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DIVISION 1

PROCEDURES FOR RULEMAKING FUNCTIONS

571-001-0000
Governing Law

Administrative Procedures Act Requirements:

(1) An agency is required by ORS 183.341 to adopt rules of procedure to be utilized in adopting, amending, or repealing any rule under the Administrative Procedures Act.

(2) ORS 183.310(8) defines an agency rule as: "…Any agency directive, regulation, or statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of any agency…" "Internal management directives" are excluded from the definition of a rule.

(3) The University rulemaking procedures must:

(a) Provide a general notice of the proposed rule, including publication in the Secretary of State's Administrative Rules Bulletin at least 15 days prior to the effective date;

(b) Provide specific notice to interested persons on the mailing list established pursuant to ORS 183.335(7);

(c) Provide on request copies of the notice of the intended action;

(d) Provide for an oral hearing, unless the President determines that a sufficient interest is lacking. An oral hearing is compelled upon request of ten persons within 15 days after agency notice;

(e) Provide for a written statement for public inspection during regular business hours on the intended action stating the legal authority for the rule, a statement of the need for the rule and how the rule meets the need, statement of fiscal impact, and a citation of documents, studies, or reports prepared for or relied upon in formulating the rule;

(f) Provide for submission of adopted rules to the Legislative Counsel;

(g) Provide for the filing of a statement of need, statement of fiscal impact, and certified copies of the adopted rule with the Secretary of State.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82

571-001-0005
Contents of Notice When University Contemplates a Public Hearing

When the University holds or contemplates a public hearing, the notice shall contain:

(1) The written statements required by ORS 183.335(2) and OAR 571-001-000(3)(e).

(2) The time, place, and manner in which the proposed rule can be inspected.

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

(4) A designation of the person or entity who will preside at and conduct the hearing.

(5) The address of the University office or offices where public inspection during regular business hours may be made of the written statements required by ORS 183.335(2) and OAR 571-001-000(3)(e), and the documents cited therein.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(1)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82

571-001-0010
Contents of Notice Where University Does Not Plan to Hold Public Hearing

(1) When the University does not plan to hold a public hearing, the notice referred to in OAR 571-001-0000 shall include the following:

(a) The written statements required by ORS 183.335(2) and OAR 571-001-0000(3)(e);

(b) A statement of the time and place at which data, views, or arguments may be submitted in writing to the University;

(c) A statement that any interested person desiring to express or submit data, views, or arguments at a public hearing must request the opportunity to do so;

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

(e) A statement that a public hearing will be held if the University receives a request for public hearing from ten or more persons or an association having not less than ten members within 15 days after notice by the University;

(f) State the subject matter and purpose of the intended action in sufficient detail to inform persons that their interests may be affected;

(g) The address of the University office or offices where public inspection during regular business hours may be made of the written statements required by ORS 183.335(2) and OAR 571-001-0000(3)(e), and the documents cited therein.

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

(3) If ten persons or an association having not less than ten members request a public hearing, the University shall give notice thereof in conformity with OAR 571-001-0005.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(2)
Hist.: UOO 18(Temp) f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82

571-001-0015
Submission to Legislative Counsel

After the University adopts a rule, the text of the adopted rule shall be submitted to Legislative Counsel within ten days after the agency files a certified copy of the rule in the Office of the Secretary of State.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.715
Hist.: UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81

571-001-0020
Postponing Intended Action

(1) The University shall postpone its intended action upon request of an interested person received within 15 days after 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 ten 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) The University shall give notice of the postponement pursuant to OAR 571-001-0000 except that publication in the Secretary of State's Bulletin is not required.

(4) This rule shall not apply to the procedure for adopting a temporary rule pursuant to ORS 183.335(5) and OAR 571-001-0050.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(3) & ORS 183.335(4)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. & cert. ef. 6-19-78; UOO 4-1981, f. & cert. ef. 5-5-81

571-001-0025
Procedure for Providing Notice

(1) The University News Bureau shall be responsible for providing notice to appropriate media. The Office of the President shall provide notice to internal components and personnel of the University and to all other persons requesting notice.

(2) The mailing list shall contain at the least:

(a) The Oregon Daily Emerald;

(b) The Eugene Register-Guard;

(c) Education Editor, The Oregonian;

(d) The general news wire service(s) serving Oregon;

(e) The ASUO Executive;

(f) Officers of organized faculty employee groups;

(g) University of Oregon Human Resources Office;

(h) The University Library Reserve Section;

(i) The President of the University Senate;

(j) The Chair of the Faculty Advisory Council.

(3) The notice sent pursuant to section (2) of this rule shall be given not less than ten days prior to the publication date of the Oregon Administrative Rules Bulletin in which the initial notification of the proposed rulemaking is published.

(4) The University shall establish a mailing list. Upon receipt of any request for a copy of the notice, the responsible official shall:

(a) Acknowledge the request;

(b) Record the mailing made pursuant to the request on the mailing list;

(c) Indicate in the mailing the fee necessary to defray the costs of mailing;

(d) Mail the notice in conformity with the request.

(5) To keep the mailing lists current, the responsible official:

(a) Shall maintain a record of all mailings under these rules for at least one year;

(b) May purge the mailing list of names at yearly intervals where the affected individual has not affirmatively indicated a request that mailings be continued.

(6) Public inspection copies of the notice or proposed rule and the written statements provided by OAR 571-001-0000(3)(e) shall be available at:

(a) The Office of the University President;

(b) The Library Reserve Section;

(c) The Office of Assistant to the President for Legal Affairs;

(d) The Office of the ASUO President;

(e) The Office of the Vice-President for Public Affairs and Development;

(f) The Office of the President of the University Senate;

(g) Such locations as the President determines will provide adequate access by interested persons who might be affected.

(7) In the case of University policies promulgated as faculty legislation, the notice shall be deemed sufficient to inform interested parties where:

(a) The notice of a proposed policy is given in a meeting prior to the meeting in which the rule will be considered; or

(b) The secretary of the faculty circulates notice of the proposed rule prior to the meeting in which the rule will be considered.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(2)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82; UOO 1-1988, f. & cert. ef. 1-20-88; UOO 5-1992, f. & cert. ef. 6-25-92

571-001-0030
Conduct of the Hearing

(1) The Vice-President for Administration and Finance or the Vice-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 shall 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 read the notice provided for in OAR 571-001-0005 or 571-001-0010, 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;

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

(5) The presiding officer shall have the right to question or examine any witness making a statement at the hearing. At the discretion of the presiding officer, other persons may be permitted to examine 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 agency for one year or, in the discretion of the agency, 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, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(2)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81

571-001-0035
Drafting the Rule

(1) The President shall designate the officer responsible for preparing proposed rules, coordinating policy and complying with legal requirements, and may subdelegate authority to adopt a rule.

(2) When the hearing is conducted before someone other than the officer designated for promulgation of the rule, the presiding officer shall, within a reasonable time, provide the promulgating officer with a brief written summary of statements given and exhibits received and a report of his observations of physical experiments, demonstrations, or exhibits. The presiding officer may also make recommendations, but these recommendations are not binding upon the University.

(3) The final draft of the rule shall be submitted to the President unless the President has subdelegated authority for final adoption of the rule. The President may authorize his approval by signature or the signature of a designee. A copy of the official rule or policy shall be kept on file in the Office of the President.

(4) The University official promulgating the rule shall:

(a) Distribute a certified copy of the rule to the Chancellor of the Oregon State Board of Higher Education;

(b) Distribute a copy for inclusion in the Administrative Memos;

(c) Arrange for an appropriate news release through the University News Bureau;

(d) Arrange for distribution to interested deans and department heads.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.325
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81

571-001-0040
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, together with the statement of need and statement of fiscal impact required by ORS 171.715(1)(c).

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

(3) The President delegates:

(a) To the Executive Dean, any vice-president, or assistant to the President, the authority to implement this rule;

(b) To the secretary of the faculty the authority to comply with this rule and ORS 183.355 where a University policy has been adopted within the jurisdiction of the faculty.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.355
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82

571-001-0045
Petition to Promulgate, Amend, or Repeal Rule: Contents of Petition, Filing of Petition

(1) An interested person may petition the University President requesting the promulgation, amendment, or repeal of a rule. The petition shall be in writing, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

(a) The rule petitioner requests the University to promulgate, amend, or repeal. Where amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining or boldface;

(b) Ultimate facts in sufficient detail to show the reasons for adoption, amendment, or repeal of the rule;

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

(d) Sufficient facts to show how petitioner will be affected by adoption, amendment, or repeal of the rule;

(e) The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended, or repealed.

(2) The petition, either in typewritten or printed form, shall be deemed filed when received by the Office of the President.

(3) Upon receipt of the petition, the University:

(a) Shall mail a true copy of the petition together with a copy of the applicable rules of practice to all parties named in the petition. Such petition shall be deemed served on the date of mailing to the last known address of the person being served. Where mailing to all named parties would constitute an unreasonable expense or unwarranted administrative burden, the University may, in its discretion, require petitioner to bear the expense of such distribution, or distribute the petition to a representative sample of named parties sufficient to serve the interests of reasonable notice;

(b) Shall advise petitioner written views must be submitted within 15 days;

(c) May schedule oral presentation of petitioner's views if petitioner makes a request therefor and the University desires to hear petitioner orally;

(d) Shall, within 30 days after date of submission of the petition, either deny the petition or initiate rulemaking proceedings in accordance with this division.

(4) In the case of a denial of a petition to promulgate, amend, or repeal a rule, the University shall issue an order setting forth its reasons for denying the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.390
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81

571-001-0050
Temporary Rules

(1) The University may proceed without prior notice or 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 this division. In such case the University shall:

(a) Officially adopt the proposed rule and file a certified copy of the rule with the Secretary of State together with the statement of need and how the rule is intended to meet that need, a citation of the statutory or legal authority bearing upon the pro-posed rule and a list of the principal documents, reports or studies relied upon by the University;

(b) File a copy of the proposed rule with the Legislative Counsel and Legislative Counsel Committee within ten days after the agency files a certified copy of the rule in the Office of the Secretary of State;

(c) File with the rule the University's finding that failure to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. The finding shall be supported by a statement of specific facts and reasons;

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

(e) Furnish copies of the temporary rule to the Oregon Daily Emerald, the Eugene Register-Guard, or such other news media as the University may deem appropriate to comply with the notice requirement of this rule and to the University Library Reference Section, the President of the University Senate, and the President of ASUO.

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

(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 this division, and may give such notice contemporaneously with adoption of the temporary rule.

(4) The statements required by ORS 183.335(2), including the full text of any material cited in the statements, shall be available for public inspection during regular business hours at the office of the President.

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

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

Stat. Auth.: ORS 183, ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(5) & ORS 183.335(6)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 4-1981, f. & cert. ef. 5-5-81; UOO 3-1982, f. & cert. ef. 5-26-82

DIVISION 2

CONTESTED CASES

571-002-0000
Contested Case Defined, Notice of Opportunity for Hearing, Service

(1) Pursuant to ORS 183.310(2) (a)–(d), a contested case exists whenever:

(a) A constitutional provision or statute requires a hearing upon the action; or

(b) An agency has discretion to suspend or revoke a right or privilege of a person; or

(c) There is a proceeding regarding a license to pursue a commercial activity, trade, or profession; or

(d) There is a proceeding in which the agency elects to grant a hearing, in accordance with contested case requirements.

(2) The University shall give notice to all parties in a contested case. The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

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

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

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

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

(f) A statement that if the party desires a hearing, the office of the University President must be notified within 20 days of the date of mailing of notice.

(3) The notice shall be served personally or by registered or certified mail.

(4) These rules shall not apply where:

(a) Procedures for the imposition of sanctions on an academic staff member are prescribed in the Administrative Rules of the Oregon State Board of Higher Education;

(b) Adversary procedures for labor dispute resolution are prescribed by:

(A) State law;

(B) Collective bargaining contract; or

(C) University of Oregon Administrative Memos; or

(c) The Student Conduct Code of the University of Oregon provides to the contrary.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.310(2), ORS 183.413 & ORS 183.415
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0005
Orders When No Hearing Requested

When a party has been given an opportunity to request a hearing within a specified time and no hearing has been requested, the University shall enter an order at the expiration of the time, stating the matters before it supporting the suspension or revocation. The order shall contain the material on which the action is based.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.415(6)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0010
Request for Party Status to Participate in Contested Case

(1) When the University gives notice that it intends to hold a contested case hearing, interested persons shall be given the opportunity to become parties who have an interest in the outcome of the University's proceeding or who represent a public interest in such result.

(2) Persons requesting status as a party shall file a petition, with sufficient copies for service on the parties, with the University at least 10 days prior to the date set for hearing. Petitions untimely filed shall not be considered unless the University determines that good cause has been shown for failure to file timely.

(3) The petition requesting status as a party shall set forth the following:

(a) Name and address of the petitioner, and of any organization which the petitioner represents;

(b) Name and address of the petitioner's attorney, if any;

(c) If the petitioner is seeking party status to protect an alleged personal interest in the outcome of the University's proceeding, a detailed statement of the petitioner's interest, economic or otherwise, and of how such interest may be affected by the results of the proceeding;

(d) If the petitioner purports to be representing a public interest in the results of the proceeding, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the proceeding, and of the petitioner's qualifications to represent such public interest;

(e) A statement of the reasons why existing parties to the proceeding cannot represent adequately the interest identified in subsection (c) or (d) of this section.

(4) The University shall serve petitions for party status on all parties personally or by mail. Parties shall have seven days from the date of personal service or University mailing to file an answer to the petition.

(5) If the University determines that good cause has been shown for failure to file a timely petition, the University at its discretion may:

(a) Shorten the time within which answers to the petition shall be filed;

(b) Postpone the hearing until disposition is made of the petition.

(6) If a person is granted status as a party, the University may postpone or continue the hearing to a later date when it appears that commencing or continuing the hearing would jeopardize or unduly burden one or more of the parties in the case.

(7) In ruling on petitions for party status, the University shall consider:

(a) Whether the petitioner has demonstrated a personal or public interest which reasonably could be affected by the outcome of the proceeding;

(b) Whether any such affected interest is within the scope of the University's jurisdiction;

(c) The qualifications the petitioner represents in cases where a public interest is alleged;

(d) The extent to which the petitioner's alleged interest will be represented by existing parties.

(8) The University's ruling on a petition for party status shall be by written order and served promptly on the petitioner and all parties.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.413
Hist.: UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0015
Subpoenas, Depositions

(1) The presiding officer for the hearing shall issue subpoenas in hearing on contested cases on a showing of need, general relevancy, and a relationship within the reasonable scope of the proceedings.

(2) An interested party may petition the University for an order that the testimony of a material witness be taken by deposition. Fees and mileage shall be paid as determined by applicable statutes.

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

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

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

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

(b) A showing of materiality of the testimony;

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

(6) If the University issues an order for the taking of a deposition and the witness resides in this state and is unwilling to appear, the University may issue a subpoena as provided in section (3) of this rule requiring the witness to appear before the officer taking the deposition.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.425, ORS 183.440 & ORS 183.445
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78; UOO 1-1980(Temp), f. & cert. ef. 1-22-80; UOO 2-1980, f. & cert. ef. 3-10-80

571-002-0020
Hearing

(1) The hearing shall be conducted by, and shall be under the control of, the presiding officer. The presiding officer shall be the Executive Dean or the Dean's designee.

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

(a) Statement and evidence of University officials or employes in support of the University's action;

(b) Statement and evidence of the affected person disputing University action;

(c) Rebuttal testimony.

(3) The presiding officer and the affected parties and the University or its attorneys shall have the right to question or examine or cross examine any witnesses.

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

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

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

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

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.415
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0022
Representation at Contested Case Hearings

(1) University officials and employees, with the Attorney Generals written consent, ORS 183.450(7)(a), are authorized to appear and participate (but not make legal argument) on behalf of the University in the following types of hearings:

(a) For-cause disciplinary actions involving a more severe sanction than a written reprimand (OAR 580-21-320 through 580-21-360);

(b) Medical-condition terminations or FTE reductions for faculty;

(c) Mandatory medical leave proceedings involving students (OAR 571-023-0015 through 571-023-0040);

(d) Termination proceedings, non-renewal proceedings, or gradation-of-athletic-grants-in-aid proceedings before the Drug Testing Appeals Board;

(e) Prosecutions for violations of the Student Conduct Code to be disposed of through the hearings process before a hearing officer or appeals therefrom to the University Appeals Board.

(2) "Legal argument" as used in ORS 183.450(8) and in this rule includes arguments on:

(a) The jurisdiction of the University to hear the contested case;

(b) Constitutionality of a statute or rule or the application of a constitutional requirement to an agency;

(c) Application of court precedent to the facts of the particular contested case proceeding.

(3) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(a) The application of the facts to the statutes or rules directly applicable to the issues in a contested case;

(b) Comparison of prior actions of the University in handling similar situations;

(c) The literal meaning of the statutes or rules directly applicable to the issues of a contested case;

(d) Admissibility of evidence or correctness of the procedures being followed.

(4) When University officials or employees are representing the agency in a hearing, the presiding officer shall advise such representatives of the manner in which objections may be made and matters preserved for appeal which advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objections. When such objections may involve legal argument, the presiding officer shall provide reasonable opportunity for the agency official or employee to consult legal counsel and shall permit legal counsel to file written legal argument within a reasonable time after conclusion of a hearing but before final disposition.

Stat. Auth.: ORS 351, ORS 352 & ORS 833
Stats. Implemented: ORS 183.450(7)
Hist.: UOO 2-1988, f. & cert. ef. 3-23-88

571-002-0025
Evidentiary Rules

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude University action on the record unless shown to have substantially prejudiced the rights of a party.

(2) All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

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

(4) The officer or officers deciding, or recommending a decision may take notice of judicially cognizable facts, or facts within their specialized knowledge, but adverse parties shall be afforded an opportunity to contest the facts so noticed.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.450(1)
Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-78; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0030
The Record; Consideration of the Record

(1) The record shall contain:

(a) All pleadings, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) Stipulations;

(d) A statement of matters officially noticed;

(e) Questions and offers of proof, objections, and rulings thereon;

(f) Proposed findings and exceptions;

(g) Any proposed, intermediate, or final order.

(2) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative, and substantial evidence.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.415(11)

Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0035
Proposed Orders on Contested Cases, Filing of Exceptions and Argument

(1) If a majority of the officials who are to render the final order were not present at the hearing or have not reviewed and considered the record, and the order is adverse to a party (excluding the University), a proposed order including findings of fact and conclusions of law shall be served upon the parties.

(2) The parties shall be given the opportunity to file exceptions and present argument to the officials who will render a final order.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.464 & ORS 183.470

Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76;UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0040
Final Orders on Contested Cases, Notification

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

(a) Rulings on admissibility of offered evidence;

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

(c) Conclusion(s) of law — Applications of the controlling law to the facts found and the legal results arising therefrom;

(d) Order — the action taken by the University as a result of the findings of fact and conclusions of law.

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

(3) The President of the University shall issue all final orders unless he has subdelegated such authority in writing in a particular instance.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.464 & ORS 183.470

Hist.: UOO 18(Temp), f. & cert. ef. 2-4-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

571-002-0045
Reconsideration, Rehearing

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

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

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

(4) The President may grant a rehearing if sufficient reason therefor is made to appear. The rehearing may be limited by the President to specific matters.

(5) If the President does not act on the petition within the 30th day following the date the petition was filed, the petition shall be deemed denied.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.470

Hist.: UOO 18(Temp), f. & cert. ef. 2-5-76; UOO 19, f. & cert. ef. 4-27-76; UOO 1-1978(Temp), f. & cert. ef. 4-5-78; UOO 2-1978, f. 6-19-78, ef. 6-20-78

DIVISION 3

GRIEVANCE PROCEDURES

571-003-0000
Introduction

(1) This rule, in compliance with OAR 580-021-0050, describes the general operating procedures for division 3 rules. Division 3 applies to all University faculty including officers of instruction and officers of administration, Management Service, and student employees not covered by collective bargaining agreements or other grievance procedures officially recognized by the University President:

(a) Faculty employee grievance procedures are outlined in OAR 571-003-0000, 571-003-0001, 571-003-0003, 571-003-0004, 571-003-0005, 571-003-0006, 571-003-0007, 571-003-0015, 571-003-0016, 571-003-0017, and 571-003-0025;

(b) Management Service employee grievance procedures are outlined in OAR 571-003-0020;

(c) Undergraduate and graduate student grievance procedures are outlined in the **Student Handbook** which appears in the University of Oregon Time Schedule.

(2) Grievance procedures for classified employees and graduate teaching fellows who are covered by collective bargaining agreements are set forth in those agreements. Copies of the agreements are available in the Human Resources Office. Appeals from such procedures are governed by the contract, the rules of the appropriate divisions of the Executive Department, the Employment Relations Board of the State of Oregon and state law.

(3) Grievances and complaints by students (not arising under a collective bargaining agreement and not otherwise covered by undergraduate or graduate student grievance procedures) against faculty members arising out of their responsibilities as officers of the institution are within the jurisdiction of the Student-Faculty Committee on Grievances and may be submitted to that body for investigation and consideration pursuant to Faculty Legislation of May, 1972. Upon the request of a student or of the University President, the Student-Faculty Committee on Grievances shall exercise jurisdiction in such grievances or complaints whether or not the grievance arises in an employment relationship. The charge to the committee is included in OAR 571-003-0006.

(4) No grievance procedures described herein shall preclude termination of any grievance proceeding prior to completion of all steps by reason of any mutually acceptable resolution between the parties set forth in writing for the record:

(a) After a timely initial filing, time lines within the grievance procedures of this division may be extended by a signed mutual consent statement;

(b) A grievant shall not institute multiple grievances on the same subject under procedures within this Division;

(c) The grievant shall describe a suggested resolution of the grievance.

(5) University of Oregon employees not covered by the provisions of section (1) of this rule, may invoke the grievance procedures described in OAR 571-003-0005 through 571-003-0017:

(a) Such grievances shall be initiated within 45 calendar days of the time the employee knows or by reasonable diligence should have known, of such act or omission, except:

(A) In cases where the primary basis of the grievance is allegations of prohibited discrimination as defined by OAR 571-003-0025(1)(c), the University will accept such grievance as timely if it is filed within 180 calendar days of the time the employee knows, or by reasonable diligence should have known, of the act or omission alleged to be discriminatory;

(B) The University will accept a grievance alleging discriminatory harassment, including sexual harassment, as timely if it is filed within 365 calendar days of the time the employee knows, or by reasonable diligence should have known, of the act alleged to be discriminatory harassment.

(b) The running of said 45 calendar days shall be suspended for any period during which the employee is not under appointment (including the period between the end of spring term or semester and the beginning of fall term or semester, and sabbatical, or similar peri-

ods of leave) at the University and shall resume the day the grievant's appointment recommences. In cases of sabbatical and similar periods of leave the grievance shall be initiated within 60 calendar days after the grievant's appointment recommences;

(c) A grievant alleging prohibited discrimination shall have the longer of either 180 calendar days or the time permitted under subsection (b) of this section in which to make a timely filing of a formal grievance;

(d) A grievant alleging discriminatory harassment, including sexual harassment, shall have the longer of either 365 calendar days or the time permitted under subsection (b) of this section in which to make a timely filing of a formal grievance.

(6) During the period in which a grievance presented in a timely manner is in process, and while the employee is waiting for final disposition by the employer, administrative action shall not be taken to prejudice the position of the employee:

(a) However, the implementation of any administrative action which is the subject of the grievance, including alteration or termination of programs, and reassignment, termination or non-renewal of an employee shall not be deemed a "prejudicial act" for the purposes of this section. If a grievance of the decision disclosed by the timely notice has been timely filed, it shall continue to be processed under these rules regardless of the fact that the grievant may no longer be employed;

(b) Moreover, 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 reprimand or retaliatory action of any kind by any member of the University community for such filing and participation. If, however, it is determined that a grievant has filed a knowingly false grievance or has acted in bad faith, the grievant may be subject to disciplinary action or a counter-grievance.

(7) If the grievant has filed an administrative claim (under ORS 30.160 et seq.) or has filed a claim with a state or federal anti-discrimination agency or has filed a lawsuit (or has intervened in an EEOC or Oregon Bureau of Labor Office of Civil Rights lawsuit) against the State of Oregon, the Oregon State Board of Higher Education, the University of Oregon, or any of their respective officers or employees arising out of actions, omissions, decisions, events or policies which are the subject of a pending grievance or a grievance contemporaneously presented, the University may, in its sole discretion, decline to continue with or to entertain the grievance.

(8) Unless a grievant has elected in writing a public hearing at Step Two filings, submissions, transcripts, testimony, reports, affidavits, and decisions/responses shall not be available to the public and shall be treated as having been submitted or offered under a promise of confidentiality and/or as personal information the disclosure of which would constitute unreasonable invasion of privacy.

(9) During the course of a grievance, each party shall be responsible for costs of its own representation.

(10) Effective July 1989, the President or the President's designee shall prepare an annual report to the Oregon State Board of Higher Education of the number, bases, and outcomes of all faculty grievances filed under the rules of this Division.

[Publications: Publications referenced in this rule are available from the agency.]
Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 12(Temp), f. & cert. ef. 12-5-74 through 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 5-1981, f. & cert. ef. 5-6-81; UOO 6-1982, f. & cert. ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 10-1988, f. & cert. ef. 12-6-88; UOO 7-1993, f. & cert. ef. 6-2-93; UOO 1-1994, f. 5-31-94, cert. ef. 6-3-94

571-003-0001
Faculty Grievance Procedure Definitions

(1) "Grievance" means a complaint by an academic employee that the employee was wronged in connection with compensation, tenure, promotion, or other conditions of employment or the employee's rights were denied as to reappointment.

(2) "Other Conditions of Employment" shall include, but not necessarily be limited to, violations of academic freedom, discriminatory employment practices and nondiscriminatory employment practices, and laws, rules, policies and procedures under which the University of Oregon operates.

(3) "Grievance Counselor" means a person selected to act as grievance representative for a grievant. The Grievance Counselor may be an administrator, faculty member from an appropriate committee, or other person. The Grievance Counselor shall serve without charge.

(4) "Step" means a level at which a grievance may be reviewed, negotiated, resolved, or denied. At the University of Oregon there are three steps in its formal grievance process. There can be one or more steps in its informal grievance process.

(5) "Provost" means the Vice-President for Academic Affairs. When faculty serve within an administrative division headed by a Vice-President other than the Provost, then that Vice-President shall be involved in the grievance processes instead of the Provost.

(6) "Time Limit" means that period of time during which certain processes of the grievance procedure must take place. The first day of a time limit is computed as commencing upon receipt and ending 24 hours thereafter.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0003
Faculty Grievance Process Digest

(1) The following outline is provided to assist faculty, both officers of instruction and officers of administration, in determining an appropriate course of action if they are considering whether or not to file a grievance and what type of process best addresses their need. The faculty grievance procedure, promulgated in response to OAR 580-021-0050, may be utilized to hear any complaint by a faculty member in connection with perceived wrongs in compensation, tenure, promotion, or other conditions of employment, or that a faculty member's rights were denied as to reappointment. "Other conditions of employment" shall include, but not be limited to, violations of academic freedom, discriminatory employment practices and nondiscriminatory employment practices, and laws, rules, policies and procedures under which the University operates. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to grievance procedures within this Division.

(2) Informal Grievance Process: Faculty are encouraged to bring complaints to the attention of the University administration at any time so that they may be resolved informally. However, if a faculty member wishes to preserve the right to file a formal grievance under these rules, informal resolution processes must be filed within the time limits set forth in OAR 571-003-0000(5).

(3) Except in cases of alleged discrimination, a response to an informal complaint is due in 15 calendar days. Responses to informal complaints alleging discrimination are due within 30 days. See OAR 571-003-0004 for complete details:

(a) May be handled orally or in writing;

(b) Mediative procedures are those in which the identities of the parties are disclosed;

(c) Educative procedures are those in which the identities of the parties are not disclosed;

(d) Promotion and tenure grievances are to be handled as provided in OAR 571-003-0015.

(4) Formal Grievance Process: Must be filed in writing within the time limits set forth in OAR 571-003-0000(5):

NOTE: Promotion and/or tenure grievances begin at Step Two. See OAR 571-003-0005 and 571-003-0015 for complete details.

(a) *Step One*: File detailed written statement of grievance including suggested resolution with immediate supervisor of the person(s) causing grievance; or

(b) Request appropriate Vice-President to appoint a grievance counselor and after consultation with counselor, file grievance;

(c) When the grievance is based on promotion, tenure, or retention and the grievant has elected the formal process, the Provost (or appropriate Vice-President) shall start the grievance process at Step Two. All other types of formal grievances start at Step One;

(d) Step One response is due in writing 20 calendar days from receipt by respondent, except in cases alleging prohibited discrimination in which case the response is due within 30 days of the filing of the complaint;

(e) If Step One response is unsatisfactory or is not received within time limit, grievant wishing to do so may file written grievance at Step Two;

(f) *Step Two*: Filing at Step Two must be completed within 15 calendar days of the end of Step One. Step Two offers three options: Hearing by either of two faculty committees, or review by the appropriate administrator:

(A) The committee option permits the grievant to file with either the Grievance Appeal Committee, or Promotion/Tenure/ Retention Appeal Committee, depending on subject matter; the committee acts within a 60 calendar day period, giving all parties at least ten calendar days notice of hearing and access to all documentary evidence received not later than five calendar days before the hearing;

(B) The grievant may elect to have the Step Two investigation and decision made by the appropriate Vice-President (i.e., the one under whom the grievant serves) instead of having a hearing before either of the two faculty committees.

(g) If Step Two response is unsatisfactory or is not received within the stated time limit, grievant wishing to do so may file written grievance at Step Three;

(h) *Step Three*: Filing at Step Three must be completed within 20 calendar days of the end of Step Two. The written grievance shall be filed with the President of the University;

(i) The President (or the President's designee) shall decide the grievance and shall prepare findings of fact and conclusions based on those findings within 20 calendar days of receipt of the grievance, and shall render the final decision to the grievant in writing;

(j) Step Three ends the University appeal process. Decisions of the President are appealable only to the Oregon State Board of Higher Education. (See OAR 580-021-0050 and/or 580-021-0055.)

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0004
Faculty Informal Grievance Procedure

(1) The University administration encourages faculty, both officers of instruction and officers of administration, whenever possible to use the informal approach to resolving complaints and grievances. However, the decision of whether or not to use informal procedures is solely that of the grievant. There is no requirement that informal procedures be attempted or exhausted as a prerequisite to invocation of formal procedures nor is there any need to elect between informal or formal procedures other than the need to timely file the formal procedure. If the grievant intends to pursue informal procedures the informal mode best suited to the nature of the complaint should be selected. Responsibility for initiating grievance resolution shall be with the grievant.

(2) If the grievant wishes to invoke the formal process, the grievant must do so within the time limits set forth in OAR 571-003-0000(5), regardless of whether informal resolution is attempted or achieved. The days used in the informal process shall count in the computation of the applicable time limit within which formal grievances shall be filed. The appropriate Vice-President may waive the timely filing requirement at the request of the grievant if the grievant is currently pursuing resolution under this informal procedure and it appears that additional time (without a concurrent formal proceeding) would be beneficial. Such waiver shall be in writing and must issue before the applicable time limit has run.

(3) Generally, informal grievances are handled through discussion. Although not required:

(a) Brief, dated and signed statements may be prepared by the parties to facilitate discussion;

(b) A dated, written statement of resolution may be signed by the parties;

(c) Separate, dated, written statements summarizing the unreconciled differences, respondent's position and/or unaccepted counter proposal may be signed for entry into the record of the formal grievance procedure.

(4) Possible informal approaches include:

(a) The grievant meets privately with the person(s) alleged to have caused the grievance. Through discussion, the parties to the matter attempt to reconcile differences and to reach a reasonable resolution; or

(b) Grievant requests an administrator in the same administrative area, if possible the one to whom the grievant and the individual complained about both report, to consider the complaint and to attempt to effect a mutually satisfactory resolution; or

(c) Grievant, through the appropriate Vice-President, shall request to have a member of the Grievance Appeal Committee, of the grievant's choice, consider the complaint and attempt to effect a mutually satisfactory resolution; or

(d) When the matter is related to prohibited discrimination, including sexual harassment, the grievant may request the Office of Affirmative Action to initiate informal mediation (identity disclosed) or education (identity concealed) efforts. A University employee receiving an informal complaint alleging prohibited discrimination including sexual harassment shall report that fact to the Office of Affirmative Action and follow the applicable procedures described in OAR 571-003-0025(5);

(e) The grievant may present the complaint to the Student-Faculty Committee on Grievances (see OAR 571-003-0000(3) and 571-003-0006). Except as waived by a Vice-President (see section (2) of this rule) the time consumed by this committee's handling of the grievance shall not suspend the running of the applicable time limitations for filing a formal grievance;

(f) For grievances concerning promotion and/or tenure decision, the only possible informal procedures are specified in OAR 571-003-0015 and, for grieved decisions denying promotion or tenure but not resulting in terminal notice, the informal review shall parallel the procedures described in OAR 571-003-0015.

