregon Administrative Rule (OAR)": Agency rules adopted under the Oregon Administrative Procedures Act.

(20) "Oregon Revised Statutes (ORS)": Statutes of the State of Oregon.

(21) "OSSHE": Oregon State System of Higher Education.

(22) "Pilot Program": A initial trial period of a short-term, fixed-length during which the University will evaluate the effectiveness and applicability of a good, service, or program.



(23) “Price Agreement”: A non-exclusive agreement in which the contractor agrees to provide specific items or services to OSSHE or an institution at a set price during a specified period of time.

(24) “Proposal”: A competitive offer, binding on the proposer and submitted in response to a Request for Proposals, where proposal evaluation and contract award are based on criteria such as proposer qualifications and experience, product features and characteristics, service quality and efficiency, and conformance with the specifications and requirements of the solicitation. Price may be an evaluation criterion for proposals, but will not necessarily be the predominant basis for contract award.

(25) “Proposer”: A person or entity who submits a proposal in response to a Request for Proposals.

(26) “Qualified Rehabilitation Facility (QRF)”: A nonprofit organization that trains and puts Oregonians with disabilities to work. QRFs are registered and reviewed on a regular basis by various state and federal agencies. The Oregon Department of Administrative Services (ODAS) certified every QRF in Oregon. See ORS 279.835 to 279.855 and OAR 125-030-0015.

(27) “Qualified Vendor Listing”: A list of vendors identified from a Request for Qualifications or Request for Information who are able to provide specific goods or services. Vendors on the list are not, however, under contract to provide those goods or services.

(28) “Request for Information (RFI)”: A written document soliciting information regarding products or services that OSSHE or an institution is interested in procuring. An RFI should describe the purpose of the procurement and the method to be used in evaluating the responses received.

(29) “Request for Proposal (RFP)”: The solicitation of written, competitive proposals or offers, to be used as a basis for making an acquisition, or entering into a contract when specification and price will not necessarily be the predominant award criteria.

(30) “Request for Qualifications (RFQ)”: A written document soliciting information regarding the qualifications of providers of services OSSHE or an institution is interested in procuring. An RFQ should describe the services that are needed and the method to be used in evaluating the responses received.

(31) “Requirements Contract”: An agreement in which a single contractor agrees to supply all of OSSHE’s or any of its institution’s requirements for specific goods, equipment, or services that arise during a specified time period.

(32) “Responsible Bidder or Proposer”: Has the meaning given in OAR 576-008-0275.

(33) “Responsive Bid or Proposal”: Has the meaning given in OAR 576-008-0277.

(34) “Retainer Agreement”: An agreement by which, pursuant to a formal Request for Proposals or bid process, multiple contractors are authorized to provide specific supplies or equipment to or perform specific services for OSSHE or its institutions in response to requests for price quotations.

(35) “Single Seller/Sole Source”: The only vendor of a particular product or service reasonably available. If OSSHE or one of its institutions chooses to procure a particular product or service that is only available from one vendor, documentation must be maintained to support the determination that the product or service is available only from that one seller.

(36) “Unit Administrator”: Department head, division head, director, vice president, provost, dean, manager, or vice provost authorized to determine and assign duties to University employees.

(37) “Solicitation Document”: An Invitation to Bid or Request for Proposals, which includes all documents, whether attached or incorporated by reference, utilized for soliciting bids or proposals.

(38) “Used Personal Property”: Property or equipment used by a previous owner or user for a period of time and recognized in the relevant trade or industry as “used” at the time of University purchase. It generally does not include property or equipment if the University was the previous user, whether under a lease, as part of a demonstration, trial or pilot project, or similar arrangement.

(39) “Women Business Enterprise (WBE)”: The meaning given in OAR 125-030-0000.

(40) “Work”: The furnishing of all materials, equipment, labor, and incidentals necessary to successfully complete any individual

item or the entire contract and the timely carrying out and completion of all duties and obligations imposed by a contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

## 576-008-0220

### Designation of Purchasing Agents and Contract Officers

(1) The unit administrator shall designate staff authorized to enter into purchasing agreements for the University. Such authorized personnel, referred to as purchasing agents, shall be the only individuals who may procure supplies, equipment, or non-personal/professional services, and are authorized to enter into purchase orders and related purchasing documents. The unit administrator and the Business Services Office shall maintain a list, either by name or by title, of those designated, along with a description of the types and amounts of procurement they are authorized to enter into. The unit administrator shall inform the Business Services Office either by name or by title, those no longer authorized to be purchasing agents or of any changes in the types and amounts of procurements they are authorized to enter into.

(2) The Vice President for Finance and Administration shall designate staff authorized to enter into formal agreements or contracts. Such authorized personnel, shall be referred to as contracting officers or their designees. The Vice President for Finance and Administration shall keep a list, by name, of those designated, and the types and amounts of agreements and contracts they are authorized to enter into.

(3) Purchasing and contracting agreements entered into by the individuals not designated as authorized personnel shall be void. Purchasing agents only have authority as addressed in section (1) of this rule, unless they have been specifically authorized as a contracting officer or the authorized designee of a contracting officer, and then only for the specific types and amounts listed. All formal agreements and contracts must be reviewed and signed, prior to commencement of the formal contract or agreement, only by an authorized contracting officer, or their authorized designee.

(4) Authorized personnel as set forth in (1) and (2) shall be responsible for ensuring that the proper procedures, as detailed in OAR 576-008-0223 to 576-008-0295, are followed for all institutional procurements. The University may take appropriate action in response to expenditures or actions authorized contrary to OAR 576-008-0223 to 576-008-0295. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, and/or holding individuals personally liable for such expenditures.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

## 576-008-0223

### Applicable Model Public Contract Rules

The following provisions of the Attorney General’s Model Public Contract Rules shall be applicable to the bidding, awarding, and administration of all University public contracts:

(1) OAR 137-030-0010(5) — Compliance and exceptions to terms and conditions of solicitation documents;

(2) OAR 137-030-0012 — Bids or Proposals Are Offers;

(3) OAR 137-030-0030(2) and (3) — Identification and Receipt of bids or proposals;

(4) OAR 137-030-0050 — Request for Change or Protest of Solicitation Specifications or contract Provisions;

(5) OAR 137-030-0055 — Addenda to Solicitation Documents;

(6) OAR 137-030-0060 — Pre-Opening Modification or Withdrawal of Bids or Proposals;

(7) OAR 137-030-0065 — Receipt, Opening, and Recording of Bids and Proposals;

(8) OAR 137-030-0070 — Late Bids and Proposals, Late Withdrawals, and Late Modifications;

(9) OAR 137-030-0075 — Mistakes in Bids or Proposals;

(10) OAR 137-030-0080 — Time for Acceptance;

(11) OAR 137-030-0085 — Extension of Time for Acceptance of Bid or Proposal;

(12) OAR 137-030-0102 — Rejection of all Bids or Proposals;

(13) OAR 137-030-0104 — Protest of Contractor Selection, Contract Award;

(14) OAR 137-030-0115(1) — Cancellation of invitations to bid or requests for proposals in the public interest;

(15) OAR 137-030-0120 — Disposition of Bids or Proposals if Solicitation Canceled;

(16) OAR 137-030-0130 — Foreign Contractor; and

(17) OAR 137-030-0150 — Right to Inspect Plant.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0225

##### Processes for Procurement of Goods and Services

(1) The University has established several basic processes for the procurement of goods and services:

- (a) Formal;
- (b) Informal;
- (c) Direct Negotiation;
- (d) Emergency;
- (e) Single Seller/Sole Source;
- (f) Intergovernmental;
- (g) Co-ops;
- (h) Procurement Cards;
- (i) Price Agreements;
- (j) Retainer Agreements;
- (k) Requirements Contracts;
- (l) Qualified Vendor Listings and/or
- (m) Alternative formal.

(2) The University and its departments will seek the best value to the extent that it is cost effective to do so. The determination of a procurement's cost may include: delivery, warranty, installation, training, maintenance, the quality of the product as it relates to life cycle of the product, etc.

(3) For each of the processes used in the procurement of goods and services, authorized personnel shall retain documentation, either hard copy or electronic, supporting the process and the actions taken to fulfill the guidelines of that process consistent with the requirements of OAR 576-008-0295. Such documentation shall be subject to audit.

(4) The formal procurement process shall be used, unless other exemptions apply, for all purchases of supplies, equipment, and services where the estimated cost exceeds \$50,000. If exceptions do not apply and a department seeks release from the formal competitive procurement process, they must obtain written or electronic approval from the University Purchasing Department.

(a) Multiple contracts, purchase orders, or purchasing requisitions shall not be issued separately with the intent to circumvent the formal purchasing process;

(b) The formal process may be accomplished in either of two ways the institution selects:

(A) Invitation to Bid — The formal bid process will require that the invitation to bid be advertised in a manner that is likely to reach bidders. The advertisements shall include information regarding the goods or services to be purchased and the time schedule for the receipt of such goods or services. The contract under this process shall be awarded to the lowest responsive and responsible bidder who meets the specifications of the contract.

(B) Request for Proposal (RFP) — The formal Request for Proposal process shall follow the same guidelines as the formal bid process except that the specifications and price will not necessarily be the predominant award criteria. Award criteria shall be detailed in the Request for Proposal.

(5) The informal procurement process may be used for all purchases of supplies, equipment, and services where the estimated cost does not exceed \$50,000, or where the University Purchasing Department has approved release from the formal procurement process, upon its finding that using such will not interfere with competition among perspective contractors, reduce the quality of services, or increase costs.

(a) All purchases of supplies, equipment, and services where the estimated cost exceeds \$5,000 but does not exceed \$50,000 may be

accomplished through the solicitation of competitive quotes from at least three vendors. Solicitation may be accomplished by advertisement and/or by the University or any of its departments initiating a request to three or more representative vendors to make an offer. Written, oral, or electronic quotes may be solicited;

(b) When procuring goods or services through the solicitation process, information regarding vendors contacted, basis for selection, prices of various vendors, and other information pertinent to the solicitation must be clearly documented. If three vendors are not reasonably available, the justification for soliciting fewer vendors shall be documented.

(6) All purchases of supplies, equipment, and services where the estimated cost does not exceed \$5,000 may be accomplished through direct negotiation or competitive solicitation process, striving to obtain the maximum value for expenditures. Exception: Procurements being made from grant or contract funds which specify a lower threshold for competitive procurements.

(7) When procuring supplies, equipment, and services through an emergency process, the designation of such emergency may only be authorized by the University President or Vice President for Finance and Administration. The procurement process to be used will be at the discretion of authorized personnel, but must be documented. Such documentation must justify the use of such emergency process.

(8) When purchasing supplies, equipment, and services from a single seller/sole source, the University and its departments are not required to follow competitive procedures. The University and its departments shall, at the time of initial procurement, specify their intent, if any, to procure future upgrades or other compatible items through that vendor. Institutions shall document findings to support the determination that the product is available from only one seller.

(9) Regardless of dollar value, the University and its departments may contract with, and purchase goods and services from or through, other intergovernmental agencies: State of Oregon agencies, local government units, federal government units, or any other governmental entity without the use of competitive procedures. However, contracts with other states and foreign governments must be approved by the Oregon Attorney General's office.

(10) Procurement cards, or other methods of direct purchasing, may be used for any purchase where the estimated cost does not exceed \$5,000 and where such a purchase is not prohibited, i.e., alcohol and travel in certain circumstances.

(11) Following appropriate competitive procedures, the University Purchasing Department may enter into price agreements on behalf of the University departments with vendors to provide specific items at a set price during a specified period of time. Such price agreements should allow for non-exclusive use of the price agreement by other OSSHE and governmental agencies. The Purchasing Department may also purchase, and/or authorize the University departments to purchase, using State of Oregon or other governmental unit price agreements which are available for use by other governmental agencies. Authorized purchases from these price agreements may be made without the use of competitive procedures, regardless of dollar amount.

(12) The University Purchasing Department may enter into price agreements with vendors through direct negotiation after taking into account, at a minimum, the need for the particular good or service, the qualifications and reputation of the vendors, price structure, ability and willingness to respond to requests from one or more colleges and universities, location, and such other factors as authorized personnel deem appropriate.

(a) Authorized personnel shall maintain appropriate records of the process used to place the price agreement, including justification of price when a direct negotiation process is used.

(b) Direct negotiation price agreements may be entered into to:

- (A) Respond to innovative business and market methods; or
- (B) Contribute to University productivity improvement and process redesign; or

(C) Result in comprehensive cost effectiveness and productivity for the University; and

(D) Provide open consideration to more than one vendor using evaluation criteria that may include, but are not limited to, cost, qual-

ity, service, compatibility, product reliability, operating efficiency, expansion potential, vendor experience and reliability, commitment to support regional business development, and support for innovation.

(c) The Purchasing Department shall have the authority to enter into price agreements through direct negotiation in the number and method deemed most appropriate to meet the needs of the University.

(13) The University Purchasing Department may join buying cooperatives on behalf of the University departments with other governmental or educational institutions. The University and its departments may purchase from the negotiated or competitively bid pricing garnered by the particular co-ops, with authorization by the appropriate personnel, without the use of competitive procedures, regardless of dollar amount.

(14) The University Purchasing Department may enter into retainer agreements with vendors using appropriate competitive procedures that take into account, at a minimum, the qualifications and reputation of the vendors, price structure, ability and willingness to respond to requests from one or more colleges and universities, location, and such other factors as authorized personnel deem appropriate.

(a) A Request for Proposals (RFP) or Invitation to Bid (ITB) process shall be used in selecting vendors for specific retainer agreements;

(b) Vendors may be selected to provide specific goods or services based on availability, responsiveness, quality, geographic location, historic performance, price, etc. Selection of vendors from the retainer agreement may be based on quotes or on the specific nature of the goods or services to be provided. The agent or officer should solicit prices from at least two vendors under the retainer agreement, or document the reason for not doing so;

(c) Authorized personnel shall maintain appropriate records of the competitive process used to select a vendor from the list of vendors with current retainer agreements in force at the time the selection is made.

(15) Consistent with these rules, the University Purchasing Department may enter into requirements contracts on behalf of the University departments to supply all of the University's requirements for specific goods, equipment, or services that arise during a specified time period.

(16) The University Purchasing Department may negotiate directly with a vendor listed on a qualified vendor list if only one vendor meets the University's or its department's needs and if the RFI, RFQ, or ITB informed potential vendors that direct negotiation could occur. However, if more than one vendor can meet the University's or its department's needs, solicitations shall follow the appropriate competitive procedures, which may be limited to those listed as qualified vendors.

(17)(a) Notwithstanding any of the procedures in this rule, the University Purchasing Department is authorized to develop alternative formal procurement methods that meet the following objectives:

(A) Respond to innovative business and market methods; or

(B) Contribute to University productivity improvement and process redesign; or

(C) Result in comprehensive cost effectiveness and productivity for the University; and

(b) Provide open consideration to more than one vendor using evaluation criteria that may include, but are not limited to, cost, quality, service, compatibility, product reliability, operating efficiency, expansion potential, vendor experience and reliability, commitment to support regional business development, and support for innovation.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0228

##### Procurement of Telecommunications Equipment and Services

The Oregon State Board of Higher Education has adopted the following Procurement of Telecommunications Equipment and Service procedures in OAR 580-040-0228. These rules are applied to procurement and contracting as defined below. The procurement of telecommunications equipment and services shall be in accordance with the provisions of Oregon Laws 1995, Chapter 634, and any del-

egations or other agreements made between OSSHE and the Department of Administrative Services. These delegations and agreements shall include, but not be limited to, the following:

(1) Implementation of Oregon Laws 1995, Chapter 634, will not impede cooperative efforts using local expertise and infrastructure to enhance local and regional economic development.

(2) With regard to OSSHE, the following matters are exempt from the Department of Administrative Services' authority under Oregon Laws, Chapter 634:

(a) Broadcasting licensed by the Federal Communications Commission or its successor;

(b) Two-way radio systems operated as part of campus security;

(c) Local Area Networks except to the extent that they must be able to communicate with other networks outside OSSHE and its institutions;

(d) On-campus networks except for the replacement and/or major enhancement of the telephone system;

(e) Contracts or grants for projects in which the contracting or granting entity requires use of a certain type of communication, equipment, or application;

(f) Research into telecommunications that expands or extends knowledge rather than the commercial application of that knowledge; and

(g) Development and offering of courses intended to be promulgated by electronic distance education technology, including the Internet.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0230

##### Exemptions

Personal/Professional Services Contracts are not included under this exemption. As stated in OAR 580-040-0210(4)(A), Personal/Professional Services Contract screening and selection is covered under OAR 580-040-0100.

(1) The University and its Departments need not follow, regardless of value, competitive procedures for the following:

(a) Contracts for the provision of educational services.

(b) Single seller/sole source goods and services. When purchasing from a single/sole source, the University or its departments shall document findings to support the determination that the only suitable service or product is available from only one seller.

(c) Pilot programs. The University Purchasing Department may enter into pilot programs on behalf of the departments for a fixed, short-term period, not to exceed one year, to evaluate the need for and effectiveness of a good, service or program. At the conclusion of the pilot program, if the program is to be continued, it shall be placed under an appropriate, approved procurement process.

(A) Authorized personnel shall maintain appropriate records of the process used to develop and enter into the pilot program, including justification of price when a direct negotiation process is used.

(B) Pilot programs may be entered into to:

(i) Respond to innovative business and market methods; or

(ii) Contribute to University productivity improvement and process redesign; or

(iii) Result in comprehensive cost effectiveness and productivity for the University; and

(d) Brand name goods and services or product prequalification. The University and its departments may specify brand name in the procurement of goods and services if that particular product or service has specific documentable attributes not found in other products. In addition, when specific design or performance specifications must be met for a product to be purchased, the University may specify a list of qualified products by reference to the prequalified product(s) of particular manufacturers or sellers.

(e) Advertising and media services contracts.

(f) Price-regulated goods and services. The University or its departments may, regardless of dollar value, contract for the direct purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority.



(g) Purchases under federal contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, the University or its departments may purchase the goods and services in accordance with the federal contract without subsequent competitive bidding. In addition, specific equipment that is expressly required under the terms of the contract and that is only available from one source is exempt from competitive procedures.

(h) Copyrighted materials. The University and its departments may purchase copyrighted materials without competitive bid and regardless of dollar amount. Copyrighted materials covered by this exemption may include, but are not limited to, textbooks, workbooks, curriculum kits, reference materials, and audio, visual, and electronic media.

(i) Investment contracts.

(j) Food contracts. This exemption shall apply exclusively to the procurement of food and food-related products.

(k) Periodicals, library books, and library materials.

(l) Maintenance services for the useful life of goods. The University or its departments may purchase maintenance services for the useful life of goods directly from the vendor of those goods.

(m) Used personal property.

(n) Goods purchased for resale.

(o) Intercollegiate athletic programs. The University and its departments may specify a product by brand name or make or the products of particular manufacturers or sellers when procuring equipment and supplies used in intercollegiate or interscholastic athletic programs.

(p) Media for athletic programs.

(q) Athletic contest agreements.

(r) Cadaveric organs.

(s) Designated conferences and workshops' hotel sites.

(t) Dues, registrations, and membership fees.

(u) Gasoline, diesel fuel, heating oil, lubricants, and asphalt.

(v) Purchases of supplies, maintenance, and services for ocean-going vessels when they are in other than home port.

(w) Equipment repair and overhaul.

(x) Goods and services purchased in foreign countries.

(2) Exemptions from competitive procedures may be granted for a particular contract or contracts not otherwise exempted under these rules by the President or Vice President for Finance and Administration of the institution. Sufficient documentation must be retained regarding the need for such exemptions.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0235

##### Basis for Awarding of Contracts

The University and its departments shall award contracts based on various factors that shall be identified in the notice of contract. Such factors may include, but not be limited to price; quality; life cycle costing; vendor experience and reliability; support for regional business development; support for productivity innovation; performance specifications; and/or timeliness.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0240

##### Determination of Contractual Terms and Conditions

Except to the extent the University has established mandatory contract provisions, the University and its departments are authorized to determine the terms and conditions of solicitations and contracts, provided such terms and conditions are not contrary to statutory or regulatory requirements applicable to the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0245

##### Contract Amendments (Including Change Orders and Extra Work)

An amendment for additional work or product that is reasonably related to the scope of work under the original contract, including change orders, extra work, field orders, or other change in the original specifications that increases the original contract price or length of time may be made with the contractor without competitive bidding provided that the amendment does not materially alter such a contract or that the increase in the value of the contract does not change the required method of procurement.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0255

##### Pre-Bid and Pre-Proposal Conferences

(1) Pre-bid or pre-proposal conferences may be scheduled. Each pre-bid and pre-proposal conference shall be described in the corresponding solicitation document as "voluntary" or "mandatory." If such a conference is designated as "mandatory," it shall be required for a bidder or proposer to attend in order to submit a bid or proposal for the corresponding contract.

(2) The bidder or proposer may authorize a representative other than himself/herself to attend the pre-bid or pre-proposal conference.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0260

##### Acceptance of Bids and Proposals by Facsimile or Electronic Data Interchange

The University or its departments may determine if it is appropriate for bids and proposals to be accepted by facsimile or Electronic Data Interchange. The University or its departments shall establish the conditions for solicitations, either individually or by type of solicitation. When the University or its departments choose to accept bids or proposals by facsimile, it shall follow the requirements outlined in OAR 137-030-0013(3); however, bids or proposals wherein a deposit is required will not be acceptable by facsimile or EDI. When the University or its departments or any of its institutions chooses to accept bids or proposals by Electronic Data Interchange, it shall follow the requirements outlined in OAR 137-030-0014(4).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0275

##### Responsible Bidders; Responsibility Investigation

(1) A "responsible bidder or proposer" is an individual, firm, corporation, or entity who has the capability in all respects to perform fully the contract requirements, the integrity and reliability that will assure good faith performance, and who has not been disqualified by OSSHE or the University Purchasing Department.