(5) If informal resolution involving a Grievance Appeal Committee member is unsuccessful and if a formal grievance is filed, unless the grievant and the grieved-against individual both request to the contrary, the member of the Grievance Appeal Committee who participated in the informal grievance process shall not participate as a member of the Grievance Appeal Committee at Step Two.

(6) Informal grievances shall receive a response within 15 calendar days of submission, except those grievances which allege prohibited discrimination including sexual harassment which shall receive a response within 30 days. With regard to the Student-Faculty Committee on Grievances, "submission" shall mean the time at which the parties have presented their respective cases to the committee.

(7) In cases of informal challenges to promotion and tenure decisions under OAR 571-003-0005 or 571-003-0016, the grievant may apply in writing to the appropriate Vice-President for the appointment of a Grievance Counselor to represent the grievant at no charge. The grievant may provide the Vice-President with a list of three possible Grievance Counselors or may ask the Vice-President to suggest a list of three from which the grievant may select one. In general the Grievance Counselor shall provide aid and assistance to the grievant. This shall include but is not limited to, providing information about the various steps in the grievance procedure, representing the grievant before appropriate committees or administrators, enlisting the aid of the Affirmative Action Office if appropriate, or other aid.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 14-1988, f. & cert. ef. 12-28-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0005
Faculty Formal Grievance Procedure

(1) *Step One*: The grievant shall present the individual(s) against whom the grievance is filed and the immediate supervisor of the person grieved against with a written statement describing as precisely as possible what the grievance is about, including who or what caused the situation, what happened, and if applicable, where, why, when, and how the situation occurred and identifying any rule, policy, or procedure alleged to have been violated or misapplied. A list of witnesses, if applicable, shall be provided. A suggested resolution shall be described. The grievance statement shall be signed and dated and it shall include the grievant's campus address and campus and

home telephone numbers. If the informal process has been used, a brief description of it shall be provided along with any documentary exhibits that may have been developed. A copy of the grievance statement shall be sent contemporaneously by the grievant to the President's Office. If the grievance involves illegal discrimination, a copy shall also be sent by the grievant to the Office of Affirmative Action. Grievants seeking to grieve promotion and/or tenure decisions formally begin at Step Two, after consultation with the Provost (or appropriate Vice-President). Time lines and details are specified in OAR 571-003-0015:

(a) The grievant may apply in writing to the appropriate Vice-President for the appointment of a Grievance Counselor to represent the grievant at no charge. The grievant may provide the Vice-President with a list of three possible Grievance Counselors or may ask the Vice-President to suggest a list of three from which the grievant may select one. In general the Grievance Counselor shall provide aid and assistance to the grievant. This shall include, but is not limited to, providing information about the various steps in the grievance procedure, representing the grievant before appropriate committees or administrators, enlisting the aid of the Affirmative Action Office if appropriate, or other aid. The Grievance Counselor shall not act as arbitrator of the grievance while acting on behalf of the grievant;

(b) The Step One decision-maker shall require a written memorandum from the grieved-against individual to offer that person's position on the matter;

(c) The immediate supervisor of the person grieved-against to whom the grievance is directed shall send a written response to the grievant and the grieved-against individual no later than 20 calendar days from the day the grievance is received, except in cases of alleged discrimination, including sexual harassment, in which case the written response is due no later than 30 days from receiving the grievance. In cases of alleged discrimination, including sexual harassment, the Step One decision-maker shall contact the Office of Affirmative Action and utilize the services of that office as appropriate to investigate the complaint. The response shall either resolve the grievance to the satisfaction of the grievant, or provide such relief as appears appropriate following examination of relevant facts, or shall state why the grievance is not deemed to be valid or why the relief requested in the grievance is not appropriate.

(2) *Step Two*:

(a) If the grievance is not resolved at Step One to the satisfaction of the grievant or if the respondent at Step One fails to respond in timely fashion, the grievant may appeal by filing the written grievance and all relevant documents and materials developed during Step One with one of the following committees as appropriate within 15 calendar days after the end of Step One:

(A) Grievance Appeal Committee for all grievances not within the jurisdiction of the Pro-motion/Tenure/Retention Appeal Committee; or the

(B) Promotion/Tenure/Retention Appeal Committee which shall consider only formal grievances concerning denial of promotion or denial of tenure (or denial of both) or failure to renew an appointment in violation of the OAR 571-003 grievant's rights.

(b) The appropriate committee shall entertain appeals directed to it within the following constraints:

(A) The statement of appeal shall be in writing (see section (1) of this rule for details) and shall include the response at Step One and any arguments the grievant wishes to make about the Step One response;

(B) All documentary evidence received shall be identified, marked, and indexed in the record;

(C) The grievant and the University and/or complained-against person(s) shall have full access to the record (as it exists at any given time) and to tape recordings of the testimony received;

(D) Live testimony shall be taken at a duly-noticed hearing. Clarifying questioning is to be by the committee only;

(E) The grievant shall be given the maximum possible (but in no case less than ten calendar days) advance notice of the initial hearing date, place, and time;

(F) The grievant and the University and/or the complained-against person(s) shall be allowed to present documentary evidence (including affidavits or signed declarations), demonstrative evidence and/or live testimony;

(G) The committee shall inform the grievant and the grieved-against individual no less than five calendar days in advance of any hearing of all documentary evidence received by it at the time of said notice. Such evidence shall be identified by reference to source, date, and, generally, content. The grievant and the grieved-against individual shall also be told how to acquire copies of such evidence before the hearing;

(H) The grievant shall have the right of the assistance of a University-appointed Grievance Counselor, the grieved-against individual(s) shall have the right of the assistance of a University-appointed Grievance Counselor or the grievant, University and/or complained-against person(s) shall have the right to an advocate (attorney or otherwise) at their respective expense;

(I) The grievant and the University and/or the complained-against person(s) shall be allowed to make introductory statements, to argue and summarize the presentation at a conclusion of receiving evidence, and shall be afforded an opportunity to rebut or explain new evidence or testimony; written presentations are to be encouraged over oral presentations; and if a party wishes an attorney to be involved, the attorney is permitted to develop written submissions;

(J) Live testimony shall be tape-recorded. There shall be no obligation on the committee to transcribe the tape, but copies of the tape shall be made available to any party to the grievance at the cost of reproduction and a pro rata share (among those requesting copies) of transcription;

(K) Hearings shall be open to the public (to the extent allowed by law) at the option of the grievant; however, the deliberations of the Committee shall be closed to all, including the grievant and the grieved-against individual(s);

(L) The Committee shall make its conclusions and recommendation solely upon evidence received in the record and shall, where practicable, cite specific evidence to support its resolution of disputed issues of fact;

(M) The committee shall formulate its conclusions and recommendations within 60 calendar days of receipt of the appeal;

(N) The proceedings of the committee (or any other step of this grievance procedure) shall not be deemed the handling of a contested case. If a grievant is otherwise entitled to a contested case proceeding, but wishes to have the grievance handled under subsection (2)(b) of this rule, the grievant shall waive in writing the use of contested case procedures. If a grievant is otherwise entitled to a contested-case proceeding, and does not file such a waiver, the provisions of OAR chapter 571, division 2 shall govern to the extent applicable.

(c) No grievance shall be denied at Step Two under section (2) of this rule without prior consultation between the chair of the committee to whom the grievance is directed and the Vice-President of the Division.

(3) In lieu of an appeal to the committees specified in paragraphs (2)(a)(A) and (B) of this rule, the grievant may appeal by filing the written grievance and all relevant documents and materials developed during Step One with the appropriate Vice-President for Step Two consideration:

(a) The Vice-President may use staff for investigatory support and shall have the authority to request information and testimony beyond that presented by the grievant or by the disposition at Step One. The Vice-President shall render a decision in writing and shall base the resolution upon relevant, undisputed facts and upon such relevant disputed facts as are determined. Sources of data or evidence or documents relied upon shall be identified;

(b) The Vice-President's decision shall be rendered within 30 calendar days of receipt of the grievance. Copies shall be sent promptly to the grievant and the grieved-against individual.

(4) If the grievant or the grieved-against person is not satisfied with the resolution recommended by the committee under subsection (2)(a) or (b) of this rule or with the decision reached by the Vice-President under section (3) of this rule, the appellant may appeal to the University President within ten calendar days after receipt of the Step Two disposition.

(5) *Step Three*: The President (or the President's designee) shall review the recommendation of the Committee or the decision of the Vice-President:

(a) The President shall be free to seek additional or clarifying evidence. However, to the extent the President obtains such further evidence and deems such evidence to be meaningful and likely to influence the presidential decision, the President (or designee) shall notify the grievant and the grieved-against party of the receipt of such evidence and shall afford such persons access to the evidence and an opportunity to respond if they desire (with contemporaneous copies to all parties). In cases involving alleged prohibited discrimination, the President shall consult with the Director of the Office of Affirmative Action;

(b) The President (or designee) shall issue a written decision which shall include findings of fact. If the President's (or designee's) decision modifies or rejects the Step Two action, the areas of modification or rejection shall be identified and the reasons for such changes shall be stated in the decision;

(c) The decision shall be rendered within 20 calendar days of the receipt of the Step Three appeal and shall be sent to the grievant and OAR 571-003 grieved-against party upon issuance.

(6) There shall be no further appeal within the University from the President's decision. Decisions of the President are appealable within the State System of Higher Education only pursuant to the provisions of the Oregon State Board of Higher Education Administrative Rules.

(7) If a response is not made within the prescribed time, the decision at the previous step (or status quo if it is the Step One response which is overdue) shall be deemed affirmed for the purposes of giving the grievant the option of appealing to the next higher step.

(8) Failure to appeal the grievance in timely fashion shall be deemed as acceptance of the result at the previous step, i.e., if the grievant does not appeal the Step One decision, it shall stand resolved and if neither party appeals the Step Two decision, it shall stand resolved.

(9) The grievant and administrator or committee responsible for rendering the decision in any given step may agree in writing to an extension of either the appeal or the response time. Such extensions shall not apply to or in any way suspend the running of any state or federal limitations or charge-filing periods (these are mandatory time lines) for grievances alleging illegal discrimination.

(10) In the event that it shall prove impossible to convene a Faculty Grievance Committee during summer term, the grievant and administrator or committee involved shall mutually agree to extend the response time into the following fall term.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 12(Temp), f. & cert. ef. 12-5-74 through 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 5-1981, f. & cert. ef. 5-6-81; UOO 7-1982, f. & cert. ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0006
Student-Faculty Committee on Grievances

(1) The Student-Faculty Committee on Grievances shall be composed of an equal number of students and faculty appointed by the President. It shall make itself readily accessible to all members of the University community, and shall determine in each case whether a particular grievance falls within its jurisdiction (in cases where the Committee determines it has no jurisdiction, it may choose to recommend an alternate procedure consistent with other rules within Division 3):

(a) The charge to the Committee shall be to receive complaints or grievances against faculty, either officers of instruction or officers of administration, arising out of their responsibilities as officers of the institution; and

(b) To investigate and review these complaints or grievances on an informal manner, affording full opportunity to the concerned parties to be heard; and

(c) To attempt to resolve differences or adjust grievances in an amicable fashion consistent with the understanding of the parties and the best interests of the University; and

(d) To issue such findings and recommendations (furnishing copies to the persons concerned) to either the President (if the grievance was initiated by a faculty member) or the appropriate Vice-President (if the grievance was initiated by a student) as appear appropriate under the circumstances;

(e) Referral to the Committee shall not suspend any applicable grievance time lines.

(2) By filing a complaint under any grievance rule and bringing it before this Committee, an aggrieved person authorizes the Committee to inquire into the matter as necessary to discover the applicable facts and to communicate as specified in this rule, its findings, recommendations and reasons to the concerned parties.

(3) Grievances Filed by Faculty: Faculty, officers of instruction or officers of administration, may present grievances to the Student-Faculty Committee on Grievances:

(a) Consideration by the Committee is an informal process only for addressing faculty complaints or grievances;

(b) The President is in no way obliged to act on the Committee's recommendations or to be further involved;

(c) The Committee shall render its grievance recommendation in writing within 15 calendar days of consideration of the complaint or grievance. "Consideration" shall mean the time at which the parties have presented their respective cases to the Committee.

(4) Grievances Filed by Students: Under the formal student grievance process at Step Two described in OAR 571-003-0115(3)(a), students with grievances against faculty arising out of their responsibilities as officers of the institution may present grievances to the Student Faculty Committee on Grievances:

(a) Referral to the Committee shall be consistent with grievance time lines stated in OAR 571-003-0110(2) in the case of student originated grievances. The Committee shall render its recommendations in writing within 15 calendar days of its consideration of the grievance. "Consideration" shall mean the time at which the parties have presented their respective cases to the Committee. The Committee shall make good faith efforts to complete its review within 30 days of a party's presenting a grievance to it;

(b) The Committee shall present its report to the parties to the grievance and to the appropriate Vice-President. The report shall include the Committee's findings of fact, a recitation of applicable policy and its recommendations for action. If the parties and the Vice President accept the committee's recommendation, it shall be implemented and the grievance shall be considered resolved;

(c) The Vice President may accept or reject the Committee's recommendation or may request further investigation and reconsideration by the Committee;

(d) Any party to the grievance may accept or reject the Committee's recommendation or the Vice President's action by appealing to Step Three of the student grievance process (OAR 571-003-0115(4) et seq.).

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 4-1990(Temp), f. & cert. ef. 2-20-90, UOO 1-1991, f. & cert. ef. 1-14-91

571-003-0007
Composition of Faculty Grievance Appeal Committees

(1) The faculty grievance procedure described in OAR 571-003-0005 calls for two elected faculty grievance committees to be available to consider appeals at Step Two. These committees have been established by Faculty Legislation.

(2) The Grievance Appeal Committee shall hear, on request of the faculty member grieving at Step Two, all grievances excepting those concerning denial of promotion, denial of tenure (or denial of both), or failure to renew an appointment in violation of the grievant's rights:

(a) The committee shall have its five members elected by the non-students eligible to vote at meetings of the University Assembly;

(b) Committee members shall be unclassified academic employees with faculty rank. The Committee on Committees shall insure a slate of at least two candidates each year for each open position. Candidates may also be nominated by petition which must be signed by at least ten valid signatures of voting faculty. Petitions shall

be distributed by the Secretary of the Faculty. Ballots shall contain candidates nominated by the Committee on Committees and those nominated by petition;

(c) Members of the Grievance Appeal Com-mittee may not serve successive terms;

(d) At the time of the first election, by lot one member shall be elected for a one-year term, two for a two-year term, and two for a three-year term. Thereafter, as terms expire, new members shall be elected to three-year terms;

(e) In conducting its business, the Grievance Appeal Committee shall follow the rules of procedure as set forth in OAR 571-003-0005(2), (7), (8), and (9). The committee shall elect its own chair annually.

(3) The Promotion/Tenure/Retention Appeal Committee shall hear, at the request of the grieving faculty member at Step Two, all grievances concerning denial of promotion or denial of tenure (or denial of both), or failure to renew an appointment in violation of the grievant's rights:

(a) The committee shall have its three members, all of whom must be tenured, elected by the non-students eligible to vote at meetings of the University Assembly. Current Deans and Depart-ment Heads shall not be eligible to serve. The committee shall consist of one representative from the College of Arts and Sciences, one from the professional schools and one at large. Nominees, none of whom may be from the same department, shall be persons who previously have been elected to serve (and have served) on the Faculty Personnel Committee, with the following exceptions;

(b) No one may serve simultaneously on the Faculty Personnel Committee and the Promotion/Tenure/Retention Appeals Committee;

(c) Any member who served on the Faculty Personnel Committee or the College Personnel Committee, or who participated in the depart-mental vote when the grieved action or decision (or informal reviews thereof) occurred must be excused from hearing such an appeal but shall otherwise continue to serve on this committee;

(d) Members of the committee may not serve successive terms;

(e) If any one (or more) member(s) is disqualified under subsection (c) of this section, the fourth and subsequent candidate(s) in the election for the committee shall be asked to serve in place of the disqualified member(s);

(f) The Committee on Committees shall insure a slate of at least two candidates for each open position each year. The candidates shall otherwise be qualified and shall be chosen to insure the division of membership specified in section (1) of this rule;

(g) Candidates may also be nominated by petition. A petition with ten valid signatures of voting faculty shall place those candidates nominated by the petition on the ballot. Petitions shall be distributed by the Secretary of the Faculty and shall specify whether they are for candidates to represent the College of Arts and Sciences or the Professional Schools and Colleges or the at-large position;

(h) Separate ballots shall be prepared for the candidates from the College of Arts and Sciences and the Professional Schools and Colleges. The ballots shall list the candidates nominated by the Committee on Committees and those nominated by petition. All ballots shall be circulated to all voting faculty members;

(i) All members shall be elected to serve staggered three-year terms. At the time of the first election, the person receiving the third highest number of votes shall fill the at large position. The one-, two- and three-year terms of service shall be made by lot. Thereafter, one person shall be elected each year for a three-year term as determined by the original lot, except for those elected to fill vacancies of unexpired terms;

(j) In conducting its business, the committee shall follow the rules of procedure as set out in OAR 571-003-0005(2), (7), (8), and (9) and 571-003-0015(2)(b) through (e);

(k) The Committee shall elect its own chair annually;

(l) The grievant may make a peremptory challenge of one member of the Committee. That member shall be replaced by one selected to serve pro tem by the grievant from a list proposed by the Faculty Advisory Council of three tenured candidates (except that for grievants who are officers of administration non-tenured faculty may be listed).

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0015
Appeal of Failure to Grant Promotion or Tenure When Such Decision Results in Terminal Notice

(1) Appeal of the decision to deny promotion or tenure which results in terminal notice shall be directed by the appellant in writing to the Provost within 90 days of actual receipt of terminal notice. If the candidate is outside of the United States at the date of receipt, the period for filing an appeal shall be extended to 60 days after the candidate first thereafter returns to the State of Oregon. Under Oregon State Board of Higher Education rules, grievants/appellants are entitled to have their complaints considered either informally or formally, but not both. The Provost or appropriate Vice-President shall refer the appeal to the Faculty Personnel Committee or to the appropriate College or School promotion and tenure committee (informal procedure) unless the candidate and the Vice-President agree that it would more appropriately be referred to the Promotion/Tenure/Retention Appeal Committee (formal procedure) for its recommendation. In making decisions under this rule, the Vice-President shall exercise authority hereby delegated from the President.

(2) Appeals made under section (1) of this rule and referred by the Provost to the Faculty Personnel Committee or the College or School Promotion and Tenure Committee shall constitute the institution's informal procedures and be considered in the following manner:

(a) The review will take the form of a reconsideration by a panel (with a minimum of three members) of the Faculty Personnel Committee. Reconsideration shall be conducted for the Faculty Personnel Committee by a panel of the Committee or the college or school committee which does not include members who served during the year in which the case was previously reviewed. The informal process is advisory to the Provost and the results of the reconsideration will be presented as recommendations to the Provost;

(b) The purpose of the reconsideration shall be to make an evaluation of the fairness and reliability of the decision-making process. This reconsideration involves:

(A) Determination of whether errors of fact existed;

(B) Determination of whether relevant evidence was unavailable, disregarded or overlooked; and

(C) Determination of whether the decision was in any way arbitrary or capricious or whether it had a significant foundation in fact on which to justify the original evaluative judgments and recommendations.

(c) Should the panel of the Faculty Personnel Committee conclude that prejudicially erroneous facts were utilized or that relevant evidence capable of reversing the appraisal was rejected, overlooked, or previously unavailable, or that the original judgment was arbitrary and capricious, or prohibited by law, or that the decision was otherwise unwarranted for lack of any significant factual foundation, it shall so advise the Provost, Dean, and Department Head to reconsider the original recommendations with respect to the case;

(d) The appellant can review that part of the appellant's file which is open and will receive a substantive abstract of any closed part of the file. A proper abstract of the file is interpreted to mean document-by-document, not a general summary, with the condition that editing and abstracting will maintain the confidentiality of sources who submitted their evaluations with assurance of confidentiality in accordance with any earlier waiver of the appellant's right to have the University use no confidential sources. The OAR abstract shall be prepared by an officer from the Office of the Vice-President for Academic Affairs and Provost and a member of the Faculty Personnel Committee;

(e) Reconsideration by the Promotion/Tenure/Retention Appeal Committee is a formal grievance procedure which begins at Step Two and proceeds under OAR 571-003-0005(2)(a). Neither method of review nor the underlying grievance is defined as a contested case under ORS 183.310(2) or OAR 580-021-0400. Prior to the reconsideration, the appellant shall be given appropriate notice that if the appellant so chooses, the appellant has the opportunity to introduce

information which is new or hitherto unavailable or overlooked by the Faculty Personnel Committee, to review the open portion of the file and the abstracts and summaries and to make a personal presentation on the grounds set forth in subsection (2)(b) of this rule. There is no requirement or expectation of formal public hearings with counsel in the informal reconsideration.

(3) When appeals made under section (1) of this rule are referred to the Promotion/Tenure/Retention Appeal Committee, the same standards and procedures as are outlined in subsection (2)(b) through (e) of this rule shall be followed in addition to the procedures specified in OAR 571-003-0005(2)(b). Either type of committee referred to in this section shall exclude faculty members who served on the Faculty (or College) Personnel Committee in the year in which the case was reviewed by that Committee.

(4) An appeal of a Promotion/Tenure/Retention Appeal Committee decision may be made to the President. An appeal to the President shall be directed by the appellant in writing to the President within ten calendar days of the receipt of Promotion/Tenure/Retention Appeal Committee's decision. The President shall notify the appellant of the President's final decision within 20 calendar days of the receipt of the appellant's written appeal. There shall be no further appeal within the institution of the President's decision.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 12(Temp), f. & cert. ef. 12-5-74 - 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 12-1981(Temp), f. & cert. ef. 8-5-81; UOO 8-1982, f. & cert. ef. 6-29-82; UOO 4-1987, f. & cert. ef. 12-18-87; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 11-1988, f. & cert. ef. 12-6-88

571-003-0016
Appeal of Non-Terminal Denial of Promotion or Tenure

(1) This rule applies to appeals concerning denial of promotion or tenure where such decision does not result in terminal notice.

(2) Decisions respecting academic or professional performance of officers of instruction are based on the evaluative judgment of peers. These judgments are entrusted to the academic peer group. Denial of promotion or tenure may be challenged informally or formally (but not both), under the procedure and standards provided in OAR 571-003-0015. Because the grievant in such situations has not received a terminal notice, the question of whether the grievant deserves promotion and tenure will be decided in the following academic year by the Faculty Personnel Committee if the candidate requests that the case be resubmitted. Requests for such consideration shall be made in writing addressed to the Provost. Upon such reconsideration, the file may be augmented by all parties involved. Such further consideration will lead to a recommendation to the Provost for further action.

(3) Appeals concerning denial of promotion for officers of administration which do not result in terminal notice may be challenged informally or formally (but not both) under the procedure and standards provided in OAR 571-003-0015(2)(b) through (d) by filing a written appeal with the appropriate Vice-President.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 9-1982, f. & cert. ef. 6-29-82; UOO 5-1987, f. & cert. ef. 12-18-87; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 12-1988, f. & cert. ef. 12-6-88

571-003-0017
Non-Renewal of a Fixed-Term or Annual Appointment

Non-renewal of a fixed-term or annual appointment of an officer of instruction or administration in other than a promotion and tenure case (e.g., other than terminal notice during the seventh year) will be grievable only to the extent that a property right in such a reappointment has been violated or if prohibited discrimination is alleged to have been a factor in non-reappointment. In such cases, the procedures of OAR 571-003-0005 shall govern.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 9-1982, f. & cert. ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0020
Management Service Grievance Procedures

(1) A Management Service employee who believes an assignment, reassignment, transfer, or removal due to reorganization or lack of work, or a disciplinary action, i.e., removal from Management Service, dismissal, reduction in pay, demotion or suspension, is arbitrary or contrary to law, rule, or policy or taken for political reasons may file a grievance under this rule.

(2) A grievance filed under this rule shall be initiated within 30 calendar days of the time the grievant knows or by reasonable diligence should have known of the action grieved.

EXCEPTION: Disciplinary actions must be grieved within ten days.

(3) Management Service grievants may choose to represent themselves or to be represented by personally retained legal counsel during the grievance process. That decision shall be made prior to initiating the grievance process:

(a) Should the grievant choose to be represented by legal counsel, such representation shall be retained at the grievant's expense;

(b) Management Service grievants may not be represented by labor organizations;

(c) If the grievant needs assistance in either obtaining a typescript of the grievance statement or obtaining photocopies of related documents, such service shall be rendered by the Office of Human Resources. No charge shall be made for either the first ten typed pages or first ten photocopies.

(4) *Step One*: The grievant should first discuss the grievance in person with the immediate supervisor. To facilitate this discussion, the complaint shall be described in writing. A copy of this document shall be given to the supervisor at the time of the meeting:

(a) The written grievance shall be specific describing in detail the action taken and how that action was arbitrary or contrary to law, rule, or policy or was taken for political reasons;

(b) The written grievance shall contain a statement of the result, resolution, or remedy expected to resolve the grievance. It shall identify the name, address and telephone number of legal counsel, if any, or state the grievant will be self-represented;

(c) The supervisor shall respond in writing within seven calendar days of receipt of the written grievance;

(d) Copies of the grievance and any response shall be filed immediately by the supervisor with the Director of Human Resources.

(5) *Step Two*: If the grievance is not resolved after the discussion with the supervisor, or the supervisor fails to respond within seven calendar days of receipt of the grievance, the grievant may file the written grievance with the Dean or Director of the unit in which the grievant works within seven calendar days of the supervisor's response or the last day on which such response should have been received:

(a) The Dean or Director shall respond in writing within seven calendar days of receipt of the written grievance;

(b) A copy of the Step Two response shall be filed immediately by the Dean or Director with the Director of Human Resources.

(6) *Step Three*: If the grievance is not resolved at Step Two, or the Dean or Director fails to respond within seven calendar days, the grievant may file the grievance and all related documents with the President within seven calendar days of receipt of the Step Two response or the last day such response was due:

(a) The President or the President's designee shall conduct an inquiry into the grievance. The findings shall be rendered in writing and sent to the grievant and/or the grievant's representative no later than the 15th calendar day after receipt of the grievance;

(b) A copy of these findings shall be filed with the Director of Human Resources when they are sent to the grievant or the grievant's representative.

(7) *Step Four*: If the grievance is not resolved at Step Three, the grievant may appeal to the Director of the Executive Department. Grievances carried beyond the University process are governed by State Personnel Division and Employment Relations Board policies.

(8) Disciplinary actions may be appealed directly to the President at Step Three. Such appeal must be made within ten calendar days from the effective date of the action which prompted the grievance. The process outlined in subsection (6)(a) of this rule shall be followed.

(9) Management Service employees' grievances related to discrimination proscribed by statute or rule shall be initiated within the time frames specified in OAR 571-003-0000(5)(a)(A) and (B), (5)(b)–(d). In such cases, at Step One above, the provisions of OAR

571-003-0005(1)(c) shall also apply. Any illegal discrimination grievance not resolved at the University level may be filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries or the United States Equal Employment Opportunity Commission.

(10) Time limits specified in this procedure must be observed unless either party requests a specific time extension, which, if mutually agreed to, must be stipulated in writing and shall become part of the grievance record.

(11) If at any step in this grievance process the grievant does not appeal in timely fashion to the next step, the grievance shall be regarded as having been resolved. Failure of the grievant to perfect a timely further appeal shall constitute a failure to exhaust administrative remedies.

(12) Management Service employees shall not be subject to reprisal for use of or participation in the grievance procedure.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 14-1981(Temp), f. & cert. ef. 10-28-81; UOO 1-1982, f. & cert. ef. 1-18-82; UOO 5-1985, f. & cert. ef. 12-31-85; UOO 3-1995, f. 6-12-95, cert. ef. 6-15-95

571-003-0025
Prohibited Discrimination, Discriminatory Harassment, and Sexual Harassment

Using arbitrary or capricious grounds to make available or to deny educational or professional opportunity to other members of the University community is unprofessional conduct and may constitute prohibited discrimination under the University's and the Oregon State Board of Higher Education's rules. Prohibited discrimination including discriminatory harassment and sexual harassment of students, faculty, or staff by other members of the University community is prohibited both by law and this rule. Unwelcome sexual activity by persons abusing positions of economic, supervisory, or academic power is inherently oppressive. Discriminatory harassment, including sexual harassment, regardless of the relative power of the harasser, is disruptive of the workplace and campus life, and it acts to deny its object equal opportunity as a student or an employee. Discriminatory harassment, including sexual harassment, shall not be tolerated at the University of Oregon:

(1) Definitions:

(a) Members of the University community are defined as students, faculty, and staff except for purposes of grievances alleging disability discrimination against the grievant where the definition of "University community" is broadened to include members of the public applying for admission as students, attending or participating (or desirous of attending or participating) in programs on University owned or leased property, applying for employment, or otherwise having business to transact in University facilities (this broadened definition does not apply to the second sentence of the introductory paragraph of this rule);

(b) For purposes of timeliness, "filed" means a signed grievance delivered to a University official authorized to receive grievances which are initiated under OAR 571-003-0025(4)–(6);

(c) Prohibited discrimination is defined as any act that either in form or operation, and whether intended or unintended, unreasonably discriminates among individuals on the basis of age, disability, national origin, race, marital status, religion, gender or sexual orientation: "Unintentional discrimination" is a concept applicable only to situations where a policy, requirement, or regularized practice, although neutral on its face, can be shown to have disparately impacted members of a protected class. The concept is inapplicable to sexual or other forms of harassment which, by definition, result from volitional actions.

(d) Discriminatory harassment is defined as any conduct that either in form or operation unreasonably discriminates among individuals on the basis of age, disability, national origin, race, marital status, religion, gender or sexual orientation, and that is sufficiently severe or pervasive that it interferes with work or academic performance because it has created an intimidating, hostile, or degrading working or academic environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable person of the alleged victim's status. Discriminatory harassment will not be found in the decision to select, include, or assign course or reading materials or curricular content or in the consideration of research topics or investigatory questions within the educational and research activities of University employees and students. However, if specific behaviors or actions opportunistically recur in an educational setting and can be shown by clear and convincing evidence to have been calculated to inflict harm on one or more of the participants, this exception shall not apply.

(e) Sexual harassment is a type of gender discrimination which is defined as:

(A) Any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

(i) Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experience; or

(ii) Submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment and/or academic decisions affecting such individual; or

(iii) Such conduct is unwelcome and sufficiently severe or pervasive that it interferes with work or academic performance because it has created an intimidating, hostile, or offensive working or academic environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable woman (if the object is a woman) or a reasonable man (if the object is a man).

(B) Sexual harassment will not be found in the decision to select, include, or assign course or reading materials or curricular content or in the consideration of research topics or investigatory questions within the educational and research activities of University employees and students. However, if specific behaviors or actions opportunistically recur in an educational setting and can be shown by clear and convincing evidence to have been calculated to inflict harm on one or more of the participants, this exception shall not apply.

(f) In the case of allegations of disability "complainant" shall be broadened to include members of the public applying for admission as students, attending (or desirous of attending) events or participating (or desirous of participating) in programs on University owned or leased property, applying for employment, or otherwise having business to transact in University facilities.

(2) University Employees' Responsibilities in Dealing with Allegations of Prohibited Discrimination or Sexual Harassment: The University has the responsibility to prevent prohibited discrimination from occurring in its work-places and its academic, research, public, and student service programs:

(a) University employees with credible evidence that any form of prohibited discrimination is occurring have the responsibility to inform their supervisors or the Office of Affirmative Action. Credible evidence is evidence of the kind that prudent people would rely on in making important personal or business decisions;

(b) Staff in the Office of Affirmative Action shall provide information about available complaint processes, services for complainants, and assistance with resolving complaints to any University employee who makes a report of alleged discriminatory behavior so that these employees may pass on this advice to those involved who may need this information;

(c) In making such reports, University employees may retain their anonymity;

(d) Staff in the Office of Affirmative Action will advise potential complainants of the options available to them, including applicable internal formal and informal complaint and resolution processes, as well as the possibility of filing with an external agency. Potential complainants shall receive the addresses and phone numbers of external governmental agencies with authority to deal with their complaints, as well as information about any time limitations on access to outside agencies' processes.

(3) Discrimination Grievance Counselor: As required by OAR 580-015-0090, the University has appointed a discrimination grievance counselor who is the Director of the Office of Affirmative Action and Equal Opportunity (hereinafter referred to in this rule as the Director). The Director shall assist students and others in formulating and following up complaints of alleged discrimination.

(4) Formal Complaint Processes:

(a) All members of the University community considering filing a formal complaint alleging prohibited discrimination or sexual harassment are encouraged to contact the Office of Affirmative Action for information and advice. Potential complainants may remain anonymous. Affirmative Action staff will work for resolution through informal processes if that is what the complainant desires, or will assist in making a formal complaint and setting it into the formal complaint process applicable to the complainant;

(b) Faculty and officers of administration who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the faculty grievance process as set forth in this division;

(c) Members of recognized collective bargaining units at the University of Oregon who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the grievance process set forth in the applicable collective bargaining agreement;

(d) Students who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the Oregon State Board of Higher Education's discrimination complaint process, OAR 580-015-0090 et seq.;

(e) Anyone who believes he or she has been subjected to prohibited discrimination or sexual harassment by any University student while on campus or at a University-sponsored event may file formal complaints with the Coordinator of Student Conduct;

(f) A complainant alleging disability discrimination who is not faculty, staff, or a student shall have the grievance investigated by the Human Rights Investigator of the Office of Affirmative Action and Equal Opportunity, with the Investigator's report to go to the appropriate Vice President (who may consult with the Affirmative Action Administrative Council before disposition) who shall promptly and equitably decide the grievance and issue a report of the decision to the complainant and to the person (or unit) grieved against.

(g) When a University officer, other than the University's designated discrimination grievance counselor, receives a properly filed formal grievance or complaint alleging prohibited discrimination or sexual harassment, that officer shall:

(A) inform the Director that a complaint has been received and name the complainant and respondent;

(B) request Affirmative Action staff assistance in investigating, seeking resolutions and/or advising the individuals concerned about established procedures; and

(C) keep the Director informed as the complaint or grievance is processed and decided.

(h) For purposes of this rule, "University officer" is defined as any faculty member with appointment as an officer of instruction, administration, or research;

(i) When the Director learns of a formal complaint through the channels described in subsection (g) of this section, he or she shall provide the complainant information about the availability of complaint channels through outside agencies, along with these agencies' names, addresses, and telephone numbers and a description of any applicable time limitations.

(5) Informal Complaint and Resolution Processes:

(a) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment are encouraged to contact the Affirmative Action Office for information, advice, and assistance in resolving the problem;

(b) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may contact the University Ombud Officer for information, advice, and assistance in resolving the problem;

(c) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may use any appropriate informal grievance resolution process set out in this division, may secure the assistance of mediators, counselors, or advocates as provided or at the complainant's expense, and/or may attempt any informal resolution appropriate to the particular circumstances;

(d) Individuals seeking informal resolution of a problem of alleged prohibited discrimination or sexual harassment or who merely wish to discuss their experience with an officer of the University, may request anonymity, and need not reveal their identity to the alleged offender. However, when the circumstances are such that, assuming the allegations are true, the health or safety of individuals is at risk, University officers have the responsibility to take such steps as are reasonably necessary to prevent injury. In some cases, that may mean that a complainant's identity must be revealed.

(6) University Officers' and Supervisors' Responsibilities as Participants in Informal Complaint and Resolution Processes: When any University officer (as defined in subsection (4)(h) of this rule) is called upon to assist in the informal resolution of a complaint of prohibited discrimination or sexual harassment, he or she shall:

(a) Take steps to assure that complainants understand their rights, know where they can seek psychological, procedural, or advocacy help, and take reasonable steps to assist complainants to resolve the problem. Professional advice and information on how to advise and assist individuals who feel victimized by prohibited discrimination or sexual harassment is available from the Affirmative Action Office;

(b) Ask the complainant if he or she is willing to participate in an investigation of the allegations, understanding that anonymity cannot be guaranteed in most investigative situations. If the complainant is not so willing; then

(c) Ask the complainant if she or he is willing to act as a witness if the University decides to instigate disciplinary procedures against the alleged offender. If the complainant is not so willing, then

(d) Notify the Affirmative Action Office in general terms that an allegation of prohibited discrimination or sexual harassment has been made. No information that would identify either the complainant or the alleged offender should be communicated to the Affirmative Action Office, unless the situation rises to one described in subsection (5)(d) of this rule. Available information about the parties or the setting in which the alleged prohibited discrimination or sexual harassment took place should be given to Affirmative Action to the extent that it does not breach the confidentiality of the complainant or the alleged wrong-doer;

(e) If the complainant would be willing to participate in an investigation of the allegations or act as a witness in the event of any future formal charges, the University officer shall notify the Affirmative Action Office that an informal complaint of alleged prohibited discrimination/sexual harassment has been received and name both the complainant and the respondent. If the complainant is willing, the University officer should help set up a meeting for the complainant with Affirmative Action staff to discuss the situation;

(f) Report back to the Office of Affirmative Action about any action taken to achieve informal resolution of the problem.

(7) Record Keeping Requirements: The Director shall:

(a) Maintain a confidential file of all formal complaints and grievances alleging prohibited discrimination or sexual harassment by University employees. Such files shall include the final decision made in the grievance process;

(b) Maintain a confidential file of all informal complaints alleging prohibited discrimination or sexual harassment by University employees made by complainants who participate in investigations or are willing to act as witnesses. The file shall include information about any resolution reached through informal processes and any findings made regarding the allegations of discrimination;

(c) Maintain a statistical record of the complaints filed and their outcomes as described in subsections (a) and (b) of this section, which includes the characteristics of complainants and respondents, including student, staff, or faculty status, home department, and where the discrimination or harassment was alleged to take place: in the classroom, laboratory, or other instructional context, in the workplace, or off campus;

(d) Maintain a statistical record of the number of informal complaints of prohibited discrimination/sexual harassment that are reported, in which the complainant declined to participate as a witness in any future action against the alleged offender;

(e) After a period of five years, destroy those files applicable to allegations of discrimination or sexual harassment in which the

complainant wished merely to report and not participate in investigations or disciplinary proceedings, and those files in which no prohibited discrimination or sexual harassment was found, when in the interim, no such subsequent allegations against that particular employee are made;

(f) After a period of seven years, destroy the files applicable to allegations of discrimination or sexual harassment in which prohibited behavior was found, when in the interim, no such subsequent allegations against that particular employee are made;

(g) Four years after an employee against whom complaints of discrimination or sexual harassment have been filed resigns, retires, or dies, destroy any files applicable to the complaints that were not destroyed under subsections (e) and (f) of this section.

(8) Reporting Requirements: The Director shall:

(a) On at least an annual basis, issue a statistical report to the President, the University of Oregon News Bureau, and the Oregon Daily Emerald of the number and kinds of discrimination and sexual harassment complaints received and how they were resolved. No names of individuals involved or other identifying information may be released in this report. Data relating to allegations of sexual harassment shall be reported separately from other forms of prohibited discrimination. Further break-downs by category may be used if confidentiality can be preserved and if doing so will make the figures more meaningful to the public;

(b) Report to the President that a second or subsequent complaint of prohibited discrimination or sexual harassment has been lodged against a particular employee when there is a discrimination or sexual harassment file being maintained in the Affirmative Action Office naming the employee as the respondent in a formal or informal complaint.

(9) Protection of Complainants, Prohibition Against Retaliation:

(a) Employee complainants may request to be transferred for the duration of the complaint proceeding. Student complainants may request to change or drop a course while the complaint is in process. Complainants may request, and the University may propose, that other actions be taken that are appropriate and reasonably likely to diminish conflict or relieve the stress involved in complaint processes;

(b) A complainant shall have the option of withdrawing the complaint at any time prior to the issuance of a final decision under the selected grievance process, or may choose to file the complaint with an outside agency at any time;

(c) Retaliation by any University student or employee against any person participating in good faith in any discrimination, sexual harassment, or other complaint process, whether informal or formal, is strictly forbidden. Retaliation is considered unprofessional behavior and is therefore proscribed conduct under Oregon State Board Rules and is cause for sanctions more severe than a written reprimand. Retaliation is also a violation of the Student Conduct Code and is cause for sanctions imposed under the provisions of that Code.

(10) Sanctions: After following the appropriate disciplinary procedures affording students and employees required due process, the University may impose sanctions as follows:

(a) Faculty and officers of administration found to have engaged in prohibited discrimination or sexual harassment may be subject to a written reprimand to be included in the personnel file or other sanctions for cause under the provisions of OAR 580-021-0320 et seq. and/or to evaluations of less than fully satisfactory service. If a proven or stipulated incident of prohibited discrimination or sexual harassment occurs after the delivery of a written reprimand or an evaluation of less than fully satisfactory service arising out of such conduct, procedures to impose further sanctions for cause shall be instituted under OAR 580-021-0330 et seq. Possible sanctions include suspension or termination of employment;

(b) Students found to have engaged in prohibited discrimination or sexual harassment may be subject to sanctions including suspension or expulsion under the Student Conduct Code;

(c) Classified staff members found to have engaged in prohibited discrimination or sexual harassment may be subject to written reprimand to be included in personnel files or further sanctions in accord with the progressive discipline concept in accordance with any applicable collective bargaining agreements. Such sanctions include suspension, reduction of pay, and termination of service.

Stat. Auth.: ORS 351.070 & ORS 352.004
Stats. Implemented: ORS 659.150-160; 46 USC sec. 12112, 12132 & 12182
Hist.: UOO 3-1983, f. & cert. ef. 5-31-83; UOO 7-1993, f. & cert. ef. 6-2-93; UOO 1-1994, f. 5-31-94, cert. ef. 6-1-94; UOO 1-1997, f. & cert. ef. 2-3-97

Student Grievance Procedures

571-003-0100
Introduction

(1) OAR 571-003-0100 through 571-003-0125 apply as specified to students including undergraduate, postbaccalaureate, community education, and graduate students. For the purposes of these rules, a student is an individual who, having paid the appropriate fee or having the fee officially waived, is enrolled in courses at the University of Oregon or was so enrolled at the time the action grieved occurred:

(a) Work-Related Graduate Teaching Fellow Grievances: Graduate students with complaints arising from their employment as Graduate Teaching Fellows shall follow the grievance procedures specified by their applicable collective bargaining agreement;

(b) Student Versus Student Complaints: Students who wish to make a formal complaint against a fellow student or students or a student group (unless the complaint is against a student for actions taken as a University employee) shall use the procedures specified in the **Student Conduct Code**, OAR 571-021-0005 et seq.;

(c) Fees, Fines, and Other Charges: Students with grievances related to the assessment of fines, imposition of charges or the applicability of but not the waiver of fees, shall use the procedures described in OAR 571-060-0005 et seq.;

(d) Financial Aid: Students who face the loss, reduction or suspension of financial aid other than as an application against delinquency pursuant to federal, or state law, or published Oregon State Board of Higher Education or University policies or directives, may request a contested case hearing under OAR 571-002-0000 et seq. Students with other grievances regarding the administration of Financial Aid may use the procedures described in OAR 571-003-0125;

(e) Student Records: Students with complaints about access to or the contents of their student records shall use the procedures described in the University's Student Records Policy, OAR 571-020-0005 et seq.;

(f) Prohibited Discrimination: Students who believe that one or more University of Oregon employees or agents have acted in a way that constitutes prohibited discrimination (including sexual harassment) shall file any formal grievances under OAR 580-015-0090;

(g) Petition Processes: Many University offices and academic units have established petition processes for students who believe an exception to applicable policy or procedures should be made in their special situations. Students wishing to alter a decision affecting them should contact the office responsible for making the decision to see if there is a procedure established for petitioning for a change. The University administration reserves the right to create petition processes that comply with the requirements of OAR 571-003-0105 or to eliminate petition processes as it deems desirable;

(h) Graduate Student Academic Grievances: A graduate student with an academic grievance including graduate qualifying examinations, comprehensives, dissertation preparation, research evaluation, doctoral orals, or advising relationships shall use the procedures established under OAR 571-003-0120;

(i) Family Housing Grievances: Individual family housing resident's grievances against University Housing shall proceed solely under OAR 571-022-0060;

(j) Other Grievances: A student who believes that one or more University of Oregon agents or employees has acted in an arbitrary manner or has acted in non-compliance with federal or state law, policies, directives, or administrative rules, or has acted in a way that exceeds authority or abuses discretion, to the personal detriment of that student, shall file a grievance under the process described in OAR 571-003-0110 and 571-003-0115.

(2) General Guidelines:

(a) Statements of Grievance: Formal grievances filed by students under these rules shall be in writing and shall include at least the following information:

(A) The approximate date and nature of the events that lead to the filing of the grievance;

(B) The names of all persons the aggrieved knows to have been directly involved in or responsible for the events alleged;

(C) All the relevant facts the aggrieved knows that support these allegations, including any stated policies or procedures that are alleged to have been violated. The aggrieved may add to this statement if more information becomes available during the course of the grievance;

(D) The relief the aggrieved seeks to resolve the grievance.

(b) No Retaliation: Students using this or any other authorized grievance process shall be protected from retaliation for using the process. While the actions that have prompted the grievance may be carried out in due course while the grievance is pending and normal academic processes and events including testing and grading shall go on unimpeded, no other actions proposed subsequent to the filing of the grievance adverse to the student's interests may be taken unless those proposing such action can prove to the appropriate vice president's satisfaction that such action is free of retaliatory intent;

(c) Grievance Counseling: Students who are uncertain whether a problem can be addressed through a petition process, a grievance process under these rules, or through another resolution process, should consult the ASUO Office of Student Advocacy or the Office of Student Affairs;

(d) Choice of Process: In some cases students may have a choice of formal procedures under which to file grievances and complaints rising from the same incident. In such situations, the affected student must select one and only one formal process. The University shall not hear a second complaint from the same student on the same facts, and shall not hear a grievance if a similar complaint is filed with an external agency or court. Preliminary efforts at informal solution shall not be deemed the filing of a grievance;

(e) Advice and Counsel: Student complainants may secure advice and counsel as they see fit throughout both the formal and informal procedures described herein. Participation by advisers in meetings or hearings shall be permitted to the extent provided for in these rules. A University officer may refuse to include a student's adviser in such a meeting, unless the student advises the officer, at least five working days in advance of the meeting, that a named adviser will be present. During the course of a student grievance, all parties shall be responsible for the costs, if any, of their personal representation;

(f) Time: All mention of days throughout OAR 571-003-0100 through 571-003-0125 are calendar days unless otherwise specified;

(g) Personal Records: By filing a complaint under any student grievance rule, a student authorizes the appropriate authority to inquire into the matter as necessary to discover the applicable facts and to communicate as specified in these rules, its findings and reasons to the concerned parties.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 4-1991, f. 2-28-91, cert. ef. 3-15-91; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0105
Student Petition Processes

(1) Mandatory Use: The University has established a number of formal petition processes that apply when students wish to request a waiver of or exception to University policy or procedure which applies to them. Where such a process has been established, students must follow that process to have their requests considered.

(2) Procedural Requirements: University offices with established petition processes shall make reasonable efforts to publish the availability of the process, shall train staff to advise students on the use of the process, and shall maintain an adequate store of appropriate petition forms or other relevant materials.

(3) Informal Petitions: Where no formal petition process is established, students are free to request reconsideration of decisions affecting them by writing to the decision-maker and making such a request.

(4) Grounds for Appeal: The denial of a petition is not a subject for a grievance complaint unless the student believes prohibited discrimination, abuse of discretion or arbitrary and capricious action has occurred. If this appears to be the case, the student may file a grievance under OAR 571-003-0110, 571-003-0115, or under OAR 580-015-0090.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

571-003-0110
Procedural Requirements

(1) Students (as defined in OAR 571-003-0100(1)) who believe they have been individually wronged by arbitrary or capricious action or non-action, abuse of administrative discretion, or non-compliance with applicable law, rules, or policies by the University, its agents and employees, may grieve in accordance with the procedures outlined in the applicable rule.

(2) A student must institute a formal grievance within 45 days of the time the student knows or by reasonable diligence should have known of the matter prompting the grievance. The running of the 45 day period shall be suspended during examination and vacation periods, including the period between the end of spring term and the beginning of fall term if the student is not enrolled in summer session.

(3) All decision-makers' written decisions required by these rules shall include a statement of findings and conclusions, a recitation of the applicable facts and the law, rules, and policies which support the conclusions, and a description of any appeals procedures available to the parties to the grievance.

(4) If the decision at any level requires taking action, the decision shall include a copy of the instructions to the appropriate University personnel for implementing that action.

(5) Failure of a decision-maker at any level to communicate the decision within the applicable time limits shall permit the aggrieved to proceed to the next step. The failure of the aggrieved to appeal a decision within the time limits shall be deemed to be an acceptance of the decision.

(6) Informal Resolution: Before filing formal complaints, students are urged to consider direct conversation with the individual causing the problem or with that person's supervisor, in an effort to resolve misunderstandings and to achieve solutions as quickly as possible. The use of informal processes does not prevent the filing of a formal grievance so long as the formal grievance is filed within the applicable time limits:

(a) Informal Discussion: Students may request a meeting with the problem-causing person or with that person's supervisor;

(b) Mediation: Students may request mediation through any available campus mediation program;

(c) Local Processes: Students may use any informal processes established within the unit in which the complaint arose.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

571-003-0115
Formal Grievance

(1) Students may choose to proceed directly to a formal grievance process, or they may wish to file a formal grievance if they believe informal efforts at resolution have failed. Formal grievances must meet the requirements stated in OAR 571-003-0110(1) and (2).

(2) *Step One*: An aggrieved student shall either file a written complaint according to the established grievance process within the appropriate administrative unit or if one is not established, with the immediate supervisor of the person grieved against. The complaint shall comply with the requirements set forth in OAR 571-003-0100(2)(a):

(a) A University employee who receives a grievance under this rule that has as its basis allegations of prohibited discrimination or sexual harassment against a student shall direct the complainant and

the grievance to the Office of Affirmative Action for a proper filing under OAR 580-015-0090;

(b) If mediation did not take place in an effort to reach an informal resolution, the Step One decision-maker, who believes mediation could be productive and if the aggrieved and the person grieved against agrees, may refer the matter to any available campus mediation service. Such mediation suspends the time limits described in this subsection for up to 30 days or until mediation is concluded, whichever is earlier. If the grievant does not agree to mediation, the Step One decision-maker shall proceed with the investigation of allegations in the grievance;

(c) The Step One decision-maker or a designee may investigate the allegations contained in the grievance and interview the parties and others as appropriate in order to come to a decision on the issues in question. The Step One decision-maker shall either deny or resolve the grievance within 20 days of receipt of a written grievance, except if mediation is undertaken, as described in OAR 571-003-0110(6). The Step One decision-maker shall communicate his or her decision to the parties to the grievance in the form required in OAR 571-003-0110(3).

(3) *Step Two*: Complainants who are dissatisfied with the decision at Step One may appeal by filing a written notice of appeal within 14 days of receiving the decision at Step One. The appeal shall contain a copy of the Step One decision, a statement of the issues remaining unresolved, and a description of the relief or resolution sought:

(a) Grievances against faculty may be appealed to the Student-Faculty Committee on Grievances or as an alternative, to the appropriate Vice-President (see subsection (b) of this section). The Student-Faculty Committee on Grievances operates under the charge, procedures and time lines stated in OAR 571-003-0006(3). No person involved as a party to the grievance or as a participant in either the informal resolution efforts or the decision-making at Step One of the formal grievance process shall serve on the Student-Faculty Committee on Grievances when it considers a grievance under this subsection;

(b) Grievances against any University employee may be appealed to the Vice-President to whom the grieved-against person reports. The Vice President may elect to investigate the grievance or to designate an investigator, or may decide the grievance on the record already assembled. Both parties shall have access to the record presented to the Vice-President (including all documents and communications relied on by the Step One resolver and the Step Two investigator) and shall have the opportunity to comment on it before the Vice President's decision. The record of the grievance includes all statements and evidence submitted by the parties and the Step One decision report. The Vice-President shall have 30 days from receipt of the grievance to investigate and render a decision in writing. Within that time, the decision shall be given to both the aggrieved and the person grieved-against.

(4) *Step Three*: If either or both parties to the grievance are dissatisfied with the result of Step Two, they may file a written appeal to the University President within 14 days of receiving the Step Two decision. The President may elect to decide the grievance on the record already assembled, may elect to investigate personally or by appointing an investigator, or may remand the grievance to the decision-maker at Step Two for further clarification and additions. Both parties shall have access to the record presented to the President upon appeal and shall have the opportunity to comment on it before the President makes a decision. The same records considerations apply to this step as to those before. The President shall render a written decision within 60 days of the receipt of an appeal. Both parties shall receive a copy of the Step Three decision. The President's decision is final.

(5) Withdrawing the Grievance: The grievance may be withdrawn by the aggrieved at any step in this procedure by submitting a signed and dated written notice to the decision-maker who currently is considering the grievance.

(6) Extensions of Time: Time limits within this rule may be extended by the decision-maker when to do so will enhance the fairness of the process, by giving written notice to all parties.

(7) Failure to appeal a decision at any step within the specified time shall terminate the grievance.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0120
Graduate Student Academic Grievances

(1) A graduate student with a grievance concerning graduate qualifying examinations, comprehensives, dissertation preparation, research evaluation, doctoral orals, advising relationships, or other academic grievance shall use the procedures established under this rule.

(2) A graduate student must institute a formal grievance within 45 days of the time the student knows, or by reasonable diligence should have known of the matter prompting the grievance:

(a) For the purposes of this rule, a graduate student is an individual who, having been formally admitted into a recognized graduate degree program, and having paid the appropriate fee or having the fee officially waived, is enrolled in University courses for academic credit, or was so enrolled at the time the action grieved occurred;

(b) The running of time under this rule shall be suspended during examination and vacation periods, including the period between the end of Spring term and the beginning of fall term if the student is not enrolled in summer session, unless both parties agree not to suspend the time limits. After the filing of a formal grievance, more time may be allowed at any level if both the aggrieved and the decision-maker agree more time is needed;

(c) In addition to stating the decision-maker's conclusion, all written decisions shall include a recitation of the applicable facts and the law, rules, and policies which support the conclusion:

(A) If the decision at any level requires taking action, the decision shall include a copy of the instructions to the appropriate University personnel for implementing that action;

(B) Failure of a decision-maker at any level to communicate the decision within the applicable time limits shall permit the aggrieved to proceed to the next step. The failure of the aggrieved to appeal a decision within the time limits shall be deemed to be an acceptance of the decision.

(3) Informal Resolution: Before filing formal complaints, students are urged to consider direct conversation with the individual causing the problem, or the appropriate department head or dean, in an effort to resolve misunderstandings and to achieve solutions as quickly as possible. Graduate students may also consult with the Dean of the Graduate School in trying to achieve an informal solution to their problem.

(4) Formal Process:

(a) *Step One*: The graduate student shall file a written grievance with the department head, department grievance committee, the college/school grievance committee, or the dean, whichever is applicable:

(A) The student's statement of the grievance shall comply with the requirements of OAR 571-003-0100(2)(a);

(B) A University employee who receives a grievance under this rule which alleges illegal discrimination against a student including sexual harassment, shall send a copy of the grievance to the Assistant to the President for Legal Affairs and to the Office of Affirmative Action;

(C) The decision rendered at Step One shall be in writing and shall be provided to the aggrieved and all other named parties to the grievance within 30 days of the receipt of the formal grievance.

(b) *Step Two*: If the aggrieved graduate student is dissatisfied with the decision at Step One, the aggrieved shall file a written appeal of that decision to the dean of the school/college, or if the dean made the decision at Step One, to the Dean of the Graduate School, within 14 days of receipt of the decision made at Step One:

(A) The dean to whom the appeal is addressed may decide the grievance on the record presented or may investigate the grievance, appoint a designee to investigate, or refer the grievance to an appropriate committee or group to investigate;

(B) The decision rendered by the dean to whom the appeal was addressed shall be in writing and shall be provided to the aggrieved and all other named parties to the grievance within 30 days of the receipt of the formal grievance;

(C) If the appeal is to the Dean of the Graduate School, see the procedure set forth in subsection (c) of this section.

(c) *Step Three*: If the graduate student aggrieved is dissatisfied with the decision at Step Two, the aggrieved shall file a written appeal of that decision to the Dean of the Graduate School within 14 days of receipt of the decision at Step Two, but if the Dean of the Graduate School made the decision at Step Two, the aggrieved may proceed to Step Four:

(A) The Dean of the Graduate School or the Dean's designee shall appoint an ad hoc Advisory Committee normally composed of three members selected from the Graduate Council (one student and two faculty members or three faculty members) to investigate the grievance and to make a recommendation to the Dean of the Graduate School, within 15 days of receipt of the decision made at the prior step;

(B) The Dean of the Graduate School shall render a decision, in writing, within 30 days of receipt of the appeal, and provide copies of the decision to all the parties named in the grievance.

(d) *Step Four*: If either party is dissatisfied with the Dean of the Graduate School's decision, an appeal may be made to the Provost by filing a written appeal within 14 days of receiving the decision at Step Three. The Provost may decide the grievance on the record already developed or may investigate further, or designate another to investigate. The Provost shall provide a copy of the decision at this level to all the parties named in the grievance within 45 days of receiving the appeal. The Provost's decision shall be final.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 7-1991(Temp), f. 4-25-91, cert. ef. 4-26-91; UOO 12-1991, f. 10-8-91, cert. ef. 10-15-91

571-003-0125
Student Financial Aid Appeals Procedure

(1) A student who believes that the Office of Student Financial Aid (OSFA) has made an error in deciding eligibility for financial assistance, or nonrenewal or diminution of financial assistance may appeal that decision through the procedure described in this rule. This procedure applies to all forms of student financial aid including Athletic Department grants in aid.

(2) Within 30 days after being notified of the decision, the student shall submit a written request that the case be reviewed:

(a) Upon receipt of such a request, OSFA staff shall schedule a meeting for discussion and reconsideration of the decision with the student and a Financial Aid counselor. If possible, the student shall meet with the counselor who made the complained-of decision. Unless it is inconvenient for the student, the meeting shall take place within seven days of receipt of the student's appeal;

(b) If the student at any time during this process alleges that financial aid was reduced or denied because of illegal discrimination, OSFA staff shall send copies of the complaint and all subsequent decisions and appeals to the Assistant to the President for Legal Affairs and to the Director of the Office of Affirmative Action;

(c) The OSFA counselor shall inform the student in writing of the counselor's decision regarding the appeal within seven days of the appeal meeting.

(3) Appeal to Director: If the student believes the counselor's reviewed decision is in error, the student may file a written appeal with the Director of OSFA. Such an appeal must be received within seven days of the student's learning of the counselor's decision:

(a) Upon receipt of such an appeal, OSFA staff shall schedule a meeting for discussion and reconsideration of the decision with the student and the Director of OSFA, or the Director's designee if the Director is not available. Unless it is inconvenient for the student, the meeting shall take place within seven days of receipt of the student's appeal;

(b) The Director of OSFA shall inform the student in writing of the Director's decision regarding the appeal within seven days of the appeal meeting.

(4) Appeal to Board: If the student still believes a mistake has been made, the student may request a hearing before the Financial Aid Appeals Board. Such a request must be submitted to Dean of Students within seven days of the student's receipt of the Director's decision:

(a) The Financial Aid Appeals Board shall schedule a hearing at which the student's and the OSFA positions can be presented. Counsel may participate on behalf of either party. Spoken testimony and argument shall be tape recorded;

(b) The Financial Aid Appeals Board shall make its decision by a majority vote of all voting members who participated in the hearing provided that at least one student member of the Board participated in the hearing. It shall produce a written report of its decision, citing the law, rules and policies affecting its decision, and all applicable facts as found. The report shall be sent within 14 days of the hearing to the complaining student, the Director of Financial Aid, and the University President;

(c) Either party may appeal the Board's decision to the President. If neither party appeals within seven days, the Board's decision is final. The President may inquire further concerning the issues raised, or may base the decision on the record developed by the Appeals Board. The President shall report the decision within 30 days. This report shall set forth a final determination as to the Student's Financial Aid entitlement.

(5) The Financial Aid Appeals Board shall include seven voting members and one ex-officio (non-voting) member. The seven voting members shall be appointed as follows:

(a) Two students with class standing of junior or higher shall be appointed by the President of the Associated Students of the University of Oregon;

(b) Four members of the University's faculty shall be appointed by the Provost; one member of the Law School faculty shall be appointed by the Dean of the Law School; the ex-officio (non-voting) member shall be appointed by the Director of Financial Aid from among the staff of the Financial Aid Office;

(c) Regular appointments to the Financial Aid Appeals Board shall be made on or before June 30 to take effect September 16. Regular appointments shall be for a term of one year with re-appointment for successive terms permitted. Substitute appoint-ments to fill unexpired terms may be made as necessary by the proper authority during the year;

(d) Appeals Board members who feel they are too close to either side of the issues presented to make an objective evaluation of the claim shall abstain from the proceedings. A quorum of four voting members must be present at any hearing. A majority vote for decision purposes is defined as a majority of all eligible voting members.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

DIVISION 4

RIGHTS AND RESPONSIBILITIES

571-004-0005
Family Relationships and Employment

Appointments to positions at the University of Oregon shall be based upon merit as determined by job-related qualifications:

(1) Discrimination in favor of candidates who are related to persons involved in, or with an effective influence upon, the selection process is prohibited:

(a) However, relatives of individuals already employed by the University may not be denied equal employment opportunity or advancement in employment on the basis of family relationships. For the purposes of this rule relatives includes spouse, child, stepchild, parent, grandparent, grandchild, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, mother-in-law, and father-in-law;

(b) No members of the faculty or administration shall participate in making recommendations or decisions involving the employment, compensation, promotion, leave of absence, grievance

adjustment, termination, or in the supervision of their relatives without prior permission of their immediate supervisor.

(2) In unusual circumstances a Vice President may consider an appointment of a member of a prospective or current employee's family to a position for which there was no search. In such cases:

(a) An ad hoc committee will be convened by the Vice President to be composed of the Director of Affirmative Action, the chair of the Equal Employment Opportunity Committee, and one or more faculty representatives from the affected department;

(b) The committee so convened shall consider whether the appointment furthers the institution's affirmative action goals, and whether the individual considered is of the quality of the University of Oregon faculty;

(c) After its consideration, the ad hoc committee will consult with and advise the appropriate Vice President with whom the final appointment decision rests.

(3) An employee who has a grievance under this rule may invoke the University's grievance procedures including, if appropriate, referral to the Committee on Equal Employment Opportunity, as provided under OAR 571-003-0010.

(4) A non-employee questioning the application of this rule may contact the Office of Affirmative Action, which shall provide information regarding available recourse.

(5) Nothing in this rule shall be construed to prevent the employment or advancement in employment of more than one member of a family in the same department or administrative unit, provided the decision to employ or advance has been made in accord with the other sections of this rule.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 2-1983, f. & cert. ef. 2-8-83

571-004-0007
Conflicts of Interest and Abuses of Power: Sexual or Romantic Relationships with Students

(1) The University is committed to fostering a learning environment characterized by professional behavior and fair and impartial treatment.

(a) A sexual or romantic relationship between a faculty member and a student or a staff member and a student can involve a conflict of interest, an abuse of power, compromised judgment and impaired objectivity when the faculty member or staff member has supervisory, evaluative or other power over the student. The power differential in the relationship may even make a student's consent to a sexual or romantic relationship suspect.

(b) Moreover, the relationship may create an apparent or actual conflict of interest that can adversely affect other members of the University community. It places the faculty member or staff member in a position to favor the interest of the student in the sexual or romantic relationship at the expense of third parties. Even if consensual, the relationship may be disruptive of the collegiality and mutual trust that are essential for the effective functioning of an academic unit.

(c) THEREFORE, it may be a conflict of interest and abuse of power for: faculty members to engage in sexual or romantic relationships with students enrolled in their classes or otherwise subject to their direct supervision or evaluation; staff members to engage in sexual or romantic relationships with students subject to their direct supervision or authority; work supervisors to engage in sexual or romantic relationship with students subject to their direct supervision or evaluation. This conflict of interest and abuse of power can occur even when both parties have consented to the relationship.

(2) Faculty/Student Sexual or Romantic Relationships.

(a) Within the instructional context: No faculty member should initiate or acquiesce in a sexual or romantic relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is supervised or evaluated by the faculty member. Should such a sexual or romantic relationship occur, notwithstanding this policy, a faculty member who fails to make prompt appropriate arrangements creates an apparent or actual conflict of interest. "Appropriate arrangement" is defined in (9)(a).

(b) Outside the instructional context: A sexual or romantic relationship between a faculty member and a student outside the instructional context may result in a conflict of interest and an abuse of power, particularly when the faculty member and student are in the same academic unit or in units that are academically allied. If such a situation should develop, notwithstanding this policy, the faculty member should immediately distance himself or herself from any decision that may reward or penalize the student with whom he or she is sexually or romantically involved. Failure to take this action constitutes a violation of the faculty member's professional obligations.

(3) Staff/Student Sexual or Romantic Relationships: A sexual or romantic relationship between a staff member and a student may lead to a conflict of interest when the staff member has supervisory, evaluative or other power over the student. Failure to withdraw from such a relationship or to make prompt appropriate arrangements (defined in (9)(a)) constitutes unwillingness to perform satisfactorily the responsibilities of the position and demonstrates unfitness for the position.

(4) Complaint process: Complaints by students with standing to allege a violation of this rule shall be handled in accordance with procedures set forth in OAR 571-003-0025. Complaints may be initiated by the student in the sexual or romantic relationship OR by third parties who are also in an evaluative relationship with the faculty or staff member and who allege they have been specifically adversely affected by the relationship. Complaints initiated by the students in the sexual or romantic relationship must be filed within 365 days of the end of the supervisory or evaluative relationship. Complaints initiated by third parties must be filed within 30 days of the end of the third party's evaluative relationship. The President can also initiate formal proceedings under OAR 580-021-0330; nothing in this rule shall preclude such action by the President.