(2) The University and its departments have the right, prior to awarding any public contract, to make such investigation as is necessary to determine whether a bidder is responsible.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0277

##### Responsive and Nonresponsive Bids or Proposals; Acceptance and Rejection

(1) A "responsive bid or proposal" is one that complies in all material respects with an Invitation to Bid or Request for Proposals and with all prescribed bidding and proposal procedures and requirements. A "nonresponsive bid or proposal" is one that does not meet all material aspects of an Invitation to Bid or a Request for Proposal or that does not comply with all prescribed bidding and proposal procedures and requirements.

(2) The University and its departments shall accept, and consider for award, only those bids or proposals that are responsive as defined in this rule. Nonresponsive bids or proposals shall be rejected.

(3) Nothing in this rule shall limit the ability of the University or its departments to monitor contractor or vendor performance during the term of a contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0280

##### Rejection of Individual Bids or Proposals

(1) This rule applies to rejections, in whole or in part, of individual bids or proposals. The University and its departments may reject, in whole or in part, any bid or proposal not in compliance with all prescribed bidding procedures and requirements, and may reject for good cause any bid or proposal upon a written finding by the University or its departments that it is in the public interest to do so.

(2) Reasons for rejecting a bid or proposal include but are not limited to finding that:

(a) The bidder or proposer has not prequalified as required in the Invitation to Bid or Request for Proposal, or is disqualified under ORS 200.075, 279.037, or these rules; or

(b) The bidder or proposer has been declared ineligible by the Commissioner of the Bureau of Labor and Industries under ORS 279.361; or

(c) The bid or proposal is nonresponsive, that is, it does not conform in all material respects to solicitation document requirements, including all prescribed public procurement procedures and requirements; or

(d) The supply, service, or construction item offered in the bid or proposal is unacceptable by reason of its failure to meet the requirements of the solicitation documents or permissible alternates or other acceptability criteria set forth in the solicitation documents; or

(e) The bidder or proposer is nonresponsive, i.e., is not likely to be capable of satisfying the terms and conditions of the public contract in a timely manner due to financial incapacity, inability to obtain bonding, loss of license, poor performance history, lack of necessary equipment, lack of key personnel of sufficient experience, or other objective cause; or

(f) The bidder or proposer within the last five years has been found, in a civil, criminal, or administrative proceeding, to have committed or engaged in fraud, misrepresentation, price-rigging, unlawful anti-competitive conduct, or similar behavior; or

(g) The bidder or proposer has been determined responsible (i.e., adjudicated by a court, or as determined in writing by OSSHE or the University in the case of a public contract) for more than one breach of a public or private contract or contracts in the last three calendar years before the scheduled date of the bid or proposal opening; or

(h) The bid or proposal security has not been submitted or properly executed as required by the solicitation documents; or

(i) The bidder or proposer has not met the emerging small business, disadvantaged business, minority business, and women business enterprise requirement, if any, established by OSSHE or the University, and has not made a good faith effort in accordance with ORS 200.075 to comply with the requirements prior to the time bids or proposals are opened; or

(j) The bidder or proposer has failed to certify in accordance with OAR 576-008-0292(3); or

(k) Other circumstances of the particular bid or proposal, or bidder or proposer, indicate that acceptance of the bid or proposal would impair the integrity of the selection process or result in an imprudent contract by the University or its departments.

(3) For purposes of this rule, the business registry of bidders or proposers shall be subject to scrutiny, i.e., confirmation of ownership or identification of officers and directors, in order to identify previously disqualified bidders or proposers, and thus prevent any subterfuge, change of apparent ownership, or other adjustments in formal appearance, to avoid application of this rule or of the disqualification provisions of ORS 279.037 to 279.045 and these rules.

(4) All bidders or proposers whose bid or proposal is rejected shall be notified in writing by certified mail of its bid or proposal rejection and the reason therefor.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0282

##### Rejection of Bid or Proposal Protest Procedure

All protests of bid or proposal rejection are limited to the following issues and filing times.

(1) Any bidder or proposer may protest rejection of its bid or proposal. Unless a different deadline is specified in the solicitation, a bidder or proposer who claims to have been adversely affected or aggrieved by the rejection of its bid or proposal shall have seven business days to submit a written protest after being notified of such rejection. If notice is sent by U.S. mail, the bidder or proposer shall have ten days from the date the rejection notice is postmarked in which to submit a written protest. To be adversely affected or aggrieved, the bidder or proposer must demonstrate that it would be an eligible bidder or proposer, except that the University committed a material violation of its standards in evaluating the bidder/proposer or bid/proposal when it made the determination to reject. The University shall not consider a protest submitted after a deadline established in this rule, or the deadline provided in the solicitation, if different.

(2) The Director of Business Services or designee shall have the authority to settle or resolve a written protest submitted in accordance with subsection (1) of this rule, and shall issue a Final Agency Order. Contract award shall not be made prior to issuance of the Final Agency Order.

(3) Judicial review of the University's disposition of a written protest submitted in accordance with this rule may be available pursuant to the provisions of ORS 183.484.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0285

##### Bidder or Proposer Disqualification

(1) As used in this rule:

(a) "Disqualification" means the debarment, exclusion, or suspension of a person from the right to submit bids or proposals in response to the University or its departments' solicitations for a reasonable, specified period of time named in the order of disqualification. A contractor or vendor so debarred, excluded, or suspended is disqualified.

(b) "Person" means an individual, partnership, or corporation. Disqualification attaches to and follows the individual, so that an individual who is a partner in a partnership or an officer or principal in a corporation that is disqualified may not reform the business entity as a way of avoiding the disqualification.

(2) A bidder or proposer may be disqualified if they have repeatedly breached contractual obligations to public and private contracting agencies.

(3) As provided in ORS 200.075, the following are grounds for suspension of a bidder's, proposer's, contractor's, or subcontractor's right to bid, propose, or participate in a public contract:

(a) If the person has entered into any agreement representing that a disadvantaged, minority, women, or emerging small business enterprise, certified pursuant to ORS 200.055, will be performing or supplying materials under a public improvement contract without the knowledge and consent of the certified enterprise;

(b) If a person exercises management and decision-making control over the internal operations, as defined by ORS 200.075(1)(b), of any subcontractor that is certified disadvantaged, minority, women, or emerging small business enterprise;

(c) If the person who is not a minority, women, or emerging small business entity uses a disadvantaged, minority, women, or emerging small business enterprise to perform contracting services or provide supplies under a public improvement contract to meet an established DBE/MBE/WBE/ESB goal, when the enterprise does not perform a commercially useful function, as defined by ORS 200.075(3), in performing its obligations under the contract.

(4) The University or any of its departments may make such investigation as is necessary to determine whether there are grounds

for disqualifying a person. If a bidder or proposer, or prospective bidder or proposer, fails to supply such information promptly as requested by the University or its departments, such failure is grounds for disqualification.

(5) Any information voluntarily submitted by a bidder or proposer, or prospective bidder or proposer, pursuant to an investigation under section (4) of this rule, or in a prequalification statement, or in a prequalification request submitted pursuant to these rules, shall be deemed a trade secret pursuant to ORS 192.501(2), if requested by the person submitting the information and verified to be a trade secret by the University or its departments.

(6) The bidder or proposer, or prospective bidder or proposer, will be notified in writing by personal service or certified mail of the University's or its departments' decision to disqualify the person from bidding or proposing with the University or its departments. The notice shall contain:

- (a) The effective date of the disqualification and the effective period of disqualification;
- (b) The grounds for disqualification from bidding or proposing; and
- (c) A statement of the person's appeal rights and applicable appeal deadlines.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0287

##### **Bidder or Proposer Disqualification Protest Procedure**

All protests of bidder or proposer disqualification are limited to the following issues and filing times.

(1) If a bidder or proposer wished to protest the University decision to disqualify, the bidder or proposer must notify the University within three business days after receipt of the notification.

(2) The Director of Business Services or designee shall arrange for a hearing. Contract award (if any is pending while the disqualified entity is appealing) shall not be made prior to the issuance of a written Final Agency Order.

(3) Judicial review of the University's disposition of a written protest submitted in accordance with this rule may be available pursuant to the provisions of ORS 183.413 through 183.470 and 183.482 through 183.500.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0290

##### **Purchasing Policies Governing the Acquisition of Goods and Services from Qualified Rehabilitation Facilities**

The University and its departments shall purchase goods and services from Qualified Rehabilitation Facilities in accordance with the provisions of ORS 279.835 to 279.855, and OAR 125-030-0015.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0292

##### **Affirmative Action; General Policy**

The following Affirmative Action General Policy adopted by the State Board of Higher Education in OAR 580-040-0292 shall apply to University purchasing and contracting.

(1) The general policy of the University and its departments shall be to expand economic opportunities for Minority Business Enterprises, Women Business Enterprises, and Emerging Small Businesses by offering the contracting and subcontracting opportunities available through the University and its departments' contracts. Notice of all contract and bid request solicitations using the formal process outlined in OAR 580-040-0225 shall be provided to the Advocate for Minority, Women and Emerging Small Business and the Oregon Department of Administrative Services for the Oregon Opportunity Register and Clearinghouse when any other solicitation is sent.

(2) The University and its departments shall not knowingly contract with or procure goods or services with any organization, busi-

ness entity, or individual that discriminates on the basis of age, disability, national origin, race, marital status, religion, sex, or sexual orientation.

(3) Bidders and proposers shall certify, as part of the bid or proposal documents accompanying the bid or proposal on a public contract, that such bidder or proposer has not discriminated against minority, women, or emerging small business enterprises in obtaining any required subcontracts.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

#### 576-008-0295

##### **Record Keeping Requirements**

These record keeping requirements, adopted by the State Board of Higher Education in OAR 580-040-0295 shall apply to University purchasing and contracts.

(1) Documentation of all purchasing and contracting transactions will be made available for inspection by OSSHE Internal Audit Division upon request.

(2) Authorized personnel shall maintain documentation, whether written or electronic, regarding all purchasing and contracting transactions.

(a) Except where other requirements exist by contract or grant terms and conditions, for purchases not exceeding \$5,000, only a vendor invoice must be retained.

(b) For purchases where the cost exceeds \$5,000 but does not exceed \$50,000, the following must be retained:

- (A) The method of procurement;
- (B) The names of firms/individuals and cost estimates considered;

- (C) The basis for selection or awarding of contract;
- (D) Other information pertinent to the solicitation; and
- (E) Any other documentation required by these rules.

(c) For purchases where the estimated cost exceeds \$50,000, the following must be retained:

- (A) The method of procurement;
- (B) A copy of the announcement requesting bids or proposals;
- (C) The names of firms/individuals and cost estimates considered;

- (D) The basis for selection or awarding of contract;
- (E) A copy of the resulting contract and any subsequent amendments;

- (F) Other information pertinent to the solicitation; and
- (G) Any other documentation required by this rule.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 8-1997, f. & cert. ef. 9-11-97

## DIVISION 10

### UNIVERSITY FEES

#### 576-010-0000

##### **Fees and Charges**

The University hereby adopts by reference a list of fees and charges for fiscal year 2001-2002. This List of Fees and Charges is available at the Oregon State University Business Office and the Oregon State University Library, and is hereby incorporated by reference in the rule.

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

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01



## DIVISION 12

### KEY DEPOSITS

#### 576-012-0000

##### Purpose and Scope

(1) The purpose of this rule is to assist in regulating the authorization of use and issuance of university facility keys.

(2) Keys to university facilities may be issued to authorized individuals in accordance with processes established by the Facilities Services Division.

(3) The university may charge a refundable deposit for the issuance of a key to any facility, or may require the signing of an agreement in lieu of a key deposit in accordance with the OPEU Collective Bargaining Agreement. The deposit shall be in the amount determined by Facilities Services.

(4) Any refund of a key deposit which OSU owes any person for \$5 or less per key shall be paid only upon receipt of a written request to the Office of Business Affairs from the person who paid the money or his or her legal representative as authorized by ORS 293.445. Such written request must be received within 12 months of the date the refund first becomes due. A written request for payment of a refund which became due prior to the effective date of this rule must be made within 12 months of the effective date of this rule.

Stat. Auth.: ORS 351.070 & ORS 293.445

Stats. Implemented: ORS 351.070 & ORS 293.445

Hist.: OSU 6-1997; f. 6-16-97, cert. ef. 7-1-97

## DIVISION 15

### STUDENT CONDUCT REGULATIONS

#### 576-015-0005

##### Purpose

(1) The goal of Oregon State University is to provide students with a general education so they will acquire knowledge, skill and wisdom to deal with and contribute to contemporary society in constructive ways, policies, procedures, and regulations are formulated to guarantee each student's freedom to learn and to protect the fundamental rights of others. The assumption upon which these regulations are based is that all persons must treat all persons with dignity and respect in order for scholarship to thrive.

(2) In addition to the regulations set forth below, students must follow the academic and professional standards of the academic units.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91

#### 576-015-0010

##### Definitions

(1) "An Individual Violation" is a violation of University policy and regulations committed by an individual student acting alone or in concert with other individual(s) independent of a group or organization or its activities and events.

(2) "An Organization Violation" is a violation of University policy and regulations committed by a University recognized student organization. Reports of violations by organizations will be referred to the Student Activities Committee or to the appropriate living group judicial body in accordance with the rules and procedures set forth in their bylaws. A University recognized student organization is any group of students living or acting together, electing officers, and/or assessing dues or fees for their mutual benefit and which has applied for and received recognition from the Student Involvement office.

(3) "An Academic Department Group Violation" is a violation of University policy and regulations committed by any group of students officially affiliated with an academic unit or department because of common interest and mutual benefit. Academic department student groups may or may not be University recognized student organizations. Academic group violations by a University recognized student organization are handled in accordance with section (2) of this rule. Academic group violations by non-recognized groups are handled by the dean or director of the unit to which the group is

most closely affiliated according to the academic grievance and appeals procedures set forth in OAR 576-022-0005 and following.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-2001, f. & cert. ef. 2-21-01

#### 576-015-0015

##### Offenses Proscribed by the State Board of Higher Education

The University may initiate disciplinary action and impose sanctions against any student, officially recognized student organization, or academic department group which commits any of the following acts proscribed by the State Board of Higher Education:

(1) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally-owned or controlled property.

(2) Obstruction or disruption interfering with freedom of movement, either pedestrian or vehicular, on institutionally-owned or controlled property.

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

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

(5) Malicious damage, misuse or theft of institutional property, or the property of any other person where such property is located on institutionally-owned or controlled property, or, regardless of location is in the care, custody, or control of an institution.

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

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

(8) Illegal use, possession, or distribution of drugs or illegal substances on institutionally-owned or controlled property.

(9) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct which calls on the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of persons, and the protection of its property.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91

#### 576-015-0020

##### Offenses Proscribed by the University

The University may initiate disciplinary action and impose sanctions against any student, University-recognized student organization, or academic department group which commits any of the following proscribed acts:

(1) Academic dishonesty:

(a) Academic dishonesty is defined as an intentional act of deception in which a student seeks to claim credit for the work or effort of another person or uses unauthorized materials or fabricated information in any academic work;

(b) It includes "cheating" (intentional use or attempted use of unauthorized materials, information, or study aid), "fabrication" (intentional falsification or invention of any information), "assisting in dishonesty" (intentionally or knowingly helping or attempting to help another commit an act of dishonesty), "tampering" (altering or interfering with evaluation instruments and documents), and "plagiarism" (intentionally or knowingly representing the words or ideas of another person as one's own);

(c) Academic dishonesty cases are generally handled by the academic units, but may be referred to the Student Conduct Coordinator for action under these rules.

(2) Hazing, harassing, or threatening actions which intentionally subject another person to offensive physical contact, physical injury or property damage, or which specifically and intentionally insult another person in his or her immediate presence with words or gestures when a reasonable person would expect that such an act or actions would provoke a violent response. (These actions, when based on race, color, national origin, religion, age, disability, marital status, sex, or sexual orientation are among the forms of prohibited behavior — See General University Policy on Discriminatory Conduct.)

(3) Rape, sexual assault, or unwanted sexual contact of any kind, or threat of such contact, are prohibited as is any physical abuse (see OAR 576-015-0015(4)). Sexual contact shall be considered “unwanted” or without consent if no clear consent is freely given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or otherwise without the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it may be considered without consent.

(4) Possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University owned or controlled property or at University sponsored or supervised activities. Individuals of legal drinking age in recognized student housing may possess and consume alcoholic beverages only in their private rooms, and dispensing devices such as kegs and taps, and large containers such as “party balls,” are not permitted. Use of alcohol in any other campus location is prohibited unless specifically authorized in OAR 576-060-0010, which governs the conditions under which alcoholic beverages may be consumed in areas other than housing units on the University campus. Regulations concerning use of alcoholic beverages by students in University housing units and by recognized student organizations off campus are detailed in the Student Life Policy and Regulations section “Scheduling Social, Recreational, or Educational Events.”

(5) Smoking in unauthorized areas in violation of OAR 576-040-0010.

(6) Falsification or misuse of any University information, including records, permits, documents, computer resources, identification cards, etc.; or the furnishing of false or misleading information to the University or its representative; or refusal to provide one’s name, class, school, and local address when requested by a University official, provided the official is identified and indicates legitimate reason for the request.

(7) Bringing an animal onto University owned or controlled property in violation of OAR 576-045-0020.

(8) Inciting others to engage in any of these prohibited behaviors, as defined in OAR 576-015-0015(9).

(9) Violation of any federal or state law or city or local ordinance or University rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1996, f. & cert. ef. 6-21-96; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 4-1999, f. & cert. ef. 7-17-99

## 576-015-0025

### Jurisdiction

The provisions of OAR 576-015-0015 and 576-015-0020 apply to all students and activities on University owned or controlled property; during any University-sponsored activity or the activity of a University-sponsored or recognized organization, regardless of location; or when the behavior poses a clear threat to any persons or to property on campus. “Activities” include, but are not limited to field trips, athletic events and fraternity house parties. Examples of behaviors which pose a clear threat may include, but are not limited to, physical or sexual assault, rape, sexual harassment, stalking or illegal weapons use.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95

## 576-015-0030

### Sanctions

Students whose behavior violates any of the student conduct regulations in OAR 576-015-0015 or 576-015-0020 are subject to one or more of the following:

(1) Warning: Official notice to a student that his or her conduct or actions are in violation of the student conduct regulations. The continuation of such conduct or actions may result in further disciplinary action.

(2) Required Educational Activities: Mandatory participation in educational activities or programs of community service.

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

(4) Restrictions: Removal from a living group, or from the use of specific University facilities, or denial of the use of a vehicle on campus, or other restrictions consistent with the violation committed.

(5) Disciplinary Probation: Placement on probationary status during which there is observation and review of behavior and the student must demonstrate compliance with the student conduct regulations. A student on probation is not in “good standing” with the University. Terms of the probation will be determined at the time the probation is imposed and may include loss of privileges, restitution, and/or required educational activities.

(6) Disciplinary Suspension:

(a) Deferred Suspension: Placement on deferred suspension status during which there is observation and review of behavior. If the student is found to further violate University regulations during this period then the student is suspended without further hearings. Deferred suspension may be for a period of one term up to and including the remainder of a student’s enrollment at the University;

(b) Suspension:

(A) Exclusion from the University for a specific period of time. Suspended students are denied the privileges and services provided to currently enrolled students, including residing in University-owned or recognized student housing, attending class, or using other University services or facilities. Suspension is generally for one year; however, the period of suspension may be specified for any period;

(B) The conditions of suspension take effect immediately after the student has been informed of the decision. If an appeal is filed, the imposition of the suspension will be delayed until the conclusion of the appeal process. However, if a pending disciplinary hearing or appeal may result in suspension, as determined by the Student Conduct Program, awarding of the academic degree sought will be postponed pending the outcome of the disciplinary hearing.

(7) Expulsion: Permanent Suspension (see section (6) of this rule).

(8) Degree Revocation.

(9) Students whose behavior violates OAR 576-015-0020(1) (academic dishonesty) are subject to additional academic sanctions, including failing the course, removal from an academic department, and removal from a college, that may be imposed by the instructor, department chair or dean in accordance with Academic Regulation 15, available in the Schedule of Classes.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 1-2001, f. & cert. ef. 2-21-01

## 576-015-0035

### Readmission After Suspension

A student suspended for misconduct and wishing to return to the University after the suspension period must notify the Student Conduct Coordinator in writing. The notification should include a description of the student’s activities since the suspension went into effect. If the Student Conduct Coordinator certifies that the terms of

suspension have been met, the student may apply for readmission through the regular process.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98

#### 576-015-0040

##### Record

(1) All sanctions include the creation of a disciplinary record. Sanctions at the level of probation and above place the student outside of "good standing" with the University for their duration. Multiple sanctions may be imposed where appropriate.

(2) Suspension or expulsion will be noted in a student's general academic record within the Registrar's Office by means of a disciplinary action form which indicates the reason for the suspension. Such information is retained indefinitely and released for a period of five years after the effective date by the Student Conduct Program to officials who have a need to know, including officials at other schools to which the student seeks to enroll. The suspended student may include in the record an explanation for the action taken by the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98

#### 576-015-0043

##### Notice

(1) Upon receiving a complaint or report that a student may have violated student conduct regulations, the Student Conduct Coordinator will notify the student in writing of the alleged violation(s). The notice will include a copy of the rule said to have been violated and a description of the acts or omissions alleged to have been in violation of the rule.

(2) If the Student Conduct Coordinator determines the alleged violation may result in suspension or expulsion, the notice described in subsection (1) will set a time and place for a Student Conduct Committee hearing. The time between the student's receipt of the notice and the hearing date must be at least 72 hours. The Student Conduct Coordinator will notify the student that he or she may waive the hearing before the Student Conduct Committee and elect to have the case heard by the Student Conduct Coordinator or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01

#### 576-015-0045

##### Determination by the Student Conduct Coordinator

(1) If the student elects to have the case heard by the Student Conduct Coordinator or designee, the student will be given an opportunity to explain the behavior and will be informed of the evidence against the student. The student may bring any third party advisor of the student's choice to any meetings so long as the availability of the advisor does not hamper the timeliness of the hearing. The student will be expected to speak for him or herself at all times.