(5) Basis for findings: In assessing the evidence in a complaint:

(a) Initiated by the student in the sexual or romantic relationship, the decision maker may only base his/her finding of a violation of this rule upon no less than a preponderance of evidence that the sexual or romantic relationship occurred and that prompt appropriate arrangements were not made;

(b) Initiated by a third party, the decision maker may only base his/her findings of a violation of this rule upon clear and convincing evidence that a sexual or romantic relationship occurred and that prompt appropriate arrangements were not made, leading to actual injury or prejudice;

(c) Consent to the sexual or romantic relationship does not obviate a conflict of interest as defined by this rule.

(6) Abuse of Process: Complaints found to have been intentionally dishonest or made with willful disregard of the truth may subject the complainant to appropriate disciplinary proceedings and the full range of sanctions available therein.

(7) Sanctions: Only the party with evaluative, supervisory or other power is subject to sanction for violating this rule. For faculty, imposition of sanctions under OAR 580-021-0320, et seq., typically involves a hearing panel of peers. Documentation (defined in (9)(c)) of arrangements believed to be appropriate will be taken into account in assessing whether a conflict of interest has occurred, whether it has been mitigated, and in determining the severity of sanction, if any. The following list of sanctions that may be imposed is not intended to be exhaustive, and more than one sanction may be imposed for any single offense: written reprimand placed in the personnel file of the faculty or staff member; reassignment of duties (e.g., teaching, administrative, or service duties); reduction in salary; suspension without pay; dismissal.

(a) Written reprimand may be imposed at the discretion of the appropriate Vice President.

(b) Reassignment of duties, reduction in salary, suspension without pay, or dismissal may be recommended by the appropriate vice president, but may be imposed only after completion of appropriate proceedings:

(A) For faculty members, for cause proceedings are outlined in OAR 580-021-0320, et seq., provided that in the case of a proceeding predicated upon a third-party claim, the evidence to support a sanction must be found to be clear and convincing.

(B) For classified employees, sanctions will be imposed in accordance with applicable collective bargaining agreements.

(8) Assistance/Intervention: Any member of the University community who enters into a sexual or romantic relationship that may constitute a conflict of interest or abuse of power as described above is encouraged strongly to seek the assistance of his or her unit director, department head, dean, supervisor, or the Director of the Office of Affirmative Action & Equal Opportunity in making appropriate arrangements and providing documentation of those arrangements. If, prior to or during the course of a sexual or romantic relationship, doubt exists about whether this rule would apply, the party is encouraged strongly to consult with the unit director, or, department head, dean, supervisor, or the Director of the Office of Affirmative Action & Equal Opportunity. Disclosure during such consultation shall be confidential to the extent possible. No action will be taken that could result in sanctions unless and until a complaint is filed.

(9) Definitions: As used in this rule:

(a) "Appropriate arrangement" means an action reasonably calculated to remove or substantially mitigate a conflict or a potential conflict of interest or abuse of power, taking into account the interests of the University, the parties to the relationship, and others actually or potentially affected. These actions may include, but are not limited to: moving a student to another section of the same class; appointing a different faculty member to serve on a thesis, dissertation, or other evaluative committee; establishing alternative means of evaluation of academic or work performance; moving a student employee to another position of the same or comparable status and duties.

(b) "Conflict of interest" means incompatibility of the interest of the University in securing detached, objective performance of instructional, supervisory, or other duties with the personal interest of the faculty or staff member involved in a sexual or romantic relationship with a student he or she supervises or evaluates.

(c) "Documentation" includes but is not limited to a written, dated, and signed description of the actions taken filed with a unit director, department head, dean, supervisor, or the director of the Office of Affirmative Action & Equal Opportunity. For those not willing to use a third-party repository, it may still be advisable to retain a written, signed, and dated declaration of the mitigating actions taken.

(d) "Faculty" or "faculty member" means all those employees who hold academic appointments, including officers of administration and graduate teaching fellows, and anyone else who teaches classes at the University and/or supervises the academic work of students.

(e) "Power" means the real or objectively apparent authority or ability of an employee to confer or influence the academic, employment or other benefits of a student including, but not limited to: giving grades, evaluating performance, awarding financial benefits, or provision of University services or activities.

(f) "Standing" means that a student has a supervisory or evaluative relationship with a faculty or staff member and is specifically injured by a conflict of interest as defined by this rule.

(g) "Staff" or "staff member" means all University employees who do not hold academic rank.

(h) "Supervisor" or "employee with supervisory responsibility" means all employees who exercise responsibility for provision of University services, assigning work, evaluating performance, or otherwise making decisions that affect the terms and conditions of a student's employment or academic experience at the University.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1997, f. & cert. ef. 5-22-97

571-004-0010
Tandem Appointments

Specific work sites, circumstances or job responsibilities (e.g., grants) may warrant the hiring of tandem teams. Tandem team appoint-ments must receive prior approval of the appropriate Vice President:

(1) A tandem team is defined as a group of two or more individuals working together in a department or on a project toward specific objectives (e.g., grant) and does not refer to job-splitting appointments. In tandem teams the combined qualifications of the individuals who make up the team shall be used in the determination of employment decisions.

(2) Nothing in this rule should be construed to deny any member of a tandem team equal opportunity in University employment, provided the appointment has been based upon open competition and merit, and other members of the team have not unduly influenced the selection process.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 2-1983, f. & cert. ef. 2-8-83

571-004-0015
Health Insurance Requirements for Non-Immigrant Foreign Students and Their Dependents

(1) In order to assist the University in executing its reporting and certifying obligations under federal regulations, nonimmigrant foreign students at the University of Oregon must demonstrate their ability to meet their financial responsibilities in full. The University hereby establishes that these responsibilities include the provision by nonimmigrant foreign students for health and accident care for themselves and dependent family members in the United States.

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

(3) The health and accident policy carried by each nonimmigrant foreign student must provide coverage comparable to the one offered through ASUO (currently providing for a minimum of $25,000 per accident or illness) or meet guidelines established by the National Association for Foreign Student Affairs or the American College Health Association. The policy may be underwritten by a foreign insurance carrier but it must be payable in the United States for medical expenses incurred in this country.

(4) Such insurance policy must be in force for a 12-month period commencing during the registration period of the student's first term at the University. Request for term-by-term insurance coverage, or for any coverage extending for a period of less than one year from the date of a student's first registration, must be made in writing to a foreign student advisor in the University's Office of International Services. Exceptions may be granted in cases involving factors including, but not limited to, graduation during the academic year.

(5) Nonimmigrant foreign students must provide proof of adequate insurance coverage acceptable to the Office of International Services before they are permitted to register for classes during their first term of enrollment for any given academic year. Documentation of such adequate coverage must indicate in English the insurance company's name and address for billing purposes, policy number, the coverage terms of the policy, the effective dates of the policy, any exclusions, the names of the individuals covered by the policy, and the maximum amount of coverage per accident and illness and/or in terms of cumulative benefits.

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

(7) Nonimmigrant foreign students shall be notified in writing of these requirements before departing for Eugene and again before they complete matriculation at the University. A similar notice shall appear in the University Bulletins next regularly published after the adoption of this rule. These notices shall inform such students that they may contest the factual premise underlying any proposed restriction referred to in section (6) of this rule by presenting their documentation and arguments before the Director of International Services or that person's designee.

(8) Pending the resolution of any dispute over the conformity of a proffered policy with guidelines referred to in section (3) of this rule, the student proffering the insurance in question shall be permitted to register, and shall, in the event of an adverse decision compelling withdrawal from the University subsequent to registration, be guaranteed a refund of any tuition paid for the term in which withdrawal ultimately took place.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 5-1988, f. & cert. ef. 6-29-88

571-004-0016
Required Immunization

(1) All individuals born after December 31, 1956 and who enter the University of Oregon after this rule is promulgated, must show proof of two measles vaccinations:

(a) Students will not be permitted to register for a second term without proof of measles immunization on record at the Student Health Center;

(b) After the beginning of a term, registered students can be vaccinated at the Student Health Center for a charge.

(2) Students seeking exemption from this requirement because of age, medical condition, or sincerely held religious belief shall complete and present to the designated Student Health Center official an exemption form. Forms are available at no cost upon request at the Student Health Center main desk. Forms also will be available during registration.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 2-1991, f. & cert. ef. 1-30-91

Athletic Department Substance Use and Drug Testing

571-004-0020
Introduction

(1) In the interest of the personal health and safety of student-athletes competing for and against the University of Oregon in its intercollegiate athletic program and in the interest of fair and sporting competition, the Department of Intercollegiate Athletics (Athletic Department) does not condone drug and substance abuse or illegal use by a student-athlete. Nor does the Department endorse or permit the use of performance affecting substances. Therapeutic or behavior modifying actions shall be instituted promptly following any initial positive test.

(2) The Athletic Department has instituted a program of drug screening by urinalysis for student-athletes engaged in intercollegiate athletics. The screening process shall be initiated only on the basis of individualized reasonable suspicion or on the basis of failing a standard laboratory-generated specimen-integrity test in the course of a previous screening under 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. Said record shall be deemed a confidential, exempt record and shall be kept in a secure place separate from and not a part of the student-athlete's educational or medical records.

(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 571-004-0025(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 pre-season 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 symptomology 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 be proffered 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 said source that results of a potential test will not be used by said source to prosecute or revoke parole for the use or ingestion of the thereby-disclosed drug;

(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.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0025
Testing Method

(1) The standard method adopted by the Athletic Department for testing for drug use shall be through independent 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 571-004-0035, 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 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 access the information in order to carry out their responsibilities in handling the challenge (see also OAR 571-020-0010(1)(i)). This is the only circumstance under which test results could be shared notwithstanding the more general reference to responsibilities in the referenced rule.

(3) The Team Physician shall determine, after consultation with the head coach, whether it is appropriate to involve a drug and substance abuse counselor.

(4) Each student-athlete shall be provided with a copy of a list of tested-for drugs and substances, along with a copy of the rules describing the Athletic Department Substance Use and Drug Testing 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 are: Amphetamines, cocaine, anabolic steroids, and marijuana, or their derivative compounds.

(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 be in violation of the objectives of the team or sport.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0030
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. A copy of the rule describing this protocol shall be provided to each student-athlete along with a copy of the rules describing the Athletic Department Substance Use and Drug Testing. The protocols for collection and testing are incorporated in OAR 571-004-0035 and 571-004-0040 respectively.

(2) Coaches shall not be involved in the urine sample collection process.

(3) Testing of urine samples shall be performed by an independent laboratory qualified to conduct such procedures.

(4) Confirmation of positives from initial screening shall be achieved by use of split samples and follow-up testing using a pro-

cedure at least as accurate as gas chromatography–mass spectometry.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0035
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 non-uniformed personnel to the designated area at the designated local laboratory.

(3) Monitor asks student-athlete to select four sealed specimen containers and to letter them "A", "B", "C", and "D" respectively.

(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 two specimen containers, student-athlete shall emerge and hand the capped containers to the monitor. The monitor shall test the temperature of the containers by a non-contaminating method in full view of the student-athlete. The monitor shall return the collection container to the student-athlete immediately after the temperature determination. 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 containers A and B into containers C and D respectively and shall then cap, seal, tape, and initial all four containers.

(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 (12) of this rule.

(10) Monitor determines 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) Cover the container with the lid and then wait in the patient reception room under the view of the monitor;

(b) 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; and

(c) 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 at 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 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0040
Specimen Handling and Preliminary Testing

(1) The following Athletic Department protocols shall be followed in handling student-athlete specimens and testing the specimens.

(2) Monitor reports to laboratory area with specimen in hand.

(3) After specimens have been received by the designated local laboratory, the following policies are in effect:

(a) Specimens are held in the designated local laboratory according to the following schedule:

(A) One week for a negative test result;

(B) 180 days for a positive test result.

(b) The laboratory staff communicates with designated Athletic Department personnel when the screening indicates a positive result. Split samples are used and final confirmation of positive comes only from GC-MS method (gas chromatography — Mass spectometry);

(c) Anabolic steroid tests will be conducted by a laboratory qualified to perform such tests.

(4) 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 571-004-0050(4), student conduct, housing or campus security activities.

(5) 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 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0045
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 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0050
Positive Test Results Sanctions

(1) The team physician and the head coach alone 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 may include counseling, physical therapy, reduced playing time and withholding from contact drills, scrimmages, or competitions.

(2) If repeated positive tests or admissions reveal continuing use of tested-for drugs on two occasions beyond the initial positive test, the student-athlete shall be expelled from the team and shall lose all athletic grant-in-aid support beginning with the next academic term. If the student-athlete declines three times to provide a sample, or if the student-athlete is involved in any combination of positive tests or declinations totaling three, he or she shall similarly be expelled from the team and lose all athletic grant-in-aid support. The student-athlete shall first be offered a contested-case hearing under OAR 571-002-0000 et seq.

(3) 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 be in violation of the objectives of the team and shall be withheld from contact-drills, scrimmages and game competition for the next three weeks of the competition season(s) starting immediately. Except in instances of individualized reasonable suspicion of steroid use or a prior positive test within twelve months, the student-athlete shall not be tested following such refusal and withholding on the basis of the original reason for individualized reasonable suspicion.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

571-004-0055
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 from a federal court or federal agency with power to issue subpoenas or pursuant to a 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 & ORS 352
Stats. Implemented: ORS 352.008
Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88 UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89

DIVISION 10

PARKING REGULATIONS

571-010-0005
How to Obtain Parking Permits

All persons — faculty, staff, or students, whether full- or part-time; visitors; or commercial representatives — who park in University-owned parking lots, other than in metered spaces, during the period of 7 a.m. to 6 p.m. (Monday through Friday) must obtain and display a permanent or temporary parking permit. Vehicles cited for failure to display such permits are subject to a penalty assessed by the University. Parking permits are obtained as follows:

(1) Students should apply to the Office of Public Safety. Office hours are from 8 a.m. to 5 p.m. (Monday through Friday).

(2) Faculty and staff register through their departmental secretary or representative.

(3) Visitors:

(a) One-day permits may be obtained from the department being visited, from the information desk in Oregon Hall, from the University of Oregon Cashier located in Oregon Hall, at the kiosk located at 13th Avenue and Beech Street, or in the Office of Public Safety;

(b) Visitor Parking Permits allow visitors to park only in unrestricted spaces on University-owned lots. Visitors with mobility-impairing disabilities may use the visitors' spaces designated for use by disabled visitors. Visitors permits do not authorize visitors to park in reserved or otherwise specifically designated spaces, loading and unloading zones, fire lanes, no parking zones, landscaped area, or in metered spaces. In any period between October 1 and the following September 30, no individual may obtain more than 30 days of temporary parking permits. Requests for exceptions may be appealed to the Office of Public Safety and a charge may be levied. Violators are subject to penalty;

(c) Metered spaces reserved for visitors are provided at 14th and University Streets, south of the Erb Memorial Union, and in the 13th and Agate parking lot. People parking at any parking meters do not need visitors permits but must put money in the meters;

(d) Campus visitors who need special access to parking due to a disability should request accommodation from the Office of Public Safety in advance of the visit, or at the kiosk at 13th Avenue and Beech Street upon arriving on campus.

(4) Commercial and business representatives with regular business on the campus shall purchase a permit entitling them to park in designated areas appropriate to their business.

(5) No permit may be issued without the applicant furnishing the correct license number of the vehicle.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0010
Eligibility and Parking Privileges

(1) Faculty/Staff: Faculty/Staff parking privileges are available only to faculty with minimum rank of instructor or research assistant, to teaching assistants certified by department, and to employees appointed half-time or more. Deans of colleges and department heads must certify graduate students extended parking privileges. Faculty/Staff automobile data cards must be signed by an authorized department representative before permits may be assigned:

(a) Faculty/Staff permits authorize parking on any otherwise unrestricted University lot, street, or area designated faculty, staff, or student as available. The purchase of this permit does not guarantee a parking space;

(b) The Office of Public Safety may make available parking privileges to University employees for use of a specific primary lot or an alternate lot. In such cases, only those employees who have been assigned to a particular lot may park there.

(2) Student: Student parking privileges are available only to University of Oregon students:

(a) The parking permit authorizes parking on any University-owned parking lot marked Student and not otherwise restricted as available. The purchase of this permit does not guarantee a parking space;

(b) The Office of Public Safety may make available parking privileges to University students for use of a specific primary lot or an alternate lot. In such cases, only those students who have been assigned to a particular lot may park there.

(3) Motorcycles, Motor Scooters and Mopeds: Motorcycle parking privileges are available to all faculty, staff, and students of the University of Oregon. This permit authorizes the owner to park in designated areas for motorcycle parking on University-owned lots and areas. Under state law, motorcycles, motor scooters, and mopeds are motor vehicles.

(4) Reserved Parking Spaces (assigned only on the basis of need for official University business):

(a) Applications must be submitted yearly by individuals requesting spaces;

(b) Verification of need must be provided by individual's department head;

(c) Applications must be reviewed and acted upon by the Office of Public Safety;

(d) Official state vehicles may be allocated reserved spaces upon request from department heads without charge;

(e) Spaces are reserved from 7 a.m. to 6 p.m. unless otherwise specified;

(f) Assignment guarantees a parking space. Spaces are not transferable.

(5) Reserved Parking Spaces for physically disabled employees and students:

(a) Applications accompanied by verification of the mobility-impairing disability must be submitted at least yearly by persons requesting spaces. People suffering temporary mobility-impairing disabilities may apply for a reserved space for a shorter period of time;

(b) There is no cost beyond the cost of the appropriate parking permit;

(c) The Office of Public Safety will review and act upon request for disabled parking spaces;

(d) Spaces are reserved between 7 a.m and 6 p.m. unless otherwise specified;

(e) Assignment guarantees a parking space. Spaces are not transferable.

(6) Commercial Representatives: Sale of this permit is restricted to off-campus, commercial, and business representatives only:

(a) Commercial representatives are persons who bring a vehicle to campus at least once a week to transact business;

(b) Commercial representatives may park in University unrestricted spaces or at service vehicle spaces;

(c) In the case of a company having more than one vehicle that may alternate coming to campus, the parking permit may be affixed to a card or tag and transferred between vehicles.

(7) Construction Employees — Reserved: A reserved space fee will apply for each space used or as specified by the construction contract.

(8) Carpools and Carpool Reserved Spaces:

(a) Definitions and Special Regulations:

(A) Carpools are by definition groups of three or more persons who ride to the campus area together, two of whom are associated with the University in some manner (employee, student, etc.);

(B) Carpools will be issued only one permit which will be transferable among the pool members. This permit will be mounted on a card or plate and placed on the dash of the car coming to campus;

(C) Carpools must apply at the Office of Public Safety for their permits. They will be required to fill out an application form before a permit may be issued;

(D) Carpool permits will allow members to park in unrestricted spaces in University parking lots: Faculty and staff in all lots not otherwise restricted, students in student lots that are not otherwise restricted. A mixed carpool of employees and students shall be assigned a parking permit based upon the majority in the pool;

(E) The Office of Public Safety may make available parking privileges to carpools for use of a specific primary lot or an alternate lot. In such cases, only those carpools who have been assigned to a particular lot may park there.

(b) Carpool Reserved Spaces:

(A) For an additional fee, carpools may be allotted reserved spaces;

(B) Requests for reserved spaces should accompany the carpool application form;

(C) Carpool Reserved Spaces will be reserved from 7 a.m. to 6 p.m. unless circumstances warrant otherwise;

(D) Application for carpool reserved spaces must be made annually and will be reviewed and assigned by the Office of Public Safety.

(9) Parking permits may be issued to Emeritus faculty or to other retired employees who maintain an active relationship with the University at no cost, providing that a department head or secretary signs the permit registration attesting to the retired person's status. A fee will be charged for replacement permits.

(10) Government agencies that operate vehicles on campus which must use University of Oregon parking lots in the course of their business on campus may be issued commercial permits at no cost providing they make application to the Director of Public Safety.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0015
Refunds and Replacement of Parking Permits

(1) All parking permits except temporary parking permits are issued by the month, by the term or by the 12-month academic year. Any individual who has purchased a parking permit and who is dissatisfied with it will receive a full refund upon submitting a written request including permit evidence to the Office of Public Safety within ten days of the purchase date. Permits purchased for full academic year are refundable up to the end of winter term upon written request and physical evidence of the permit. Check with the fee schedule for refund amount in OAR 571-060-0005.

(2) Registrants making a request for replacement parking permits for newly acquired vehicles or to replace damaged permits, shall scrape off or otherwise remove permits and bring them to the Office of Public Safety. Replacements will not be made if registrant is unable to produce evidence of the old permit. Registrant is responsible for all tickets unless the permit or pieces of the permit have been turned in to the Office of Public Safety. Registrants may avoid this by bringing proof of a transfer of ownership to the Office of Public Safety so that the new owner may be charged for any parking violations. A fee is charged for the replacement permit.

(3) Stolen permits will be replaced without charge to the registrant. Stolen permits should be reported immediately to the Office of Public Safety. A replacement permit will be issued only for the vehicle from which the permit has been stolen, unless the vehicle with permit attached has been stolen. Applicants for replacement permits under this section shall sign a statement attesting to the circumstances of the theft.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1980, f. & cert. ef. 10-21-80; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0020
Traffic Petitions Officer and Traffic Appeals Board

(1) Traffic Petitions Officer considers petitions alleging erroneous or wrongful ticketing or traffic citations on campus:

(a) All petitions shall be presented in writing at the Office of Public Safety;

(b) The Petitions Officer will be available at designated times to meet with petitioners should they desire to present their cases in person. Appointments may be scheduled at the Office of Public Safety at the time the petition is filed;

(c) In reaching a disposition, the Petitions Officer shall consider all factors that the petitioner wishes to present;

(d) In considering petitions of University traffic citations, the Traffic Petitions Officer will have the authority to:

(A) Dismiss the violation;

(B) Find the individual not guilty of charges in the traffic citation;

(C) Find the individual guilty of the violation, or some lesser violation, and impose a penalty as the Petitions Officer shall consider appropriate;

(D) Enter a finding of guilty, and without imposing any penalty, issue a reprimand or warn-ing or impose a penalty, but suspend its payment;

(E) Make recommendations to appropriate University officials as to the restriction or suspension of driving privileges, withdrawal of registration or parking privileges, dismissal, or other disciplinary action;

(F) Seek the advice of the University Traffic Appeals Board.

(e) Should a petition be denied by the Petitions Officer, an appeal may be made in writing (within five days) to the University Traffic Appeals Board at the Office of Public Safety. The appeal must show that the decision of the Petitions Officer was unreasonable or arbitrary or was not supported by substantial evidence;

(f) In the case of repeated offenders, the Petitions Officer or the Traffic Appeals Board on reaching a finding of guilty shall consider the traffic penalty record for the past 12 months prior to imposing any penalty;

(g) Quarterly summary reports of all actions by the Petitions Officer shall be filed with the Traffic Appeals Board and the Vice-President for Administration;

(h) In the case of multiple violations or where warranted by the circumstances, the Office of Public Safety may report cases to the Petitions Officer for review. The Petitions Officer may in each instance:

(A) Issue a reprimand or warning;

(B) Make recommendations to appropriate University officials as to the restriction or suspension of driving privileges, withdrawal of registration or parking privileges, dismissal, or other disciplinary actions;

(C) Seek the advice of the University Traffic Appeals Board;

(D) Recommend no action.

(2) University Traffic Appeals Board:

(a) The University Traffic Appeals Board shall consist of two faculty members, one member of the management service staff, one member of the classified staff, and two students. A quorum shall be three members of the Board. The chairer shall be selected at the first Board meeting each year. A majority vote of the members present is needed to overrule the decision of the Petitions Officer. In cases where the decision is not to affirm the Petitions Officer's decisions, the University Traffic Appeals Board may:

(A) Dismiss the violation;

(B) Find the individual not guilty of charges in the traffic citation;

(C) Find the individual guilty of the violation, or of some lesser violation, and impose a penalty as the Board shall consider appropriate;

(D) Enter a finding of guilty, and without imposing any penalty, issue a reprimand or warning or impose a penalty, but suspend its payment;

(E) Make recommendations to appropriate University officials as to the restriction or suspension of driving privileges, withdrawal of registration or parking privileges, dismissal, or other disciplinary action;

(F) Refer the case back to the Petitions Officer for further consideration consistent with its direction.

(b) The Petitions Officer will provide quarterly summary reports to the Vice-President for Administration of all Board actions.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0025
Campus Meter Enforcement

(1) The University of Oregon owns and polices parking meters within the area bounded by 13th Avenue, 18th Avenue, University Street, and Agate Street:

(a) Meters on the streets are open on a first-come, first-served basis with no permits required for their use;

(b) Meters are enforced at the times as posted on the individual meters, except on national holidays during which the University is not in session.

(2) Meters are also placed at some loading areas. Time limits on these meters are 12 and 24 minutes.

(3) Visitors' parking spaces are also provided in specific lots and in posted spaces within open parking lots.

(4) Enforcement:

(a) Violators will be cited for overtime parking;

(b) Students, faculty, and staff will be cited for parking in the visitors' lot.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1), ORS 352.360(2) & ORS 352.360(4)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0030
Changes in Campus Parking Regulations

(1) Any faculty, staff, student, or visitor may present in writing recommendations for changes in the campus parking regulations.

(2) This should be done prior to May 1.

(3) Recommendations will be considered by the staff in the Office of Public Safety in consultation with other appropriate University officials and groups.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 183.335(1), ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0035
Campus Parking Regulations

All members of the University community and all visitors to the campus will be held responsible for reading and knowing these regulations and for all University parking violations involving the vehicles they drive, own, or register, regardless of who is operating the vehicle. These regulations should be made known to any person who is operating the vehicle on the University of Oregon campus.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0040
Authority to Establish Regulations

(1) Authority to establish regu-lations governing the use of motor vehicles on the University of Oregon campus for visitors, faculty, staff, and students is derived from ORS 352.360 and 352.990, as amended, and by actions of the Oregon State Board of Higher Education pursuant to such statutes. The rules and regulations have been approved by the Office of the State Board of Higher Education and were subsequently filed with the Secretary of State in accordance with the provisions of ORS Chapter 183. Strict enforcement of regulations governing the use of motor vehicles on campus is imperative in order to remove as much congestion as possible, to keep a margin of safety, and to utilize the existing facilities at maximum. All motor vehicle laws of the State of Oregon, including specifically, but not by way of limitation, ORS Chapters 803, 806, 807, 811, 818, and 819 together with amend-ments hereafter adopted, are applicable to the campus of the University of Oregon to the same extent as if this campus and its streets were public highways, and all provisions of said motor vehicle laws are applicable and enforceable.

(2) It is the responsibility of persons operating vehicles on the University of Oregon campus to be familiar with and to follow the University's current parking regulations. Copies of such regulations are available in the Office of Public Safety.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 6-1987, f. & cert. ef. 12-18-87

571-010-0045
General Parking Regulations

(1) Faculty, staff, and students registering second automobiles at the second auto-mobile reduced rate shall not park both vehicles on campus at the same time. A penalty will be assessed for each violation. (See OAR 571-060-0005.)

(2) Parking permits must be displayed only on the vehicle for which they were assigned. Parking permits are not transferable between vehicles or between individuals. Carpools and service vehicles with commercial permits are exceptions to this regulation. A penalty will be assessed for violation. (See OAR 571-060-0005.)

(3) Permits, other than those mounted on hang-tags by the Office of Public Safety, shall be mounted on the left hand side of the rear bumper so as to be readily visible. Instructions on how to install the permit are printed on the permit. In case of motorcycles, insofar as practicable, permits should be mounted on the left rear of the vehicle so as to be readily visible. Permits may not be affixed by tape or any other temporary method.

(4) A person eligible to obtain a parking permit may attach such a permit only to a vehicle owned by that person or in that person's possession.

(5) Responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid reason for violating any University parking regulation. Parking lot permits are required from 7 a.m. to 6 p.m. (Monday through Friday) in all parking lots except Lot 16 at 14th and Kincaid Streets where permits are required from 7 a.m. until 9 p.m. (Monday through Friday). At other times, lots are open on a first-come, first-served basis except for those spaces reserved or lots with special restrictions. The status of all lots and spaces, plus any special restrictions, is indicated by signs located by spaces or at the entrance to parking areas.

(6) For the purpose of these regulations, the word "parked" is defined to mean any unattended vehicle which is stopped on the Uni-

versity of Oregon property or attended by a licensed driver who refuses to move the vehicle when given a lawful order to do so.

(7) No vehicle shall be parked on the campus except in those areas set aside as University parking or on University streets within the campus boundaries at curb side. This shall include properly posted University property outside campus boundaries.

(8) No parking is allowed at any time in yellow zones or areas, firelanes, driveways, service vehicle spaces, loading docks or areas, landscaped areas or on sidewalks.

(9) All individuals will observe posted speed limits. The operation of a motor vehicle on University parking lots and on East 15th Avenue, between Agate and University Streets, in excess of 15 miles per hour unless otherwise posted will be considered evidence of irresponsible or careless driving. Within the campus boundaries and at crosswalks, the pedestrian is considered to have the right-of-way.

(10) Drivers must park their vehicles head-in in campus parking lots. Head-in parking means the vehicle is driven into a parking space in a forward gear in such a way that the rear of the vehicle is closest to the driveway. Cars parked on campus streets will be parked in the direction of the flow of traffic. All vehicles parked otherwise will be assessed a penalty for violation.

(11) Persons with or without permits whose motor vehicles have broken down on University property must notify immediately the Office of Public Safety. Major mechanical repairs to vehicles on University property are prohibited. Abandoned or junked motor vehicles remaining on University property more than 48 hours will be removed at the owner's expense. Vehicles not displaying license plates or temporary registrations will be considered abandoned if not moved within 48 hours.

(12) The University of Oregon cannot assume responsibility for any motor vehicle or its contents parked on University property or its environs. Individuals assume all risk of accident and expressly agree that the University shall not be liable for any reason for injury to persons, for loss, or property damage.

(13) Only authorized service and emergency vehicles are allowed on the closed portions of 13th Avenue (University Street to Kincaid Street).

(14) In areas designated for small car parking, vehicles must fit within the designated space to be considered small cars. Cars which extend beyond the designated space into the space adjacent or the median strip will be cited for improper parking.

(15) Persons are prohibited from living in vehicles of any kind on University property. Streets, lots, and other areas are not to be used as living areas for cars, trailers, campers, motor homes, trucks, buses, or other like vehicles. Violators may be cited for improper parking and/or the vehicle may be immobilized (booted) or towed.

(16) Persons and/or groups desiring special parking arrangements should apply at the Office of Public Safety. Under some circumstances, a fee may be charged for making special parking arrange-ments.

(17) University of Oregon vehicle permit holders are authorized reciprocal parking privileges on the Oregon State University campus.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.035, ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0050
Enforcement

(1) Campus parking regulations are in effect 24 hours a day, seven days a week, and are enforced by employees of the University Office of Public Safety and City Police Officers.

(2) Tickets issued by the University are payable at the University of Oregon Business Office within ten days of the ticket date. In lieu of payment to the Business Office, there is the following alternative: Faculty, staff, visitors, and students may petition within ten days of the ticket date to the University Petitions Officer. In case of a denied petition, an additional ten days will be allowed before final action is taken. Those petitioners denied may appeal the decisions within five days to the University Traffic Appeals Board.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0055
Penalties for Offenses

(1) Monetary penalties, as specified within the Parking Fines section of the annual amendment of OAR 571-060-0005 Special Fees, Fines, Penalties, Service Charges, may be deducted from student deposits, and faculty or staff salaries or other funds in the possession of the institution as provided by ORS 352.360(2) as amended.

(2) Where vehicles are found to be violating or to have repeatedly violated the parking regulations herein, or where warranted by the immediate circumstances, vehicles may be booted (immobilized), or towed and impounded, at the discretion of the officer, and thus subject the owner to towing and storage fees in addition to penalties.

Stat. Auth.: ORS 351, ORS 352 & ORS 357
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82; UOO 7-1987, f. & cert. ef. 12-18-87; UOO 10-1993, f. & cert. ef. 7-1-93

571-010-0060
Service Vehicles, Delivery Vehicles, and Loading Zones

(1) Service vehicles are defined as University-owned service trucks or cars, vehicles with commercial permits, or vehicles with special temporary service permits performing a service for the University of Oregon.

(2) Delivery vehicles are defined as vehicles owned by companies doing pick-up and delivery business with the University departments or vehicles with temporary special delivery permits on pick-up and delivery business.

(3) Loading Zones:

(a) Loading zones are located throughout the campus and are reserved for people loading and unloading heavy or bulky packages;

(b) Metered and signed loading zones are limited to 24-minute occupancy;

(c) Loading zones are enforced at all times unless otherwise posted.

(4) Loading Docks:

(a) Loading docks are reserved for delivery vehicles;

(b) Under special circumstances, a private vehicle may be issued a temporary delivery permit at the Office of Public Safety;

(c) Loading docks are enforced at all times unless otherwise posted.