(2) If the student fails to meet with the Student Conduct Coordinator or designee, the Student Conduct Coordinator may take disciplinary action in the student's absence.

(3) The accused student will be informed orally or in writing of the Student Conduct Coordinator's decision and the student's right to appeal to the Vice Provost for Student Affairs, pursuant to OAR 576-015-0060.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01

#### 576-015-0050

##### Student Conduct Committee Hearing

(1) The Student Conduct Committee consists of five faculty and five students appointed by the Vice Provost for Student Affairs and the Associated Students of Oregon State University, respectively. The bylaws of the Student Conduct Committee are available from the Vice Provost for Student Affairs or the Student Conduct Program.

(2) All hearings are closed and information presented in them and all supporting documents are confidential. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(3) If the student has been properly notified and fails to appear, the Student Conduct Committee may proceed with the hearing and disciplinary action may be taken.

(4) During the hearing, the accused student may be accompanied by an advisor of the student's choice. The advisor may be a faculty or staff member, fellow student, parent, or any person of the student's choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The student may choose to have an attorney serve as advisor; however, the advisor does not represent the student in a student conduct hearing and the student will be expected to speak for him or herself at all times.

(5) During the hearing, the student has the opportunity to offer information and testimony on his or her own behalf. The student also has the opportunity to review and respond to all information, statements, or evidence presented.

(6) The chairperson of the Student Conduct Committee, or designee, will decide any questions or objections to hearing procedures that are raised during the hearing.

(7) Members of the Committee may ask questions of any person present during the hearing and the chairperson will invite questions and comments from the accused student and the victim-claimant if present. The chairperson may also invite questions or comments from advisors or others present. If the chairperson decides an essential person or piece of information is missing, the chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(8) After the chairperson has determined that all necessary information has been presented and questions answered, the Committee will go into executive session and all other persons will be excused. The Committee will determine, based on a preponderance of the evidence, whether or not it believes the accused student is responsible for a violation of the regulations and, if so, the Committee will reconvene with the accused student and a representative of the Student Conduct Program to consider what sanctions may be appropriate. The accused student may waive his right to be present. The Committee may consider:

(a) Evidence of any mitigating circumstances presented by the student; and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code presented by a representative of the Student Conduct Program;

(9) The Committee will again go into executive session to make a decision about appropriate sanctions. The Committee's decision will be in the form of a recommendation to the Student Conduct Coordinator. The time between the conclusion of the hearing and the delivery of the recommendation to the Student Conduct Coordinator shall be no more than three days, excluding weekends and holidays.

(10) In cases of academic dishonesty or the reported misbehavior of an academic department student organization, the Committee shall make a recommendation within three days to the Associate Vice Provost for Academic Affairs, or designee, who shall make the decision. The accused student will be sent a letter describing the decision and any University expectations or actions taken.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01

#### 576-015-0055

##### Hearing Officer(s) Contingency

If the President or designee believes it is necessary in order to schedule a timely hearing or because of a potential conflict of interest that might affect the ability of the Student Conduct Committee to conduct a fair hearing, the President or Vice Provost for Student Affairs may appoint a hearing officer or officers to act in place of the Student Conduct Committee. The hearing officer(s) may be a faculty member or a professional from outside the University. The hearing officer(s) shall hear the case in accordance with these rules and shall recommend to the Student Conduct Coordinator appropriate action in each case.

Stat. Auth.: ORS 351.070



Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98

### 576-015-0056

#### Emergency Action

(1) The Student Conduct Coordinator or designee may take emergency action when immediately necessary to secure the health or safety of other persons or the student against whom the action is taken (the accused student) and there is an alleged violation of the Student Conduct Code.

(2) Emergency Action includes, but is not limited to:

(a) Immediate withdrawal from the University;

(b) Restriction on the accused student's presence on University property and/or at University events.

(3) At the time that the emergency action takes place, the Student Conduct Coordinator or designee shall:

(a) Inform the accused student of the reason for the emergency action;

(b) Give the accused student the opportunity to explain why an emergency action need not be taken;

(c) Inform the accused student that a preliminary hearing will take place according to Section 4, and that the accused student will be informed of its time, place, and date; and

(4) The preliminary hearing shall take place within two business days of the emergency action. At this hearing the accused student shall have a full opportunity to demonstrate to the Student Conduct Coordinator that none of the conditions specified in Section (1) apply. As with other proceedings, the accused student may be accompanied by an advisor, but must speak for him or herself at all times.

(5) Based on the reasonable evaluation of the evidence presented at the preliminary hearing, the Student Conduct Coordinator shall notify the accused student within 24 hours of the decision to:

(a) Dissolve the emergency action and take no further action;

(b) Dissolve the emergency action but proceed to a full hearing regarding the accused student's behavior as prescribed in the Student Conduct Code; or

(c) Sustain the emergency action until such time as a formal hearing regarding the accused student's conduct may be held, but not to exceed two weeks.

(6) Formal hearings subsequent to an emergency action shall occur no later than ten days after the preliminary hearing, and shall be administered pursuant to OAR 576-015-0050 to 576-015-0055.

(7) If the Student Conduct Committee or a hearings officer recommends that the restriction on the accused student's housing or enrollment be removed, the student will not be assessed fees for reinstatement.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-2001, f. & cert. ef. 2-21-01

### 576-015-0057

#### Notice of Decision and Rights of Victim

(1) The University will make an effort to consider the rights and needs of the victim, if there is one, in decisions related to restitution or other sanctions.

(2) If any sanction beyond an informal warning is imposed, after a disciplinary proceeding, the accused student will be given or sent a letter confirming the decision and University expectations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98

### 576-015-0060

#### Disciplinary Appeals

(1) Appeals from the decision of the Student Conduct Coordinator shall be made to the Vice Provost for Student Affairs whose decision is final.

(2) Appeals must be in writing and filed with the Vice Provost for Student Affairs within 15 calendar days following the date the action is taken.

(3) The request for an appeal must include specific justification, including: errors, failure to consider all of the evidence presented, or any other action, including any new evidence not known at the time of the original hearing, which denied the student a fair hearing.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01

## DIVISION 16

### STUDENT FAMILY HOUSING

### 576-016-0000

#### Purpose

The purpose of this rule is to set out the eligibility requirements for residence in University student family housing.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95

### 576-016-0010

#### Definitions

(1) "Student Family Housing" means all houses and apartments operated by the Department of University Housing and Dining Services which are rented specifically and only to students who qualify under these rules to rent such houses and apartments, and all grounds and buildings used by tenants and the Oregon State University Department of University Housing and Dining Services for the operation and administration of student family housing rental units and programs.

(2) "Student Family Housing Agreement" means the rental agreement offered by the Department of University Housing and Dining Services for residence in student family housing.

(3) "Dependent" means a child 18 years of age or younger.

(4) "Tenant" means a student who has signed a student family housing agreement and who is occupying a student family housing unit.

(5) "Domestic Partner" means a person who meets current University eligibility requirements for domestic partner status.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98

### 576-016-0020

#### Student Family Housing Eligibility

(1) To be eligible to apply for residence in student family housing, a student must:

(a) Be admitted to the University;

(b) Complete an application for student family housing with the Department of University Housing and Dining Services;

(c) Pay a non-refundable eligibility screening fee, as established in OAR 576-010-0000; and

(d) Meet the requirements for residence in OAR 576-016-0050.

(2) At the time of application and at the signing of the rental agreement, the student shall present evidence of eligibility.

(3) An application for student family housing will be cancelled:

(a) If the applicant does not enroll at the University for the term for which he or she was initially admitted;

(b) If after the initial term of enrollment, the applicant does not register at the University for each term of the academic year, excluding summer.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98; OSU 5-1999, f. & cert. ef. 6-17-99

### 576-016-0030

#### Eligibility for Residence

To be eligible to reside in student family housing a student must meet the eligibility requirements for application in OAR 576-016-0020 and must be enrolled in the University and meet the minimum

qualifications for satisfactory academic progress as specified in current Oregon State University academic regulations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98

#### 576-016-0040

##### Residency Requirements

(1) If the student's status or the family status changes in a way that affects eligibility for student family housing, the student's tenancy will be terminated as provided in the student family housing agreement. The student is responsible for notifying the Department of University Housing and Dining Services promptly of any change in status.

(2) Tenants are eligible to reside in student family housing for a maximum of four calendar years from the date on which they sign a student family housing agreement, plus the balance of any academic term which has commenced at the time the four-year period ends.

(3) A tenant's eligibility to live in student family housing shall end thirty days after the end of the month in which the tenant completes his or her undergraduate or graduate academic program at the University.

(4) As long as one of the adult members of the family named on the original rental agreement is a student, tenancy can extend to the maximum of four years, as defined in section (2) of this rule.

(5) All tenancy in student family housing shall be on a month-to-month basis.

(6) The student and the student's qualifying/eligible family members must reside with the student in the rental unit.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98; OSU 5-1999, f. & cert. ef. 6-17-99

#### 576-016-0050

##### Priorities

(1) Students who are single parents with one dependent have first priority for assignment to single bedroom units. Students with a spouse or domestic partner and without dependents have second priority for assignment to single bedroom units. Single graduate students without dependents have third priority for assignment to single bedroom units.

(2) Students with dependents have first priority for two bedroom units. Students with a spouse or domestic partner and without dependents have second priority for assignment to two bedroom units. Single graduate students without dependents have third priority for assignment to two bedroom units.

(3) Students with three to five dependents have first priority for three bedroom units. Students with two dependents have second priority for assignment to three bedroom units.

(4) Each unit is limited to a maximum of two adults. One bedroom units are limited to an overall occupancy of two persons. Two bedroom units are limited to an overall occupancy of four persons. Three bedroom units are limited to an overall occupancy of six persons.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98; OSU 5-1999, f. & cert. ef. 6-17-99

#### 576-016-0060

##### Exceptions

The Director of University Housing and Dining Services, or his or her designee, may make exceptions to these rules based on the following:

(1) Exception to academic enrollment requirements for up to three months due to family emergency, medical condition (including pregnancy of eligible student), extreme financial or personal circumstances, or special academic situation (non-enrolled status for internship, research, thesis) in order to:

(a) Maintain application status under OAR 576-016-0020; or

(b) Continue residency under OAR 576-016-0030 in student family housing.

(2) Extension of length of tenancy under OAR 576-016-0040 for up to six months for completion of academic degree program or for family emergency, medical conditions, extreme financial or personal circumstances, or special academic situation.

(3) Upon a determination that to do so would be consistent with the intent and purpose of these rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1995, f. & cert. ef. 2-7-95; OSU 1-1998, f. 6-12-98, cert. ef. 7-1-98

## DIVISION 17

### STUDENT LIVING GROUPS

#### 576-017-0005

##### General Housing Regulations

(1) University regulations concerning student conduct (OAR 576-015-0005 to 576-015-0060) apply to all approved student living groups on or off campus, including residence halls, cooperatives, family housing, sororities, and fraternities.

(2) All residents of approved student living groups must be regularly enrolled students at Oregon State University or non-OSU students or residents who are under contractual agreement to reside in a University-approved living group.

(3) The use of alcoholic beverages in approved student living groups is prohibited except as provided in OAR 576-015-0020 and in the Student Alcohol Policy (OAR 576-018-0230 through 576-018-0260).

(4) University services to approved student living groups are provided through the Department of University Housing and Dining Services and the Student Involvement office. Each living group is responsible for complying with and enforcing regulations and policy, although staff work with living groups in an advisory capacity.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98

#### 576-017-0010

##### Approval of Private Living Groups to House Students

(1) In order to be an approved private student living group, a living group must comply with University requirements in this rule related to academics, health, safety, and must be recognized as a student organization in accordance with OAR 576-018-0010(1). In addition, privately owned living groups must:

(a) Submit an annual reaffirmation by signed statement that membership is not denied because of race, color, sexual orientation, age, disability, veteran status, religion, or national origin; that all members and prospective members are aware of the University alcohol and drug regulations; and that all members and prospective members are aware of the state law and university policy regarding hazing, membership initiation, and personal safety;

(b) Promote sound academic performance by members.

(c) Employ a resident adviser, graduate assistant, or hall director approved by the Student Involvement office or Director of University Housing to assist the group as needed;

(d) Comply with city, county, and state sanitation, fire, and safety requirements that will be verified through annual inspections by the City of Corvallis and Benton County at the expense of the living group.

(2) All-campus social events sponsored by an approved private living group must be registered according to the requirements of the Student Activities Committee that are available through the Student Involvement office.

(3) The extension of recognition to a private living group as a student organization by the Student Activities Committee permits the group access to University facilities and services as set out in the provisions on recognized student organizations as provided in OAR 576-018-0010 and following.

(4) Designation of approved student living group status is granted by the Student Involvement office or Director of University Housing.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98

#### 576-017-0015

##### Withdrawal of Approval or Recognition

(1) Designation as an approved private student living group is subject to review and possible withdrawal if an approved private student living group fails to meet University standards or if there are violations of these regulations or federal, state, or local laws. Periodic evaluations to confirm adherence to University standards will be conducted through the Student Involvement office or Director of University Housing.

(2) A private student living group's recognition as a student organization is subject to review and possible withdrawal if an approved student living group fails to meet University standards or if there are violations of these rules or federal, state or local laws. After appropriate review, the Student Activities Committee may recommend withdrawal of recognition to the Director for Student Involvement. Upon recommendation of the Student Activities Committee, the Director has authority to approve or withdraw student organization recognition for a private student living group, subject to appeal to the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98

#### 576-017-0020

##### Private Living Group Security and Internal Regulations

Each approved private student living group (cooperatives, sororities, and fraternities) shall enforce the security regulations and guidelines established by the University and interliving group councils (Interfraternity Council, Panhellenic Council, and Intercooperative Association) and approved by the Student Involvement office or Director of University Housing. Each approved student living group may adopt additional restrictions at the discretion of the residents.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98

### DIVISION 18

#### UNIVERSITY STUDENT ORGANIZATIONS

#### 576-018-0000

##### Purpose

The following rules have been adopted by Oregon State University to establish procedures for recognizing student organizations and determining their rights and responsibilities. The purpose of establishing standards for planning events sponsored by recognized student organizations is to ensure that events comply with Oregon State University's education mission. The goal of this planning process is to help student organizations have safe and successful events, using event planning procedures that are fair and consistent.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0010

##### Definitions

(1) A "University-recognized student organization" is any group of five or more OSU students officially recognized by Oregon State University pursuant to OAR 576-018-0030.

(2) An "academic department student group" is any group of students officially affiliated with an academic unit or department because of common interests and mutual benefit. An academic department student group may choose not to be University-recognized. If the group is not University-recognized, its actions are governed by the dean or director of the unit to which it is most closely

affiliated rather than these rules. However, if the academic department student group is also University-recognized, it is subject to these rules. Academic department student groups, whether recognized or not, must comply with University Business Office requirements and procedures.

(3) The "Student Activities Committee" is a University student/faculty committee, consisting of eight students and eight faculty members. It extends recognition to student organizations and recommends policies and regulations related to recognized student organizations. The committee serves in an advisory capacity to the Vice Provost for Student Affairs at OSU who is ultimately responsible for implementation of these rules.

(4) "University recognition" of a student organization provides the organization with these privileges and services:

- (a) Use of the University name as part of the organization's name;
- (b) Eligibility to schedule rooms in University facilities;
- (c) Use of campus mail;
- (d) Access to campus media center services;
- (e) Use of Memorial Union Business Office for student organization accounts;
- (f) Eligibility to obtain a mailbox and desk space in the Student Involvement office.

(5) An "event" is a social, recreational, cultural, fund-raising or educational activity that involves members of the University community, is planned/sponsored by University-recognized student organizations/leaders/representatives and/or uses funds from the student organization.

(a) An "open event" is an event at which admission is not restricted to specific guests and is registered through the Student Involvement office. All "open events" involving alcohol must be registered through the Student Involvement office in accordance with OAR 576-018-0240.

(b) A "closed event" is an event restricted to members and invited guests of the University-recognized student organization. All "closed events" involving alcohol must be registered through the Student Involvement office, in accordance with OAR 576-018-0240.

(6) "Student organizations" shall, for the purpose of these rules, mean a University recognized student organization.

(7) "Legal drinking age" means 21 years of age.

(8) "Licensed provider" means a licensed establishment or person possessing a special license issued by the Oregon Liquor Control Commission to provide alcoholic beverages.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98; OSU 2-2001, f. & cert. ef. 2-21-01

#### 576-018-0020

##### Administration of Rules

(1) Rules for University-recognized student organizations are administered by the Student Involvement office in Memorial Union East.

(2) Exceptions to these rules may be made only upon appeal to the Student Activities Committee through the Student Involvement office. Appeal deadlines are determined by the office or organization whose decision is being appealed. If no deadline for appeal is stated, appeals shall be made to the committee within seven working days of the decision or issue being appealed. The committee's decision shall be made within seven working days of receipt of the appeal and communicated by mail or in person to the individuals involved. Further appeal may be made to the Vice Provost for Student Affairs within seven calendar days of the committee decision.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0030

##### Procedures for Recognizing University Student Organizations

(1) Any honorary, social organization, club, living group, political organization, or group of students with a common purpose, seeking to obtain University recognition must:



- (a) Submit to the Student Involvement office:
  - (A) The organization's complete name;
  - (B) A copy of the organization's constitution (containing a statement of agreement to adhere to University policy);
  - (C) A list of at least five OSU student members (complete with members' signatures);
  - (D) A list of officers identified by position (complete with officers' signatures).

(b) Have as an advisor a member of the University faculty, as defined by the OSU Faculty Senate Rules for Representation.

(A) A classified staff member or research assistant may serve as an adviser if approved upon written request to the Director for Student Involvement or designee;

(B) Living group organizations must have faculty and/or alumni advisers who are approved by the Director for Student Involvement or designee.

(c) Require officers to meet or exceed the minimum academic standards for holding office set out in OAR 576-018-0040;

(d) Demonstrate that the organization does not duplicate the specific purpose of any existing organization;

(e) Demonstrate that the organization's purpose does not conflict with local, state or federal statutes;

(f) Demonstrate compliance with OSU's prohibition of discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, age, marital status, disability, disabled veteran, and Vietnam-era veteran status except for those gender qualifications directly relevant to the organizational purpose, e.g. recognized student groups that house students;

(g) Appear before the Student Activities Committee, if appearance is requested by the committee.

(2) To maintain University recognition, an organization must:

(a) Submit an "Annual Review Form" to report current officers, advisor and addresses by the third week of Fall Term or as changes occur;

(b) Submit any changes of constitution to the Student Activities Committee for approval.

(3) Any University-recognized organization not complying with these procedures will be determined to be inactive. After 12 months of inactivity, recognition will be officially withdrawn.

(4) To reestablish recognition, the student organization must follow the procedures for obtaining recognition. A reestablished student organization must clear its previous Memorial Union Business Office account before a new account may be established. All back debts must be paid and previous balances brought forward.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0040

#### Student Eligibility to Hold Office or Serve on University Committees

(1) To be eligible to stand for or to hold an office, including appointive or proxy positions, in any student fee-funded organization or to serve as a member of any University student-faculty committee or represent OSU to the public (including serving as student media reporters, disk jockeys, photographers, or producers/talent persons), a student must:

(a) Turn in a signed and completed "General Activities Eligibility Form" to the Student Involvement office to have the students' eligibility status certified as provided in subsection (1)(b) of this rule;

(b) A student must be "in good standing," which requires a student to meet the following academic standards:

(A) Maintain a cumulative GPA of 2.00 or above as an undergraduate or 3.00 or above as a graduate student;

(B) Not be on disciplinary probation;

(C) Be currently enrolled for at least six credits at Oregon State University and pay student fees.

(2) Two consecutive terms of less than 2.00 (3.00 for graduate students) shall automatically remove a student from office. This does not apply to first-and second-term freshmen or first-and second-term transfer students.

(3) Students failing to meet these academic standards are not restricted from membership and general membership/program participation.

(4) All officers of recognized student organizations not receiving student fee funding must meet or exceed minimum academic standards (as outlined in subsection (1)(b) of this rule) to hold office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0050

#### General Accountability of Organizations and Individuals

Members of University-recognized student organizations or academic department student groups are responsible for complying with student conduct regulations as set forth in OAR 576-015-0005 to 576-015-0060 and are accountable for their behavior as part of the group.

(1) All University-recognized organizations, including living groups, shall comply with these rules.

(2) Rule violations are handled by the Student Involvement office and by the Student Activities Committee.

(3) No student organization, including fraternities and sororities, organized or operating on the Oregon State University campus, nor any member of such an organization, shall intentionally haze any member, potential member or person pledged to be a member of the organization, as a condition or precondition of attaining membership in the organization or of attaining any office or status therein.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97

#### 576-018-0060

#### Disciplinary Actions and Procedures

(1) Complaints about alleged violations of University rules shall be referred to the Student Conduct and Mediation Program Office, which acts as a clearinghouse for such allegations. Alleged violations of the University rules governing recognized student organizations are referred to the Director for Student Involvement or designee. If the alleged violation concerns an individual, the matter is referred to the Conduct Program; if it is a University-owned housing issue, it is referred to the Director of University Housing and Dining Services or designee.

(2) The Director for Student Involvement or designee may:

(a) Take administrative action on cases involving the violation of these rules; or

(b) Refer the alleged violations to the Student Activities Committee for action.

(3) Any University-recognized student organization will be granted a hearing before the Student Activities Committee upon request.

(4) Administrative or committee decisions may result in any or all of the following penalties:

(a) Cancellation of an event;

(b) Withdrawal of privileges;

(c) Social probation;

(d) Required educational projects or service;

(e) Withdrawal of University recognition;

(f) Referral to the Student Conduct and Mediation Program office for possible action against individuals; or

(g) Other penalties as determined and recommended by the Student Activities Committee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0070

#### Organization-Sponsored Events

(1) Officers and student staff of student organizations are subject to student conduct regulations for their acts and omissions regarding all events sponsored by their organizations, as well as for publicity and public notices concerning those events.

(2) Officers must:

(a) Register an event in advance as provided in OAR 576-018-0080;

(b) Ensure that the behavior of all those present at the event is within the law and does not infringe upon, disrupt or damage the rights of others;

(c) Comply with University rules and maintain communications with appropriate University officials;

(d) Ensure the enforcement of State of Oregon law and University rules regarding the use of alcohol (refer to OAR 576-018-0260);

(e) Ensure that a means of communicating with participants or attendees is provided during the event;

(f) Ensure that the event chairperson or responsible designee(s) is present during the entire period that the event is in progress.

(3) If two or more student organizations co-sponsor an event, each has the responsibilities outlined in section (1) and (2) of this rule. Sponsorship and co-sponsorship connote the same responsibility for conducting an event, except as indicated in section (4) of this rule. In addition, groups co-sponsoring an event must:

(a) Share in the financial profit or loss if finances are involved;

(b) Identify in the detailed event plan (see OAR 576-018-0080) which group is responsible for given aspects of the event.

(4) An event co-sponsored by a student organization and an academic department shall be the responsibility of the academic department.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0080

##### Event Registration

(1) All open events and certain closed events sponsored by student organizations must be registered and authorized by the Student Involvement office a minimum of two weeks in advance of the event.

(2) Registration is required but not limited to the following events:

(a) Events such as social events (in- or outdoors) e.g. concerts, dances, movies, performances, and recreational/sports events, including events that generate high sound levels;

(b) Community service events (including philanthropies and special projects);

(c) Cultural events (including dinners, performances, food fairs and week/month-long programs);

(d) Educational events (including conferences, movies, speakers and week/month-long programs);

(e) Fundraising events open to campus or public (including drawings and projects). See OAR 576-018-0160.

(f) Informational events (including distribution booths, movies, speakers and speak-outs).

(3) All closed events sponsored by student organizations and involving the use of alcoholic beverages must be registered through the Student Involvement office a minimum of two weeks prior to the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0090

##### Corporate Underwriting

(1) Corporate underwriting is defined as support from a commercial, for-profit or nonprofit organization for an event sponsored by a recognized student organization. Support is defined as the donation of dollars and/or materials of monetary value.

(2) The sponsoring student organization shall provide, with the registration of events form, a signed agreement with the corporate underwriter outlining the physical and financial conditions placed on both parties for the duration of the event. (Written agreement forms are available in the Student Involvement office.)

(3) When the corporate underwriter is promoting alcohol and/or tobacco products, a dollar amount equal to 10 percent of the total cor-

porate donation shall be placed in an assigned University account for the sole purpose of providing abuse education.

(4) When the corporate underwriter is promoting alcohol and/or tobacco products, promotional material shall not, in graphic or written form, depict the actual use of the product.

(5) All banners, posters, and promotional materials shall clearly indicate that the student organization is the sponsoring organization. The name and/or logo of the corporate underwriter shall not appear larger than 75 percent of the size of the sponsoring student organization's name and/or logo on all printed material.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97

#### 576-018-0100

##### Open Events, Concerts and Dances

(1) Authorization for all open events, concerts and dances is extended by Student Involvement. Arrangements must be made through the Student Involvement office.

(2) Concerts and dances held in Gill Coliseum, MU Ballroom, LaSells Stewart Center, CH2M Hill Alumni Center, Parker Stadium, Valley Football Center, McAlexander Fieldhouse, and University academic auditorium facilities must be concluded and the facility must be vacated prior to the closing hour of the building, unless a special permit has been granted by the building manager. Concerts and dances must conclude by 11 p.m. unless special permits have been granted by the Corvallis Police Department and the Student Involvement office.

(3) Student Involvement may require that admission to concerts, dances and student organization-sponsored events be limited to people 18 years of age and older (I.D. required) due to high campus interest and/or anticipated crowd control problems.

(4) The maximum number of seats will be determined by University fire and safety regulations to include provision for adequate aisles, exits and access. All concert seats in Gill Coliseum must be reserved.

(5) The student organization must provide a complimentary pass list including written authorization from the event's chairperson or the faculty adviser.

(6) Arrangements for security personnel and concert door control personnel for the above mentioned facilities must be made through the Student Involvement office; all such personnel must be MU Business Office employees or licensed private security as provided by the specific facility being used.

(7) State of Oregon personal services contracts must be authorized in advance for all performances and must include a statement reading "Alcoholic beverages are permitted only under authorized conditions."

(8) Priority in scheduling events shall be given to the campus community

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0110

##### Open Food Events

Open Events on or off campus that involve the sale or distribution of food by a University-recognized student organization must be registered through the Student Involvement office. All food events conducted on-campus and off-campus are to be conducted within the regulations of the Benton County Health Department. Recognized student organizations must meet with Student Involvement staff to obtain information concerning Benton County Health Department regulations and Memorial Union policies and procedures. If an organization does not follow Benton County Health Department regulations and university food event policies and procedures, Student Involvement reserves the right to cancel the event and deny authority for future open food events.

(1) Catered events done by caterers other than University catering services must be approved by Student Involvement.

(2) Donated food/supplies: Only food approved by state regulations for resale will be approved by Student Involvement upon proof

that the food will come from an inspected source. Proper labeling or a receipt documenting the transaction constitutes proof of inspection.

(3) Prepared food from non-inspected kitchens: Benton County Health Department regulations specifically prohibit prepared perishable foods from a non-inspected kitchen to be served at a public event or to be intended for resale.

(4) Purchase of food with student fee funds: All open events involving the purchase of food with student fees must be registered at Student Involvement.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0120

##### Recreational Sports

(1) Events that include recreation sports activities must be reviewed by the Director of Recreational Sports who may specify special requirements.

(2) Requirements may include:

(a) Participant insurance coverage in the form of student insurance or personal policies; and

(b) Certified first aid supervisors;

(c) Specified risk management procedures.

(3) Events are subject to cancellation if all requirements are not met.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0130

##### Conferences

Student organization-sponsored/hosted conferences shall be registered events and must be managed by the OSU Director of Conferences and Special Events. The collection, deposit and expenditures of all funds including all agreement documents must be through and approved by the MCSE Director.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0140

##### On- or Off-Campus Noise Control Policy

(1) Recognized student organizations must register any event to be held on or off campus if the event involves high volume noise the public might hear.

(2) Outdoor events that involve high sound levels (such as the use of amplified sound, musical instruments and crowd noise) must be authorized by the Student Involvement office and must be terminated by 11 p.m. unless a specific permit has been obtained.

(3) A person at the event must be designated to respond to noise complaints. If the noise cannot be controlled, the event must be terminated.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0150

##### Regulations for Financing Student Activities

(1) Student Involvement regulates the frequency and kinds of money-raising activities engaged in by student organizations, on or off campus, in which the University's name is used.

(2) Student organizations involved with money-raising activities that require the use of state tax-supported facilities or require financial arrangements for the use of University facilities and/or equipment shall maintain an organizational account with the Memorial Union Business Office.

(a) All money raised through these activities must be deposited in the organization's Memorial Union account;

(b) All funds, once deposited, must be held for on-campus expenses or for other operational costs of the student organization;

(c) Funds may not be transferred for deposit into any other organizational account or banking system outside of the Memorial Union Business Office.

(3) The use of OSU Foundation accounts shall be restricted to charitable contributions (as defined by the Internal Revenue Service) received by the OSU Foundation for the benefit of, and directed for the use of, the receiving organization. Proceeds from fund-raising activities or events shall not qualify for direct OSU Foundation deposit.

(4) Educational Activities funds must be maintained in the Educational Activities Fund Series and are not allowed to be maintained in off-campus bank accounts.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0160

##### Money-Raising Projects

(1) A money-raising project or event must meet the following criteria:

(a) The event or project must be registered and details finalized two weeks in advance of the event;

(b) A student member of the sponsoring organization must be present at all times while the event is taking place;

(c) A student organization member must handle all financial transactions and deposit all funds collected into the organization's Memorial Union accounts;

(d) Memorial Union Quad events involving off-campus vendors require a Student Involvement office contract agreement;

(e) Memorial Union Quad events involving off-campus vendors are restricted through the reservation of space process as to the amount of space and time and to frequency of the event:

(A) Off-campus vendors will be limited to maximum of five days per term per off-campus vendor;

(B) Products must not directly compete with the OSU bookstore.

(f) The acceptability of vendors and products will be determined by the Director for Student Involvement or designee;

(g) The payment of off-campus vendors must be by a State of Oregon check issued through the Memorial Union Business Office.

(2) Fund-raising events by mail to parents or guardians of Oregon State University students by a recognized student organization must be reviewed and approved by the Director for Student Involvement or designee.

(3) Violation of the rules and regulations for conducting money-raising events shall cause the event to be immediately canceled and all transactions to end. Should the event be canceled, both the student organization and the off-campus vendors must leave the premises;

(4) No individual or individuals of the organization may participate for private financial gain.

(5) Money-raising projects may not involve the sale or use of alcoholic beverages.

(6) Events for which an admission is charged must use prenumbered tickets that have been registered with Student Involvement. Tickets that include the cost of a meal must clearly indicate any amount charged for the event in addition to the meal cost.

(7) All costs associated with the use of University facilities must be paid by the student organization.

(8) Admission charges shall not unreasonably differentiate on the basis of race, sex, color, national origin, religion, gender, sexual orientation, age, disability, marital status or veteran status (see OAR 576-018-0030(1)(f)). An exception may be made at the discretion of the sponsoring organization when reduced or differential services (for example child's portions at a meal) are provided.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0170

##### Philanthropic Event Guidelines

(1) The philanthropy must be registered two weeks in advance at the Student Involvement office. Before authorization of the event will be granted, the following must be completed:

(a) The event proposal must be reviewed with Student Involvement staff;



(b) The organization must have a written statement from the beneficiary agreeing to the terms of the event and granting permission to use its name.

(2) All proceeds from the event must be deposited in the organization's Memorial Union philanthropy account.

(a) A completed purchase order must be submitted by the organization for the amount of the donation in a timely manner. The proceeds will then be sent directly to the charity from the Memorial Union Business Office;

(b) The account must be back at "zero" shortly after the event;

(c) A philanthropy event financial report (available in the Student Involvement office) must be turned into the Student Involvement office within 10 working days after the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0180

##### Drawings

(1) Drawings must be registered two weeks in advance of the event at the Student Involvement office. Before authorization will be granted the following must be completed:

(a) All prizes must be on hand (or, if monetary, deposited in the appropriate MU account); and

(b) Ticket design must be discussed with Student Involvement staff. Tickets must be preprinted and professionally prenumbered and include the following information:

(A) Name of sponsoring organization;

(B) Name of the group receiving the proceeds (if other than the sponsoring organization);

(C) Date, time and location of the drawing;

(D) Description of prize;

(E) Suggested donation; and

(F) The specific statement: "NO PURCHASE NECESSARY."

(c) Printed tickets must be approved by Student Involvement staff;

(d) The Event Registration Form must be completed with all the appropriate signatures;

(e) Any other supporting documents, as requested by the Student Involvement office staff to meet current state requirements, must be on file in the Student Involvement office.

(2) Immediately after the conclusion of sales, all unissued tickets must be returned to the Student Involvement office. Proceeds can be deposited only into an MU account. The representative of the sponsoring organization must:

(a) State in writing the number of tickets returned unissued;

(b) Subtract the number of tickets unissued from the total number of tickets available; multiply the resulting number (tickets available minus tickets unissued) times the suggested donation (if any) to determine the total amount of money taken in. This amount is the total that is listed and deposited into the MU account for this ticket event;

(c) If the total amount of money deposited does NOT equal the total amount of money that should have been taken in, the representative must explain in writing why the amounts do not agree.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0190

##### Free-Will Offering

Free-will offerings may be authorized in Memorial Union facilities under the following guidelines:

(1) The event must be registered as a moneymaking event in the same manner as other admission-charged events.

(2) The event publicity must clearly designate that a non-mandatory freewill offering will be conducted.

(3) The event room reservation shall designate that a freewill offering will be conducted and the room shall be reserved on a rental basis. Free-will offerings must not be used to circumvent rental charges.

(4) The event funds shall be deposited in the recognized student group's Memorial Union account.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0200

##### Publicizing Events

(1) Publicity for student organization-sponsored events must clearly state the sponsoring organization's name and include the time and place of the event.

(2) All events open to the general public and/or involving the exchange of funds for which there is a charge must be registered at least two weeks in advance of the event at the Student Involvement office.

(3) Student organizations' posters inside campus buildings must be authorized for approved poster locations by the individual building manager.

(4) Posters must include the name of the sponsor or sponsoring organization.

(5) Posters shall not be placed on trees, utility poles, doors, walks or windows of campus buildings.

(6) Posters must be removed within 24 hours following the announced event, election or deadline.

(7) Posters, flyers, handbills, etc., posted in unauthorized places may subject the sponsoring organization to facilities services charges for removal.

(8) Outdoor posters and banners shall be constructed to withstand adverse weather conditions.

(9) Foreign language posters should include an English translation.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0220

##### Use of University Property

(1) Recognized student organizations may use University indoor or outdoor facilities through a permit from the proper University official.

(2) Use of motor pool vehicles is restricted to student organizations directly funded by student fees.

(3) Canopy/booth type structures for special events on the MU Quad must be authorized by Student Involvement staff through the registration of events process. Authorization is limited to a maximum of seven consecutive days.

(4) Organizations holding outdoor activities on OSU-controlled property must schedule all such activities through the Registration of Events procedure a minimum of two weeks in advance.

(5) Overnight activities must meet the following conditions:

(a) Permitted up to seven consecutive days;

(b) Convenient access to campus building where rest rooms are available;

(c) Responsible for providing appropriate designated security persons for the duration of the event who shall have access to a cellular phone or two-way radio to enable contact with Campus Security.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0230

##### Alcohol Use by Individuals

(1) The University advises and cautions against inappropriate or excessive use of alcoholic beverages.

(2) In situations where alcohol use is permitted, students will abide by the laws and local ordinances as well as University policies, regulations, and guidelines.

(3) Oregon Revised Statute 471.430 states: "No person under the age of 21 years shall attempt to purchase or acquire alcoholic liquor...no person under the age of 21 shall have in his possession alcoholic liquor."

(4) The consumption of alcoholic beverages on the Oregon State University campus is permitted in certain situations as described in OAR 576-060-0010 to 576-060-0040 and stated in OAR 576-018-0240 to 576-018-0260.

(5) Individual students and student organizations are responsible for their own actions.

(6) Students and student organizations who violate University policy are subject to disciplinary action and/or organizational sanctions.

(7) Students of legal drinking age may possess and consume alcoholic beverages in their private rooms within student living groups. Alcohol beverage dispensing devices such as kegs and taps are not permitted in student living groups.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94

#### 576-018-0240

##### Alcohol Use by Recognized Student Organizations

(1) In order for University-recognized student organizations to conduct on- or off-campus "open events" involving the use of alcoholic beverages the following criteria must be met:

(a) The event must be registered in the Student Involvement office;

(b) The event must be held on the premises of an Oregon Liquor Control Commission licensed establishment, and/or University-designated location according to 576-060-0010 to -0040.

(2) In order for University-recognized student organizations to hold a "closed event" involving alcoholic beverages on or off campus, the following criteria must be met:

(a) The event must be registered event through the Student Involvement office;

(b) The sponsoring organizations must observe and enforce State of Oregon law and University rules regarding the use of alcohol;

(c) Only persons who are 21 years of age or older may be permitted to consume alcoholic beverages. Alcoholic beverages may be possessed and consumed in prepackaged containers intended for individual consumption only. For example, kegs, taps, beer bong, punch bowls, and the like are not permitted;

(d) The event's financial arrangements and publicity, including tickets, may not provide for the sale of alcohol or the promotion of alcoholic beverages;

(e) Organizational funds including dues and/or social fees may not be used for the purchase of alcohol;

(f) *Guidelines for Responsible Use of Alcohol* must be reviewed by the individual registering the event in the Student Involvement office at least 2 weeks prior to the event.

(3) Depending on location, the following criteria must be met:

(a) If off-campus, the event must be fully catered by an insured, licensed establishment which holds an annual liquor license issued by the Oregon Liquor Control Commission;

(b) If held at one of the locations on campus identified in OAR 576-060-0020 and OAR 576-060-0025 where the serving of alcohol is authorized, the event must be approved and conducted in accordance with 576-060-0015 through OAR 576-060-0040;

(c) If held in privately owned student living groups, the event must be conducted in accordance with OAR 576-018-0250 through OAR 576-018-0260.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97; OSU 6-1998, f. & cert. ef. 6-24-98

#### 576-018-0250

##### Alcohol Use in Privately Owned Student Living Groups

(1) University-recognized student organizations that are also privately owned student living groups may conduct, on- or off-campus, "open or closed events" involving the use of alcoholic beverages in accordance with OAR 576-018-0240 and must register the event in the Student Involvement office.

(2) Such organizations that hold closed events with or without alcoholic beverages as a part of the event are accountable for the distribution of and access to alcoholic beverages from private rooms of their house. Should it be determined that an underage person obtains or receives alcoholic beverages as a part of or as the result of an event sponsored by the student organization, the student organization will be reviewed and may be suspended. This includes obtaining or receiving alcohol in a private room during the event or as a result of the event.

(3) In addition, the following criteria must be met:

(a) The organization complies with national policies and guidelines related to any affiliation with a national organization;

(b) The consumption of alcoholic beverages is restricted to a designated area such as the dining or recreation rooms within the facility;

(4) Alcohol beverage dispensing devices such as kegs and taps are not permitted in student living groups.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97

#### 576-018-0260

##### Guidelines for Responsible Use of Alcohol

Individual students and all student organizations and student living groups are required to register all events involving alcohol and must have completed the event registration process at least 2 weeks prior to the event through the Student Involvement office. The following represent *Guidelines for Responsible Use of Alcohol*:

(1) Adhere to all laws and ordinances of the state, county, and city as well as University policies.

(2) Hold only closed events for members and their guests for which individual invitations are provided and establish a means to determine each participant's age to assure that no one under the age of 21 consumes alcoholic beverages.

(3) Do not provide alcohol to individuals who seem to be intoxicated, regardless of age.

(4) Provide food and non-alcoholic beverages.

(5) Provide for security and make arrangements to monitor other potential problems such as noise and disorderly conduct.

(6) Stop providing alcohol one hour before the close of the activity or event or whenever over consumption is evident.

(7) Provide alternative transportation for individuals who cannot drive safely.

(8) Use alcohol as a complementary part of the event rather than its primary focus.

(9) Impose sanctions on members of the organization who abuse alcohol.

(10) Involve law enforcement officers when individuals become disruptive, disorderly or cannot be controlled.

(11) Prior to each event obtain information on state law and University policy governing the use of alcohol.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1994, f. & cert. ef. 6-30-94; OSU 2-1997, f. & cert. ef. 4-21-97

## DIVISION 20

### STUDENT RECORDS RULE

#### 576-020-0005

##### Basic Philosophy

Oregon State University shall generate and maintain only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, or divisions or departments. The University has responsibility to preserve the confidentiality of such records and to protect the individual student's privacy. Public access to personal student records shall be restricted according to provisions of the federal **Family Educational Rights and Privacy Act**, ORS 351.065, and Division 13 of the Oregon State Board of Higher Education Administrative Rules. This rule is a detailed statement of the implementa-

tion of this philosophy and of federal and state law. The following general rules shall be observed by all persons dealing with students' records:

(1) Only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, divisions, or departments shall be generated and maintained. Institutional officials generating or maintaining such student records shall annually review the continued relevancy of the classes of such records and shall destroy all such records which are no longer demonstrably needed, unless a student has requested access to said records or the State Archivist has directed their retention.

(2) Institutional officials generating or maintaining duplicate copies of student records (whether permanent or temporary) shall review them in the same manner as designated in section (1) of this rule.

(3) A student shall not be required to give, although the student may voluntarily provide, information as to the student's race, religion, political affiliation or preference, or personal values except as required by state or federal statute, rule, regulation, or order.

(4) Student records shall be kept in locations central to the University, its colleges, school, divisions, or departments in which they are maintained, with the custody thereof assigned to designated personnel specifically charged with maintaining the confidentiality of the records. A written statement of policy regarding the handling of such records shall be available from the personnel so designated.

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

(6) 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.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

#### 576-020-0010

##### Definition of Terms

(1) "Student" — A person who is or has been enrolled at Oregon State University.

(2) "Dependent Student" — A student considered to be a dependent under Section 152 of the Internal Revenue Code of 1954.

(3) "Educational Record" — Records directly related to a student which are maintained by Oregon State University or by a person acting for the University.

(4) "Directory Information" — Student's name, campus and home address and telephone number, class standing, day and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received and most recent previous educational institution attended by student.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

#### 576-020-0015

##### Availability of Records

Except as noted below, all educational records are available to students and said records shall not be released to other persons or organizations without the student's prior written approval. A student may see and review with the record's custodian or in his/her absence a staff member of the office or department that maintains the record, all educational records that pertain to the student, *except* as noted below. Access of the student to the record shall be provided as early as possible, but not later than 45 days following the student's request. In accordance with this policy, a written request from a student for copy, at the student's expense, of any information in that record shall be honored by the record's custodian except as noted below. Copies shall be provided at the earliest possible date, but not later than 45 days.

(1) Records *Not* Available: The following are not categorized as "educational records": and/or are *not* available to students:

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

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

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

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

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

(f) Confidential evaluations/recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access and which are limited to admission to an educational institution, and application for employment, for a recommendation for an honor, or other form of recognition.