(5) Service Vehicles Spaces:

(a) Spaces are reserved for service vehicles;

(b) Under special circumstances, a private vehicle may be issued a temporary service permit at the Office of Public Safety.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82

571-010-0065
Schedule of Maximum Penalties

Penalties for violations of University parking regulations are published annually as a part of OAR chapter 571, division 60 — University of Oregon, under the subheading, Parking, of OAR 571-060-0005 Special Fees, Fines, Penalties, Service Charges. Copies of the current list of special fees, fines, penalties, service charges are on file and available for public inspection in the Office of Business Affairs, Office of Public Safety, Office of the President of ASUO, as well as the offices of all Vice-Presidents, deans, department heads and directors.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 29(Temp), f. & cert. ef. 10-4-76; UOO 31, f. & cert. ef. 1-13-77; UOO 13-1980, f. & cert. ef. 10-21-80; UOO 13-1981(Temp), f. & cert. ef. 9-15-81; UOO 19-1981, f. & cert. ef. 12-28-81; UOO 10-1982, f. & cert. ef. 12-10-82

Bicycle Licensing, Use, and Parking

571-010-0070
Bicycle Registration Required

All faculty, staff and students who operate, store or park bicycles on the University of Oregon campus shall register their bicycles with the University of Oregon Office of Public Safety and shall have attached to them a valid, University-issued license/registration tag:

(1) University-issued bicycle registration tags shall be displayed below the bicycle seat on the bicycle frame facing forward.

(2) Each bicycle shall be registered during the term its owner first is enrolled as a student and/or is employed at the University of Oregon. Bicycle licenses shall be renewed each two years thereafter. Lifelong permits and courtesy permits are also available.

(3) Illegible or defaced bicycle registration tags shall be replaced within 30 days at 1/2 the regular registration fee.

(4) Bicycle license/registration fees are published annually as a listing within OAR chapter 571, division 60 — University of Oregon, under the subheading, Parking-Bicycle Fees.

(5) Unregistered bicycles owned by faculty, staff, students or frequent campus visitors are subject to citation and fine. The first five citations issued any academic term to unregistered bicycles owned by campus visitors shall be eligible for waiver of the fine. After the fifth citation in any one term, visitors shall then be liable for the fine by reason of further citations that term.

(6) Bicycles not registered with the Office of Public Safety are subject to impoundment.

Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 818.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83; UOO 8-1990, f. & cert. ef. 11-6-90

571-010-0075
Bicycle Use on Campus

Bicycle riders on the University of Oregon campus are subject to the applicable provisions of Oregon Revised Statutes, **Oregon Vehicle Code**, which include but are not limited to the following:

(1) Bicycle riders shall proceed cautiously at all times, even on designated bicycle lanes and on designated bicycle routes.

(2) Bicycle lanes and routes are marked on the University campus, and bicycle riders shall use such lanes when classes are in session, e.g., Monday through Friday from 7:30 a.m. until 5 p.m. during each academic term. Sidewalks are not bicycle lanes or routes unless so designated by signage or markings when classes are in session. Bicycle riders who fail to use designated bicycle lanes or routes during these hours are subject to citation and fine.

(3) Bicycle riders shall yield the right-of-way to pedestrians and disabled persons at all times and in all places and shall give an audible warning when overtaking a pedestrian from behind. Bicycle riders who fail to observe this section of the rule are subject to citation and fine.

(4) All bicycles shall be equipped with brakes good enough to skid on clean, dry pavement. Riders on bicycles not equipped with such brakes are subject to citation and fine.

(5) Starting one-half hour after sunset and until 1/2 hour before sunrise, all bicycles (or their riders) while in motion shall be equipped with a white light operating and visible 500 feet ahead and a red reflector visible 600 feet to the rear while on University property. Failure to display the light and reflector makes the rider subject to citation and fine.

(6) In cases of bicycle collision involving pedestrian(s), other bicycles or other vehicles, the individuals involved shall render aid as appropriate and call the Office of Public Safety for assistance. Individuals involved in such collisions shall remain at the site of the accident until released by the attending Public Safety Officer. When collisions result in injury, the filing of a written accident report by the appropriate parties is required. Failure to render aid or to file an accident report when applicable may subject the person(s) involved to citation and fine.

(7) Bicycle riders who fail to obey signs instructing them to dismount and to walk their bicycles on posted walks, lanes, or in other posted areas are subject to citation and fine. For the purposes of this rule, dismount and walk shall mean that the bicycle rider shall completely get off of the bicycle and walk along side the bicycle.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 814.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83; UOO 9-1983, f. & cert. ef. 11-4-83; UOO 8-1990, f. & cert. ef. 11-6-90; UOO 3-1992(Temp), f. & cert. ef. 6-1-92; UOO 7-1992, f. & cert. ef. 11-27-92

571-010-0080
Bicycle Parking

Bicycles shall be parked, stored or left outdoors on the University campus only in areas specifically designated by the presence of racks or other devices for the parking of bicycles or by the posting of signs designating the space or area as a "Bicycle Parking Area":

(1) Bicycles may be parked, stored or left inside University buildings only in areas specifically designed and posted for bicycle parking.

(2) Bicycles may be stored, parked or left in any area or room which has been assigned to the registered bicycle owner, e.g., office, residence hall room or student family living quarters.

(3) Parked, stored or left bicycles which create a safety hazard will be removed and impounded. All other bicycles parked, stored or left in unauthorized locations will be cited and/or secured by a chain or other restraining device. If so secured, the citation tag will describe procedure to be followed by owner to reclaim use of the bicycle. See also OAR 571-010-0090:

(a) University security officers or other personnel authorized to remove and impound bicycles shall not be liable to the owner of the securing device or the bicycle for the cost of repair or replacement of such securing device;

(b) Owners of securing devices which have been damaged during the impounding process may appeal the impound fee to the Traffic Petitions Office, c/o Office of Public Safety. See OAR 571-010-0020;

(c) Bicycles left abandoned for one month shall be subject to impoundment.

Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 814.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83; UOO 8-1990, f. & cert. ef. 11-6-90

571-010-0085
Authority to Remove or Impound Bicycles

The President of the University of Oregon designates the Director of Public Safety as the University administrator responsible for the operation of the University's bicycle rules:

(1) Any University security officer or other person specifically authorized by the Director of Public Safety may impound any parked, stored or left bicycle causing a safety hazard or cite any bicycle rider who violates University bicycle rules.

(2) Notices of impoundment shall be sent as soon as practical and whenever possible to their owners of all bicycles removed to the impoundment storage area.

(3) Individuals who wish to appeal any impound action or citation given by authorized members of the Office of Public Safety shall address their written appeals to the University's Traffic Petitions Office, c/o the Public Safety Office. See OAR 571-010-0020.

Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 814.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83

571-010-0090
Bicycle Penalties, Citations, and Fines

(1) Any impounded bicycle shall be stored in a secure facility designated for such purpose by the Director of Public Safety.

(2) A fine (see section (4) of this rule) shall be charged to the owner prior to the release of any impounded bicycle. Any bicycle being released must be properly registered prior to its release unless the owner or the owner's designee can show reasonable proof that the bicycle will not be operated on the University campus or, if the owner is neither a student nor University employee, that the bicycle will not be on campus more often than five times a term.

(3) Citations for violations by bicycle riders shall carry a fine:

(a) A schedule of fines shall be published annually as a part of University of Oregon OAR chapter 571, division 60, under the subheading Parking-Bicycle Fines, of OAR 571-060-0005, Special Fees, Fines, Penalties, Service Charges;

(b) As an alternative to a fine, cited bicycle riders/owners may be required to serve as a member of the Bicycle Safety Patrol at a rate of one hour of service for every dollar of the fine levied.

(4) Copies of OAR 571-060-0005 listing current bicycle fees and fines are on file and available for public inspection in the Office of Business Affairs, Office of Public Safety, Office of the ASUO President, as well as the offices of all Vice-Presidents, deans, department heads and directors.

(5) Fees and fines collected pursuant to these bicycle rules shall be credited to the parking account and expended for the administration of the University's bicycle program.

(6) Bicycles which are unclaimed after having been found on the University campus or in its buildings and facilities shall be held for a minimum of three months at which time the owners shall be presumed to have relinquished their legal title. Bicycles which have been impounded shall be held for a minimum of three months at which time the owners shall be presumed to have relinquished their legal title. All such unclaimed bicycles shall be sold at scheduled public auction without reserve. The proceeds of such auction shall be credited to the parking account and expended for the administration of the University's bicycle program.

Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 814.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83; UOO 8-1990, f. & cert. ef. 11-6-90

571-010-0095
Changes in Bicycle Licensing, Use, and Parking Rules

Any faculty, staff, student or visitor may present in writing recommendations for changes in or amendments to University bicycle licensing, use and parking rules to the Office of Public Safety:

(1) Such recommendations, to be effective the following fall term, must be filed prior to May 1 of each school year.

(2) Recommendations will be presented to the Transportation Sub-Committee of the Campus Planning Committee for consideration. Recommendations receiving the endorsement of the Campus Planning Committee will be forwarded to the Vice-President for Administration for consideration for promulgation as proposed amendments to the rules in effect.

Stat. Auth.: ORS 351, ORS 352, ORS 483 & ORS 487
Stats. Implemented: ORS 814.400 et seq
Hist.: UOO 1-1983, f. & cert. ef. 1-10-83

University of Oregon Vehicle Operation Rules

571-010-0100
Introduction and Definitions

The University of Oregon promotes safe vehicular travel practices in the conduct of all travel by employees, students and official volunteers. This rule shall apply to State-owned vehicles, hired vehicles and borrowed vehicles used on University business travel. This rule extends to and includes (but is not limited to) members of organizations whose only fiscal connection to the University is the receipt of or an accountability for incidental fee support or having an interest in one or more EMU or Housing Trust Fund Accounts.

(1) Definitions of Vehicles Subject to Operation Rules

(a) "Vehicle" means cars, vans, trucks and buses.

(b) "State-owned vehicle" means a vehicle owned by or registered in the name of the State of Oregon, the Board, the University of Oregon or any of its departments.

(c) "Hired vehicle" means a vehicle which is leased, hired or rented by the State, the Board, the University of Oregon or any of its departments. This definition excludes borrowed vehicles.

(d) "Borrowed vehicle" means a vehicle used on University-business travel that is not a "State-owned vehicle" or a "hired vehicle." "Borrowed vehicle" includes vehicles owned by employees, students and others participating in University of Oregon activities and used on University business travel.

(2) Travel and Usage for University Business Shall Be Governed by These Rules.

(a) "University-business travel" means any travel which is directly related to a University-sanctioned program.

(b) Motor vehicles covered by this rule shall not be used to transport University of Oregon students, faculty or staff when that use is not directly related to an officially-sanctioned program.

(3) Drivers Subject to Operation Rules. Faculty, staff and student drivers are subject to these rules.

(a) "Faculty" and "Staff" mean those personnel on the University of Oregon payroll and those volunteers registered with the Office of Business Affairs.

(b) "Student" means a person currently enrolled/registered at the University of Oregon.

(4)(a) Definition of Officially-Sanctioned Programs:

(b) "Officially-sanctioned program" means any activity or program which is:

(A) Undertaken to further the instructional, research, service or administrative support mission of the University of Oregon; or

(B) Found to be advantageous to the cultural or physical development of University of Oregon students by the President or designee upon the recommendation of the recognized student government.

(i) Such programs include those related to the following:

(I) Co-curricular programs;

(II) Recreational sports and club sports;

(III) Those student activities or student programs identified by the University of Oregon President or the administrator(s) designated by the President to identify such groups (hereafter "the Approving Officials"). Examples of such activities or student programs include Erb Memorial Union, ASUO Executive and Student Senate, University Housing and student activities and student organizations or activities which have been so approved by any of the Approving Officials.

(ii) To be eligible for consideration as an officially sanctioned program for the cultural or physical development of students, a program must submit, or have on record, a published description of the purpose, type of participants and destinations typical of University-business trips. To the extent all of this information is expressly included in a program's or organization's goal statement on file with ASUO, it need not be separately submitted. Except as provided above, programs must also present one or more of the following:

(I) A published goal statement;

(II) An existing University of Oregon order, rule or policy which creates, authorizes or characterizes this specific program;

(III) Inclusion in a published statement of the University of Oregon, indicating the student activity or activities, which explicitly is said to advance the mission of the University of Oregon;

(IV) Verification of status as an ASUO-recognized program.

(iii) In the case of an off-campus University Housing, Outdoor Program or ASUO student activity where some or all of the destination-site expenses are funded by Housing, Outdoor Program or ASUO controlled funds, but private-vehicle transportation itself is not funded, reimbursed or subsidized by either organization, such travel shall not be deemed "directly related to a University-sanctioned program" and the vehicles so used shall not be deemed "borrowed vehicles."

(C) Qualifying as an "officially-sanctioned program" for purposes of State-owned vehicle usage, hired vehicle usage or borrowed vehicle usage does not constitute an admission or an indication that any such program necessarily is carrying out State business or acting as an agent of the State in any other activity engaged in by the program or organization.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.277, ORS 283.305, ORS 283.310 & ORS 283.340
Hist.: UOO 4-1992, f. & cert. ef. 6-8-92; UO 1-1999, f. & cert. ef. 2-18-99

571-010-0110
Driver Qualifications and Regulations

(1) Valid Driver's License Required: Only persons with a valid driver's license and over the age of eighteen are authorized to drive a motor vehicle on University-business travel. Any citations issued or changes in status of a driver's license shall be reported to the appropriate University supervisor by the driver before next driving a University vehicle.

(2) State Speed Limits and Other Regulations Must Be Obeyed.

(a) Drivers on University-business travel are expected to observe all applicable speed limits and to operate their vehicles in accordance with all applicable laws and state regulations.

(b) Citizens' complaints, if found to be valid, or citations issued by State Police may result in revocation of driving privileges involving use of State vehicles.

(c) No person convicted in the past five years of a major traffic offense, as defined in ORS 153.500, or convicted of a number of offenses that total 35 or more points as defined in the University of Oregon Driving Evaluation Scale (see OAR 571-010-0120) shall be permitted to drive on institution-approved business.

(d) Major Traffic Offenses as defined in the appropriate Oregon Revised Statutes include:

(A) Reckless driving;

(B) Driving while under the influence of intoxicants;

(C) Failure to perform the duties of a driver involved in an accident or collision;

(D) Driving while license is suspended or revoked;

(E) Fleeing or attempting to elude a police officer;

(F) Driving after being declared to be a habitual offender.

(3) Driver Clearance Procedure:

(a) Annually, University departments shall submit to the Office of Public Safety a list of students who may be expected to drive on University business along with the license number of each prospective driver, and every three years University departments shall submit a list of faculty/staff who may be expected to drive on University business along with each driver's license number.

(A) The Office of Public Safety shall determine the eligibility of each proposed driver according to the criteria listed in sections (1) and (2) above.

(B) The Office of Public Safety shall issue driver certification cards to those proposed drivers qualified to drive on University business travel;

(C) The Office of Public Safety shall issue written notice to the affected driver that changes in license status or major driving citations issued since the driver's last certification may cause revocation of University driving privileges;

(D) Quarterly, the Office of Public Safety shall bill those auxiliary departments for driver clearances at a rate per name submitted, as listed in OAR 571-060-0005, or Department offices may request certified copies of driving records directly from the Department of Motor Vehicles and then submit these to the Office of Public Safety for clearance.

(b) At least 14 days prior to performing any driving on University-business travel, drivers who have not been certified by the Office of Public Safety must file a certification application with the Office of Public Safety:

(A) Driver certification application forms shall be available in the Office of Public Safety or from the Department Head.

(B) Individuals may not drive on University-business travel unless and until they are certified by the Office of Public Safety.

(C) The Office of Public Safety shall certify only those drivers who are University employees, regularly enrolled students or official volunteers.

(4) Relief Drivers and Notice of Itinerary Required for Long Trips:

(a) When traveling one-way more than 300 miles before reaching the planned destination, the driver is responsible to see that at least one other passenger is certified to and acts as a relief driver.

(b) The driver shall file a proposed itinerary and accurate list of all passengers with the Office of Public Safety before departing on a trip away from the Eugene/Springfield Metropolitan Area. No itineraries may be planned which include driving between the hours of midnight and 4:00 a.m., except in the case where said trip is of a shuttle nature and is expected to end in Eugene during this period of time.

(5) State Vehicle Usage:

(a) Limitations on Use of State Vehicles: Only persons whose business is directly related to an officially-sanctioned program of the University of Oregon as defined in OAR 571-010-0100 shall be permitted to use a State-owned or hired vehicle.

(b) Training Required to Drive Vans on University-Business Travel:

(A) All drivers of vans on University-business travel will be required to participate in a University van-training session before being granted clearance to drive a van.

(B) Prospective van drivers shall apply to the Office of Public Safety or a certified trainer for van training.

(C) The Office of Public Safety shall maintain a list of individuals who have successfully completed van training.

(c) Driver Clearance Procedure for State Vehicles

(A) Prior to checking out a van from the Motor Pool, individuals shall be required to present proof of van training.

(6) Private Vehicle Usage:

(a) Faculty, staff and students are encouraged to use State-owned or hired vehicles while conducting University-business travel.

(b) To the extent that private vehicles are the means of transportation, individuals shall be responsible for maintaining insurance coverage on their private vehicles equal to the amount required by State law.

(c) The responsibility for the condition of the private vehicle shall rest with its owner.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.277, ORS 283.305, ORS 283.310 & ORS 283.340
Hist.: UOO 4-1992, f. & cert. ef. 6-8-92; UO 1-1999, f. & cert. ef. 2-18-99

571-010-0120
Driving Record Evaluation Scale

(1) A total of 35 points in the past three years disqualifies a faculty/staff driver from operating state vehicles or carrying passengers privately on University business. Students with two or more moving violations in the past year are disqualified from operating state vehicles. Drivers' records are obtained from Department of Motor Vehicles driving records, and points are based on type of driving offense cited.

(2) Class A Offense (rated at 35 points for each of the first five years after citation): Using a vehicle to commit a crime.

(3) Class B Offenses (rated for first year at 35 points, second year at 20 points, and third through fifth years at 10 points): Driving under the influence, driving while suspended or revoked, attempting to elude a police officer, failure to perform driver's duties, hit and run, negligent homicide, or manslaughter.

(4) Class C Offenses (rated for first year at 15 points, second year at 10 points, and third through fifth years at 5 points): Careless driving, crossing double line, cut in, driving on sidewalk, driving while encumbered, driving on wrong side of highway, driving in public park, failure to drive right, failure to leave name/address at accident, failure to maintain reasonable control, failure to stop for school bus, failure to yield right of way, failure to yield to pedestrian, following too closely, illegal turn, improper lane change, improper left turn, improper passing, improper reverse turn, improper right turn, negligent driving, no headlights or driving without lights, insufficient clearance, reckless driving, right turn from wrong lane, squirreling, violating the basic rule.

(5) Class D Offenses (rated for first year at 10 points, second year at 5 points, and third through fifth years at 3 points): Disregarding red light, disregarding stop sign, disregarding traffic sign, failure to stop at railroad crossing, failure to obey traffic control device, wrong way on one-way street.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 4-1992, f. & cert. ef. 6-8-92

571-010-0130
Vehicle Qualifications

(1) All vehicles owned or leased by the University shall have proper seats for the driver and all passengers. All such vehicles except buses, motorcycles, and scooters shall provide operable seat belts for each person carried. All occupants shall be required to use seat belts when the vehicle is in operation.

(2) All University-owned vehicles shall be equipped at all times with an emergency trip kit including reflectors, flares, an ice scrap-

er, a flashlight, a first aid kit, accident reporting forms, and instruction for handling emergencies:

(a) It shall be the driver's responsibility to make sure the vehicle is so equipped;

(b) The Office of Public Safety shall issue emergency trip kits at cost to departments wishing to place them in University-owned vehicles and shall inspect them semi-annually for content.

(3) University-owned vehicles shall be checked routinely for mechanical and safety defects on appropriate schedules and also whenever reports of suspected malfunction are turned in to the vehicle custodian.

(4) As road conditions may require, all University-owned or hired vehicles shall carry tire chains or other approved traction devices.

(5) Privately owned vehicles used for University business travel originating in the Eugene Metropolitan Area and expected to continue over a distance in excess of 50 miles must be equipped with an emergency trip kit or its equivalent as described in this rule:

(a) The Office of Public Safety shall maintain an inventory of such kits and shall loan them to certified drivers at no cost;

(b) It is the driver's responsibility to see that the vehicle is properly equipped and to return borrowed emergency trip kits promptly upon return from University business travel;

(c) Departments will be billed for missing kits or items missing from returned emergency trip kits.

(6) Owners of privately owned vehicles used for University business are encouraged to supply tire chains or other approved traction devices as road conditions require.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 4-1992, f. & cert. ef. 6-8-92

571-010-0140
Accidents and Emergencies

(1) In the case of accidents involving State Motor Pool vehicles, the instructions provided by the motor pool shall be followed.

(2) All accidents occurring during University business travel must be immediately reported to the Office of Public Safety.

(3) The University designates the Director of Public Safety or the Director's designee as the appropriate person to notify relatives of persons injured in an accident which occurs during University business travel.

(4) While on official University business, should a driver be involved in an accident, such incident will be brought before and reviewed by the University's Accident Review Board.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.360(1) & ORS 352.360(2)
Hist.: UOO 4-1992, f. & cert. ef. 6-8-92

DIVISION 11

FUND RAISING

571-011-0005
Fund Raising, Generally

All solicitation of funds from students for whatever purpose is prohibited unless authorized by the chief executive of the institution involved:

(1) Fund raising refers to activities which intend to raise monies through the solicitation of donations, the charging of admission, or the selling of goods and/or services. The authority to approve or disapprove all activities and requests involving solicitation of funds or fund raising for whatever purpose on the University campus is vested in the University President. The reference to selling of goods and/or services herein pertains only to sales by and for the direct benefit of the University, or its divisions, departments or units.

(2) For student groups, the University President has delegated fund raising authority as outlined in OAR 571-011-0010.

(3) The campus mail service may be used only for institutional fund drives authorized by the University President or the President's authorized representative.

(4) The University President has authorized participation by University employees and students in the annual fund drive of the Lane County United Appeal. The President has also authorized fund drives by the University of Oregon Development Fund, with donations to be designated for general purposes of the Fund or for any specific purpose of the Fund.

(5) Each University administrative unit may charge admission for cultural activities assigned to its field of responsibility presented in facilities assigned to that unit. Other institutional fund raising activities by administrative units must receive the prior approval of the responsible dean or vice president. Employee groups shall apply to the Director of the Erb Memorial Union for approval of fund raising activities.

(6) In order to eliminate duplication of effort, deans, department heads, and employees shall obtain approval from the Director of Development before approving or engaging in fund raising off the campus.

(7) All funds received by University administrative units shall be deposited in appropriate accounts under regulations issued by the Director of Business Affairs. Information concerning the administration of gifts to the University and to the University of Oregon Development Fund may be obtained from the Director of Business Affairs.

(8) Sales of products at designated campus locations may be held at times scheduled and approved by the Director of the Erb Memorial Union. Persons or groups selling products at non-authorized times and locations may be subject to eviction proceedings or other penalties.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.510
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 10(Temp), f. & cert. ef. 9-26-74 thru 1-23-75; UOO 17(Temp), f. & cert. ef. 9-29-75 thru 1-26-76; UOO 28, f. & cert. ef. 10-1-76; UOO 35, f. 8-25-77, ef. 8-26-77; UOO 8-1980, f. & cert. ef. 8-1-80

571-011-0010
Fund Raising on Campus by Student Groups

(1) For the purpose of these rules, the term "fund raising" shall refer to those events and activities by student groups which raise monies through the solicitation of donations, the charging of admission, or the sale or exchange of products or services. The reference herein to the sale or exchange of products or services is not intended to include instances of commercial solicitations or commercial transactions as described in OAR 571-050-0030 even if the sale or transaction is consum-mated by one or more members of a student group.

(2) The authority to approve or disapprove all activities in requests involving the solicitations of funds or fund-raising from students for whatever purpose is vested in the University President by applicable Administrative Rules of the Oregon State Board of Higher Education (see OAR 571-011-0005).

(3) No student organization shall engage in fund raising except pursuant to prior approval in compliance with these regulations.

(4) The University President hereby delegates his approval authority for student fund raising as follows:

(a) All fund raising on the premises, grounds, and in the facilities of the Erb Memorial Union (EMU) shall require the prior approval of the Director of the EMU. The EMU Director may subdelegate in writing all or part of such approval authority to the EMU Board or to the President of the Associated Students of the University of Oregon (ASUO);

(b) For all other student fund raising activities on the campus, recognized and registered student organizations shall apply to the Director of the EMU for approval. Authority for approval of such activities may be delegated to the ASUO President by the Director of the EMU in writing;

(c) The University President reserves the right to revoke and/or exercise any of the powers herein delegated if at any time the University President determines that the responsibilities delegated have not been met. The EMU Director shall also reserve the right to revoke and/or exercise any of the powers subdelegated if at any time the EMU Director determines that the responsibilities subdelegated have not been met.

(5) All student fund raising activities shall comply with the following restrictions:

(a) The application must state a description of the event, the purpose of the event, where the funds will go, and specifically, the use to which funds will be put;

(b) The time and place of the event must be scheduled by the sponsoring group with the University Scheduling Officer at the EMU;

(c) Except in respect to lectures or appearances of individuals or groups on the campus officially sponsored by the University for the educational and cultural development of students, funds raised shall not be paid to or retained by any individual. This shall not prevent the leasing of space at the University to sellers of personally handicrafted non-food items, the sale of which adds to the educational and cultural development of students;

(d) The only acceptable uses to which funds raised on campus by students or student groups may be put are:

(A) For the cultural and educational enrichment of the University community;

(B) For the benefit of the student fundraising organization, in line with its statement of purpose filed at the time of registration or recognition as a student organization or as thereafter updated; or

(C) For donation to legitimate charitable organizations. The decision of the legitimacy of a specific charitable organization rests with the EMU Director or, upon delegation, with the ASUO President.

(e) Except for lease of retail space (see IMD 7.160), facilities located on University property shall not be used for the purpose of private gain (see OAR 580-050-0035 and IMD 7.155);

(f) The use of facilities must comply with the Oregon State Board of Higher Education statement respecting partisan political activities, September 8, 1970:

(Minutes OSBHE Meeting #389-41, 9/8/70, p. 685) "…the Board has said, and now reiterates, that the facilities, equipment, supplies, and other resources of its institutions must not be diverted to partisan political use. This affirmation is not intended to interfere with the traditional use of campus facilities as public forums nor with the political rights of faculty members and students. Nor is it intended to modify relationships with any of the duly recognized student organizations on campus, including the Young Republicans and Young Democrats, and any other political groups characteristically functioning on the campuses. What it seeks to avoid is the colleges and universities becoming agents of direct political action…"

(g) Sponsoring student organizations shall utilize ticket controls and audit procedures prescribed by the EMU staff for all student fund raising events to ensure that student fund raising regulations are met;

(h) All student fund raising events involving the sale of products or services must in addition receive the prior approval of the EMU Director;

(i) The failure of a student organization to comply with these procedures shall be grounds for the denial for subsequent privileges of use of University facilities to the non-complying organization or to the individuals who have acted on its behalf.

(6) In all cases of fund raising, applicant student organizations shall file written applications on the forms provided.

(7) Funds raised shall be deposited in the appropriate account:

(a) Registered and recognized student organizations using facilities owned or operated by the University for fund raising shall deposit those funds in a Trust Fund Account in the Erb Memorial Union;

(b) Funds raised by University-affiliated programs, organizations, or departments, i.e., ASUO and its agencies, EMU programs, residence halls, University departments and the like, shall be deposited in the appropriate EMU account, University departmental account or Trust Fund account;

(c) Tickets available from the EMU shall be used by both recognized and registered groups where admission is charged.

(8) Student organizations engaged in fund raising shall file a financial report seven days before the end of each term, or within seven days after any fund raising event in which gross receipts exceed $1,000. The report shall provide detail of the amount of funds raised, itemized expenditures, a net balance, and shall itemize the uses to which the balance has been or will be put. Two copies of the report shall be filed on the appropriate forms. One copy shall be submitted to the EMU Director and one copy shall be submitted to the ASUO President. Failure to file a true and accurate report shall constitute:

(a) Grounds for denial of future permission to utilize the University facilities to the student organization, to the individuals who have acted on its behalf, and to the scheduling member;

(b) A basis for prosecution under the University of Oregon Code of Student Conduct; and

(c) Grounds for any other remedies afforded by law for misappropriation of funds or misuse of property.

(9) The University President, the EMU Director, or upon delegation, the ASUO President shall reserve the right to review any fund raising event sponsored by a University student group. A representative of the group may be required to meet with the University President, the EMU Director, or the ASUO President to give information about the event.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.510
Hist.: UOO 28, f. & cert. ef. 10-1-76; UOO 35, f. 8-25-77, ef. 8-26-77; UOO 8-1980, f. & cert. ef. 8-1-80; UOO 15-1980(Temp), f. 12-26-80, ef. 1-5-81; UOO 2-1981, f. & cert. ef. 2-9-81

571-011-0015
Delegation of Authority to ASUO

(1) The Associated Students of the University of Oregon (ASUO), acting through the ASUO President, shall exercise the following authority, which is hereby delegated by the University President:

(a) To formulate general policies relating to student organizations and on-campus extra-curricular activities;

(b) To grant recognition or registration to student groups, or to withdraw recognition or registration from them, as a basis for use of certain campus facilities by said groups;

(c) To develop criteria to "guide" the University calendar and scheduling officer (who is Director of the Erb Memorial Union) in scheduling campus student events and programs.

(2) The ASUO President may exercise the delegated powers directly, or may appoint an administrative body representative of the University community to assist in the administration of such delegated responsibilities. The ASUO President shall notify the University President in writing of the mechanism by which the ASUO President will exercise these delegated responsibilities.

(3) This delegation is subject to any policies and administrative arrangements which may be subsequently established by the University President or the faculty of the University. The University President reserves the right to revoke and/or exercise any of the powers herein delegated if at any time the University President determines that the responsibilities delegated have not been met.

(4) The student activity regulations (see Memo 17.030) policies governing the EMU facilities and grounds, and scheduling policies (see Memos 18.010 through 18.080) shall remain in full force.

(5) The Director of the Erb Memorial Union is delegated by the University President full authority for the supervision, management, and operation of the EMU, its immediate premises, and its programs, subject to the provisions of any governance document agreed to by the University President.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.510
Hist.: UOO 28, f. & cert. ef. 10-1-76; UOO 35, f. 8-25-77, ef. 8-26-77

571-011-0020
Use of University Facilities

(1) Users must schedule facilities in advance with the scheduling office, providing reasonable advance notice.

(2) All health, safety, fire, and other regulations must be observed.

(3) Additional costs incurred by janitorial or other services must be reimbursed to the University.

(4) Any user may be required by the Office of Business Affairs to render the University safe and secure from all claims of damage or liability by posting a bond or by other means.

(5) Scheduled activities must not disrupt or interfere with classes or other scheduled activities.

(6) Any user may be required by the scheduling office to meet other additional conditions necessitated by the nature of the requested use.

(7) Use of facilities does not in any way imply that the University endorses, encourages, or approves the purposes of the users.

(8) Classes, registration, and other academic uses take priority over all other uses of all facilities. Academic activities are defined as registration, commencement, workshops, and classes of the schools and colleges of the Division of Academic Affairs, and do not include cultural events, athletics, and extra-curricular events, or practice or preparation times for such events.

(9) Departments have priority for nonacademic use of space in their own departments for uses related to their own field of responsibility.

(10) Responsibility to the University President for proper non-academic use of University space is assigned to the administrator in charge of each facility, or to the Director of the Erb Memorial Union when no single administrator is so assigned. The administrator in charge of each facility is responsible for approval of the use of that facility for non-academic purposes.

(11) Administrators and directors of facilities that are scheduled for public events shall make available written guidelines for such use. Users shall be subject to the terms and conditions of such guidelines.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.510
Hist.: UOO 28, f. & cert. ef. 10-1-76; UOO 35, f. 8-25-77, ef. 8-26-77; UOO 3-1988, f. & cert. ef. 5-18-88

571-011-0025
Use of Department of Intercollegiate Athletics Facilities

(1) Events using facilities under the jurisdiction of the Department of Intercollegiate Athletics must be scheduled at that Department's event scheduling office to insure that the date of an event will not conflict with other previously scheduled programs.

(2) A contract to use a Department of Intercollegiate Athletics facility must be signed by a responsible officer of the organization, group, or department seeking such use and a certificate of insurance shall be provided by non-University users in compliance with Oregon State Board of Higher Education contract requirements. Users of McArthur Court are also required to inform the Fire Marshal of the City of Eugene that they have assumed full responsibility for strict adherence to the fire laws and code of the State of Oregon.

(3) A schedule of rental fees is established by the Director of Intercollegiate Athletics and is published in OAR 571-060-0005.

(4) Registration and other academic uses of McArthur Court will take priority over all other uses (see OAR 571-011-0020).

(5) Non-academic athletic uses of McArthur Court have priority over other non-academic uses, except as noted in section (6) of this rule.

(6) The Director of Erb Memorial Union, or the Director's representative, shall have priority during the academic year (September 16 through June 15) to schedule events in McArthur Court at any time the facility is not in athletic or academic use. Any commitment made by the Department of Inter-collegiate Athletics for use of McArthur Court by the Erb Memorial Union shall not be subject to later changes by the Department of Intercollegiate Athletics. Adequate preparation time shall be provided by the Department of Intercollegiate Athletics for all cultural events scheduled in McArthur Court, with the amount of such preparation time to be specified in the prior commitment for use.