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

(a) Institutional officials who have a demonstrated need to know as part of their official duties;

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

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

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

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

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

(g) Directory Information is available to the public upon request without the student's permission unless the student has requested in writing that the material be kept confidential. A student may request in writing that all directory information be kept confidential. This option may be exercised by completing an authorization form at the Office of the Registrar. This option remains in effect until revoked by the student;

(h) The outcome of a disciplinary action taken against a student accused of sexual assault shall be disclosed to the alleged victim and the accused student;

(i) The outcome of a disciplinary action against a student accused of a crime of violence as defined in 18 USC Section 16 shall be disclosed to the alleged victim of the crime.

(3) Release of Records with Student Permission. Except as otherwise noted herein, all educational records may be released *only* with the student's prior written permission. The written notice of permission shall be filed with the record thereby released.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

#### 576-020-0020



### Student Right to Waive Access

As noted in OAR 576-020-0015, a student may *voluntarily* waive the right of access to an educational record. Under no conditions can a student be compelled to waive the right of access. Additionally, a student who waives the right *must* be informed of the names of persons making confidential evaluations/recommendations and that such evaluations/recommendations are being used only for the purpose originally intended.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0025

#### Challenge to Content of Records and Administrative Hearing Process

The student has the right to challenge the content of educational records in order to insure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Additionally, the student has the right to request the correction or deletion of such material in the student's own educational records. If a student challenges the content of a record and the student's request for modification of said record is denied, the student is entitled to a hearing within a reasonable time. The procedure concerning challenges shall be:

(1) The custodian of the challenged record, in reviewing the record with the student, may agree to correct matters of fact or allow the student to enter an explanatory statement relating to matters of opinion. (Note: Grades are not included as "matters of fact" unless an error was made in transcribing or recording the grade.) If the student places an explanatory statement in the record, such statement must be disclosed whenever the University discloses the portion of the record to which the statement relates.

(2) If the custodian of the record does not concur with the student's request for modification of the record, the student may appeal.

(3) If the question is not resolved to the student's satisfaction at the initial step, the student may appeal the decision to the Dean or Director of that particular administrative unit. The final appeal available to students will be the Provost and Executive Vice President or designee, at which time an administrative formal hearing may be requested:

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

(b) The Hearing Officer's recommendations regarding the claim must be supported by the evidence presented.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

### 576-020-0030

#### Non-Release to Third Parties

All copies of educational records will bear this statement to the effect that: "Under the provisions of the federal Family Educational Rights and Privacy Act, the information contained in this document is not to be released to others without the written consent of the student named herein."

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

### 576-020-0035

#### Record of Access to Student Records

A written notation shall be made in a student's educational record of each occasion that a person outside the University is given access to it. The notation should indicate the person's name, organization represented, the date and the reason for granting access. However, such notation is *not* required where:

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

(2) The disclosure is made pursuant to the student's written consent. The written consent must be kept as a permanent part of the student's record;

(3) The disclosure is made to university officials with a designated need to know as part of their official duties;

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

(5) The disclosure is made to other officials as noted in OAR 576-020-0015.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0040

#### 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 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 or 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 in a manner such as to protect their confidentiality. Prior access shall be granted to students who have requested access before the records are destroyed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0045

#### Period for Granting Access

A maximum delay of 45 days is authorized in granting access to education records involving students.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0050

#### Subpoenas and Court Orders

If a court order or subpoena is issued to produce an educational record on a student, the University shall immediately take steps to notify the student of this fact, unless, in the case of a federal grand jury subpoena or other subpoena issued for a law enforcement purpose, the court or issuing agency has ordered the University not to disclose the existence or contents of the subpoena to the student.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

### 576-020-0055

#### Health or Safety Emergencies

The custodian may release information from the educational records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0060

#### Access to Records on Several Students

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. &amp; ef. 6-20-77

**576-020-0065****Annual Publication of Institutional Rule**

The University shall publish annually in the Schedule of Classes, Student Handbook, and the OSU Barometer the student records rule of the institution. Notice shall include the following:

- (1) The right of access to educational records;
- (2) The types of educational records being maintained directly relating to students;
- (3) The institutional policy for reviewing records;
- (4) The student's right to copies of certain educational records;
- (5) The student's right to have the meaning of entries in personal educational records explained;
- (6) The procedures for challenging the content of educational records and for inserting a denial or correction of disputed data;
- (7) The categories of information designated as directory information and the student's right to prevent disclosure of directory information; and
- (8) The student's right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of these rules and the **Family Educational Rights and Privacy Act of 1974**, as amended.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. &amp; ef. 6-20-77; OSU 8-1996, f. &amp; cert. ef. 8-23-96

**DIVISION 22****STUDENT APPEALS AND GRIEVANCES****576-022-0005****Purpose**

(1) The University recognizes the importance of providing an opportunity for appeal for students from decisions made by student governing groups, University administrators, committees, and faculty and staff. Particular care is taken to provide safeguards for students in any action which significantly alters their status at the University, e.g. changes their living situation, prohibits them from participating in certain activities, suspends them from the institution, significantly affects their academic standing.

(2) Basic appeal procedures are summarized in the following rules. Any questions regarding appeal procedures should be directed to the individual department or committee involved or to the Office of the Dean of Students (200 Kerr Administration Building).

(3) Unless otherwise specified, all initial appeals must be filed in writing within 15 calendar days of the decision or action being appealed, and all appeals to subsequent steps in the process must be filed within seven calendar days of the date of the decision at the previous level.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. &amp; cert. ef. 3-6-91; OSU 2-1993, f. &amp; cert. ef. 5-7-93; OSU 9-1996, f. &amp; cert. ef. 8-23-96

**576-022-0010****Student Academic Grievances**

Challenges to academic decisions are governed by the Academic Regulations and Procedures adopted by the Faculty Senate, and published in the Schedule of Classes. Those regulations provide:

- (1) Student grievances of academic matters including grades and student-instructor conflicts are appealed:
  - (a) To the class instructor;
  - (b) To the department head or chairperson;
  - (c) To the grievance committee of the college if the college maintains such a committee;
  - (d) To the dean of the college;
  - (e) To the Provost and Executive Vice President or designee.
- (2) Student appeals regarding matters of academic dishonesty are appealed in accordance with written college procedures which must provide at a minimum for appeal to the dean, followed by appeal to the Provost and Executive Vice President. If a college does

not maintain its own written appeal procedures, the steps for appeal shall be:

- (a) The class instructor;
- (b) The department head or chairperson;
- (c) The dean of college in which the course is offered;
- (d) The Provost and Executive Vice President or designee.

(3) Academic matters outside the authority and responsibility of instructors and the academic colleges are governed through University student-faculty committees. Students seeking an exception to academic regulations and requirements must petition the appropriate committee for a decision. An explanation of regulations, requirements, procedures, and the specific committee to which to direct the appeal can be obtained through the Registrar's Office, 102 Kerr Administration Building.

(a) If other pertinent information or factors become apparent after the original decision is reached, the student may appeal the decision to that committee for reconsideration by providing written documents or appearing in person;

(b) Appeals from committee except as in section (1) of this rule, are made to the Provost and Executive Vice President or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. &amp; cert. ef. 3-6-91; OSU 2-1993, f. &amp; cert. ef. 5-7-93; OSU 9-1996, f. &amp; cert. ef. 8-23-96

**576-022-0020****Student Financial Aid Appeals**

A student may appeal a decision of a financial aid staff member concerning the awarding of financial aid:

- (1) To the Director of Financial Aid;
- (2) To the Scholarship Committee when a scholarship or grant is involved;

(3) To the Financial Aid Committee;

(4) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. &amp; cert. ef. 3-6-91; OSU 9-1996, f. &amp; cert. ef. 8-23-96

**576-022-0025****Student Appeals in Matters of University-Owned Housing**

(1) Damages: concern or disagreement on billing for damages is appealed:

(a) To the Assistant Director of University Housing and Dining Services;

(b) To the Director of University Housing and Dining Services.

(2) Denial of contract and removal from a residence hall, cooperative, or family housing are appealed:

(a) To the Director of University Housing and Dining Services;

(b) To the Vice Provost for Student Affairs.

(3) Breaking the housing contract is appealed:

(a) To the Assistant Director of University Housing and Dining Services or designee;

(b) To the Contract Appeals Committee;

(c) To the Director of University Housing and Dining Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. &amp; cert. ef. 3-6-91; OSU 9-1996, f. &amp; cert. ef. 8-23-96

**576-022-0030****Student Activities and Organization Appeals**

Decisions of a student organization which affect students personally or as a group are appealed:

(1) To the student organization making the decision;

(2) To the appropriate board(s), committee(s), or organization(s) having policy-making jurisdiction over that organization;

(3) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. &amp; cert. ef. 3-6-91; OSU 3-1997, f. &amp; cert. ef. 4-21-97

**576-022-0035****Discipline Action Appeals**

(1) University discipline action appeal procedures are described in the Student Conduct Rules, OAR 576-015-0005 to 576-015-0060.

(2) Interliving group council discipline action appeal procedures are published in the bylaws of the respective committees and boards.  
Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1991, f. & cert. ef. 3-6-91

#### 576-022-0045

##### Student Employment Appeals

(1) Student employees in student affairs departments, including University Housing and Dining Services, appeal grievances:

- (a) To the immediate supervisor;
- (b) To the unit director or manager;
- (c) To the department head;
- (d) To the Vice Provost for Student Affairs.

(2) Student employees of other University departments appeal employment-related grievances:

- (a) To the immediate supervisor;
- (b) To the department chairperson;
- (c) To the dean of the college or director of the division.

(3) Student employees may also appeal employment grievances of harassment or of alleged discrimination based on sex, religion, race, color, age, national origin, marital status, sexual orientation, veteran status, or disability to the Affirmative Action Office, 500 Kerr Administration Building, 737-3556.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 9-1996, f. & cert. ef. 8-23-96

#### 576-022-0050

##### Other

Appeals from decisions made based upon policies and procedures developed by student-faculty or administrative committees involving areas such as traffic and automobiles, student identification cards, and bicycles follow procedures detailed in the appropriate sections of the operating procedures of the relevant committee.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1991, f. & cert. ef. 3-6-91

### DIVISION 23

#### ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

#### 576-023-0005

##### Introduction

(1) In the interest of the personal health and safety of student-athletes competing for and against Oregon State University in its intercollegiate athletic program and in the interest of fair and sporting competition, the Department of Intercollegiate Athletics (Athletic Department) does not condone alcohol abuse, drug and substance abuse or illegal use of such substances by a student-athlete at any time. Nor does the Department endorse or permit the use of performance-affecting substances.

(2) The Athletic Department has instituted a program of drug testing by urinalysis for student-athletes engaged in intercollegiate athletics. The testing process shall be initiated only on the basis of individualized reasonable suspicion or on the basis of failing a test previously conducted pursuant to these rules. The circumstances, conditions, or events giving rise to such reasonable suspicion and the source thereof shall be recorded in writing by the team physician who shall be the only person to authorize and initiate the drug testing process.

(3) "Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs which are specified in OAR 576-023-0010(5) and which could have or could have had an effect during a period of organized practice, conditioning, or competition or during a period of counseling for substance abuse or, in the case of steroids, during any period of conditioning or weight training:

(a) Such belief may be engendered by, among other things, direct observation by coaches, trainers, or the team physician of

physical or mental deficiency or of medically indicated symptomatology of tested-for drug use, or of aberrant or otherwise patently suspicious conduct or of unexplained absenteeism;

(b) Such belief may also be engendered by, among other things, information supplied by reliable third parties, including but not limited to law enforcement officials, if said information is corroborated by objective facts, including but not limited to, equivocal, contradictory, or unlikely and unsubstantiated explanation by the individual about whom the report is made. Should information that leads to reasonable suspicion be provided by law enforcement, prosecutorial or probation department officials, the University will only utilize and act upon such information if it succeeds in getting a written agreement from the law enforcement source that results of a potential test will not be used by law enforcement to prosecute or revoke parole;

(c) Such belief may also be engendered by common-sense conclusions about observed or reliably described human behavior upon which practical people ordinarily rely;

(d) Such belief may also be engendered by a previous positive test under these procedures within the preceding twelve months.

(4) The Athletic Department shall not perform any drug testing solely at the request of a student-athlete.

(5) Alcohol abuse during any period of OSU supervised conditioning, weight training, practice, or competition can have severe detrimental effects on personal health, performance, behavior, and academic progress. Team regulations dealing with alcohol abuse therefore provide for possible counseling and/or disciplinary action for student-athletes who are abusing alcohol. The Department considers that a conviction for driving while under the influence of alcohol is evidence of a serious problem of alcohol abuse. A conviction for driving under the influence of intoxicants (DUI) which arises from an incident during any period of OSU supervised conditioning, weight training, practice, or competition will be treated the same as a positive test for drugs, as set out in OAR 576-023-0035 of this policy.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91

#### 576-023-0010

##### Testing Method

(1) The standard method adopted by the Athletic Department for testing for drug use shall be through laboratory analysis of urine samples provided by student-athletes. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Athletic Department administration in compliance with the protocol described in OAR 576-023-0020, Specimen Collection and Role of Monitor.

(2) Results of the test shall be available only to the student-athlete, to the head coach in the athlete's sport, to the head trainer, to the Athletic Director, and to the Team Physician. Should any challenge to the test results, consequences of the test or the test procedures be raised in relation to a particular student-athlete, other appropriate University officials may have access to the information in order to carry out their responsibilities in handling the challenge.

(3) The Team Physician shall determine, after consultation with the head coach, whether it is appropriate to inform and involve a drug and substance abuse counselor, in addition to those individuals listed in section (2).

(4) A copy of the rules describing the Athletic Department Substance Use and Drug Testing Policy shall be included in the Student Athlete Handbook which shall be given to each student athlete before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.

(5) The substances for which the student-athlete will be tested include amphetamines, cocaine, anabolic steroids, marijuana, barbiturates, and phencyclidine or their derivative compounds and other similar performance enhancing or performance depressing drugs.

(6) A student-athlete who refuses to provide a urine sample during the test process or within four hours of the designated time shall be deemed to have tested positive for the drugs in question.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070



Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

**576-023-0012**

**Notification of Test**

An athletic trainer will contact a student athlete either in person or by phone to inform the student that a drug test will be done. In the event initial contact is made by phone, the student athlete will have 45 minutes to appear at the test site specified by the athletic trainer. If contact is in person, the student athlete will not be allowed to leave the area prior to submitting a specimen for testing.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2001, f. & cert. ef. 4-25-01

**576-023-0015**

**Testing Protocol**

(1) The Athletic Department protocol for testing student athletes shall minimize the chances of accidental error or cheating. The protocol shall not provide for visual observation of voiding.

(2) Coaches shall not be involved in the urine sample collection process.

(3) Testing of urine samples shall be performed by a laboratory which meets the standards of the International Olympic Committee and/or the National Collegiate Athletic Association.

(4) If the initial test is positive and was not performed by a test at least as accurate as gas chromatography — mass spectrometry, a second test shall be performed by use of the split samples at an independent laboratory, using procedures at least as accurate as gas chromatography — mass spectrometry.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

**576-023-0020**

**Specimen Collection and Role of Monitor**

(1) The Athletic Department protocol described in the Sections below shall be followed in the collection of specimens.

(2) Student-athlete is escorted by University athletic trainers to the designated area.

(3) Monitor asks student-athlete to select a sealed specimen container.

(4) Student-athlete will sign identification form and container labels at entry point. The student-athlete will then follow the monitor to the collection area.

(5) Toilet bowls and tanks shall be filled with water containing colored dye.

(6) Student-athlete shall empty all pockets and shall leave contents of pockets plus purses, back packs, and similar containers (all inside a sealed sack) with the monitor.

(7) Student-athlete shall enter collection stall and shall close the privacy curtain. Monitor shall remain immediately outside the stall. Quiet shall be maintained. After voiding into the specimen container, student-athlete shall emerge and hand the container to the monitor. The monitor shall inspect the collection stall before and after the specimen is collected. Only the monitor shall flush the toilet.

(8) The student-athlete shall then, in the presence of the monitor, pour off approximately half the contents of the container into two new containers and shall then cap, seal, and tape them.

(9) Monitor and student-athlete shall proceed together to the specimen receiving area. The specimen is to remain in view of the monitor until the monitor signs off as described in section (11) of this rule.

(10) Monitor inquires if student is taking any medication and enters this information on the certification form.

(11) Monitor signs control sheet affirming monitored specimen collection on the certification form.

(12) If unable to produce a specimen at all, the student-athlete shall be asked to return to the designated area to wait. The student-athlete begins the entire procedure anew when student-athlete deems readiness.

(13) If the student-athlete is unable to supply the necessary quantity, but wishes to keep the partial sample, then she or he must:

(a) Keep the container in her or his possession and be out of arm's reach of any other person. He or she may request liquid but must stay in possession of partial sample and remain under continuous observation of monitor;

(b) When the student-athlete indicates to the monitor readiness to complete the collection, he or she is then accompanied by the monitor to resume the process in section (7) of this rule.

(14) In the event an empty container is left standing, or a partially or fully filled container is not in close proximity and possession of the student-athlete associated with it, the monitor or an employee of the laboratory shall dispose of the container.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

**576-023-0025**

**Specimen Handling and Preliminary Testing**

(1) After specimens have been received by the designated laboratory, the following policies are in effect:

(a) Specimens are held in the designated laboratory according to the following schedule:

(A) One week for a negative test result;

(B) 90 days for a positive test result;

(b) The laboratory staff communicates with only the team physician or head athletic trainer when the testing indicates a positive result. Such communication shall be made orally to the team physician personally, followed by a written report of the test results to the team physician. Split samples are used and final confirmation of positive comes only from GC-MS method (gas chromatography — mass spectrometry) in accordance with OAR 576-023-0015(4);

(c) Anabolic steroid tests will be conducted by a laboratory qualified to perform such tests.

(2) Test results and the fact of testing shall be treated confidentially at all times. Test results and related information shall be stored securely separately from other educational or medical records. University and laboratory employees shall not disclose or discuss the fact or the outcome of testing or the identity of the person tested except insofar as necessary to carry out their official and professional responsibilities. The phrase "official responsibilities" shall not extend to financial aid (other than termination appeals under OAR 576-023-0035(2) below), student conduct, housing or campus security activities.

(3) Laboratories testing specimens shall employ secure storage and chain-of-custody/signature/name/date-time-location-purpose documentation continuously while in possession of specimens.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

**576-023-0030**

**Drug Education and Counseling Services**

Working with the Dean of Students, the Student Health Center, the Team Physician, and other campus resources, the Athletic Department administration shall provide a program of drug information and counseling referral for student-athletes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90

**576-023-0035**

**Positive Test Results Sanctions**

(1) The team physician, the head athletic trainer, the Athletic Director, and the head coach shall review a positive test result and shall, bearing in mind the type of tested-for drug(s) used, the recency of use, the medical, safety and performance-enhancing effects of its use, formulate a treatment/behavior modification program for the student-athlete. Such program shall include abstinence of further use and periodic retesting and a reduction of playing time equivalent to 10% of the competitive season for the student athlete's sport. The

program may include counseling, physical therapy, and withholding from contact drills, and scrimmages as well.

(2) If a second positive test or admission reveals continuing use of tested-for drugs beyond the initial positive test, the student-athlete shall at a minimum have his or her playing time reduced by 50% of the competitive season. The student athlete may be expelled from the team and may lose all athletic grant-in-aid support beginning with the next academic term. If the student-athlete declines twice to provide a sample, or if the student-athlete is involved in any combination of positive tests or declinations totaling two, he or she shall receive a 50% playing time reduction and may similarly be expelled from the team and lose all athletic grant-in-aid support. Prior to loss of financial aid the student-athlete shall first be offered a contested-case hearing under OAR 576-002-0000 and following.

(3) A third positive test result shall automatically cause the student-athlete to be expelled from the team. All athletically-related financial aid shall be terminated beginning with the next academic term. The student athlete shall be offered a contested-case hearing under OAR 576-002-0000 prior to the termination of the financial aid.

(4) Failure by the student athlete to cooperate in the treatment plan shall constitute immediate probable cause for subsequent testing.

(5) If a student-athlete refuses to provide a urine sample during the test process or within four hours of the designated time, the student-athlete shall be deemed to have a positive test and shall be withheld from contact-drills, scrimmages and game competition for the next three weeks of the competition season(s) starting immediately. Include a reduction of playing time equivalent to 10% of the competitive season for the student athlete's sport. The student-athlete shall not be tested following such refusal and withholding on the basis of the original incident, or particular facts which led to individualized reasonable suspicion, except in instances of a prior positive test within twelve months.

(6) In the event a student athlete tests positive, and the positive results are confirmed; or if the student has refused to provide a urine sample in accordance with section (4) of this rule, a second test cannot be required until sufficient time has elapsed for complete elimination of the drug found in the first test. Such elapsed time shall be no less than the following:

(a) Amphetamines, barbiturates, and similar stimulants, Elapsed Time 10 days;

(b) Cocaine, Elapsed Time 7 days;

(c) Marijuana, Elapsed Time 6 weeks;

(d) Anabolic steroids:

(A) Fat-soluble injectable types, Elapsed Time 8 months;

(B) Oral or water-soluble types, Elapsed Time 8 weeks.

(7) Conviction of a student-athlete for driving while under the influence of alcohol as set out in OAR 576-023-0005(5) shall result in the same pattern of sanctions as for a positive drug test. The first conviction will involve sanctions as listed in section (1) of this rule. A second conviction will result in actions listed in section (2) of this rule; a third conviction will result in actions listed in section (3) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91; OSU 5-1995, f. & cert. ef. 12-13-95; OSU 4-2001, f. & cert. ef. 4-25-01

#### 576-023-0040

##### Records Security

(1) The University has no purpose of invoking or facilitating criminal justice procedures or Student Conduct Code disciplinary proceedings arising out of the use or ingestion of the tested-for substances.

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, state or federal law enforcement officials. Nor are those administering the tests acting as, for, or on behalf of the Office of Student Conduct. The off-campus use of substances tested for under this rule is not a violation of the Student Conduct Code.

(3) Test results shall be deemed by the University as part of a student's educational/ medical records protected from disclosure under state and federal law. However, these laws do not immunize student educational records from disclosure pursuant to a subpoena or court order. In such an instance, the University will take reasonable steps to notify the record-subject in advance of compliance with any such subpoena or order. The University or the record-subject may move the court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90

#### DIVISION 24

##### ARTICLES PROHIBITED IN CERTAIN ATHLETIC FACILITIES

#### 576-024-0000

##### Prohibited Articles

(1) The following items are not allowed anywhere within Reser Stadium or within the defining fence around it, or anywhere within Gill Coliseum during periods when it is being used for an event open and advertised to the public:

(a) Glass containers of any kind;

(b) Metal cans;

(c) Weapons, firearms, destructive devices and ammunition, as provided in OAR 576-065-0000 to 576-065-0020;

(d) Fireworks, explosives or explosive devices, inflammables, and artificial noisemakers as provided in the rules of the Pacific 10 Conference, available in the OSU Department Intercollegiate Athletics;

(e) Alcohol or alcoholic beverages, except as provided in OAR 576-060-0010 to 576-060-0039;

(f) Backpacks, briefcases, athletic bags, packages, duffel bags, coolers, ice chests, picnic baskets, and other similar containers capable of concealing prohibited articles;

(g) Signs on sticks or poles;

(h) Umbrellas.

(2) Exceptions to the above prohibitions are limited to:

(a) Alcoholic beverages and alcoholic beverage containers belonging to Oregon State University concessionaire or catering services contracting with the University for its officially sponsored social functions, e.g. receptions, meetings, promotional activities, etc.;

(b) Weapons of law enforcement officials;

(c) Megaphones used by cheerleaders;

(d) Functions held within the Valley Football Center or elsewhere in Reser Stadium, including the pressbox structure, which have been approved by the Department of Intercollegiate Athletics.

(3) University employees or agents shall request, as a condition of the license to enter the facility, that persons about to enter allow them to look inside all purses and diaper bags.

(a) The person(s) entering the facility will be asked by University staff or agents to reveal the items in the purse or bag. Staff or agents shall inform person(s) in possession of the purse or bag of the reason for the inspection. Staff or agents shall further inform the persons entering the facility that they may decline the inspection and shall inform them of the following options available if they decline inspection:

(A) The person(s) will be denied admission to the facility, and will then be entitled to receive an immediate refund of the price of the ticket at the "Will Call" booth; or

(B) The person(s) may return the purse or bag to a vehicle and then enter the facility without such item.

(b) If the container is opened for inspection, and prohibited items are found by staff or agents, the possessor of such items shall be offered a choice of discarding the item(s), or returning them to a vehicle as provided in (3)(a)(B) of this rule;

(c) Personnel making the inspection requests are not obliged to cause persons to wait in line unduly while other inspections are pro-

ceeding. They must, however, request the inspection of the next person who appears carrying inspectable containers as soon as they have completed any given inspection;

(d) All searches are visual. There shall be no "pat downs" by University staff or agents. Entering persons will be encouraged to keep moving through gates and doorways.

(4) If prohibited articles are openly possessed by a person inside the facility, that person shall be considered to have violated the license to enter and view the event. The license is then revoked and the person(s) shall be requested to leave immediately. A refusal or failure to leave following such a request can cause the person to be treated as a trespasser.

(5) If a refund is requested under the provisions of subsection (3)(a)(A) of this rule, a bearer coupon shall be delivered promptly by University officials. This bearer coupon may be exchanged for a full refund immediately at the "Will Call" or other appropriate ticket booth.

(6) Prohibited items which may be seen without inspection are subject to the same consequences as specified in section (3) of this rule.

(7) Signs shall be prominently displayed at entrances to the facilities listing prohibited articles, and providing notification of the request for inspection and the right to decline options.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1993, f. & cert. ef. 6-4-93; OSU 7-2001(Temp), f. & cert. ef. 9-28-01 thru 3-26-02

## DIVISION 25

### STUDENT HEALTH SERVICES AND INSURANCE

#### 576-025-0005

##### Student Health Services

The Student Health Service (Plageman Hall) provides student health services in accordance with the rules of the Oregon State System of Higher Education, OAR 580-011-0005. Charges for services are itemized in the University's fee rule, OAR 576-010-0000.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 6-1980, f. & ef. 12-3-80; OSU 5-1994, f. & cert. ef. 6-30-94

#### 576-025-0020

##### Student Health Insurance

International students are required to cover themselves and their dependents under an insurance policy which meets the minimum coverage standards established by the United States Information Agency for J-1 exchange visitors. These standards are available in the Office of International Education.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 6-1980, f. & ef. 12-3-80; OSU 5-1994, f. & cert. ef. 6-30-94

## DIVISION 26

### MEASLES IMMUNIZATION POLICY

#### 576-026-0005

##### Compulsory Pre-Entrance Immunizations

(1) An entering freshman is required to have primary immunization against measles, mumps and rubella and a secondary reimmunization with measles vaccine.

(2) A Student Health Center form, signed and dated by the student or the parent/guardian, indicating the dates of immunization or disease, or existence of medical or bonafide religious contraindication to required immunization as provided in OAR 580-010-0005(4) must be returned by registration.

(3) A student who does not comply shall not be allowed to register until the immunization requirement is met.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1991, f. & cert. ef. 3-6-91

#### 576-026-0010

## Exemptions

The following students are exempt from the requirements of OAR 576-026-0005:

(1) Students who enroll only in summer session.

(2) Students born prior to 1957.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1991, f. & cert. ef. 3-6-91

## DIVISION 30

### REGULATIONS GOVERNING THE USE OF MOTOR VEHICLES

#### 576-030-0005

##### Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of all motor vehicles on the Oregon State University (OSU) campus is derived from Oregon Statutes and action of the Oregon State Board of Higher Education pursuant to such statutes. The rules and regulations published herein were filed with the Office of Administration, Oregon Department of Higher Education, and 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 streets, reduce congestion, improve security, and effectively utilize parking facilities.

Stat. Auth.: ORS 352.360

Stats. Implemented: ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78

#### 576-030-0010

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

All motor vehicle laws and ordinances of the State of Oregon and the City of Corvallis specifically including, but not limited to, ORS Chapters 801 through 823 together with adopted amendments are applicable to public highways. All provisions of the above motor vehicle laws are applicable and enforceable except as they conflict or are inconsistent with these rules.

Stat. Auth.: ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 351.070 & ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92

#### 576-030-0015

##### Definitions

For the purpose of these rules:

(1) 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 "motor vehicle" or "vehicle" means any type of motor-powered conveyance including, but not limited to, automobiles, trucks, motorcycles, and motor scooters.

(3) The central campus is defined as the area so indicated on the campus parking map published by Parking Services.

(4) The word "weekday" is defined as Monday through Friday.

(5) The "Appeal Review Committee" means a committee composed of two members appointed by the chairman of the Parking Committee.

Stat. Auth.: ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 351.070 & ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 6-1999, f. & cert. ef. 6-17-99

#### 576-030-0020

##### Vehicle Parking Permits

(1) From 7:00 a.m. to 5:00 p.m., Monday through Friday, all faculty, staff, and students who have motor vehicles in their possession or control parked on the OSU campus must display a current vehicle parking permit applicable to the lot in which they are parked. From 5:00 p.m. to 10:00 p.m., Monday through Friday either Faculty/Staff or Students Permits are required for staff lots so designated. Use of parking areas without a properly displayed current OSU park-



ing permit can result in a citation and a fine as established in OAR 576-010-0000. The registrant, or the faculty, staff or student in possession of the vehicle is responsible for parking violations involving the vehicle.

(2) Eligible persons who obtain permits must attach them to the vehicle for which they are designated. The vehicle must be owned by, or in the possession of, the permit purchaser.

(3) Purchased permits for automobiles must be affixed to the driver's side of the vehicle, front and rear, and highly visible. Permits for car-pool vehicles or students registering more than one vehicle must be affixed to the driver's side of the vehicle, front and rear, and highly visible but in a manner that does not obscure the driver's vision. The transferable permit (dangler) must be hung from the internal rearview mirror of the vehicle parked on campus. Permits for motorcycles and motor scooters must be affixed on the front or rear fender in a readily visible place. All expired permits must be removed or covered. If a vehicle is gifted, sold, or removed from service by a qualified permit holder, permits must first be removed.

(4) Student permits normally shall be purchased during academic registration. Faculty, staff, and students unable to obtain permits during academic registration may obtain permits from the Parking Services Office, phone 737-2583. Renewal applications for staff permits may be mailed to the Parking Services Office in accordance with the instructions mailed to permit holders at the beginning of the academic year. Faculty/Staff Permits may be purchased through payroll deduction over a 9-month period or less; an additional handling fee of \$5 is charged for this service.

Stat. Auth.: ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 351.070 & ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96

## 576-030-0025

### Driver Responsibility

(1) All persons operating motor vehicles on campus are responsible for knowing and adhering to the regulations stated herein. The regulations are enforced at all times.

(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 OSU parking regulation.

(3) In the event of conflict between signs or markings and printed regulations, the signs or markings shall be followed.

(4) OSU is not responsible for any vehicle or its contents parked on OSU property or environs. Individuals assume all risk of accident and property loss, personal injury, and property damage.

(5) The vehicle registrant and/or the person in possession of the vehicle is responsible for traffic and parking violations on campus involving the vehicle.

Stat. Auth.: ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 351.070 & ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 6-1999, f. & cert. ef. 6-17-99

## 576-030-0030

### Permits and Parking Areas

(1) Staff Permits may be purchased by all non student full or part-time employees or personnel connected with OSU:

(a) A Staff Permit may be purchased for each academic year. This permit expires on September 30 of each year;

(b) Emeritus and retired personnel who have no member of their immediate family affiliated with OSU may be issued one 10-day Temporary Card free or may purchase a Staff Permit for the fee set in OAR 576-010-0000. An additional ten-day card may be purchased for the fee set in OAR 576-010-0000;

(c) Vehicles displaying Staff Permits may park in any OSU parking stall provided posted signs are observed. Each parking period is limited to 24 hours.

(2) Staff Second Car Permits may be purchased by all full or part-time personnel or those directly connected with OSU who wish to register two vehicles:

(a) Staff Second Car Permits may be purchased for each academic year. These permits expire on September 30 of each year;

(b) Both vehicles may not be parked on campus at the same time, unless the second vehicle is parked in the pay lot, the open parking area, or a temporary permit is purchased for the day.

(3) Student Permits may be purchased by students who wish to bring vehicles to the campus:

(a) A Student Permit may be purchased for each academic year. This permit expires September 30 of each year;

(b) Vehicles displaying Student Permits may park in student areas at any time;

(c) Students with Student Permits may use staff areas from 5 p.m. to 7 a.m. of the following day, Monday through Friday, when school is in session; from 5 p.m. Friday until 7 a.m. Monday; during legal holidays when school is not in session; during term breaks; and from the end of Summer Term to September 15 of each year. Each parking period is limited to 24 hours; there are no time restrictions on student parking in student parking areas;

(d) Students without permits may park in staff lots only from 5 p.m. until 7 a.m. Monday through Friday, including term breaks; Staff Permits are required until 10 p.m. in the two staff lots off Monroe Street;

(e) Vehicles, other than commercial vehicles and bicycles, are not permitted within the central campus Monday through Friday, except as permitted by a disability permit issued under section (7) of this rule.

(4) Open parking is allowed in any parking lot which is not restricted to permit holders. There will be no charge for parking in these lots. Charges may be made during certain events.

(5) Motorcycle and Motor Scooter Permits may be purchased for each academic year. This permit expires on September 30 of each year. Motorcycles and Motor Scooters will be parked and driven on campus according to instructions in OAR 576-030-0060.

(6) Special Permits may be issued at the Parking Services Office under the following conditions:

(a) Commercial Vehicle Permits: All vehicles used by vendors or services doing business on the Oregon State University campus are required to have a permit to park, whether on the streets or in parking lots. Commercial Vehicle Permits are available from the Parking Services Office for a fee as established in OAR 576-010-0000;

(b) Businesses failing to obtain a permit are subject to citations and fines. Penalties that are not paid promptly can result in all vehicles of the offending company being barred from campus;

(c) Vehicles required to have a Commercial Vehicle Permit are all company or private vehicles used to conduct business on campus. These vehicles cannot enter the restricted core area of campus without a Commercial Vehicle Permit;

(d) Permits are not required for freight trucks and public service vehicles; i.e., telephone, electric and gas company vehicles;

(e) Temporary Permit: A Temporary Permit may be purchased by anyone wishing to park a specific vehicle, in specified locations, for short periods of time. This type of permit should be used by people attending meetings and conferences on campus.

(7) Disability Permits: Faculty, students and staff who are disabled and possess a Department of Motor Vehicles disabled parking placard, should contact the Parking Services Office directly regarding their special parking needs. Faculty, staff, students, and visitors must obtain the proper campus parking permit and display their DMV placard to utilize disabled spaces.

(8) Summer Term Permits may be purchased for the fees indicated in OAR 576-010-0000. These permits expire on September 30 of each year.

(9) Replacement Vehicle Permits: A new or different vehicle replacing a registered one must also be registered at the Parking Services Office. When the remains of the old permits (both front and rear) are brought to the Parking Services Office, replacements will be issued after payment of the fee.

(10) Visitors' Vehicles must display Visitor or Guest Parking Permits. A "visitor" is a person not directly affiliated with OSU. Spouses and children of faculty, staff, and students are considered to be affiliated with OSU. Visitor Permits are obtained at the cam-

pus Information Center. Visitor vehicles may park provided all posted signs are observed, in the designated Visitor or Student areas. Each parking period is limited to 24 hours. Visitors staying overnight in a residence hall may obtain parking instructions from the residence hall desk clerk, or from the OSU Security Services by dialing 737-3010. Parking information is also available by calling Parking Services after hours information line at 737-2583.

(11) To park an unregistered loaner vehicle for one day or less, staff permit holders must call the Parking Services Office and give name, make of vehicle, license plate number, and area where parked. To park an unregistered loaner vehicle for more than one day, staff permit holders must get a Courtesy Permit, at no charge, from the Parking Services Office. Students may obtain a Courtesy Permit for loaner vehicles from the Parking Services Office. To park an unregistered vehicle owned by the permit holder, a Temporary Permit is required at all times.

(12) A parking lot with metered spaces is provided for visitors, faculty, staff and students. It is located across from the OSU Bookstore. The hours of operation and the meter charges are designated on the meters.

(13) OSU Vehicle Permit Holders are authorized reciprocal parking privileges on the U of O campus.

(14) The cost of all permits referred to in this rule is set out in OAR 576-010-0000.

(15) Reserved parking spaces designated for exclusive use by any College, School, Department or other organizations, will be assessed an annual fee of two times the current Faculty/Staff Permit fee. (This includes executive officers, Bookstore, KOAC, Housing, Student Health, Beaver Club, Telecommunications, etc.) Exceptions to this requirement are visitor, disabled, loading zones, and service vehicle spaces.

(16) All motor pool vehicles on permanent or long term assignment (one month or longer) to individuals and units regularly assigned to OSU campus, shall be subject to an annual fee equal to a regular Faculty/Staff Permit, or a pro-rated fee at one-ninth the annual fee per month or portion thereof. This regulation is intended to include all motor pool vehicles regularly parking on campus as well as other vehicles owned by campus units.

Stat. Auth.: ORS 351.070 & ORS 352.360  
 Stats. Implemented: ORS 351.070 & ORS 352.360  
 Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 5-6-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 6-1999, f. & cert. ef. 6-17-99

## 576-030-0035

### Refunds

Staff or student members who leave OSU, dispose of their vehicle without replacing the permit, or are dissatisfied with the permit are entitled to refunds which will be made only for whole terms. (Fall, Winter, Spring). Upon return of the permits or fragments thereof showing the registration number to Parking Services, a refund will be made. Refunds or stop of payroll deductions for permits require that all fragments of permits be returned to Parking Services prior to any refund or stopping of payroll deduction. Refunds for a term will not be made if the permit is returned after the published date for late school registration for that term. Refunds will not be made if a vehicle has been cited more than five times during the academic year for parking violations.

Stat. Auth.: ORS 351.070 & ORS 352.360  
 Stats. Implemented: ORS 351.070 & ORS 352.360  
 Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96

## 576-030-0040

### Driving and Parking Regulations on Campus

(1) Anyone operating a vehicle on campus shall observe speed limits, barricades, bicycle lanes, crosswalks, stop signs, and all other traffic signs and regulations, and shall drive in a safe and prudent manner. The speed limit on campus is 15 MPH except where otherwise posted. Driving or parking vehicles on sidewalks, lawns, and other areas not designated for driving or parking is prohibited.

(2) Campus traffic boundaries and parking areas are indicated on the campus parking map published by Parking Services.

(3)(a) Most parking areas are reserved for vehicles with specific permits, as indicated by posted color-coded signs and markings:

- (A) Green: Student and Visitor Permits;
- (B) Red: Faculty/Staff Permits;
- (C) Blue: Disability Permits;
- (D) White: Visitor Permits;
- (E) Brown: Open (no permit required).

(b) Other color-coded signs and markings refer to types of vehicles:

- (A) Yellow: Compact cars;
- (B) Gold: Motorcycles, motor scooters, and mopeds.

(4) Vehicles with Staff Permits, visitors' vehicles, or service vehicles will be authorized entrance at the Information Center during the hours 7 a.m. to 5 p.m. on weekdays, except as provided in OAR 576-030-0030(7).

(5) Vehicles shall park headed into the parking stall where the end of the stall is a curb, building, fence, shrubbery or other obstruction, or parallel facing in the direction of traffic flow within indicated boundaries. On the OSU campus any area not specifically designated for parking is a "No Parking Zone."

(6) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within a parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse or defense for a violation.

(7) Vehicles shall not park in loading zones at any time for any purpose other than loading and unloading, and for such purpose maximum time is ten minutes, or as posted.

(8) All vehicles parked on OSU property are required to observe posted traffic and parking signs. If any of these regulations should conflict with posted signs, the signs are to be observed.

(9) Abandoned and/or immobilized vehicles left on OSU property more than 72 hours will be removed at the owner's expense unless an extension has been granted by Parking Services or by the University Police and Security Services. Unlicensed vehicles and vehicles without OSU Parking Permits parked more than 24 consecutive hours on OSU property will be considered abandoned and subject to removal.

(10) All motor vehicles driven on OSU property shall be operated by a legally licensed driver. The licensee shall have such license in his or her immediate possession at all times when operating said vehicle, and shall display it upon request of University Police, Security Services Officers, and Parking Enforcement Officers.

(11) Government vehicles not assigned a permanent parking space may be parked for a period of 24 hours in staff or student parking spaces, except those posted with restrictions. Posted regulations must be observed.

(12) All reserved spaces allocated for specific vehicles are reserved at all times.

(13) Personal notes left in a vehicle to explain unauthorized parking will not be accepted.

(14) Lack of space is not a valid excuse for violating any parking regulation.

(15) "Compact" car, as the term is used on parking signs and markings, refers to a small car that does not exceed 5'6" by 15'6".

(16) OSU is not responsible for any vehicle, or its contents, parked on OSU property or environs. Drivers assume all risk of accident and property loss, personal injury, and property damage.

Stat. Auth.: ORS 351.070 & ORS 352.360  
 Stats. Implemented: ORS 351.070 & ORS 352.360  
 Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95

## 576-030-0045

### Parking Committee and Appeal Review Committee

(1) The Vice President for Finance and Administration appoints the members of the Parking Committee to represent faculty, staff, and students on parking matters. Requests for hearings and/or suggestions for enforcement, modification, or amplification of parking

regulations should be presented in person or in writing to the Parking Committee.

(2) Any appropriate matter presented to the Parking Committee will be considered by the committee or referred to the Appeal Review Committee or the Student Appeal Court to determine what action, if any, is required.

(3) Hearings on student violations will be considered by the Student Appeal Court; hearings on violations by others will be considered by the Appeal Review Committee.

Stat. Auth.: ORS 351.070 & ORS 352.360  
Stats. Implemented: ORS 351.070 & ORS 352.360  
Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 6-1999, f. & cert. ef. 6-17-99

#### 576-030-0050

##### Penalties for Offenses

Fines in an amount set out in OAR 576-010-0000 will be imposed for:

(1) Failure to display a permit on any vehicle parked within campus boundaries in violation of these regulations.

(2) Counterfeiting, altering, defacing, or transferring a parking permit to another motor vehicle for which a permit was not issued or for giving false information in an application or hearing or for misuse of any permit could result in the revocation of the permit.

(3) Parking in a "No Parking" area including yellow and red zones. Exception: service vehicles.

(4) Parking in an area in which either the vehicle or the vehicle driver is not authorized to park.

(5) Unauthorized parking in "Disabled" space and van access area.

(6) Parking on lawn or sidewalk.

(7) Parking in crosswalk.

(8) Parking in driving lane.

(9) Parked overtime.

(10) Unauthorized parking in a reserved space.

(11) Any other violation of these regulations.

(12) Parking in posted fire lanes.

(13) Any other offenses not specified herein which are violations of the motor vehicle laws and ordinances of the State of Oregon or City of Corvallis, may be prosecuted in the appropriate state or municipal courts.

(14) A vehicle may be immobilized or towed and impounded, and is subject to towing and storage fees in addition to fines if the vehicle is a traffic hazard or a hazard to pedestrians or public safety. In the event of impoundment, the owner of the vehicle shall have a right to request that a hearing be held within five days to determine the validity of the impoundment and the reasonableness of the charges.

(15) In the event a vehicle receives five or more citations in an academic year, the Parking Administrator may do any combination of the following:

(a) Terminate the vehicle permit;

(b) Bar the vehicle from campus;

(c) Boot (immobilize) the vehicle until all citation fines have been paid.