(7) The Director of Intercollegiate Athletics, or the Director's representative, may schedule non-athletic events in McArthur Court, but only in the summer vacation period between the first day following the June Commencement and the day before the first day of Fall term registration, inclusive. The Director of Intercollegiate Athletics, or the Director's representative, may also schedule one non-athletic event in McArthur Court during the Thanksgiving vacation period, the winter vacation period, and the spring vacation period. Any number of performances by one performer or group within 72 hours in those vacation periods will be regarded as one event. The Director of Intercollegiate Athletics shall consult with the Erb Memorial Union Director before scheduling non-athletic events in McArthur Court. The consultation should include discussion of scheduling conflicts, ticket prices, and student admissions. Final decisions will be made by the Director of Intercollegiate Athletics.

(8) The Director of Intercollegiate Athletics is responsible to the University President for the proper use of McArthur Court for non-academic use of the facility. The Director of Intercollegiate Athletics may, at the Director's discretion, require users to post a bond in advance or meet other additional conditions (see OAR 571-011-0020). If, while an event is being presented, the Director of Intercollegiate Athletics finds such users are not using the facility in a safe, legal manner, the Director may ask the Director of Campus Security to close the event:

(a) All users must pay costs involved, including but not limited to costs of setting up stages or supplemental seating, services of custodians, installation of public address systems, and the use of other standby labor;

(b) The Department of Intercollegiate Athletics, the Erb Memorial Union and its components, the Associated Students of the University of Oregon and its components, are exempt from any rental fee;

(c) The use of the Department of Intercollegiate Athletics facilities by non-University organizations shall follow the guidelines established by the Department under OAR 571-011-0010(11).

(9) All fund raising conducted during intercollegiate athletic events must receive prior approval from the Director of Intercollegiate Athletics and shall comply with OAR 571-011-0005 and 571-011-0010.

(10) Signs and banners of materials that do not create a safety or fire hazard may be displayed at any time an athletic facility is open to the public:

(a) In areas outside a stadium or arena, signs and banners may not be affixed to Department of Intercollegiate Athletics property or facilities and signs and banners may not impede pedestrian or vehicular traffic at parking lot entries, within parking lots, at or on driveways, at or on facility approaches or aprons or at entry gates;

(b) Inside Department of Intercollegiate Athletics facilities or areas signs or banners without sticks or poles, etc. are allowed so long as they do not obstruct the field of vision of other members of the audience.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 352.510
Hist.: UOO 28, f. & cert. ef. 10-1-76; UOO 35, f. 8-25-77, ef. 8-26-77; UOO 10-1991, f. & cert. ef. 8-1-91

DIVISION 20

STUDENT RECORDS POLICY

571-020-0100
Introduction

The University of Oregon is required to comply with the federal Family Educational Rights and Privacy Act of 1974, as amended, and other federal and state laws governing access to and confidentiality of records and information pertaining to students. This policy is intended to inform students and others generally of their rights and guide the University in its management of student records and information. University employees should be mindful that only personal records demonstrably and substantially relevant to the educational and related purposes of the institution, division or department should be generated or maintained (OAR 580-013-0015).

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0110
Definitions

(1) "Act" means the Family Educational Rights and Privacy Act of 1974, as amended, its implementing regulations, and any official guidance issued by the U.S. Department of Education.

(2) "Directory information" means the student's name; mailing and permanent address(es); telephone number(s); electronic mail address(es); whether the student is or has been enrolled; enrollment status (e.g., full-time or part-time); dates of attendance; class level; cumulative credit hours; major and minor fields of study; participation in officially recognized activities and sports; and degrees, certificates, honors and awards received. For graduate teaching fellows, "directory information" also means status as a graduate teaching fellow and teaching assignment.

(3)(a) "Education records" means those records that are:

(A) Directly related to a student; and

(B) Maintained by the University or by a party acting for the agency or institution.

(b) To the extent set forth in the Act, "education records" does not include the following:

(A) Sole possession records;

(B) Records of the Department of Public Safety;

(C) Records relating to an individual who is employed by the University, unless the individual is in attendance at the University and is employed as a result of his or her status as a student;

(D) Treatment records concerning a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; and

(E) Records that only contain information about an individual after he or she is no longer a student at the University.

(4) "Legitimate Educational Interests" means a reasonable need to know information in the course of carrying out one's duties.

(5) "Personally identifiable information" includes, but is not limited to:

(a) The student's name;

(b) The name of the student's parent or other family member;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number or student number;

(e) A list of personal characteristics that would make the student's identity easily traceable; or

(f) Other information that would make the student's identity easily traceable.

(6) "School Official" means a person employed by the University or in the chancellor's office of the Oregon University System; a person or entity, including a governmental entity, with whom the University or the Oregon University System has contracted; a person serving on the University's governing board; or a student serving on an official committee or assisting another school official in performing his or her duties.

(7) "Student" means any individual who is or has been in attendance at the University and regarding whom the University maintains education records. An individual who is or has been a student at the University and who applies for admission at another component of the University does not have rights with respect to records maintained by that other component, including records maintained in connection with the student's application for admission, unless the student is accepted and attends that other component of the University.

(8) The following terms shall have the definitions contained in the Act: Attendance; Dates of Attendance; Disciplinary Action or Proceeding; Disclosure; Parent; and Record.

(9) The definitions contained in this section shall be deemed amended if and to the extent that the Act is amended.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0120
Location and Custody of Student Records

Education records and official personal records shall be kept in locations central to the University or the division or department that maintains them. The control of such records should be assigned to designated personnel responsible for preserving the confidentiality of records. Education records may also be maintained by individual employees and others acting on behalf of the University. The Vice President for Student Affairs or his or her designee(s) is the custodian of all education records maintained by the University or on its behalf and shall have ultimate control of all education records. The Office of the Registrar is the initial point of contact for questions related to these rules. Subpoenas seeking education records are typically served on the University Registrar, and the Office of the Registrar should be informed whenever the University or a University employee is served with a subpoena seeking education records.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0130
Access to Education Records by a Student

(1) Except as limited in subsection 0150, a student must be given the opportunity to inspect and review the student's education records within a reasonable period of time but not more than 45 days from receipt of the request. The University will respond to reasonable requests for explanations and interpretations of the records. This rule does not require the University to provide a student or anyone else with an official transcript.

(2) The University shall not destroy any education records if there is an outstanding request to inspect and review them.

(3) Although the University is not required to give a student access to treatment records under subsection 0110(3)(b), the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0140
Fees for Copies of Education Records

Unless the imposition of a fee effectively prevents a student from inspecting and reviewing the student's education records, the University may charge a fee for a copy of a record that is made for the student. Unless set forth elsewhere in University rules or policies, the fee may not exceed twenty-five cents per page. The University will not assess a student a fee to search for or to retrieve the education records of that student.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0150
Limitations on Access to Education Records

(1) If an education record contains information on more than one student, a student may inspect and review or be informed of only the specific information about that student.

(2) The University does not have to permit a student to inspect and review the following education records: financial records of the student's parents; and, under the circumstances described in the Act, confidential letters and statements of recommendation.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0160
Disclosure of Directory Information

(1) The University may disclose directory information in compliance with the Act.

(2) Students may restrict the disclosure of all directory information by filing a completed *Restriction of Directory Information* form with the Office of the Registrar at any time during regular business hours. The restriction becomes effective as soon as is reasonably practicable and remains in effect until revoked in writing.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0170
When Prior Consent Is Required for the Disclosure of Personally Identifiable Information from Education Records

Except as provided in the Act or other applicable law, the University will not disclose personally identifiable information from a student's education records unless the student provides a signed and

dated written consent which specifies the records that may be disclosed; states the purpose of the disclosure; and identifies the party or class of parties to whom the disclosure may be made. The University will provide the student, upon request, with a copy of the records disclosed.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0180
When Prior Consent Is Not Required for the Disclosure of Personally Identifiable Information from Education Records

(1) The University may disclose personally identifiable information from an education record without the student's consent if one of the following conditions is met:

(a) The disclosure is to a school official who has a legitimate educational interest.

(b) The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(c) The disclosure is to comply with a judicial order or lawfully issued subpoena and the University makes a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action. The following sentence is adopted effective December 10, 2003: If the disclosure is to comply with a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed then the University shall not notify the student.

(d) The disclosure is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This shall be strictly construed. The factors to be taken into account in determining whether this exception applies shall include the following:

(A) The seriousness of the threat to the health or safety of the student or other individual;

(B) The need for the information to meet the emergency;

(C) Whether the individuals to whom the information is disclosed are in a position to deal with the emergency;

(D) The extent to which time is of the essence in dealing with the emergency.

(e) The disclosure is information the University has designated as directory information.

(f) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense.

(g) The disclosure is in connection with a disciplinary proceeding at the University and the University determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has committed a violation of the institution's rules or policies with respect to the allegation made against him or her. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(h) The disclosure is otherwise in compliance with the Act or other applicable law.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0190
Procedures for Seeking Amendment of Education Records

(1) Requesting Amendment of Education Records If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the University to amend the record. Such a request shall be submitted to the University Registrar in writing and shall include at a minimum the following:

(a) If available, a copy of the record the student is seeking to amend;

(b) The specific amendment sought;

(c) The reasons why the student is seeking the amendment; and

(d) All evidence the student wishes the University to consider. The University shall decide whether to amend the record within a reasonable time after it receives the request. If the University decides not to amend the record as requested, it will inform the student of its decision and of his or her right to a hearing. The hearing will be informal but must meet the requirements of the Act.

(2) Results of the Hearing If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the eligible student of the amendment in writing. If the University decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the University's decision, or both. Any such statement will be maintained with the contested part of the record for as long as the record is maintained and disclosed whenever the relevant portion of the record is disclosed.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0200
Availability of Education Records for Research Purposes

Education records and information contained in education records may be disclosed to organizations conducting legitimate educational research, testing, accreditation, granting financial aid, or improving instruction if the records or information do not permit identification of students or parents and if the information is destroyed when no longer needed to carry out its specified purposes (OAR 580-013-0045).

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0210
Records of the Department of Public Safety

(1) For purposes of this division 20, "law enforcement unit" means the University of Oregon Department of Public Safety (DPS) and "DPS records" means those records, files, documents, and other materials that are: created by DPS; created for a law enforcement purpose; and maintained by DPS. "DPS records" does not mean: records created by DPS for a law enforcement purpose that are maintained by a component of the University other than DPS or records created and maintained by DPS exclusively for a non-law enforcement purpose.

(2) Nothing in the Act or this rule prohibits the University from contacting DPS, orally or in writing, for the purpose of asking that it investigate a possible violation of, or to enforce, any local, State, or Federal law.

(3) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act and this policy while in possession of DPS.

(4) The Act and this rule do not require nor do they prohibit the disclosure by the University of DPS records.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0220
Limitations on the Re-disclosure of Information

(1) Except as permitted in the Act, the University may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student.

(2) Except where exempt under the Act, the University shall inform a party to whom disclosure is made of the Act's nondisclosure requirements.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0230
Recordkeeping Requirements

(1) Except as provided in paragraph (3), the University shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The record shall be maintained with the education records of the student as long as the records are maintained. For each request or disclosure the record must include: the parties who have requested or received personally identifiable information from the education records; and the legitimate interests the parties had in requesting or obtaining the information.

(2) Disclosure of personally identifiable information from an education record with the understanding that re-disclosure may occur requires the following record of the disclosure: the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

(3) Paragraph (1) of this section does not apply if the request was from, or the disclosure was to: the student; a school official within the University with a legitimate educational interest; a party with written consent from the student; a party seeking directory information; or a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0240
Permanence, Duplication, and Disposal of Student Records

(1) Individual education records shall be maintained only for the minimum period of time required to serve the official functions of the office generating and maintaining them. The records shall then be disposed of in a manner designed to assure confidentiality.

(2) The permanent retention of education records shall be limited to records that the president or the State Archivist determine to be of long-range value to the student or the University.

(3) Duplication of permanent education records shall be minimized. Duplicate permanent records shall be destroyed in accordance with this rule.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

571-020-0250
Annual Notice

The University shall publish and distribute on an annual basis to students notice of their rights under the Act. Such notice shall comply with the applicable provisions of the Act.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: UO 3-2003, f. & cert. ef. 9-15-03

DIVISION 21

STUDENT CONDUCT CODE

571-021-0005
Purpose of the Student Conduct Code

(1) The University of Oregon is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and through regulations and policies governing student life that encourage independence, maturity, and respect for the rights and viewpoints of others.

(2) The University of Oregon distinguishes its student discipline role from the laws and functions of the larger society. Students, however, are by no means insulated from the law or relieved of the responsibilities of citizenship as a result of their student status.

(3) In general, the off-campus activities of students are viewed as their personal business. However, when a student violates local, state, or federal laws and, at the same time, violates the Student Conduct Code, either on or off campus, the University reserves the option of initiating disciplinary action on its own.

(4) The University shall impose disciplinary sanctions or take other appropriate action against students or student organizations only when their conduct materially interferes with the University's:

(a) Primary educational responsibility of assuring an opportunity for all members of the University community to attain their educational objectives; or

(b) Subsidiary responsibilities of protecting the health and safety of members of the University community and campus visitors, maintaining and protecting University property or personal property located on the campus, keeping records, providing living accommodations and other services, and sponsoring or supervising nonclassroom activities such as lectures, concerts, athletic events, and social functions.

(5) This Code represents a compilation of important regulations, policies, and procedures pertaining to student life. It is intended to inform students of their rights and responsibilities during their association with this institution, and to provide general guidance for enforcing those regulations and policies essential to the educational and research missions of the University.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0009
Student Conduct Program Policies

Procedural fairness is basic to the proper enforcement of all University regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard:

(1) The Coordinator of Student Conduct shall insure that the best interests of students and student organizations are served, regardless of whether disciplinary action is taken, by making full use of appropriate medical, counseling, and other professional services at the University.

(2) Students shall have an opportunity to participate in the formulation of all regulations and policies pertaining to student discipline at the University of Oregon.

(3) All University regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students or student organizations.

(4) Regulations and disciplinary sanctions affecting the conduct of male and female students shall be based on general principles of equal treatment.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 1-1990, f. & cert. ef. 2-2-90; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0025

571-021-0015
Jurisdiction

(1) For the purpose of enforcing the Student Conduct Code, student is defined as any person who:

(a) Has submitted an application for admission, housing, financial aid, or any other service provided by the University which requires student status;

(b) Is registered for one or more credit hours; or

(c) Is enrolled in a special non-credit program approved by the University.

(2) Student organization is defined as any group of University of Oregon students applying for and meeting the criteria for group registration or recognition established by the ASUO or its designee.

(3) Jurisdiction is maintained between periods of enrollment unless the accused individual's official record in the Office of the Registrar shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration of the published deadline for registration for the succeeding fall term.

(4) The University's disciplinary jurisdiction over students and student organizations extends six months beyond the last date of enrollment, registration, or recognition. This jurisdiction applies to all cases except plagiarism or fraudulently obtaining a degree, which have no termination date.

(5) In all cases except plagiarism or fraudulently obtaining a degree, which have no termination date, service upon, or attempted service upon, the student (notification of charges) must be made within six months from the discovery of the alleged violations.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 6-1983, f. & cert. ef. 6-29-83; UOO 8-1983, f. & cert. ef. 9-8-83; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0019
Legal Authority

(1) Student Conduct Committee. Under the authority of the charter of the University of Oregon, the faculty is responsible for student discipline (ORS 352.010). The faculty of the University herein delegates authority for administering this Code and the Student Conduct Program as provided below:

(a) The Student Conduct Committee shall be responsible for formulating or approving, prior to implementation, regulations and enforcement procedures pertaining to student disciplinary matters at the University of Oregon, and recommending to the faculty policy or administrative changes in any aspect of the Student Conduct Program;

(b) The Committee shall be appointed by the President and shall consist of four faculty members to be recommended by the Committee on Committees and four student members to be recommended by the ASUO. The President shall designate one of the members as pro tem chairer at its first meeting. Faculty and student members shall serve for one year terms, but may be reappointed. In addition, the University Housing staff member who advises the Residence Hall Tribunals shall serve as a non-voting, ex-officio member of the Committee. Temporary members may be appointed to assure full Committee membership during summer session or at such other times as are necessary.

(2) Subdelegation of Authority to Minor Tribunals:

(a) With the consent of the President of the University, the Student Conduct Committee may subdelegate jurisdiction to handle violations of the Student Conduct Code or other University regultions to University officials, committees, or minor tribunals. In all instances such subdelegation shall be defined by the Committee in terms of specific jurisdiction, enforceable regulations, and maximum disciplinary sanctions that may be imposed;

(b) Subject to approval by the President, the Student Conduct Committee subdelegates to the Interfraternity Council, Panhellenic, and Residence Hall Governance Committee, the authority to formulate:

(A) Regulations governing the conduct of their respective organization members;

(B) Hearing procedures and administrative practices to be followed by their respective tribunals;

(C) Disciplinary sanctions exclusive of expulsion, suspension, negative notation on transcript, or eviction from University-owned or supervised housing, appropriate to the enforcement of their respective regulations; and

(D) Procedures for publication and notification to affected students of such regulations, hearing procedures, and disciplinary sanctions.

(3) All such regulations, hearing procedures, and disciplinary sanctions shall be reduced to writing and approved by the Student Conduct Committee prior to implementation. The authority granted to minor tribunals and their respective governing bodies is conditional and may be withdrawn at any time by the Student Conduct Committee when a minor tribunal is either unable or unwilling to assume its responsibilities as part of the University's Student Conduct Program.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 6-1983, f. & cert. ef. 6-29-83; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0010

571-021-0024
Student Conduct Reports

(1) The Student Conduct Committee shall require from University officials, hearings board, referees, committees, and tribunals periodic written reports of the disposition of all student conduct cases dealt with under their jurisdiction. The Committee shall examine such reports for consistency with existing policies and, where necessary, review the reports with the appropriate officials or tribunals.

(2) At the end of each academic year, the Committee shall submit to the President, University Senate, Deans, Department Heads, the ASUO President, and the Office of Student Advocacy, a written report covering the entire Student Conduct Program, including an evaluation of the existing rules, policies, and enforcement procedures. This report shall also detail all Code revisions approved during the previous year and shall be available to any person upon request.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; UOO 9-1997, f. & cert. ef. 10-27-97

571-021-0029
Student Conduct Coordinator

(1) The President of the University shall designate a Coordinator of Student Conduct who shall have primary responsibility for administering the Student Conduct Program and coordinating the activities of all University officials, hearings officers, referees, committees, or tribunals concerned with the Student Conduct Program.

(2) The Coordinator shall be responsible to the Student Conduct Committee for maintaining complete records pertaining to the activities of the Student Conduct Program. Those records shall include a summary of the business of the Student Conduct Committee and a report of the disposition of each disciplinary case handled by any person or group authorized to impose disciplinary sanctions in the name of the University. For recordkeeping purposes, the Coordinator may prescribe reporting procedures to be followed by those authorized to impose disciplinary sanctions.

(3) The Coordinator shall serve as non-voting Secretary of the Student Conduct Committee, and as advisor to all individuals and groups authorized to impose disciplinary sanctions. The Coordinator shall serve as a non-voting, ex-officio member of the Residence Hall Governance Committee and of the residence hall Standards Boards.

(4) The Coordinator shall be responsible for gathering and presenting to the Student Conduct Committee the reports required by this code.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0030
Offenses

Disciplinary action may be initiated by the University and sanctions imposed against any student or student organization found guilty of committing, attempting to commit, or intentionally assist-

ing in the commission of any of the following prohibited forms of conduct:

(1) Dishonesty, including academic cheating, academic plagiarism (submission of the work of others for academic credit without indicating the source), or knowingly furnishing false information to University faculty or staff.

(2) Forgery, alteration, or unauthorized use of University documents, records, keys, student identification or keycards.

(3) Intentional disruption, obstruction, or interference with the process of instruction, research, administration, student discipline, or any other service or activity provided or sponsored by the University.

(4) Damage, destruction, theft, or unauthorized use of personal property located on the University campus or property owned or controlled by the University.

(5) Unauthorized entry into or use of University property, including facilities, residence halls, equipment, or resources.

(6) Physical abuse or conduct that threatens imminent physical harm or endangers the health or safety of any person on University property or at University-sponsored or supervised activities.

(7) Lewd or indecent conduct on University property or at University-sponsored or supervised activities.

(8) Hazing, defined as initiation rites involving physical abuse or mental anguish.

(9) Illegal creation, processing, cultivation, brokering or possession of controlled substances on University-owned or controlled property or at University-sponsored activities. Controlled substances shall be as defined in ORS Chapter 475 as amended.

(10) Possession, use, or threatened use of firearms, ammunition, explosives, dangerous chemicals, or any other objects as weapons on University property or at University-sponsored or supervised activities except as expressly authorized by law or University regulations. Possessing a concealed weapons permit does not constitute such authorization. The otherwise lawful possession of a firearm inside a dwelling unit of a University of Oregon Family Housing facility by a person lawfully dwelling therein is not covered or prohibited under this offense.

(11) Possession or consumption of alcoholic 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. Consumption or furnishing of alcoholic beverages by those or to those persons at least 21 years of age is permissible only in such areas as the President may designate.

(12) Disorderly conduct (including that resulting from drunkenness), unreasonable noise, or behavior that results in unreasonable annoyance.

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

(14) Failure to comply with the directions of University or public officials acting in the performance of their duties on University-owned or controlled property or at University-sponsored or supervised activities when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises.

(15) Unauthorized entry into University-related living units that disrupts sleep or study or that damages the physical facilities in those units.

(16) Failure to comply with the terms of any disciplinary sanction imposed in accordance with the Student Conduct Code.

(17) Violation of regulations or any other standards of conduct approved by the Student Conduct Committee provided they have been published, distributed, or posted in such a manner as to furnish adequate notice to students.

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

(19) Harassment on University property or at University-sponsored or supervised activities, because of another person's race, color, gender, national origin, age, religion, marital status, disability, veteran status, or sexual orientation, or for other reasons accomplished by:

(a) Intentionally subjecting another person to offensive physical contact other than self-defense; or

(b) Specifically insulting another person in his or her immediate presence with abusive words or gestures when a reasonable person would expect that such act would cause emotional distress or provoke a violent response.

(20) This section details the offense of sexual misconduct.

(a) Sexual misconduct, an offense the University of Oregon recognizes as an act of violence, is committed when a student initiates a sexual act as described in subsection (c) of this section when the act:

(A) Materially interferes with another person's academic performance or participation in University-sponsored or supervised activities, or performance of University employment; or

(B) Is committed on University-owned or controlled property, or at University sponsored or supervised activities; or

(C) demonstrates reasonable threat to the health or safety of the campus community or the alleged student survivor.

(b) Sexual gratification or pleasure of any party involved is not relevant to an offense in this section.

(c) The following are sexual misconduct offenses:

(A) Rape is an offense committed by a student who engages in penetration of another person, or who causes the penetration of another person, and who:

(i) does not first obtain explicit consent from that person; or

(ii) knows or should have known the person was incapable of consent by reason of mental disorder, mental incapacitation, or physical helplessness.

(B) Sexual Assault is an offense committed when a student subjects another person to sexual contact without having first obtained explicit consent or when he or she knows or should have known the person was incapable of consent by reason of mental disorder, mental incapacitation, or physical helplessness; and when a reasonable person would know that such contact would cause emotional distress.

(d) The following definitions apply to this offense:

(A) "Explicit Consent" means voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. "Explicit consent" includes an affirmative verbal response or voluntary acts unmistakable in their meaning.

(B) "Penetration" means any degree of insertion, however slight, of the penis or any material object into the vagina or anus.

(C) "Sexual Contact" means the touching of the genitalia, anus, buttocks or breasts of a person or causing such person to touch the genitalia, anus, buttocks or breasts of another.

(D) "Mental disorder" means that a person suffers from a mental disease or disorder that renders the person incapable of appraising the nature of the conduct of the person.

(E) "Mental incapacitation" means that a person is rendered incapable of appraising or controlling the conduct of the person at the time of the alleged offense because of the influence of a controlled or other intoxicating substance or because of any act committed upon the person without the consent of the person.

(F) "Physical helplessness" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(21) Stalking, defined as repeatedly contacting another person when:

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

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

(22) Prohibited discrimination, discriminatory harassment and sexual harassment as defined relevant to student conduct in OAR 571-003-0025.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 5-1982, f. & cert. ef. 6-16-82; UOO 4-1989, f. & cert.

ef. 6-14-89; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; UOO 5-1993, f. & cert. ef. 5-14-93; UOO 5-1997, f. & cert. ef. 5-28-97; UOO 10-1997, f. & cert. ef. 11-6-97

571-021-0035
Group Offenses

Living organizations and registered or recognized groups are responsible for compliance with this Code and with University policies on discrimination:

(1) Upon satisfactory proof that a member of a group, with the knowledge and consent of group officers or in concert with at least four other members of the group, has violated the Code or University policies on discrimination, the group or individual members of the group may be subject to the following sanctions:

(a) Denial of the use of University facilities;

(b) Restitution for damaged, stolen, or misappropriated property, or stolen or misappropriated money;

(c) Temporary or permanent suspension of the group's charter, recognition, or registration; or

(d) Other appropriate sanctions authorized by this Code.

(2) The president, principal officer, contact person(s), or other students designated by the group to act as agents on behalf of the group shall be given reasonable notice of the charges in accordance with this rule of the Code. The president, principal officer, contact person(s), or group agent as defined above shall be required to represent the group in the proceedings of the Student Conduct Program. Failure to appear and represent the group may result in disposition of the case under the authority of the Code.

(3) On behalf of the group, the president, principal officer, contact person(s), or other students designated by the group as agents on behalf of the group shall be afforded all procedural rights set forth in this Code.

(4) Any individual who is invited or allowed to reside in any fraternity, sorority, or cooperative and who is not otherwise subject as an individual to the University of Oregon Student Conduct Code, may subject such fraternity, sorority, or cooperative to sanctions for group offenses by conduct that is in violation of this Code.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0038
Disciplinary Sanctions

(1) Expulsion. Student status is severed permanently. Any student who has been expelled from the University as a result of disciplinary action shall not be permitted to participate in any University-recognized function or allowed to reside in any University residence hall.

(2) Suspension. Student status is severed for a specified period. With regard to student organizations, this sanction is equivalent to loss of University recognition or registration and all privileges associated with such recognition or registration. Any student who has been suspended from the University as a result of disciplinary action shall not be permitted to participate in any University-recognized function or allowed to reside in any University residence hall.

(3) Negative Notation on Transcript. Entry of the fact of violation on the student's permanent academic record as a separate or additional sanction may be imposed at the discretion of the hearings officer. After the expiration of the period of time set by the hearings officer, the notation shall be removed upon the request of the student.

(4) Revocation of Degree. An academic degree previously awarded by the University may be revoked on proof that it was obtained by fraud or that a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree was plagiarized. The Academic Standards Committee may, upon appeal of a university graduate subjected to degree revocation, stipulate the requirements for re-obtaining the degree.

(5) Disciplinary Probation. Participation in University life by individual students or student organizations is placed on probational status, with or without loss of designated privileges.

(6) Restitution. The student or student organization is required to replace or restore damaged, stolen, or misappropriated property.

(7) Educational Activity. The student (or student organization) is required to complete a project or activity specifically designed to help the student (or organization) understand why the behavior was inappropriate and encourage future compliance with the Student Conduct Code. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on the University community. Educational activities shall include but not be limited to: assessments of substance abuse and other behaviors, community service, workshops, papers and similar assignments.

(8) Loss of Privileges. The student or student organization is denied specified privileges normally associated with student status, such as participation in or sponsorship of University-recognized activities, use of University facilities or services, or living in University-owned or supervised housing.

(9) Conduct Reprimand. The student or student organization is given written notice that the conduct engaged in is inconsistent with University regulations or policies, and informed that future violations of the Code may result in the imposition of more serious sanctions.

(10) Suspended Sanction. The execution of any sanction authorized under this Code may be suspended. When suspending a sanction, a time limit for the suspensionary period shall be designated, and subsequent violations of the Code that will terminate the suspension and result in the imposition of the original sanction shall be specified. In the absence of such violation(s), the original sanction shall be deemed completed at the end of the suspensionary period.

(11) Medical Leave. Actions taken pursuant to University policies on medical leave shall not be deemed disciplinary sanctions within the meaning of this Code.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0020; UO 4-2000, f. & cert. ef. 11-20-00

571-021-0040
Complaint, Notice, and Response

(1) Complaint. Upon receiving a complaint or notice that a student has violated the Student Conduct Code, the Coordinator of Student Conduct shall serve a written notice upon the student, either by mailing to the latest address of the student on file at the office of the Registrar of the University, or, if necessary, by registered or certified mail or by personal service. Such notice shall notify the student of:

(a) The alleged Code violation;

(b) The opportunity for the student to meet with the Coordinator for purposes of discussing the options for disposition of the case (conference with the Coordinator, informal hearing by referee, or formal hearing by hearings panel);

(c) The student's right to representation. A student may conduct his or her defense personally or with the assistance of a representative. At the conference with the Coordinator and at a hearing by a referee, the student may be assisted by the Office of Student Advocacy, or any student or member of the faculty or administration, or represented by a member of the Oregon Bar or by law students acting under the supervision of a member of the Oregon Bar in accordance with the Oregon Supreme Court rule. In the event of a hearing by a hearings panel or before the Appeals Board, representation may be only by a member of the Oregon Bar or by law students acting under the supervision of an attorney in accordance with Oregon Supreme Court rule;

(d) The availability of defense services;

(e) That the Coordinator will proceed as provided in subsection (2)(b) of this rule if the student does not arrange to meet with the Coordinator to select an option for disposition of the case within 10 days, excluding breaks between quarters or when the student is not registered, after service of the complaint, or fails to meet with the Coordinator as arranged.

(2) Response:

(a) After proper service of written notice as provided in section (1) of this rule, the student may arrange to meet with the Coordinator for the purpose of selecting an option for the disposition of the case (conference with the Coordinator, informal hearing by referee, or formal hearing by hearings panel);

(b) If after receiving notice, either by registered or certified mail or by personal service, the student does not arrange to meet with the Coordinator to select an option for disposition of the case within 10 days, excluding breaks between quarters or when the student is not registered, or if the student arranges to meet with the Coordinator to select an option to dispose of the case but does not attend such a meeting, the Coordinator may take any of the action specified in OAR 571-021-0045 or select another option for disposition of the case (informal hearing by referee or formal hearing by hearings panel) without consultation with or agreement by the student.

(3) Immediate Referral to Hearings Panel. If the Coordinator finds that under the circumstances of the case, an immediate referral to a hearings panel for formal hearing would be in the best interest of the University or the best interest of the student, the Coordinator may make such referral before service of notice upon the student. In such case, the notice served upon the student shall notify the student of the referral to the hearings panel and contain the information required by subsections (1)(a), (c), and (d) of the rule. The case then shall proceed as provided in OAR 571-021-0055.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; UOO 6-1992, f. & cert. ef. 7-21-92; UOO 1-1996, f. & cert. ef. 3-5-96; UOO 9-1997, f. & cert. ef. 10-27-97

571-021-0045
Conference with the Coordinator of Student Conduct

(1) The Coordinator shall meet with the student (and counsel, if the student elects), inform the student of the student's options and rights, and take any of the following actions with the student's agreement:

(a) Make findings of fact and determine whether or not the student has violated the Code;

(b) Dismiss the case;

(c) Refer the student for counseling;

(d) Impose any sanction listed in OAR 571-021-0038 of the Student Conduct Code except expulsion, suspension, or negative notation on transcript;

(e) Refer the student to the referee for administrative disposition of the case.

(2) With or without the student's agreement, the Coordinator may refer the case to a hearings panel and give the student proper notice as specified in ORS 183.415.

(3) There shall be no appeal of sanctions imposed by the Coordinator.

(4) In cases where the Coordinator of Student Conduct concludes that a student charged with any offense under the Student Conduct Code lacks the mental capacity to respond to pending disciplinary charges, the Coordinator shall stay the proceeding until such time that the Coordinator concludes that the student is competent to respond to the pending disciplinary charges. A stay granted pursuant to this section shall not in any manner preclude a proceeding for medical leave under OAR chapter 571, division 23. If the student has been charged with academic dishonesty, no academic sanction may be imposed during the pendency of a stay granted pursuant to this section, but the faculty member responsible for the context in which the charge of academic dishonesty arose shall request the Registrar to assign a grade of "X" until the disciplinary proceeding has been completed.

(5) In cases where a student, charged with a violation of the Student Conduct Code, submits a written statement that the student engaged in the specific conduct alleged accompanied by a written opinion of a Student Health Center psychiatrist or Counseling Center psychologist stating that, as a result of mental disorder, the student did not know the nature of the wrongfulness of the conduct at the time of the offense or could not conform his or her behavior to the requirements of the Code, no disciplinary sanctions shall be imposed. The student may submit any other supplemental evidence pertinent to his or her mental condition to the Coordinator. If, based upon all evidence received, the Coordinator decides that the conduct of the student resulted from mental disorder, the Coordinator shall seek professional assistance and advice, and where appropriate, consult with the student's parents or guardian in compliance with the Student Records Policy, or take other measures to assure a fair disposition of the case. If the student has been charged with academic dishonesty, the faculty member responsible for the context in which the academic dishonesty took place shall assign an appropriate grade.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 2-1979(Temp), f. & cert. ef. 8-20-79; UOO 7-1979, f. & cert. ef. 12-20-79; UOO 3-1981(Temp), f. & cert. ef. 4-14-81; UOO 8-1981, f. & cert. ef. 6-19-81; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; UOO 9-1997, f. & cert. ef. 10-27-97

571-021-0050
Informal Hearing by Referee

(1) Upon recommendation of the Student Conduct Committee, the President shall appoint a panel of persons as referees for the Student Conduct Program.

(2) The referee shall be selected on a rotating basis from the list of those appointed by the President. The referee is empowered to:

(a) Make findings of fact;

(b) Dismiss the case;

(c) Refer the student for counseling;

(d) Impose any sanction listed in OAR 571-021-0038 of this Code except expulsion, suspension, negative notation on transcript, or eviction from University-owned or supervised housing.

(3) There shall be no appeal of sanctions imposed by the referee.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0055
Formal Hearing by Hearings Panel

(1) Membership; Selection; Hearing Board Chair; Presiding Officer; Recusal; Removal.

(a) Student Conduct Code formal hearings are heard by a panel on which faculty and students are represented, drawn from a pool known as the "Hearings Board."

(b) The "Hearings Board" shall consist of eighteen members, all of whom must be appointed by the University President. The board must consist of:

(A) Ten registered students at the University of Oregon that have been recommended to the President by the ASUO. Each student member is appointed for a one-year term and may be reappointed for additional terms.

(B) Four University officers of instruction, all of whom the Committee on Committees shall recommend to the President. Two officers of instruction will serve a one-year term, and the other two will serve a two-year term.

(C) Four University officers of administration, all of whom the Committee on Committees shall recommend to the President. Two of the officers of administration will serve a one-year term, and the other two will serve a two-year term.

(c) The Office of Student Judicial Affairs and Office of Student Advocacy will take responsibility during spring term for the recruitment and receipt of applications for new student members to the Hearings Board. The Office of Student Judicial Affairs and the Office of Student Advocacy will ensure that the nominated students are representative of the diversity of the University of Oregon. Particular efforts will be made to recruit law students.

(d) A review committee consisting of one member of the Office of Student Judicial Affairs, one member of the Office of Student Advocacy, one student from the Residence Hall Association, and members of the ASUO, one of which will be the University Affairs Coordinator, will review the applications for the Hearings Board. The review committee will make every attempt to ensure that the nom-

inated students are representative of the diversity of the applicant pool.

(e) Names of nominated students will be forwarded to ASUO for formal nomination to the University President pursuant to OAR 571-021-055(A).

(f) New student members of the Hearings Board, once appointed by the President, will be trained by the Office of Judicial Affairs and the Office of Student Advocacy before the end of the academic year.

(g) New student members will be ready to assume responsibilities for the Hearings Panel at the beginning of the next academic year.

(h) A "Hearings Panel" shall consist of three students and two faculty members (one officer of instruction and one officer of administration) selected at random from the Hearings Board. A hearing cannot proceed with fewer than four members present.

(i) Presiding Officer at Formal Hearings. Each Hearings Panel shall select from among them a presiding officer who shall:

(A) Administer the process of the formal hearing; and

(B) Issue final rulings on behalf of the panel.

(j) A Hearings Panel member shall be excused from hearing a case if:

(A) The member is from the department or school in which the incident allegedly took place; or

(B) A majority of the Hearings Panel members vote that there would be substantial bias to the accused student if the panel member were to hear the case.

(k) Hearings Board Chair. The appointed Hearings Board members shall select a Hearings Board Chair from among their members. The Chair must be a faculty member or a Hearings Board member with at least one year of experience. The Chair shall:

(A) Assist the Coordinator of Student Conduct in administering the formal hearings process.

(B) Coordinate selection and assignment of panel members who shall hear a case; and

(C) Have authorization to sign, and thereby ratify, negotiated settlements presented and signed by the Coordinator of Student Conduct and charged student.

(l) Removal for Nonperformance of Duties. A member of the Hearings Board may be dismissed if the member consistently does not perform his or her duties. The Board Chair may consult with the member in question, explain concerns and develop work plans to improve performance of duties, or, with the majority vote of the Hearings Board, authorize the member's dismissal pursuant to final approval of the University President.

(2) Powers.

(a) Upon commencement of a formal hearing the Hearings Panel shall have the power to:

(A) Make findings of fact;

(B) Determine whether or not the student has violated the Code;

(C) Impose any sanction listed in 571-021-0038 of the Student Conduct Code.

(b) Any decision of the Hearings Panel shall be made by a simple majority vote of the tribunal.

(c) The standard of proof required to find a student responsible for violation of the Student Conduct Code is a preponderance of the evidence except that no student shall be expelled from the University unless the Hearings Panel finds that there is clear and convincing evidence that the student is guilty of the alleged violation.

(d) Decisions made by the panel may be appealed to the University Appeals Board as provided in 571-021-0072.

(3) Policy on Open and Closed Hearings. All hearings conducted under the authority of the Code are to be open if the student has waived in a signed, written document any restrictions on disclosure of documents, exhibits, written statements, interview notes, photographs, or other preserved materials in the Student Conduct file or in other educational records which could be offered, admitted, identified, described, referred to, or generated in the course of the specified hearing. Such a waiver shall apply to the entire hearing, unless otherwise agreed to by the prosecution and defense. In the event such a waiver is not made, the presiding officer shall close the hearing to all persons other than those representing the University, the student(s) charged, anyone representing the student(s) charged, witnesses while they are testifying, and others as required by state or federal law. To the extent necessary to preserve order, the presiding officer may limit the attendance of persons present at the hearing.

(4) Procedures for the hearing shall conform to all requirements set forth in ORS Chapter 183. An appeal of sanctions may be made to the University Appeals Board within ten working days.

(5) Conduct of Hearings.

(a) Prosecutor Services:

(A) Upon recommendation of a committee comprised of the Coordinator of Student Conduct or designee, the ASUO president or designee, the dean of the School of Law or designee, and the president of the Student Bar Association or designee, the President of the University shall appoint one or more persons to serve as investigators and prosecutors of alleged violations of the Student Conduct Code;

(B) In hearings before hearing panels, the University shall be represented by a member of the Oregon Bar or by law students acting under the supervision of an attorney in accordance with Oregon Supreme Court rule.

(b) Defense Services:

(A) A student may conduct his or her defense personally or with the assistance of a representative;

(B) At the conference with the Coordinator of Student Conduct and at a hearing before a referee, the student may be represented by the Office of Student Advocacy, or a member of the Oregon State Bar, or by law students acting under the supervision of a member of the Oregon State Bar in accordance with Oregon Supreme Court rule, or any member of the faculty or administration of the University, or by any person subject to the provisions of the Student Conduct Code. In the event of a hearing before a hearing panel or by the University Appeals Board, representation of a student may be only by a member of the Oregon State Bar or by law students acting under the supervision of such member in accordance with Oregon Supreme Court rule;

(C) The student may consult the ASUO Office of Student Advocacy or the Office of Student Conduct regarding the availability of defense services.

(c) Separation of Functions. The office and functions of the prosecutors and defenders shall be physically independent and separate. Evidence pertaining to the case, however, shall be made available to both parties.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 14-1980, f. & cert. ef. 10-21-80; UOO 3-1989(Temp), f. 4-27-89, cert. ef. 5-1-89; UOO 6-1989, f. & cert. ef. 7-27-89; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0075; UOO 1-1996, f. & cert. ef. 3-5-96; UOO 9-1997, f. & cert. ef. 10-27-97; UO 4-2000, f. & cert. ef. 11-20-00; UO 1-2002(Temp), f. & cert. ef. 5-9-02 thru 11-1-02

571-021-0056
Evidence in Sexual Misconduct Cases

(1) In hearings for the determination of responsibility for complaints made pursuant to 571-021-0030(20), or for the attempt to commit such an offense, evidence of the sexual behavior of an alleged survivor prior to or subsequent to the alleged offense is not admissible, except that specific instances may be admissible provided that such evidence:

(a) Is necessary to rebut or explain scientific or medical evidence offered by the University; or

(b) Is otherwise constitutionally required to be admitted.

(2) The accused student shall make a written motion and offer of proof to the Office of Student Conduct and the hearings officer or hearing board chair not later than five (5) days prior to the hearing, or when deemed essential by the hearings officer or hearing board chair to prevent substantial and unfair prejudice, for any specific instances of sexual behavior of the alleged survivor sought to be admitted under sections (a) and (b) of paragraph (1).

(3) The University shall have the opportunity to file a rebuttal motion with the hearings officer or hearing board chair and the accused student.

(4) All motions and supporting memoranda submitted pursuant to this provision shall be in camera.

(5) If the hearings officer or hearing board chair finds that the probative value of the evidence sought to be admitted under section (1)(a) of this provision is outweighed by unfair prejudice to the alleged survivor, such evidence shall not be admissible.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: UOO 2-1997, f. & cert. ef. 3-25-97

571-021-0057
Emergency Action

(1) The Student Conduct Coordinator or his/her 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) Restrictions on the accused student's presence on University property and/or University events.

(c) At the time of the emergency action, the Student Conduct Coordinator may request that the student secure a medical/psychological evaluation through the Student Health Center or at another facility at the student's own expense. The evaluation may be used to determine the appropriateness of withdrawing the emergency action.

(3) At the time that the emergency action takes place, the Student Conduct Coordinator or his/her 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

(d) Inform the accused student of the possible restrictions that may be imposed prior to a formal hearing.

(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. The accused person may be represented by a student advocate or other counsel.

(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 conduct 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.

(6) An emergency action shall be reviewed by the Dean of Student Life or his/her designee at the request of the accused student no sooner than the next working day after the preliminary hearing. The review shall allow the accused student to argue that an emergency action need no longer be imposed. Subsequent review of the same emergency action may be requested no sooner than every ten days.

(7) Formal hearings subsequent to an emergency action shall occur no sooner than ten days, and shall be administered pursuant to 571-021-0040 and 571-021-0055 of this Code. If the Coordinator for Student Conduct agrees, the accused person may waive the ten-day notice requirement in order to expedite the hearings process.

(8) If a hearings officer or panel removes restrictions on the accused student's housing or enrollment, the student will not be assessed fees for reinstatement.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: UOO 3-1997, f. & cert. ef. 3-25-97

571-021-0060
Adjudication of Contempt and Imposition of Sanction

The adjudication and sanction of contempt provided in OAR 571-021-0030(18) shall be made by the referee, hearings officer, or presiding officer of the University Appeals Board, alone and summarily. Upon adjudication and sanction, if any, the officer shall certify to the Coordinator of Student Conduct the facts constituting the contempt and the sanction imposed therefor. Persons so adjudicated in contempt shall have the same right to appeal as is afforded in any other case adjudicated before that tribunal.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

571-021-0064
Show-Cause Proceeding

In order to enforce the timely completion of disciplinary sanctions issued under the Student Conduct Code, this rule requires the following procedures:

(1) After a student has been found responsible for a student conduct code violation and a sanction has been imposed, he or she will be orally informed by the Office of Student Judicial Affairs of the consequences of failing to complete the sanction. The Office of Student Judicial Affairs will also provide the student with that information in writing in the initial decision letter.

(2) If a student fails to complete the disciplinary sanction by the assigned deadline, the Office of Student Judicial Affairs will:

(a) Send the student a letter that states:

(A) The student's ability to register for classes, drop classes, or change grade options will be placed on hold until verification that the student has completed the sanction has been received by the Office of Student Judicial Affairs;

(B) The student has five class days after the deadline to show that he or she has completed the assigned sanction before the hold will be placed; and

(C) It is the student's responsibility to ensure that the Office of Student Judicial Affairs receives notice of completion of the sanction.

(b) When a hold is placed on a student's record, the Office of Student Judicial Affairs will inform the student in a letter that the hold has been placed, the consequences of the hold, and the actions required to have the hold removed.

(c) The hold will be removed immediately after the student has provided verification of completion of the sanction.

(3) A student who is unable to register because the student has not completed a sanction may seek a waiver from the Office of Judicial Affairs. The Office of Judicial Affairs will grant a waiver, allowing the student to register, provided the student agrees the student's registration may be cancelled immediately and the hold reinstated if the student has not completed the sanction by a deadline set by the Office of Judicial Affairs, in its sole discretion.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 3-1984, f. & cert. ef. 7-20-84; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0071; UOO 9-1997, f. & cert. ef. 10-27-97; UO 3-1998(Temp), f. & cert. ef. 11-23-98 thru 5-22-99; Administrative correction 8-9-99; UO 3-2001, f. 10-30-01, cert. ef. 11-1-01

571-021-0068
Academic Dishonesty Procedures

(1) Student/Faculty Conference. Upon the discovery of a suspected academic dishonesty incident — plagiarism, cheating, or knowingly furnishing false information to a faculty or staff member — the faculty member in whose course the incident originated shall promptly notify the department head of the incident of suspected academic dishonesty and as soon as practical thereafter schedule a conference with the student. This conference shall include a discussion of the option of having the case referred directly to the Coordinator of Student Conduct, and, if appropriate, a discussion of the alleged incident and supporting evidence. In the event the student is unwilling to confer with the faculty member or is unable to do so within a

reasonable time period, the case may be referred to the Coordinator of Student Conduct for resolution. If, for some reason, the faculty member is not available for a conference with the student, the case may be conducted by the faculty member's department head or dean of the college or school, or referred for resolution to the Coordinator of Student Conduct.

(2) Non-Contested Cases. If the student admits to the academic dishonesty incident, the faculty member shall impose, within the context of the course in which the incident originated, an appropriate academic sanction up to and including an N or an F. Written notice of the sanction or resolution without sanction shall be given the student and reported as provided in section (4) of this rule. If, in the judgment of the faculty member, further disciplinary action is warranted, the report to the Coordinator of Student Conduct shall so indicate. The student may appeal the academic sanction to the faculty member's department head and, ultimately, to the dean of the college or school in which the incident originated.

(3) Disposition of Contested Cases. If a student denies the academic dishonesty incident of which he or she is accused at the student/faculty conference, the student may and the faculty member shall, not later than two weeks after the date of that conference, make a written referral of the case to the Coordinator of Student Conduct for resolution. The case will then be conducted in accordance with the procedures established in OAR 571-021-0040 to 571-021-0064 and 571-021-0072 of this Code:

(a) If there is a finding that the student engaged in academic dishonesty, irrespective of any disciplinary sanction imposed, the faculty member responsible for the context in which the academic dishonesty took place shall assign an appropriate grade;

(b) If there is a finding that the student did not engage in academic dishonesty, no academic sanction may be imposed.

(4) Reporting Academic Dishonesty Incidents. Members of the faculty are required to file a written report of each academic dishonesty incident with their respective department head, dean of the college or school, and Coordinator of Student Conduct. These reports shall be treated as confidential and retained for recordkeeping purposes as provided by the Student Records Policy.

(5) Dropping or Withdrawing from Course. The department head, on receipt of notice of an incident of suspected academic dishonesty, shall take such steps as appropriate to prevent the student from dropping or withdrawing from the course pending disposal of the incident as provided in either section (2) or (3) of this rule. If the incident results in award of the grade of N or F as a final grade for the course, the student shall not be permitted to drop or withdraw from the course. If no sanction results, or if the incident does not result in an award of the grade of N or F as a final grade, the student shall be free to drop or withdraw from the course by processing the drop or withdrawal notice at the later of:

(a) The expiration of the drop and withdrawal deadline for the course; or

(b) Five business days after receipt by the student of notification of sanction or termination of the incident without sanction.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 5-1982, f. & cert. ef. 6-16-82; UOO 2-1986, f. & cert. ef. 7-7-86; UOO 2-1990, f. & cert. ef. 2-2-90; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0080, 571-021-0085, 571-021-0090, 5710-21-0092 & 571-021-0095

571-021-0070
University Appeals Board

(1) The University Appeals Board is the final appeals body within the Student Conduct Program. As set forth in OAR 571-021-0055(4), this Board shall be responsible for reviewing substantive or procedural appeals from the decisions of a hearings panel.

(2) The Board shall consist of three faculty members, recommended by the Committee on Committees, and three student members, recommended by the ASUO. Board members shall be appointed by the President and serve for one-year terms. They may be reappointed, but no member may serve for more than two consecutive terms. Temporary members may be appointed to assure full Board membership during summer session or at such other times as are necessary. The President shall designate one of the members as pro tem chairer of the Board.

(3) The Board will elect its permanent charier at its first meeting. A quorum shall consist of two students and two faculty members. The Board shall establish its own rules of procedure.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; UOO 9-1997, f. & cert. ef. 10-27-97

571-021-0072
Appeal of Hearings Panel's Decision

(1) Appeals to the University Appeals Board are restricted to review of the sanctions imposed by the hearings panel and to the procedural grounds listed below:

(a) The order is unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioner were prejudiced thereby;

(b) The order is not supported by substantial evidence in the whole record.

(2) No decision of a hearings panel may be overruled except through an affirmative vote of a majority of the Board members present. Upon a finding that an appeal in whole or in part has merit, the Board may:

(a) Modify the decision or sanction; or

(b) Remand for further proceeding.

(3) No appeal shall be allowed unless the party appealing cites specifically to the hearing record and states with specificity the grounds under which the appeal shall be allowed.

(4) The decision of the University Appeals Board may be appealed to the Court of Appeals on the grounds and according to the procedures specified in ORS Chapter 183.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 26, f. & cert. ef. 8-18-76; UOO 32, f. & cert. ef. 6-20-77; UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91; Renumbered from 571-021-0065; UOO 9-1997, f. & cert. ef. 10-27-97

571-021-0073
Student Conduct Code

(1) Code Establishment. Upon approval by the faculty, this Student Conduct Code becomes effective and supersedes all previous regulations and policies pertaining to student discipline at the University of Oregon.

(2) Code Amendment. This Code may be amended by the faculty except that OAR 571-021-0040 through 571-021-0064 and 571-021-0072 may also be amended by the Student Conduct Committee.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070 & ORS 352.010
Hist.: UOO 10-1990, f. 11-16-90, cert. ef. 11-15-90; UOO 6-1991, f. & cert. ef. 3-25-91

DIVISION 22

RESIDENCE HALL AND FAMILY HOUSING GOVERNANCE

571-022-0005
Policies and Procedures

The following policies and procedures embody the recommendations of a resident student/staff task force assembled in Spring, 1971. The task force's purpose was to examine and propose alternatives to the existing University of Oregon Student Conduct System as it applies to the residence hall students. This system has been in practice since Fall, 1971.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.060 & ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 15, f. 8-11-75, ef. 9-11-75; UOO 21, f. & cert. ef. 5-5-76

571-022-0010

Preface

(1) The laws of the state and nation and the ordinances and regulations of the State Board of Higher Education and local government are applicable throughout the campus, including University residence halls. Dormitory residents as well as all other members of the student body, faculty, and staff are held accountable to these laws, ordinances, and regulations. Accordingly, law enforcement officials may be called in case of law violations involving dormitory residents.

(2) The safety of individuals, protection of state property, and maintenance of standards involving public health and sanitation are the responsibility of the Director of University Housing. The Director of University Housing reserves the right to evict students from the residence halls when violation of the above standards occurs. If interpretation of the extent of the Director of University Housing's responsibility is in question, the Vice-President for Administration and Finance shall resolve the issue of jurisdiction:

(a) In the event of a summary eviction under this subsection, the Director of University Housing shall initiate, as soon as practicable but in no event later than 14 days after the eviction, procedures under the Code of Student Conduct by filing a notice of the eviction and reasons justifying it (i.e., violations or OAR 571-021-0030) with the Coordinator of Student Conduct;

(b) Such an eviction may only occur when, in the bona fide judgement of the Director of University Housing, an emergency exists, and thus this section will control notwithstanding OAR 571-021-0025(3);

(c) If the evicted student agrees in writing with the propriety of the eviction, the eviction will be recorded as a consent judgement retro-dated to the date of the actual eviction;

(d) If the evicted student does not agree, the matter shall proceed to formal hearing under the Code of Student Conduct on the issue of violation (but not on the appropriateness of the sanction);

(e) If, after the final disposition of the dispute, the issue of violation is resolved in favor of the student, the University shall reinstate the student's eligibility to reside in University Student Housing, shall allow the student to move in at the earliest moment a vacancy similar in status (i.e., multiple or single) to the room or apartment the student previously occupied becomes available and shall expunge any entries of eviction from permanent records.

(3) The Code of Student Conduct applies to all students, including those who reside in residence halls. As with all students, violations of the Code may be referred to the Student Court system for action.

(4) Until rule changes are made pursuant to procedures outlined in this document, currently existing rules will remain; sanctions for violations of such rules will be determined by the Inter-Dormitory Standards Board.

(5) Students in each dormitory complex shall determine the method for choosing student representatives from their own complex to the committees in the governance system.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.060 & ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 15, f. 8-11-75, ef. 9-11-75; UOO 21, f. & cert. ef. 5-5-76; UOO 9-1980, f. & cert. ef. 8-1-80

571-022-0015
Residence Hall Governance Structure

There are two basic units of government relating to student conduct: the Residence Hall Association Council and the Peer Judicial Board:

(1) The Residence Hall Association Council has the responsibility for drafting, reviewing, and revising rules relating to student conduct in residence halls and the application and enforcement of these rules:

(a) The Residence Hall Association Council (RHA Council) is composed of the student chairperson, student vice-chairperson/secretary, treasurer, student advocate, National Communications Coordinator (NCC), the Assistant Director of Residence Life (RHA Advisor), one residence life professional staff member (Advisor), and a student staff member for each of the six residence halls: Walton, Hamilton, Bean, Carson/Earl, Riley, and the University Inn. In Addition, each residence hall will appoint or elect two student representatives to the RHA Council.

(b) The authority of the RHA Council is delegated through the Director of Housing. The RHA Council shall keep the Director of Housing informed regarding the progress of proposed changes relating to student conduct in the residence halls and their implementation. The Vice-President of Administration shall resolve differences of opinion between the RHA Council and the Director of Housing if the RHA Council and the Housing Director are not able to reach agreement.

(c) The RHA Council shall hear appeals of the actions of the Peer Judicial Board, review rules and regulations, conduct a continuing evaluation of the effectiveness of residence halls governance, hear and consider complaints and suggestions from residence hall students and staff, and recommend changes in rules and procedures to the Director of Housing.

(d) The Assistant Director of Residence Life shall serve as the RHA's first chairperson and shall remain in this position at least until the RHA Council has established its internal rules of operation.

(2) The Peer Judicial Board shall enforce rules and regulations relating to student conduct in residence halls. It has the authority to warn and transfer students to other residence halls. It also has the authority to recommend to the Director of Housing the eviction of students from the residence halls. Its objectives shall be educational and remedial; thus its procedures will be primarily that of personal advising and counseling:

(a) The Peer Judicial Board (J-Board) shall be composed of twenty-five students from the residence halls with representation from each of the five complexes (Bean, Carlson/Earl, Hamilton, University Inn/Riley, and Walton) and a non-voting Judicial Board adviser employed by the Housing Department. The Office of Student Advocacy (OSA) provides free representation to students charged under the Student Conduct Code. Students may consult OSA prior to meeting with the J-Board or the J-Board Advisor.

(b) The Complex Director may refer cases of alleged violations to the Peer Judicial Board, or a residence hall student may choose to have his/her case heard by the Board in lieu of meeting with the Complex Director.

(c) A student may appeal the J-Board's decisions of his/her case to the Residence Hall Appeals Board (RHAB). Information regarding the structure of the RHAB, as well as the appeals process, may be found in the RHA Constitution. Such appeals shall be restricted to cases:

(A) Where additional information becomes available which was not presented to the Board, and which could not be discovered and presented by timely action of the accused violator;

(B) Where it can be demonstrated that the sanction is unreasonable in comparison with sanctions for like violations; and

(C) Where it can be demonstrated that a fair hearing was not accorded by the J-Board.

(d) Additional Peer Judicial Boards may be constituted if such action is necessary in order to keep up-to-date with cases and to keep the demands on the time of members within reason.

(e) The J-Board shall establish procedures which protect the individual rights of students brought before it, including, but not limited to due process. The Board shall establish procedures for timely notice and an opportunity for a hearing on any rule violation.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.060 & ORS 351.070
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 15, f. 8-11-75, ef. 9-11-75; UOO 21, f. & cert. ef. 5-5-76; UO 1-2000, f. 6-12-00, cert. ef. 7-1-00

Family Housing Governance

571-022-0020
Authority

Under the powers granted in ORS 351.070, the Oregon State Board of Higher Education has promulgated OAR 580-011-0015 delegating authority to its institutions to establish institutional policies and administrative rules and regulations for student housing. Under this authority, the President of the University of Oregon has promulgated OAR 571-022-0025 through 571-022-0105 to govern family housing.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0025
Family Housing Board

(1) This rule creates the Family Housing Board for Amazon Family Housing, Westmoreland Family Housing, and East Campus Family Housing at the University of Oregon.

(2) The Family Housing Board will review, advise upon, and recommend family housing policy as specified in this rule:

(a) Purposes of the Board. The Family Housing Board shall provide a vehicle for deliberate, systematic discussion, review, and dialogue in matters relating to family housing among representatives of family housing residents, University Housing, faculty, and other students;

(b) Composition, Presiding Officer, and Selection of Members:

(A) The Family Housing Board shall be comprised of the following members:

(i) Two Amazon area residents to be selected in accordance with OAR 571-022-0027(6);

(ii) Two Westmoreland area residents to be selected in accordance with OAR 571-022-0027(6);

(iii) Two East Campus area residents to be selected in accordance with OAR 571-022-0027(6);

(iv) Two representatives of University Housing;

(v) Area directors from Amazon Family Housing and Westmoreland Family Housing;

(vi) Two University representatives (other than a member of the University Housing) to be appointed by the President for two year terms beginning in July (or for the balance of a two year term whenever the position becomes vacant); the two year terms called for in this subparagraph shall be staggered;

(vii) One University instructional faculty member to be appointed by the Faculty Advisory Council for a two year term beginning in July (or for the balance of the term whenever a position becomes vacant);

(viii) One representative of the ASUO to be appointed in (or before) July for a one year term finishing at the end of June.

(B) The Chairperson of the Family Housing Board shall be a member of the Family Housing Board in good standing and shall be elected by a majority vote of the entire Family Housing Board.

(c) Jurisdiction and Powers of the Family Housing Board: Areas of Mandatory Notification and Review. Before any non-emergency action may be taken by University Housing, it shall submit to the Family Housing Board for discussion and review all proposals in the following areas:

(A) Area improvements none of which constitute maintenance, preventative maintenance, restoration of damaged or destroyed elements or facilities, or anticipatory replacement of obsolete or high-maintenance existing equipment;

(B) Changes in the basic appearance of the family housing areas in terms of additional structures or parking-area relocation or significant re-landscaping;

(C) Significant and enduring changes in current use of any structure or outdoor area;

(D) Changes in long-range planning policies;

(E) Changes in rental rates in excess of a standardized across-the-board five percent annual increase. Individual East Campus unit rent adjustments may be implemented, after the unit is vacated, to recover renovation costs or to achieve rental parity with similar type units;

(F) A single-dwelling-unit, single-purpose maintenance direct (or pro rata) expenditure in excess of $5,000, unless such expenditure can be fully covered within the base-rent-plus-five-percent exclusion of paragraph (E) of this subsection;

(G) Purchase of new furniture, appliances or equipment for family housing which is not replacing or restoring existing furniture, appliances or equipment, the total of which exceeds $6,000;

(H) Initial appointment of an Area Director (subject to affirmative action and other legal personnel requirements);

(I) Changes in the terms of the leases or rental agreements;

(J) Changes in policies relating to the assignment or allocation of dwelling units to residents by the University or eviction (this does not include changes dictated by modification of the Student Conduct Code);

(K) Budget Reports. University Housing shall provide to the Family Housing Board at least annually for its review and comment the University Housing budget allocated to the respective family housing areas.

(d) Procedures of the Family Housing Board:

(A) Voting Quorum. Decisions of the Family Housing Board shall be by majority vote. A quorum shall consist of nine members. The Family Housing Board shall meet at the call of the chairperson at least once a month or upon the affirmative call of four members. In addition, a meeting on a generic issue may be called by a petition from 25 family housing residents on a specific question submitted to the Board chairperson. Reasonable notice, including an agenda, must be given to all members prior to each meeting;

(B) Records of Proceedings. The Family Housing Board shall appoint a Board member as Secretary to keep minutes of each of its proceedings. University Housing shall provide for such secretarial or stenographic service as may be reasonably necessary to keep records and distribute reports of its action on subjects discussed by the Board. The respective family housing accounts of University Housing shall defray all reasonable costs (prorationed according to the respective number of residents on the preceding October 15th) incurred in the course of regular official transactions of business by the Family Housing Board. The minutes of every Family Housing Board meeting shall be posted promptly after each meeting in the laundry rooms and community buildings of the respective family housing areas, the ASUO Housing Office, University Housing, and the respective area directors' offices;

(C) Reports to the Board. University Housing shall report to the Family Housing Board at each meeting on matters relevant to living conditions, special charges, and administration of the respective family housing areas. It shall promptly provide data (within reasonable limitations of time and expense) which the Board requests in order to facilitate review and discussion (subject to restraints imposed or privileges conferred by law). University Housing reports of a routine nature will be in writing whenever possible and provided to Board members in advance as a part of the meeting agenda;

(D) Process for Board Actions:

(i) On subjects not within the scope of mandatory notification and review, the Family Housing Board may, at its own initiative, submit recommendations to University Housing for changes or modifications of operations, staffing, planning, and policy concerning family housing. In such instances, University Housing shall respond with a written reaction to such recommendations within 21 calendar days;

(ii) The Family Housing Board shall review (after the fact) emergency actions taken by University Housing which fall within the scope of the mandatory notification and review. Such review shall be based on a full report of such action from University Housing and shall occur at the next regularly scheduled meeting of the Family Housing Board following such action, unless such meeting would occur within five working days of the emergency action in which case University Housing may defer its report to no later than the next successive regular meeting. Procedures after such reviews shall be governed by subparagraph (iii) of this paragraph and by OAR 571-022-0065;

(iii) On subjects within the scope of mandatory notification and review, University Housing shall, not later than 90 days before scheduled implementation, notify the Family Housing Board of its proposed action. The Family Housing Board shall then review and discuss the proposal and shall within 60 days (or any mutually agreed-upon extension of that period) send its recommendation to University Housing. University Housing shall notify the Family Housing Board of its intended course of action within 21 calendar days of receipt of the Board's recommendation.

(E) Higher-Level Review. Review by the Family Housing Review Board may be initiated as follows:

(i) University Housing may require review of a recommendation of the Family Housing Board by which the Family Housing Board recommended against, in whole or in part, a proposal by University Housing after mandatory notification and review by the Family Housing Board. University Housing may implement its proposal whether or not it seeks such higher-level review provided the mandatory notification and review by the Family Housing Board has occurred and provided University Housing complies with the subparagraph (2)(d)(D)(iii) of this rule intended-course-of-action notification requirement;

(ii) The Family Housing Board may, upon a majority vote (of a quorum), require a review in a situation where University Housing has communicated its refusal to follow a recommendation of the Family Housing Board on a subject within the scope of mandatory notification and review;

(iii) All six of the resident representatives on the Family Housing Board may (by unanimous vote) require a review of a Family Housing Board recommendation to implement a proposal of University Housing or may require review of a decision of University Housing not to follow a recommendation of the Family Housing Board, on a subject of mandatory notification and review. A review on this basis shall not require University Housing to stay its action or suspend implementation of its decision pending such review;

(iv) Any requests under this subparagraph for review by the Review Board shall be made within seven (7) calendar days of a vote by the Family Housing Board or of receipt by the Family Housing Board of a decision by University Housing to disregard the recommendation of the Family Housing Board.

(F) Review Board. The Review Board shall consider and make findings and recommendations upon questions placed before it for review under the preceding paragraph. The Review Board may hold hearings or request information from the parties as it deems appropriate and necessary to enable it to make a recommendation. It shall make its written recommendations within 60 calendar days of receipt of a request for review under paragraph (2)(d)(E) of this rule. Duplicate recommendations shall be concurrently sent to University Housing and to the Family Housing Board. University Housing shall be guided by and follow the recommendation of the Review Board unless it requests a waiver from the President or the President's designee within 14 calendar days of receipt of the Review Board's recommendation as provided in paragraph (G) of this subsection. If the Family Housing Board disagrees with the Review Board's recommendation, it may (by majority vote of a quorum or more) request the President or the President's designee, within 14 calendar days of receipt of the recommendation, to issue a modified recommendation based on the grounds identified in paragraph (2)(d)(G) of this rule;

(G) Presidential Waiver. The President or the President's designee, after due consideration of the findings and recommendations of the Review Board, may excuse University Housing from implementing such a recommendation upon a finding that the recommendation of the Review Board is likely to cause non-compliance by the University with federal or state laws or regulations or county or municipal ordinances, or a finding that the recommendation is substantially contrary to the best interests of the University or of the general student housing populations, or upon a finding that the recommendation is substantially contrary to the best interest of future family housing residents. The President or President's designee shall modify a recommendation of the Review Board timely objected to by the Family Housing Board only on the grounds that it is likely to cause non-compliance by the University with federal or state laws or regulations, or county or municipal ordinances. The President or President's designee shall inform University Housing, the Family Housing Board, and the Review Board in writing of the basis and reasons for excusing University Housing from implementing the recommendation of the Review Board, or shall state that he or she concurs in the Review Board's recommendation (i.e., waiver denied) or shall charge University Housing with implementing a modified version of the recommendation.