Stat. Auth.: ORS 351.070 & ORS 352.360  
Stats. Implemented: ORS 351.070 & ORS 352.360  
Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96

#### 576-030-0055

##### Enforcement and Appeals

(1) All penalties prescribed in OAR 576-030-0050, other than violations referred to appropriate courts of law as provided in OAR 576-030-0050(13), will be administratively enforced by OSU. For all administratively enforced violations, a parking citation or notice of offense, including the scheduled fine, will be given the violator or attached to the violator's vehicle.

(2) Fines for cited violations shall be paid to OSU at the Parking Services Office, on or before the date indicated on the citation.

(3) A person charged with a violation may appeal the citation by paying the scheduled fine and filing, within seven working days from the date of issuance, a request for a hearing indicating why the citation and resulting fine should not be imposed. A person desiring an appeal can obtain filing instructions by appearing in person at the Parking Services Office or he/she can write to the Parking Services Office within the time specified. After the receipt of the Request for Hearing, the case will be scheduled for review by the Appeal Review Committee. Student appeals will be filed by the Parking Services Office with the Student Appeal Court (SAC) which will render judgment. SAC findings may be subsequently appealed by the student to the Appeal Review Committee. The judgment rendered by the Appeal Review Committee is final and not subject to further appeal.

(4) A student who fails to pay or appeal a violation on or before the date specified in the citation will, after written notice, have the amount charged to his/her Receivable Account with the University Business Office and forfeits his/her right of appeal.

(5) A faculty or staff member who fails to pay or appeal a citation on or before the date specified in the citation will, after written notice, have the amount charged to his/her Receivable Account with the University Business Office and will forfeit his/her right of appeal.

Stat. Auth.: ORS 351.070 & ORS 352.360  
Stats. Implemented: ORS 351.070 & ORS 352.360  
Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95

#### 576-030-0060

##### Motorcycle and Motor Scooter Operation

(1) Parking areas for motorcycles and motor scooters are specifically allocated and marked as follows: SW corner of Campus Way and 15th Street; NW gate of Dixon Center on 26th Street; staff lot north of Student Health Center; south of Callahan Hall on Adams Street; SW corner of Sackett parking lot; NE corner of Snell lot; SE corner 15th Street and Washington Avenue; NE corner 15th Street and Jefferson Way; NW corner of staff lot west of Crop Science Building; Jefferson Way north of Heckart Lodge; behind Agricultural Life Sciences Building; motorcycle spaces in the pay lot; and south of Bloss Hall. Additional areas may be designated. Parking is also available in automobile parking spaces after 5 p.m. provided a motorcycle parking area is not located in that lot, and a permit is displayed.

(2) Motorcycles, motor scooters, and mopeds are prohibited from parking in any yellow painted areas, crosswalks, loading zones, time limit zones, bicycle parking areas, or in the interior of campus buildings or any place not designated for parking. Motorcycles, motor scooters, and mopeds are prohibited on sidewalks, bicycle lanes, paths, or other pedestrian areas.

(3) Motorcycles and motor scooters are prohibited from the central campus during the hours from 7 a.m. Monday to 5 p.m. on Friday.

(4) The pay lot is accessible to motorcycles during operating hours with payment of a motorcycle only space.

Stat. Auth.: ORS 351.070 & ORS 352.360  
Stats. Implemented: ORS 351.070 & ORS 352.360  
Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93

#### 576-030-0070

##### Skateboard and Skate Regulations

(1) Skateboard and skate use is prohibited on property owned or controlled by Oregon State University except use as specified in this rule by University students, faculty, and staff.

(2) "Skates" means in-line skates, rollerskates, or similar devices.

(3) University students, faculty, and staff may use skateboards and skates in the area in McAlexander Field House designated for their use. All other use of skateboards and skates is prohibited in University buildings.

(4) University students, faculty, and staff may use or operate skateboards or skates on the University paved roadways that are designed for vehicular travel.



(5) University students, faculty, and staff may use skates on paths, walkways, and sidewalks at no more than walk speed while traveling to and from classes, meals and University facilities.

(6) Skateboard and skate users shall yield the right-of-way to pedestrians, motorized vehicles and bicycles while in the roadway, and to emergency vehicles in all circumstances.

(7) Skateboard users shall obey all stop and yield signs.

(8) Skateboards shall not be used on that portion of Jefferson Street commonly known as Library Hill (immediately south of Valley Library).

(9) Skateboard and skate users shall not perform acrobatics or other stunts when using skateboards or while wearing skates.

(10) All persons using skateboards or skates as authorized by this rule shall use them in a reasonable and prudent manner, having due regard to traffic, pedestrians' rights, surface of the roadway, the hazard at intersections, and any other condition then existing.

(11) Any person who violates this rule is subject to:

(a) Issuance of a University Citation and a fine of \$50.00;

(b) Institutional disciplinary proceedings, if a student or employee;

(c) An order to leave the immediate premises or property owned or controlled by the University by a person in charge of University property.

(12) Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

(13) Parents and guardians of juvenile operators and adult operators, including students, staff and faculty are responsible for damage to University buildings or property by their skateboards or skates and for payment of any fines.

(14) The Vice President for Finance and Administration, the Vice Provost for Student Affairs, Security Services Manager, Manager of Environmental and Public Safety, Director of Facilities Services, Director of Student Housing and Residence Programs, Director of Conferences and Special Events, the Director of the Memorial Union and Educational Activities, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and this rule.

Stat. Auth.: ORS 164.205(5), ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 164.205(5), ORS 351.070 & ORS 352.360

Hist.: OSU 1-1987, f. & ef. 4-21-87; OSU 5-1990, f. 9-7-90, cert. ef. 9-15-90; OSU 3-1993, f. & cert. ef. 5-7-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 2-1999(Temp), f. & cert. ef. 4-14-99 thru 9-30-99; OSU 7-1999, f. & cert. ef. 9-9-99

## 576-030-0090

### Bicycle Regulations

(1) A "bicycle," as used herein, refers to a nonmotorized vehicle with one or more wheels, driven by pedal mechanism. A "bicyclist" refers to the operator of a bicycle. The use of bicycles as an alternative to automobiles is encouraged by Oregon State University. However, to prevent the hazards that bicycles can present on campus, the following rules and regulations have been adopted.

(2) Bicyclists and motor vehicle operators have similar legal responsibilities when exercising their right to operate and park any vehicle in a controlled area such as a university campus.

(3) Bicycles must be operated in a safe manner, in accordance with applicable state laws and city ordinances. Bicyclists shall maintain a safe speed, not to exceed 15 MPH unless otherwise posted and shall obey all traffic and parking signs.

(4) Bicycles must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement. A bicycle or its rider must be equipped with lighting equipment which shows a white light visible from a distance of at least 500 feet to the front of the bicycle. The lighting equipment must be used during hours of darkness and during limited visibility conditions. The lighting equipment must have a red reflector or lighting device or material of such size or characteristic and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(5) Bicycles must not be operated on sidewalks or other walkways unless posted signs indicate otherwise.

(6) Bicyclists shall yield the right-of-way to pedestrians and disabled persons.

(7) Bicyclists involved in collisions shall render aid as appropriate and call Security Services for assistance. All involved individuals shall remain at the collision site until released by the attending officer. When a collision results in an injury, a written accident report must be submitted to Security Services by the individuals involved.

(8) Bicycles shall be parked, stored, or left on campus only in areas so designated by bicycle parking devices or signs authorizing bicycle parking or storage. All bicycles, regardless of owner, must be maintained in working order while

parked on campus. Bicycles parked or stored in bicycle racks at or near academic or research buildings longer than five days will be considered abandoned and will be impounded.

(9) Bicycles users may be cited for:

(a) Improper or unsafe operation of a bicycle including failing to obey a traffic control device (including but not limited to Stop Sign, Do Not Enter, Bicycle Walk Zone), two on a bicycle, riding encumbered, and riding faster than the posted speed limit;

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

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

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

(e) Being parked in buildings;

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

(10) The fine for citation is set out in OAR 576-010-0000. Campus citations may be appealed by written statement to the appropriate traffic court established in OAR 576-030-0055.

(11) Bicycles may be impounded if they are left in a place that creates a safety hazard or if they appear to be non functional or abandoned. A notice of impoundment will be sent to the permit holder within 24 hours. Bicycles may be claimed by identifying the bicycle and payment of citation fine and impoundment fee. Security Services will not be liable for the cost of repair or replacement of a securing device damaged when removing and impounding a bicycle.

(12) All bicycles that are operated, parked, or stored on campus by student, staff, or faculty may be registered at Security Services, Public Safety Building.

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

(14) Applications for bicycle registration permits are available from Security Services at no cost.

(15) Permits are effective for the time period the registrant is affiliated with Oregon State University. Permits are nontransferable and there is no fee for the permit. Bicycle permits must be affixed to, and clearly displayed on the seat tube just below the seat, with the permit numbers facing forward. Permits that are stolen, defaced, or lost should be promptly reported to Security Services and a replacement permit obtained.

(16) If a registered bicycle is sold or disposed of and another bicycle is obtained, the new bicycle may be registered at the Security Services.

Stat. Auth.: ORS 351.070 & ORS 352.360

Stats. Implemented: ORS 351.070 & ORS 352.360

Hist.: OSU 4-1987, f. & ef. 6-11-87; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95

## DIVISION 35

### USE AND SAFETY RULES FOR TRAVEL IN STATE-OWNED OR CONTROLLED VEHICLES

**576-035-0000**

**Purpose**

Oregon State University adopts these rules to govern use of vehicles on official university business by faculty, staff, and students.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 4-1992, f. & cert. ef. 6-5-92

**576-035-0010**

**Definitions**

- (1) "Vehicle" means cars, vans, trucks, and buses.
- (2) "State-owned Vehicle" means a vehicle which is owned by or registered in the name of the State of Oregon, Oregon State University, or any of its departments.
- (3) "Hired Vehicle" means a vehicle which is leased, hired, or rented by the State, Oregon State University, or any of its departments.
- (4) "State Business" means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of Oregon State University.
- (5) "Faculty and Staff" means personnel on the university payroll and volunteers who are registered with the Business Affairs Office.
- (6) "Student" means a person currently enrolled/registered at OSU.
- (7) "Officially Sanctioned Program" means any program undertaken to further the instructional, research, or service missions of Oregon State University or designed to promote the cultural and physical development of students. Such programs include but are not limited to:

- (a) Academic department programs;
- (b) Co-curricular programs;
- (c) Intramural, recreational sports, club sports, and inter-collegiate athletic programs;
- (d) Any student programs or activities identified by the Vice Provost for Student Affairs or designee. Examples of such activities include, but are not limited to, student government, student housing activities, and activities sponsored by student organizations that are consistent with the university's mission.

Stat. Auth.: ORS 283.310, ORS 351.070 & ORS 351.277  
Stats. Implemented: ORS 283.310, ORS 351.070 & ORS 351.277  
Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

**576-035-0020**

**Uses by Faculty, Staff, and Students**

- (1) Vehicles must be operated within the laws, rules and regulations of the State of Oregon and the policies and procedures of OSU, as found in the **OSU Motor Pool Handbook**, the **OSU Safety Procedures Handbook** and the **Motor Pool Information Policies and Procedures Publication**, all available at the OSU Motor Pool Office. State-owned vehicles are for state business only and may not be used for any private purpose except as specifically authorized by State Department of Administrative Services regulations.
- (2) Drivers of state-owned vehicles, or hired vehicles must certify that they:
  - (a) Possess a driver's license valid in Oregon;
  - (b) Have not committed a "major traffic offense," as defined in ORS 153.500 and enumerated in the OSU's **Safety Procedures Handbook**, within the past 36 months, as certified by a check of DMV records;
  - (c) Have satisfactory driving experience with the type of vehicle being used.
- (3) Drivers of state-owned or hired vehicles shall:
  - (a) Ensure that all passengers have an operable seat belt;
  - (b) Prior to a trip, evaluate the route, weather conditions and other circumstances to determine which additional safety equipment such as a flashlight, ice scraper, first aid kit, emergency instructions, tire chains, etc. are necessary;
  - (c) File itineraries, to include destinations and anticipated departure and return times, with the Motor Pool;
  - (d) Provide for a relief driver if travelling continuously for over four hours and carrying passengers;

- (e) Make rest stops every two hours on long trips where practical.
- (4) The use charge for state-owned vehicles must be paid from an appropriate state account.
- (5) Non-state employees and non-students riding in state-owned vehicles may do so only when authorized by a university department head.
- (6) Use of state vehicles for home-to-office travel is not authorized and shall be considered vehicle misuse.  
[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

**576-035-0030**

**Students**

- Students shall have access to university Motor Pool services and state-owned vehicles subject to the following general guidelines:
- (1) Student use of Motor Pool vehicles is authorized only for events or activities directly related to an officially sanctioned program.
  - (2) Student organization use of state vehicles is restricted to student organizations receiving student fee program funds collected by the university student fee funding procedure.
  - (3) Students participating in student fee funded programs under the auspices of the Memorial Union and Student Activities or the Recreational Sports Program must present an authorized purchase order to the Motor Pool before obtaining vehicle access.
  - (4) If a student is not an OSU employee, he/she must present a student driver authorization form from the department or unit head before obtaining a Motor Pool vehicle.  
Stat. Auth.: ORS 283.310, ORS 351.070 & ORS 351.277  
Stats. Implemented: ORS 283.310, ORS 351.070 & ORS 351.277  
Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

**DIVISION 40**

**POLICY ON SMOKING IN UNIVERSITY BUILDINGS**

**576-040-0010**

**Purpose**

It is the policy of Oregon State University that students, faculty, staff, and visitors are entitled to and will be provided smoke-free areas in which to study, work, teach, conduct research, transact business, and otherwise participate in university activities indoors.  
Stat. Auth.: ORS 243.345, ORS 243.350, ORS 351.070 & ORS 433.835 - ORS 433.850  
Stats. Implemented: ORS 243.345, ORS 243.350, ORS 351.070 & ORS 433.835 - ORS 433.850  
Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

**576-040-0012**

**Definition**

"Service Line" means any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.  
Stat. Auth.: ORS 243.345, ORS 243.350, ORS 351.070 & ORS 433.835 - ORS 433.850  
Stats. Implemented: ORS 243.345, ORS 243.350, ORS 351.070 & ORS 433.835 - ORS 433.850  
Hist.: OSU 8-1998, f. & cert. ef. 8-24-98

**576-040-0015**

**Areas in Which Smoking is Prohibited**

- (1) Smoking or carrying any lighted smoking device is prohibited within enclosed university facilities, including but not limited to offices, reception areas, laboratories, lavatories, classrooms, stairwells, hallways, lobbies, meeting rooms, gymnasiums, elevators, and storage rooms.
- (2) Smoking shall not occur:
  - (a) Within a reasonable distance, not to be less than ten (10) feet, of any entrance of any enclosed area where smoking is prohibited or of any service line that extends out of doors; or
  - (b) In any other area where a smoking prohibition is posted.

(3) Smoking is prohibited in Parker Stadium except in designated areas.

Stat. Auth.: ORS 243.345, ORS 243.350 & ORS 351.070  
 Stats. Implemented: ORS 243.345, ORS 243.350 & ORS 351.070  
 Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 11-1991, f. & cert. ef. 11-13-91; OSU 8-1998, f. & cert. ef. 8-24-98

#### 576-040-0025

##### Motor Pool Vehicles

Smoking in University Motor Pool vehicles is prohibited.

Stat. Auth.: ORS 243.345, ORS 243.350 & ORS 351.070  
 Stats. Implemented: ORS 243.345, ORS 243.350 & ORS 351.070  
 Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

#### 576-040-0030

##### Responsibility for Communication of the Policy

(1) Building managers are responsible for announcing and applying these policies within their buildings. When a building manager has not been designated for a university structure, the department head responsible for the structure will announce and apply smoking policies.

(2) Building managers will be responsible for reporting violations of this policy by university staff and faculty members to the violator's division director or department head.

(3) Building managers will be responsible for reporting violations of this policy by students to the Office of the Student Conduct Coordinator.

(4) Building managers will be responsible for reporting visitors who refuse to comply with this policy to Security Services. Either the Manager of Security Services or designee is included among those persons "in charge" of campus property for purposes of ORS 164.205(5).

Stat. Auth.: ORS 243.345, ORS 243.350 & ORS 351.070  
 Stats. Implemented: ORS 243.345, ORS 243.350 & ORS 351.070  
 Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 10-1996, f. & cert. ef. 8-23-96; OSU 8-1998, f. & cert. ef. 8-24-98

#### 576-040-0035

##### Sanctions

The university reserves the right to impose, consistent with applicable provisions of state law and regulations, applicable collective bargaining agreements, and applicable university and OSBHE administrative rules, reasonable sanctions, including disciplinary actions, upon university, faculty, staff, and students who violate this policy.

Stat. Auth.: ORS 243.345, ORS 243.350 & ORS 351.070  
 Stats. Implemented: ORS 243.345, ORS 243.350 & ORS 351.070  
 Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

### DIVISION 45

#### ANIMAL CONTROL

#### 576-045-0000

##### Purpose

Oregon State University adopts these rules to control animals on campus.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 7-1995, f. & cert. ef. 12-13-95

#### 576-045-0010

##### Definitions

(1) "Animal" means any bird, reptile or mammal kept as a pet.

(2) "Leash" means any rope, strap, chain or similar device not exceeding six feet in length, held in the hand of a person capable of controlling the animal to which it is attached.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 7-1995, f. & cert. ef. 12-13-9

#### 576-045-0020

##### Regulation

(1) The City of Corvallis animal control ordinance, Corvallis Municipal Code 5.03.050, together with any adopted amendments, is applicable and enforceable on university owned and controlled property within the City.

(2) No person shall bring an animal onto university owned or controlled property and leave it unattended for any length of time.

(3) No person shall attach any animal by the use of any leash or other device to any tree, pole, fence, sign, building, fire hydrant, vehicle or other object on university owned or controlled property. (4) No person shall confine or attach an animal within or to a motor vehicle either leashed, tied or loose in such a way that the animal can extend beyond that vehicle.

(5) Animals are not allowed on university owned or controlled property unless on a leash and under the control of a person capable of controlling the animal.

(6) No person shall bring an animal onto university owned or controlled property unless it has a current license.

(7) Animals are not permitted in university owned or controlled buildings.

(8) Exceptions:

(a) Assistance animals trained to assist a physically impaired person in one or more daily life activities, including but not limited to Guide Dogs for the Blind, Companion Dogs for the Deaf, Canine Companions for Independence (including those dogs in training), or those associated with a comparable nationally recognized organization;

(b) Animals under guidance and control of university staff for the purpose of research or other academic endeavors.

Stat. Auth.: ORS 346.685 & ORS 351.070  
 Stats. Implemented: ORS 346.685 & ORS 351.070  
 Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97

#### 576-045-0030

##### Sanctions

(1) Any person who violates this rule is subject to:

(a) Issuance of a University Notification by a Public Safety Officer;

(b) An order to leave the premises and remove the animal from property owned or controlled by the university by a person in charge of university property;

(c) Disciplinary action, if a student or university employee.

(2) Animals found on university or controlled property in violation of OAR 576-045-0020 will be impounded and taken to the Human Society if the owner cannot be readily located.

(3) Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

(4) The Vice President for Finance and Administration, Director of Facilities Services, Manager of Environmental and Public Safety, Security Services Manager, Public Safety Officers, Director of Student Housing and Residence Programs and their designees, have the authority of "persons in charge" of university property for purposes of ORS 164.205 and this rule.

Stat. Auth.: ORS 351.070 & ORS 164.205  
 Stats. Implemented: ORS 351.070 & ORS 164.205  
 Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97

### DIVISION 50

#### FACULTY GRIEVANCE PROCEDURE

#### 576-050-0010

##### Purpose

(1) The University encourages the resolution of grievances through informal means and discussion in keeping with the collegial atmosphere of a university. The University is also committed to a formal procedure for consideration of grievances that are not resolved through informal processes.



(2) The procedure set out in this rule is available to any unclassified employee with faculty rank as defined in this rule and in the rules of the State Board of Higher Education.

(3) This grievance procedure may be used to hear any complaint by a faculty member that he or she was wronged in connection with compensation, tenure, promotion or other conditions of employment, or that his or her rights were denied as to reappointment. "Other conditions of employment" shall include, but not be limited to, violations of academic freedom, nondiscriminatory employment practices and discriminatory employment practices including sexual harassment, and laws, rules, policies and procedures under which the institution of higher education employing the academic employee operates. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to this grievance procedure.

(4) The University may elect not to proceed with a grievance if the grievant also seeks resolution in another forum.

(5) If the grievance concerns a matter to which contested case procedures apply, the grievant may elect to use the procedures in OAR 576-002-0020 to 576-002-0055.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

#### 576-050-0015

##### Definitions and Mail Requirement

(1) "Days" as used in this rule shall mean calendar days.

(2) "Presentation of the Grievance" as used in OAR 580-021-0050 means receipt of the grievance by the dean, director or unit executive officer as specified in OAR 576-050-0025.

(3) "Faculty Mediator" is an academic employee with faculty rank chosen by the Faculty Senate Executive Committee. Emeritus faculty shall be eligible to serve as the Faculty Mediator.

(4) "Faculty Grievance Committee" is a committee of five academic employees with faculty rank chosen by the Faculty Senate Executive Committee and charged with the responsibility for hearing faculty grievances in accordance with these procedures. Any person with faculty rank may submit nominations to the Executive Committee for consideration. The Executive Committee shall choose at least one female and one minority member. Three members shall constitute a quorum. The Executive Committee of the Senate shall select a Chair.

(5) "Faculty Rank" means faculty ranks as defined in the rules of the State Board of Higher Education and includes faculty without rank but with professional title.

(6) All appeals, decisions, or recommendations referred to in this rule shall be sent by U.S. Mail or University campus mail.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96

#### 576-050-0020

##### Informal Procedures

(1) Prior to filing a formal grievance a faculty member is encouraged to discuss the grievance with his or her supervisor (or dean, director, unit executive officer or Affirmative Action Director). The immediate supervisor shall respond to the grievant within fifteen (15) days.

(2) The Affirmative Action Office must be notified of any grievance alleging discrimination, including sexual harassment. The Affirmative Action Director, if so requested by the grievant, will investigate any grievance alleging discrimination and attempt to help the parties resolve the issue.

(3) The faculty member or the Chair of the Grievance Committee, with the faculty member's concurrence, may request the Faculty Mediator to review and attempt to resolve all other grievances, including those the Affirmative Action Director determines not to be valid claims of discrimination.

(4) The Mediator may meet with the grievant and take what action he or she considers appropriate in attempting to resolve the grievance, including interviewing or consulting other persons. The Mediator and all parties to the grievance shall keep the mediation

process confidential to the extent possible under law. Statements made in mediation shall not be admissible in a grievance hearing.

(5) Nothing in this rule shall require a faculty member to use informal grievance procedures before filing a formal written grievance, provided that a faculty member must notify the Affirmative Action Office of all claims of unlawful discrimination, including sexual harassment, before filing a written complaint.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96

#### 576-050-0025

##### Initiation of Formal Procedures

(1) If a grievance is not resolved to the satisfaction of the grievant at the informal stage, or if the grievant chooses to bypass the informal stage, the grievant may file a formal written grievance. A grievance shall be filed with the dean, director, or executive officer in charge of the administrative unit, except:

(a) Where the grievant is a department chair in which case the grievance shall be filed with the Provost and Executive Vice President; or

(b) Where the grievant alleges sexual harassment against the person in charge of the administrative unit, in which case the grievance shall be filed with the next higher administrator.

(2) The grievant shall file a copy of the written grievance with the Legal Advisor in the Office of the President. The formal grievance must be filed within sixty (60) days of the time the faculty member knew or by reasonable diligence should have known of the acts which gave rise to the grievance. Therefore, discussion or mediation at the informal stage should be initiated as soon as possible. The University shall extend the sixty (60) day filing requirement if the grievant is pursuing the complaint at the informal level and it appears that additional time would be beneficial in resolving the grievance. Extension by the University shall be in writing by the Legal Advisor.

(3) The written grievance must contain the grievant's name and address, the date and nature of the act or omission which gave rise to the grievance, any rule, policy or procedure alleged to have been violated or misapplied, and the remedy requested by the grievant.

(4) The dean, director, unit executive officer, or the respective designee shall send a written decision to the grievant within twenty (20) days of receipt of the grievance.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 11-1996, f. & cert. ef. 8-23-96

#### 576-050-0030

##### Appeal to the Faculty Grievance Committee

(1) If the decision of the dean, director, or unit executive officer is not satisfactory to the grievant, the grievant may file a written appeal with the Faculty Grievance Committee within ten (10) days of receipt of the written decision, stating why the response at the previous level is deficient. This step is optional with the grievant. The grievant may bypass the Committee and file the appeal directly with the President.

(2)(a) The Committee shall send to the grievant a written notice of the time and place of the hearing at least seven (7) days prior to the hearing;

(b) At the Committee hearing the faculty member shall present his or her case first, followed by the person or persons who are the object of the grievance. Thereafter the faculty member shall have an opportunity to respond;

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

(d) If the grievant so chooses he or she may be accompanied by or represented at the hearing by any other person;

(e) Either party may provide for and obtain a sound recording of the hearing;

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96

#### 576-050-0035

##### Decision by the Committee and Appeal to the President

(1) The Committee's decision shall be made in the form of a written recommendation to the President. It shall be based only upon evidence presented at the hearing. The recommendation shall include a description of the complaint, the evidence the Committee collected, and its conclusions and recommendations for disposition of the case. The recommendations shall be sent to the grievant, to the President and to the dean, director or executive officer in charge of the unit out of which the grievance arose within sixty (60) days of receipt of the appeal to the Committee.

(2) The President or his or her designee shall review the decision of the Committee and the President shall deliver a written decision to the grievant, to the Grievance Committee and to the dean, director or executive officer in charge of the unit out of which the grievance arose within thirty (30) days of receipt of the Committee's recommendation. Prior to issuing a decision the President, or designee, may interview any person concerning the grievance to supplement the record whether or not the person testified at the hearing, provided that the decision shall list each person so interviewed. In addition the President or designee may review any documents, provided that the decision shall identify any such documents that were not introduced at the Committee hearing. The grievant shall be informed of any additional information obtained by the President and given seven (7) days to respond. If the President rejects or modifies the recommendations of the Committee, the reasons shall be stated in the decision.

(3) If the grievant chooses to appeal the decision of the dean, director, or unit executive officer directly to the President, the President shall proceed to review the matter and reach a decision as set out in section (2) of this rule, provided that all persons interviewed and all documents reviewed must be identified in the decision. The President shall issue a decision within thirty (30) days of receipt of the grievant's appeal.

(4) The decision of the President shall be final except as provided in OAR 576-050-0035(5).

(5) If the grievance is directed at the President as the immediate supervisor of the grievant or at the President in his or her administrative capacity (as contrasted to appellate capacity), the grievant may appeal to the Chancellor of the Oregon University System as provided in OAR 580-021-0050(10).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02

#### 576-050-0040

##### Appeal to the State Board

If the decision of the President is not satisfactory to the grievant, the grievant may appeal to the State Board of Higher Education within ten days of receipt of the President's decision in accordance with OAR 580-021-0050.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; Suspended by OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02

#### 576-050-0045

##### Effect of Time Limits

If the University fails to respond within the time limits at any step in this grievance process, the grievant may appeal to the next step.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

#### 576-050-0050

##### Non Retaliation

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02

#### 576-050-0055

##### Two-Year Review

Not later than two years from the adoption of these rules, the Provost and Faculty Senate Executive Committee shall jointly appoint a faculty committee to review the effectiveness of this grievance procedure and to recommend any changes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

## DIVISION 60

### ALCOHOLIC BEVERAGE POLICY

#### 576-060-0010

##### Purpose

These guidelines govern the conditions under which alcoholic beverages may be consumed in areas other than housing units on the university campus. Regulations concerning use of alcoholic beverages by students in university housing units and by recognized student organizations are in OAR 576-018-0230 to 0260, and OAR 576-015-0015. Copies are available through the Student Involvement office. The university cautions against the excessive use of alcoholic beverages, and in the matters referred to in these rules expects all persons serving or consuming alcoholic beverages to take responsibility for adherence to all applicable laws and regulations, including the regulations of the Oregon Liquor Control Commission.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98

#### 576-060-0015

##### Definitions

"Insured Licensed Vendor" means a business entity which holds an annual liquor license issued by the Oregon Liquor Control Commission and which carries public liability and liquor liability insurance at limits satisfactory to Business Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 2-1998, f. & cert. ef. 6-12-98

#### 576-060-0020

##### Use at Parking Lots Near Parker Stadium and Gill Coliseum

(1) Alcoholic beverages may be consumed in those portions of the parking lots near Parker Stadium and Gill Coliseum as designated by the Vice President for Finance and Administration only in conjunction with scheduled Oregon State University varsity football games.

(2) Individuals wishing to picnic prior to the game ("tailgate") and serve non-bulk alcoholic beverages may do so only at their individual vehicles or in controlled areas designated by the Vice President for Finance and Administration. Food and non-alcoholic beverages must be available.

(3) No kegs or other bulk dispensing of alcoholic beverages is permitted in the parking areas except when served by an insured licensed vendor. Any organized group of 25 or more people wishing to serve and consume alcoholic beverages (beer and wine only) must register the event and have the alcoholic beverages served by an insured licensed vendor. Prior approval must be secured in accordance with the policies of the Vice President for Finance and Administration.

dance with OAR 576-060-0035. Alcoholic beverages served by a licensed vendor will be limited to beer and wine. Food and non-alcoholic beverages must be available. The Vice President for Finance and Administration will designate specific areas in the parking lots in which these groups must be located.

(4) Alcoholic beverages provided at group or individually sponsored events which require an insured licensed vendor may not be served after the close of half-time of the football games.

(5) No alcoholic beverages, metal or glass containers, are permitted inside Parker Stadium.

(6) Any person violating this policy may be subject to removal from the premises.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97

#### 576-060-0025

##### Use at LaSells Stewart Center, CH2M Hill Alumni Center, Valley Football Center, Parker Stadium Skyboxes, Peavy Lodge, Agricultural Experiment Stations, and Memorial Union East

Alcoholic beverages limited to beer and wine may be served at events at LaSells Stewart Center, CH2M Hill Alumni Center, third floor of Valley Football Center, Parker Stadium Skyboxes, Gallery and Forum in Memorial Union East, Peavy Lodge, and Agricultural Experiment Stations when prior approval is secured following the process described in OAR 576-060-0035. An insured licensed vendor must serve the alcoholic beverages. Food and non-alcoholic beverages must be provided at any event where alcoholic beverages are served.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 4-1997, f. & cert. ef. 4-21-97

#### 576-060-0035

##### Procedures for Approval

Request for permission to serve alcoholic beverages limited to beer and wine at any event in the parking lots near Parker Stadium or Gill Coliseum, at LaSells Stewart Center, at CH2M Hill Alumni Center, at Valley Football Center, at Parker Stadium Skyboxes, at Peavy Lodge, at Agricultural Experiment Stations, or at the International Forum in Memorial Union East must be submitted to Business Services. Memorial Union Catering and Dining or an insured and licensed vendor approved by Oregon State University must be used. Food and non-alcoholic beverages must be provided. Registration forms will be available in Business Services, the Athletic Department Office, LaSells Stewart Center Conference Office, CH2M Hill Alumni Center Office, and the Memorial Union Catering and Dining Office. Registration forms must be submitted at least three weeks prior to the event in order to assure adequate time for review by the designated date. Evidence of insurance satisfactory to University Business Services must be provided by the server or event co-sponsor before the event will be approved. There must be an OLCC off-site license for the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98

#### 576-060-0037

##### Use at Additional Locations

The Vice President for Finance and Administration may authorize the serving of alcoholic beverages at specific events at additional locations at Oregon State University upon a determination that to do so would be consistent with the intent of these rules. A request for authorization to serve at other locations must be submitted to the Vice President for Finance and Administration no later than four weeks prior to the date of the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97

#### 576-060-0038

##### Prohibition

No person shall consume, carry an open container containing alcohol in any form or serve alcoholic beverages on campus except as provided in these rules and in OAR 576-018-0230 to 0260, and OAR 576-015-0015. Copies are available through the Student Involvement office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98

#### 576-060-0039

##### Enforcement

(1) Any person violating these rules is subject to:

(a) Institutional disciplinary proceedings, if a student or employee;

(b) An order to leave the immediate premises or property owned or controlled by the University by a person in charge of University property.

(2) Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

(3) The Vice President for Finance and Administration, Student Conduct Coordinator, Security Services Manager, Director of University Housing and Dining Services, Director of Conference Facilities and Services, the Director of the Memorial Union and Educational Activities, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and these rules.

Stat. Auth.: ORS 164.205(5) & ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98

#### 576-060-0040

##### Evaluation of Policy

This policy will be reviewed by the President or designee in January 1989 and on a regular basis thereafter.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 12-1996, f. & cert. ef. 8-23-96

## DIVISION 65

### FIREARMS, WEAPONS, DESTRUCTIVE DEVICES

#### 576-065-0000

##### Definitions

(1) "Firearm" means a weapon or device, by whatever name known, which is designed to expel a projectile by the action of black powder, smokeless powder, compressed air, gas, compressed spring or by any chemical action, and which is readily capable for use as a weapon.

(2) "Weapon" means any knife having a blade that projects or swings into position by force of a spring, by centrifugal force or by gravity and is commonly known as a switchblade knife; any hunting or target bow, any crossbow; any dirk, dagger, slingshot, metal knuckles; or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.

(3) "Destructive Device" means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance; or

(b) A bomb, grenade, missile, or similar device or any launching device therefor.

(4) "University Sanctioned Use" means: ROTC, OSU Pistol Club, OSU Rifle Club, or other uses approved by the Vice President for Finance and Administration.



(5) "Designated Storage Area" means: Areas designated by OSU Security Services as secure areas for storage of firearms, including the ROTC, OSU Pistol Club, and OSU Rifle Club storage areas.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99

### 576-065-0010

#### Prohibitions and Regulations

(1) Possession, use, or threatened use of firearms, ammunition, ammunition components including but not limited to smokeless powder, black powder, primers and percussion caps, dangerous chemicals, weapons, or destructive devices, are not allowed on property owned or controlled by Oregon State University except as expressly authorized by law or authorized in this rule. Possession of a concealed weapons permit does not constitute authorization by law for purposes of this rule.

(2) University students may bring firearms and ammunition to campus only in connection with a University sanctioned use.

(3) University employees may bring firearms and ammunition to campus only for University sanctioned use.

(4) While not in use, firearms must be stored at all times in a University designated storage area.

(5) Firearms, weapons, destructive devices or ammunition may be used on campus owned or controlled property only in connection with a University sanctioned use. Use must be consistent with the regulations of the organization conducting the sanctioned use.

(6) University staff in the Departments of Animal Sciences, Crop and Soil Sciences, Rangeland Resources, Horticulture, Fisheries and Wildlife, Branch Agricultural Experiment Stations, and College of Veterinary Medicine may possess a firearm while performing their authorized duties. When not in use, firearms must be removed from University property or stored in a designated storage area.

(7) Firearms must have a trigger guard in place before being brought on to University owned or controlled property. The trigger guard shall remain in place while the firearm is stored in the designated storage area.

(8) This rule does not apply to University family housing units or University-owned single family dwellings.

Stat. Auth.: ORS 351.060 & ORS 351.070

Stats. Implemented: ORS 351.060 & ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 9-1998(Temp), f. & cert. ef. 10-2-98 thru 3-31-99; OSU 1-1999, f. & cert. ef. 2-25-99; OSU 3-2001, f. & cert. ef. 2-21-01

### 576-065-0020

#### Sanctions

(1) Any person who violates this rule is subject to:

(a) Institutional disciplinary proceedings, if a student or employee;

(b) An order to leave the immediate premises or property owned or controlled by the University by a person in charge of University property.

(2) Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

(3) The Vice President for Finance and Administration, the Director of Facilities Services, Vice Provost for Student Affairs, Coordinator of Student Conduct, Director of University Housing and Dining Services, Director of Conferences and Special Events, Director of the Memorial Union and Educational Activities, Manager of Security Services, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and this rule.

Stat. Auth.: ORS 164.205(5) & ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99

## DIVISION 80

### LOG EXPORT RULES

#### 576-080-0005

##### Definitions

(1) "Export" means that unprocessed timber is loaded on a vessel or other conveyance with a foreign destination or is present at a facility such as a port or dock with intent to load it on a vessel or other conveyance with a foreign destination.

(2) "Performance Bond" means the security required by a log or timber purchase contract which ensures satisfactory performance of contract requirements by the purchaser. A performance bond may be in the form of a surety bond, cash, negotiable securities, irrevocable letter of credit, or an assignment of surety.

(3) "Person" means an individual, a partnership, a public or private corporation, an unincorporated association, or any other legal entity. The term includes any subsidiary subcontractor, parent company or other affiliate. Business entities are considered affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

(4) "Private Lands" means lands within the State of Oregon owned by a person. The term does not include federal lands or non-federal public lands, or any lands the title to which is:

(a) Held in trust by the United States for the benefit of any Indian tribe or individual;

(b) Held by any Indian tribe or individual subject to a restriction by the United States against alienation; or

(c) Held by any Native Corporation as defined in **Section 3** of the **Alaska Native Claims Settlement Act** (43 USC 1602).

(5) "Purchaser" means a person who has entered into a log or timber purchase contract with the University.

(6) "University Lands" means lands owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any lands leased to or managed by the University.

(7) "University Logs or Timber" means any timber owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any timber leased to or managed by the University.

(8) "University Log or Timber Purchase Contract" means any logs or timber under contract with the University which are owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any logs or timber under contract with the University.

(9) "Unprocessed Logs or Timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. The term does not include timber processed into any one of the following:

(a) Lumber or construction timbers, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on four sides, not intended for remanufacture;

(b) Lumber, construction timbers, or cants for remanufacture, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on four sides, not to exceed 12 inches (nominal) in thickness;

(c) Lumber, construction timbers, or cants for remanufacture, that do not meet the grades referred to in subsection (b) of this section and are sawn on four sides, with wane less than 1/4 of any face, not exceeding 8-3/4 inches in thickness;

(d) Chips, pulp, or pulp products;

(e) Veneer or plywood;

(f) Poles, posts, or piling cut or treated with preservatives for use as such;

(g) Shakes or shingles;

(h) Pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp;

(i) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips;

(j) Firewood cut in pieces 48 inches or less in length.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0010

##### Criteria for Eligibility to Bid on University Log or Timber Purchase Contracts

(1) In addition to all other requirements of law, any person submitting a bid for the purchase of University logs or timber must certify, in a form and manner specified by the University that:

(a) The person will not export directly or indirectly unprocessed University logs or timber; and

(b) The person:

(A) Has not exported directly or indirectly unprocessed logs or timber originating from private lands in Oregon since September 10, 1990, except to meet contractual obligations made prior to September 10, 1990 and that those contractual obligations will be completed on or before September 1, 1991; or

(B) Has not unless exempted by section (2) of this rule, exported unprocessed timber from private lands in Oregon for a period not less than 24 months prior to the date of submission of the bid.

(c) The person will not sell, transfer, exchange or otherwise convey unprocessed University logs or timber to any other person without obtaining a certification from the person that meets the requirements of OAR 576-080-0030.

(2) The University may waive the 24 month requirement contained in paragraph (1)(b)(B) of this rule if:

(a) Prior to September 1, 1991 the person certifies to the University they will cease exporting unprocessed timber originating from private lands in Oregon no later than one-year from the date of said certification; and

(b) They cease all exporting of unprocessed timber originating from private lands in Oregon within the one-year period stated in the certification; and

(c) If the person ceases exporting activities as stated in their certification, the person will then become eligible to submit a bid for the purchase of University logs or timber provided they complete the certification required by section (2) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0015

##### Prohibition Against Indirect Substitution

In addition to all other requirements of law, no person who is prohibited from purchasing timber directly from the University may purchase University logs or timber from any other person. Acquisitions of Western Red Cedar which are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibition contained in this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0020

##### Applicable State Timber

All unprocessed logs or timber, as defined in OAR 576-080-0005, which originate from University lands are prohibited from export.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0025

##### Surplus Timber

The prohibitions against export contained in OAR 576-080-0005 to 576-080-0045 shall not apply to specific quantities of grades and species of unprocessed logs or timber originating from University lands which the United States Secretary of Agriculture or Interior has determined by rule to be surplus to the needs of timber manufacturing facilities in the United States.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0030

##### Reporting Requirements

(1) Before the University will issue final acceptance of logs or timber purchase contract requirements, a purchaser of University logs or timber must:

(a) Notify the University of the initial delivery destination of all logs or timber purchased under that contract. Notification will be made in a form and manner prescribed by the University;

(b) Prior to selling, trading, exchanging, or otherwise conveying University logs or timber to any other person, the purchaser of University logs or timber shall obtain a certification of the person's eligibility to purchase University logs or timber, and their intent to comply with the terms and conditions contained in this section. Certification will be made in a form and manner as prescribed by the University and shall be forwarded to the University upon completion of the transaction. Obtaining certification shall not relieve the purchaser's responsibility to provide the University with an accounting of the delivery destination of that timber.

(2) Any performance bond required by a University log or timber purchase contract may be retained by the University until satisfactory notification of University log or timber delivery destination has been received by the University.

(3) Failure to provide the Dean with a final accounting of the delivery destination of OSU logs will be considered a violation of these export regulations. Violators will be subject to the penalties contained in OAR 576-080-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0035

##### Purchaser Disqualification and Termination of Contracts

(1) The University shall keep a record of any person who violates the requirements of OAR 576-080-0005 to 576-080-0040.

(2) A person whose name appears on the record for violations as stated in section (1) of this rule, and who again violates the requirements of OAR 576-080-0005 to 576-080-0040 shall be disqualified from bidding on or purchasing University logs or timber for a period of five years following the date of the violation. Any appeals of disqualification shall be handled as provided in ORS 279.045.

(3) The University may cease operations on and/or terminate any University log or timber purchase contract entered into with a person who has violated the requirements of OAR 576-080-0005 to 576-080-0040, and assess damages according to the following formula:

$$D = (OSV + AC) - (PR + RSV)$$

where:

(a) D = Damages and Expenses;

(b) OSV = Original Sale Value of logs or timber contained in the purchase. The original sale value shall be adjusted to reflect estimated overruns or underruns on recovery sales;

(c) AC = Administrative Costs. These costs include both the field and office costs required for the preparation of the defaulted logs or timber for resale. These costs also include rehabilitation or regeneration delay costs, legal service costs, interest, and other costs allowed by law;

(d) PR = Payments Received;

(e) RSV = Remaining Sale Value. The value of the remaining logs or timber shall be determined using the University's estimate of remaining volume, multiplied by the dollar values stated in the contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0040

##### Log Branding and Marking Requirements

(1) All University logs or timber originating from University log or timber sales shall be branded with an assigned and registered brand before removal from the sale area. Unless prevented by the size or condition of the wood, one end of all logs originating from Uni-

versity log or timber sales shall be hammer branded and painted with a paint type and color determined by the University.

(2) If properly marked University logs or timber are subdivided into smaller pieces for any other purpose than immediate processing, each piece must be branded with a brand specifically used for this purpose and signifying the unprocessed logs or timber are University logs or timber ineligible for export. The University's export restriction branding hammers can be obtained from the University, at cost, upon request.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

**576-080-0045**

**Enforcement**

Any investigation of suspected violations of these rules and/or surveillance of unprocessed timber in transit and at port facilities may be conducted by the University, or contracted by the University to other state or federal agencies. Any alleged violations of the export prohibition provisions of this section will be referred by the University to the appropriate federal or state agency for prosecution or other legal action.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91