(e) Stipend to Family Housing Resident Members of the Family Housing Board. The Family Housing Board, by majority vote, may pay a stipend to resident representatives on the Board in an amount not to exceed $25 per month from funds in the respective family housing accounts of University Housing.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91; UOO 3-1993, f. & cert. ef. 5-10-93

571-022-0026
Review Board

This rule creates the Review Board. The Review Board shall be constituted by October 1 of each year and shall consist of three persons. One Review Board member shall be appointed by the ASUO President for one year, and two Review Board members shall be appointed by the University President for two years each on staggered terms. Residents of family housing and employees of University Housing may not be members of the Review Board. The Review Board shall conduct required reviews under OAR 571-022-0015 and shall also conduct Step One formal grievance hearings under OAR 571-022-0060.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0027
Tenants Councils and Other Tenant Organizations

This rule creates the Amazon Tenants Council, the Westmoreland Tenants Council, and the East Campus Tenants Council and describes how other tenant organizations within those areas may be organized:

(1) The Amazon Tenants Council shall be a democratically elected assembly of 14 resident representatives and shall be the official forum of resident viewed and an agency of resident representation.

(2) The Westmoreland Tenants Council shall be a democratically elected assembly of 16 resident representatives and shall be the official forum of resident views and an agency of resident representation.

(3) The East Campus Tenants Council shall be a democratically elected assembly of six resident representatives and shall be the official forum of resident views and an agency of resident representation.

(4) These Tenants Councils shall have the authority:

(a) To recommend policy positions through the resident members of the Family Housing Board; and

(b) To facilitate informal resolution of resident grievances through consultation with their respective Area Directors or maintenance supervisors;

(c) To have a designee present individual residents' grievances (if so desired by the individual) to the Family Housing Review Board; and

(d) To carry out such responsibilities as may be delegated to it by the Family Housing Board.

(5) Each Tenants Council may initiate and organize its own policy studies, conferences, meetings, or social events, and may, subject to the rules of the University and the State Board of Higher Education, allocate funds accumulated through any collection procedure or by receipt of any grant for the purpose of providing financial support to area activities.

(6) Composition and Election of the Tenants Councils. The Tenants Councils shall be composed of resident representatives from each of the neighborhood areas 11 for Amazon, 13 for Westmoreland, and three for East Campus), plus three officers chosen at large. Elections to membership in each of the Tenants Councils shall be conducted and supervised by the Associated Students of the University of Oregon in April of each year, with members serving a term of one year. The residents in the family housing area shall elect resident candidates to the positions of President, Vice President and Secretary-Treasurer. Candidates for those offices shall run on an at-

large basis. Each Council President and Vice President shall also serve as resident members of the Family Housing Board, except that no President or Vice President who is concurrently an employee of University Housing at family housing may so serve (in which case the Council shall nominate either the Vice President or Secretary so long as such person is not similarly disqualified). If all of the foregoing are disqualified, the Council shall appoint a person according to its By-Laws. Members of a Tenants Council may be recalled by a majority vote in special elections triggered by receipt by the ASUO of a petition signed by 1/3 of the respective members' constituents over age 18. Appointments may be made to fill vacancies in officer and in area representative positions at the discretion of the Tenants Council. Candidates for election to a Tenants Council officer position shall disclose whether they are or will be concurrently employed at University Housing at family housing:

(a) Each Tenants Council shall have by-laws which may be amended by a vote of 2/3 of the members of that Tenants Council;

(b) All residents of a family housing area age eighteen (18) or above shall be entitled to vote in the elections described above for that housing area's Tenants Council.

(7) Other Tenant Organizations. In addition to representation through the Tenants Council, any group of residents may choose to have a democratically-formed tenant organization, tenant union, or tenant caucus to represent particular interests or concerns. Such organizations shall have the right to run slates of candidates for elections to the Tenants Councils and to bring issues before the Family Housing Board, and to represent their membership where appropriate before governmental or institutional officials.

(8) Individual residents shall retain their existing rights to interact directly with the University.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0060
Grievances

(1) Individual family housing residents may file written grievances (coupled with a grievant's desired resolution) with University Housing if they are personally and directly disadvantaged by a decision or policy or practice of Housing Department.

(2) If direct negotiation with University Housing does not reach a result satisfactory to the grievant, the grievant and University Housing must consult a third party, such as a mediator (e.g., the ASUO Mediation Program), to explore the assistance of such third party in resolving the situation which is the subject of the grievance.

(3) If the third party resolution is unsuccessful or if the parties are unable to agree on the utilization of a third party and if the grievant so desires, the grievant may then file a written grievance with the Review Board to resolve the grievance. To the extent that some of the issues have been resolved (either through direct negotiation and/or through third party resolution) and such partial resolutions were not merely an element in a larger proposed "package" resolution, the Review Board may take cognizance of such partial resolutions. Otherwise, it shall consider the dispute independently of communications or concessions made during the informal procedures.

(4) A grievant shall file its written grievance with the Review Board no later than 15 calendar days after written notification from the selected third party (or, if the parties cannot agree upon a third party, by the ASUO Mediation Program Director) that the third party resolution has been rejected or cannot achieve resolution. The review committee shall render its recommendations in writing within 60 days of the filing with it of the formal grievance.

(5) The Review Board shall conduct proceedings to consider and resolve such a formal grievance consistent with the following constraints:

(a) All documentary evidence received shall be identified, marked, and indexed in the record;

(b) The grievant and the University and/or complained against person(s) shall have full access to the record (as it exists at any given time);

(c) Live testimony shall be taken at a duly-noticed hearing. Clarifying questioning is to be by the committee only;

(d) The grievant shall be given the maximum possible (but in no case less than ten calendar days) advance notice of the initial hearing date, place, and time;

(e) The grievant and the University and/or the complained against person(s) shall be allowed to present documentary evidence (including affidavits or signed declarations), demonstrative evidence and/or live testimony;

(f) The committee shall inform the grievant and the grieved-against individual no less than five calendar days in advance of any hearing of all documentary evidence received by it at the time of said notice. Such evidence shall be identified by reference to source, date, and, generally, content. The grievant and the grieved-against individual shall also be told how to acquire copies of such evidence before the hearing;

(g) Hearings shall be open to the public (to the extent allowed by law) at the option of the grievant; if the grievant is a student-resident and elects to have an open hearing, the grievant shall sign a written consent to disclosure to the public of all student record material introduced, described, or admitted at the hearing for the purpose of holding an open hearing, and such consent shall recognize that the University has no responsibility for or control over the uses to which third parties may make of such disclosed information; the deliberations of the Committee shall be closed to all, including the grievant and the grieved-against individual(s);

(h) The Committee shall make its conclusions and recommendation solely upon evidence received in the record and shall, where practicable, cite specific evidence to support its resolution of disputed issues of fact;

(i) The committee shall formulate its conclusions and recommendations within 60 calendar days of receipt of the appeal;

(j) The proceedings of the committee (or any other step of this grievance procedure) shall not be deemed the handling of a contested case.

(6) If either or both parties to the grievance are dissatisfied with the result of the first step of the formal grievance, they may file a written appeal to the Vice President for Administration within 14 days of receiving the Step One decision. The Vice President may elect to decide the grievance on the record already assembled, may elect to investigate personally or by appointing an investigator, or may remand the grievance to the Review Board for further clarification and additions. Both parties shall have access to the record presented to the Vice President upon appeal and shall have the opportunity to comment on it before the Vice President makes a decision. The Vice President shall render a written decision within 60 days of the receipt of an appeal. The Vice President's decision shall be in writing and shall base the resolution upon relevant and undisputed facts and upon such relevant disputed facts as are determined. Sources of data or evidence or documents relied upon shall be identified. A copy of the decision shall be sent to both parties and to the Review Board.

(7) Notwithstanding anything in this rule to the contrary, a grievance based upon unreasonable differentiation among applicants or residents in fees charged by, or services or benefits offered in, University Housing and prescribed in OAR 580-015-0010 and 580-015-0050 (prohibited discrimination) shall be exclusively handled according to the procedures specified in OAR 580-015-0090 through 580-015-0160.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0065
Emergency Action

University Housing may act on its own initiative without notification and review by the Family Housing Board (in areas where mandatory notification and review would otherwise apply) only in a bona fide emergencies when time does not permit such notification and review. A notification of all emergency actions shall be sent

to the chairperson of the Family Housing Board as soon as practicable. A full written report of such action shall be made by University Housing to the Family Housing Board at its next regularly scheduled meeting unless such meeting falls within five working days of such action (in which case it shall be presented at the next succeeding regularly scheduled meeting). Emergency actions shall not constitute the setting or formulation of long-term policy nor shall they necessarily serve as precedent for future policy. To the extent such actions are practicably revocable or modifiable, the Family Housing Board shall be free to review and recommend regarding such actions consistent with these rules.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0070
Management Responsibilities

(1) Except for those recom-mendations brought to the Family Housing Board under mandatory notification and review, the following matters shall be deemed exclusively management responsibilities and shall neither be delegated to tenant organizations nor be subject to the consultation procedures involving the Family Housing Board:

(a) Routine maintenance and repair, including preventative maintenance, restoration of damaged or destroyed elements or facilities, or anticipatory replacement of obsolete or high-maintenance existing equipment;

(b) Assignment of units to residents by the University and eviction within established policies;

(c) Eligibility for residing in family housing facilities;

(d) Ensuring compliance with established fire, health, and safety regulations;

(e) Sanctioning non-compliance with city, county, state and federal laws and regulations, and administrative rules promulgated by the University of Oregon and the Oregon State Board of Higher Education as legally and functionally appropriate;

(f) Purchase of equipment, supplies and furniture (excluding that required for replacing or restoring existing furniture and equipment) which would require expenditures of less than $6,000, unless the purchase significantly affects the tenants' residential environment or may cause an increase in rental rates in excess of the standardized maximum increase over the preceding year (see OAR 571-022-0025(2)(c)(A)(v));

(2) The administration of the respective family housing areas shall be conducted in accordance with rules or policies set forth by the University of Oregon and the Oregon State Board of Higher Education pursuant to Oregon law and shall abide by all regulations respecting health, sanitation and safety as described by state law or local or city ordinances.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

571-022-0080
Delegation

The President of the University hereby delegates authority to the organizations and individuals designated in OAR 571-022-0015 through 571-022-0105 to carry out the provisions and responsibilities of these rules.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 22, f. & cert. ef. 5-5-76; UOO 38(Temp), f. & cert. ef. 10-4-77; UOO 41, f. & cert. ef. 11-10-77; UOO 1-1981, f. & cert. ef. 2-9-81; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91

Rental Rates, Fees, Charges and Eligibility, Family Housing Areas

571-022-0100
Rental Rates, Fees and Other Charges

(1) Monthly rental rates for Amazon Family Housing, Westmoreland Family Housing, and East Campus Family Housing are published annually as a subsection of Special Fees, Fines, Penalties, Service Charges, OAR 571-060-0005.

(2) Security deposits, charges for late payment of rent, and other miscellaneous fees, fines and penalties as specified in the University's family housing leases are published annually as a subsection of Special Fees, Fines, Penalties, Service Charges, OAR 571-060-0005.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 3, f. 7-30-73, ef. 8-1-73; UOO 16, f. 8-15-75, ef. 9-11-75; UOO 23, f. 6-1-76, ef. 7-1-76; UOO 33, f. & cert. ef. 8-3-77; UOO 11-1980, f. & cert. ef. 10-21-80; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91; UOO 4-1993, f. & cert. ef. 5-10-93

571-022-0105
Family Housing Eligibility and Lease Terms

(1) Eligibility for University-operated family housing shall be defined in the Family Housing/Apartments Lease agreement. Eligibility for such housing shall be determined by the Director of University Housing in consultation with the Family Housing Board (OAR 571-022-0025).

(2) Eligibility to lease Family Housing/Apartments shall be determined by considering:

(a) That the essential mission of University Housing is to provide housing for matriculated University students;

(b) That within its available stock of housing, the University should attempt to provide an appropriate housing option for as many students as possible;

(c) That University Family Housing/Apartments may constitute a significant financial benefit to its tenants;

(d) That many University students are the parents of minor children;

(e) That the housing needs of graduate and undergraduate students often vary;

(f) That appropriate housing options in the surrounding community for some students may be limited.

(3) Other non-financial lease terms for Family Housing/Apartments shall be determined by the Director of University Housing in consultation with the Family Housing Board (OAR 571-022-0025).

(4) The provisions of leases developed pursuant to this rule, except for the monthly rent charges, may be waived in unusual circumstances. Tenants, or would-be tenants seeking a waiver should submit a request on a petition form to the Director of University Housing who has authority to waive all provisions of family housing/apartment leases except the extension of credit and collection of rents, which can be waived only after consultation with the Director of Business Affairs. Applicants for a waiver will be advised of the decision within ten working days. Such a decision is within the sole discretion of these University officials. In making their decision, these officials shall objectively balance the needs, capabilities, circumstances, extenuations and responsibilities of the student along with the administrative practicalities, fiscal needs, safety and welfare requirements and evenhandedness obligations of the University.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060, ORS 351.070 & ORS 352.010
Hist.: UOO 4-1978(Temp), f. & cert. ef. 7-7-78; UOO 6-1980, f. & cert. ef. 5-28-80; UOO 11-1990(Temp), f. 11-16-90, cert. ef. 11-15-90; UOO 5-1991, f. 2-27-91, cert. ef. 3-15-91; UOO 4-1993, f. & cert. ef. 5-10-93

DIVISION 23

STUDENT MEDICAL LEAVE

571-023-0005
Voluntary Leave

If a student wishes to be placed on medical leave from the University and presents a recommendation to that effect from a physician or psychiatrist, the Dean of Student Personnel Services or a designated representative will request the Director of the Student Health Center to evaluate the information pertinent to the student's request.

Upon the affirmative written recommendation of the Director of the Student Health Center, the Dean of Student Personnel Services shall immediately grant the student's request.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0010
Transfer to Institutional Care

If a physician or psychiatrist on the staff of the Student Health Center determines the action is warranted, such physician or psychiatrist shall act as the representative of the University in emergency cases requiring immediate action to transfer a student pursuant to Oregon Laws, to an appropriate community or state health agency. Under such circumstances, the student shall be placed on medical leave from the University. If within seven days the emergency has abated and the Director of the Student Health Center so recommends to the Dean of Student Personnel Services, the implementation of the medical leave will be cancelled.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0015
Provision For Mandatory Leave

The following procedures shall be followed when the Dean of Student Personnel Services has reason to believe that a student may have a serious medical or mental health disability which substantially threatens the welfare of the individual, other members of the University community or the educational processes of the institution:

(1) Request for Evaluation. The Dean of Student Personnel Services, or a designated representative, will request the student promptly to seek appropriate professional assistance and evaluation. A professional evaluation of the student shall be conducted by a private physician or psychiatrist selected by the student or by a physician or psychiatrist on the staff of the Student Health Center. The physician shall then forward a written evaluation to the Director of the Student Health Center regarding the nature of any substantial threat to the welfare of the individual, other members of the University community, or the educational processes of the University. The report shall also contain a recommendation concerning the necessity for medical leave for the student.

(2) Refusal of Assistance. If, after request by the Dean of Student Personnel Services, or a designated representative, the student refuses to consult with a physician or psychiatrist, the Dean will, if practicable, request cooperation and assistance from the student's family in order to persuade the student to seek appropriate professional assistance and evaluation from a physician or psychiatrist.

(3) Report to Director of Student Health Center. If this assistance from the student's family is not obtained, or if the student takes no effective action to seek appropriate professional assistance and evaluation from a physician or psychiatrist, the Dean of Student Personnel Services shall so advise the Director of the Student Health Center. This report shall contain the following:

(a) A recommendation by the Dean concerning the need for the student to be placed on medical leave;

(b) A summary of the steps the Dean and other persons have taken with respect to the medical leave for the student; and

(c) A list of names of persons who have pertinent knowledge concerning the need to place the student on medical leave.

(4) Evaluation Conference Requirements. The Director of the Student Health Center may confer with or request written recommendations from other persons who may possess knowledge relevant to the determination of the necessity for medical leave. Following consideration of such materials, the Director of the Student Health Center shall:

(a) Set a date and time for a conference at which the Director will make a final determination concerning the necessity for placing the student on medical leave;

(b) Notify legal counsel to the University or the Oregon State Board of Higher Education of the pendency of this determination; and

(c) Notify the affected student in writing as provided in section (5) of this rule.

(5) Contents of Notice to Student. The Director of the Student Health Center shall notify the student in writing that a recommendation has been submitted by the Dean of Student Personnel Services concerning the need for medical leave for the student. The letter of notification shall include the following:

(a) The date, time, and place at which the Director of the Student Health Center will make a final determination concerning the need for the student to be placed on medical leave;

(b) A statement of the criteria warranting a determination of the necessity for medical leave: A medical or mental health condition that substantially threatens the welfare of the individual, other members of the University community, or the educational processes of the institution;

(c) An invitation to the student to attend the conference, to present evidence bearing on the determination, and to be accompanied by a personally selected representative;

(d) An invitation to the student to request information and recommendations in writing from other persons possessing knowledge of the student's condition, and where relevant to the final determination of the Director, to request their appearance at the conference.

(6) Conduct of Conference for Medical Determination. At the conference convened pursuant to this notice, the Director of the Student Health Center shall refer to reports and recommendations and hear the evidence in an order determined to be best suited to the requirements of the ultimate medical determination. The Director is empowered to request further independent medical or psychiatric examinations of the student which may be relevant to the determination.

(7) Proceedings under ORS Chapter 183. In any circumstances in which the proceedings for determination of the necessity for medical leave might be required by law to be conducted in accordance with the provisions of ORS Chapter 183 rather than through the conference as provided in section (5) of this rule, the Director of the Student Health Services is authorized as follows:

(a) To obtain the appropriate assistance and advice of legal counsel in the Director's rulings on evidence and findings of fact;

(b) To hear and determine the case and to enter the final order as provided by law;

(c) To appoint an independent physician or psychiatrist to examine the student at the expense of the University and provide the Director with an independent evaluation;

(d) To require that the student submit to such independent examination as a condition of the hearing and of any right to further attendance at the institution.

(8) Determination of Director:

(a) If, following the conference in section (6) of this rule or any proceedings required by section (7) of this rule, the Director of the Student Health Center determines that the student's medical or psychiatric condition does not substantially threaten the welfare of the individual, of other members of the University community or the educational processes of the institution, the Director will so inform the student and the Dean of Student Personnel Services in writing, and no further action will be taken.

(b) If, following the proceedings in section (6) or (7) of this rule, the Director of the Student Health Center determines that the student's medical or psychiatric condition substantially threatens the welfare of the individual, of other members of the University community or of the educational processes of the institution, the Director will so inform the student and the Dean of Student Personnel Services in writing, and the student will be notified and placed on medical leave by the Director of the Student Health Center.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0020

Finality of Determination

Any determinations made by the Director of the Student Health Center pursuant to these procedures shall be final, except that a student may appeal to the Vice President for Student Services to order the determination reopened in any case where existence of a prejudicial procedural error is established.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0025
University Duties of Refund and Notification

If a student is placed on medical leave from the University, the Dean of Student Personnel Services shall instruct the Registrar to withdraw the student immediately and to initiate the appropriate tuition and fee refund, and will attempt to notify the family. If the leave occurs late in the term and incompletes are more appropriate for the student's work, the Dean shall seek that action rather than withdrawals from all courses.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0030
Notification of Conditions of Return

If a student is placed on medical leave from the University, the Dean of Student Personnel Services will inform the student in writing that the student may return to the University at a later date after the Director of the Student Health Center certifies that the conditions giving rise to the determination that medical leave was required are no longer present.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0035
Conditional Guarantee of Return

A student who returns from medical leave is guaranteed reenrollment in the University provided scholastic and other academic qualifications are met. Quota restrictions or enrollment limitations shall not bar such a student from enrollment.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

571-023-0040
Delegation of Authority

The President of the University hereby delegates to the Vice President for Student Services, the Dean of Student Personnel Services, the Director of the Student Health Center and their designees the authority to conduct the proceedings and render the determinations as specified herein.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74

DIVISION 24

ERB MEMORIAL UNION

571-024-0005
EMU Child Care and Development Centers

The EMU Child Care and Development Centers (CCDC) provide child care for a fee to the extent that funding, licensed space, and time available permit. The centers are intended primarily to serve the needs of University of Oregon student families, seeking to achieve balance between child care needs of student parents and the need to provide continuity of child care for children and families. When space and time allow, after student families have enrolled, University employees and community families may use the Centers' facilities. Schedules of operating hours are available at the Centers.

(1) Definitions:

(a) "Student" is any person who is enrolled for three out of four terms in the academic year at the University of Oregon;

(b) "Full-time" and "part-time" student status are defined according to University regulations published in the Tuition and Fee section of the current edition of the **University of Oregon General Catalog**;

(c) "University employee family" is one in which one member of the family is on the University of Oregon payroll;

(d) "Community family" is one in which no member of the family is a University of Oregon student or an employee of the University of Oregon;

(e) "Special-needs children" are those who qualify for Early Intervention services. Those services are provided at CCDC and support services are provided to assist in meeting their special needs.

(2) Admission to the EMU Child Care and Development Centers shall be made according to a priority ranking and an admission point system. A change to non-student status for one out of four terms shall not effect access to child care.

(3) Priority ranking for admissions shall be determined as follows:

(a) First admission priority shall be assigned to student families to be ranked according to total number of points (see section (4) of this rule);

(b) Second admission priority shall be assigned to University of Oregon employee families according to total number of points;

(c) Third admission priority shall be assigned to "community families" According to total number of points;

(d) First priority within all categories in subsections (a), (b), and (c) of this section shall be assigned to those who are returning according to seniority; second priority shall be assigned to new families.

(4) The admissions point system shall be based on the following scale and applied to student, employee, and community families when needed to establish ranking within these categories. The total number of points to establish seniority shall be calculated as follows:

(a) 1 point — For each consecutive term one or more children of a family have been enrolled in CCDC;

(b) 5 points — Full-time student;

(c) 3 points — Part-time student;

(d) 2 points — Student at another university or college or full-time worker;

(e) 1 point — Part-time worker, including student employment or GTF;

(f) Only one parent per family is eligible for the points listed in subsections (b) through (e) of this section.

(5) When two or more families within the same priority rank qualify for the same number of points, admission eligibility will be determined as follows:

(a) First: Returning families have priority over new families;

(b) Second: Families in which all parents are students;

(c) Third: Families in which non-students are full-time University employees;

(d) Fourth: Families who had previously applied and been unable to gain admission into CCDC.

(6) Families shall not lose seniority points for absence of one term during the year, for a University of Oregon-granted leave of absence, or for an approved employee leave. Leave of absence is defined in the **University of Oregon General Catalog** under the heading "On Leave Status".

(7) Special-Needs Children:

(a) Four primary spaces over the four on-campus sites will be set aside for qualified special-needs children (on-campus includes the Moss House, the Brown House, the Green House and the EMU site);

(b) Up to four spaces over the two Westmoreland sites may be set aside for qualified special-needs children (Westmoreland sites include the Westmoreland Toddler site and the Westmoreland Preschool site).

(c) Priority for admittance to these spaces within this category shall be subject to the enrollment provisions established in sections (2) through (5) of this rule.

(8) Duration of Care:

(a) Child care will be maintained for families, throughout the academic year, once the child is enrolled, assuming student status is maintained;

(b) If any child of a University employee or community family is admitted to the program for Fall, Winter, or Spring Term, that family's enrollment space shall continue until their child enrolls in first grade. Such children will constitute no more than 20% of CCDC's population.

(9) Applications for Summer, Winter, and Spring terms will be accepted during the University's regular Duck Call registration period for those respective terms. Priorities shall be established no later than two weeks after the final day of registration. Applications received after this time shall be processed on a space-available basis.

(10) Fall Term applications shall be accepted during the scheduled Duck Call registration period for Fall Term. Priorities shall be established no later than four weeks after the final day of Duck Call registration. Applications received after this time shall be processed on a space available basis.

(11) Depending on annual Incidental Fee Committee allocations available, subsidies to assist student families to meet CCDC's costs may be available. Application forms are available at CCDC's main office. Subsidies are allocated on a sliding scale basis according to financial need.

(12) Fees for child care to the EMU Child Care and Development Centers are published annually in OAR 571-060-0005. A copy of current fee schedules is available at the main office.

(13) Persons with complaints about admission procedures, fees, or other administrative problems must:

(a) First submit a written complaint to CCDC's Child Care Coordinator;

(b) If a problem is not resolved, persons with such complaints may then appeal to CCDC's Parent Council;

(c) The final appeal within this process may be presented to the Erb Memorial Union Board of Directors;

(d) If the complaint is not resolved through the process outlined in subsections (a)–(c) of this section, the complaint may be filed as a grievance under the University's Grievance Procedures in OAR 571-003-0000, et seq.

[Publications: The publication(s) referenced in this rule is available from the agency.]

Stat. Auth.: ORS 351.060 & ORS 351.070

Stats. Implemented: ORS 351.070

Hist: UOO 6-1981, f. & cert. ef. 6-8-81; UOO 11-1981(Temp), f. & cert. ef. 7-23-81; UOO 18-1981, f. & cert. ef. 12-28-81; UOO 5-1984(Temp), f. & cert. ef. 9-18-84; UOO 7-1984, f. & cert. ef. 11-29-84; UOO 6-1986(Temp), f. & cert. ef. 12-11-86; UOO 2-1987, f. & cert. ef. 4-21-87; UOO 9-1990, f. & cert. ef. 11-6-90; UOO 11-1991(Temp), f. & cert. ef. 9-16-91; UOO 2-1992, f. 5-14-92, cert. ef. 6-15-92; UOO 2-1995, f. & cert. ef. 2-6-95; UOO 8-1997, f. & cert. ef. 6-25-1997

DIVISION 30

FACULTY RECORDS POLICY

571-030-0005
Authority

These rules concerning faculty records conform to and are governed by ORS 351.065 and the Administrative Rules of the State Board of Higher Education.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.065 & ORS 352.010

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 thru 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0010
Definitions

(1) "Directory Information" is that information generally needed in locating a particular academic staff member, including information found in the **University Catalog, Time Schedule of Classes**, and **Telephone Directory**.

(2) "Records of Academic Achievement" are limited to the information as to the number of credits earned toward a degree or in post-doctoral work, and certificate(s), diploma(s), license(s), and degree(s) received.

(3) "Salary Information" shall include the rate of pay and terms and conditions of employment.

(4) "Personal Records" are all other records containing information concerning an academic staff member, apart from those identified above. Personal records include but are not limited to: Information kept by the University, college, or school, department or division concerning a specifically identifiable faculty member and furnished by the staff member or by others at the University's, college's or school's, department's or division's, or at the staff member's request. Personal records include but are not limited to: information as to discipline, counseling, membership activity, other behavioral records, professional preparation and experience, professional performance (e.g., assignment and work-load, quality of teaching — including records tabulated from students' classroom survey evaluations — research, and service to the institution), personnel data relating to such matters as promotions, tenure, leaves, retirement credits and the like, and professional activities external to the institution, including but not limited to, awards, recognition, research activity, or travel.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.065 & ORS 352.010

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0015
Faculty Records — Restrictions on Use

(1) Directory Information, Records of Academic Achieve ment, and Salary Information, as defined in OAR 571-030-0010, may be released upon request and without the faculty member's consent.

(2) Personal records, as defined in OAR 571-030-0010, are hereby designated as confidential in order to protect privacy rights in an adequate educational environment. Access to personal records shall be restricted as hereinafter set forth in OAR 571-030-0025, 571-030-0030, 571-030-0035, and 571-030-0040.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.065 & ORS 352.010

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0020
Faculty Records — Restrictions on Contents

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

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.065 & ORS 352.010

Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0025
Personal Records — Restrictions on Access

(1) Personal records (except privileged psychological and medical records which are subject also to additional restrictions on access) shall be available only to University personnel such as faculty administrators, students and others serving on official institutional committees or in other official institutional capacities who have a demonstrably legitimate need for particular information in order to fulfill their official, professional responsibilities.

(2) Contents of personal records shall also be available to the faculty member who is the subject of the records as herein provided, in OAR 571-030-0030 and for research purposes as provided in OAR 571-030-0035.

(3) Personal records may not be released to any other person or agency without the faculty member's written consent, unless upon receipt of a valid subpoena or other court order or process or as required by valid state or federal laws, rules, regulations, or orders.

(4) Upon receipt of a subpoena or other court order or process seeking access to faculty personal records, the recipient, if legally permissible, must take reasonable efforts to notify the subject faculty member and must notify the President or his designated representative prior to any institutional responses. The latter will determine whether or not appropriate University or State Board of Higher Education personnel should appear in court to test the validity of the subpoena or court order or process.

(5) The appropriate Vice President shall have the authority to determine the legitimacy of any disputed request for access to the personal records of a faculty member.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0030
Personal Records — Access by Subject Faculty Member

(1) Each faculty member shall be provided full access to his or her personal records, as defined in OAR 571-030-0010 as designated confidential in OAR 571-030-0015 and maintained according to the provisions of OAR 571-030-0040 and 571-030-0045, except as limited below in this rule. Such records shall be made available for inspection or copying at a reasonable time and place upon request to the custodian of said records.

(2) Evaluative statements submitted in confidence by individuals prior to July 1, 1975, or prior to employment of the faculty member if after July 1, 1975, to the University, college or school, division or department, either at the request of the faculty member or at the request of the President or a Vice President, Dean, Division or Department Head, concerning the subject faculty member's teaching or other professional performance, scholarship, or service, and supplied with the understanding that the substance of the evaluative statement will be available to the subject faculty member upon request, shall be maintained as part of the faculty member's personal records, but the identity of the evaluator shall not be revealed to the subject faculty member.

(3) Upon the request of the subject faculty member, if employed prior to July 1, 1975, the full text of evaluative statements supplied prior to July 1, 1975, shall be made available to him or her by the appropriate Vice President, Dean or Department Head except that portions of the text which would serve to identify the contributor shall first be excised by a three- person subcommittee of the Faculty Personnel Committee (or three faculty members acting as its designees) and placed in the confidential file permitted by OAR Chapter 580, State Board of Higher Education. Also upon request of the faculty member, the same subcommittee shall examine the contents of the faculty member's confidential file to verify that it contains only those excised portions defined in this section. The committee shall have the authority to require that any other material be removed from the confidential file. Upon request of the faculty member, the same subcommittee shall examine the contents of the faculty member's closed personal records to verify that the staff member has been given the text of all statements therein, and if not, they shall provide the faculty member with a statement of the substance thereof.

(4) Confidential letters or other information received by the institution, school, department, or division after July 1, 1975, prior to the employment of a faculty member, shall be placed in the evaluation files relating to the faculty member. If the applicant is not employed, the confidential information submitted concerning the applicant shall remain confidential. If an applicant who is employed requests access to his or her files, the anonymity of the contributors of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available by the appropriate Vice President, Dean, or Department Head, except that portions of the text which would serve to identify the contributor shall be excised and retained in the confidential file permitted by OAR chapter 580, State Board of Higher Education.

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

(6) A copy of the regular written evaluation of the faculty member made by the supervising administrative officer, shall be given to the faculty member, and a copy of the evaluative statement, duly signed by the faculty member signifying that the staff member has been given a copy thereof shall be placed in the faculty member's personal records. Each such regular written evaluation shall contain or have attached to it a statement to the effect that:

(a) At the faculty member's option the evaluative statement may be discussed with the evaluating administrator and that;

(b) The substance of any confidential evaluative statements in the closed portion of personal records shall be made available to the faculty member upon request and that;

(c) The faculty member may have entered into the staff member's personal records a rebuttal, refutation, or explanation of any regular written evaluation or any confidential evaluative statement therein.

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

(8) Except as provided in ORS 351.065, the University and its subdivisions when evaluating its employed faculty members shall not solicit or accept letters, documents, or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

(9) If the institution, school, department, or division solicits or accepts student evaluations of the classroom or laboratory performance of a faculty member, such evaluations or surveys shall be conducted anonymously. The record of reports tabulated from student evaluations shall be placed in at least one of the evaluation files defined in OAR Chapter 580, State Board of Higher Education. All survey instruments from which evaluation data are obtained shall be delivered to the faculty member. No other evaluative material shall be accepted from students unless the students are first clearly informed that the faculty member will have access to such material and that the anonymity of the student cannot be preserved.

(10) The appropriate Vice President shall be the person to whom requests for information shall be addressed under Board rule concerning personnel actions affecting categories of faculty members where such actions appear to have relevance to the case of the faculty member making the request for information. The supplying of such information may be limited where the burden of complying with such requests would unreasonably impede the normal functioning of University business.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0035
Personal Records — Access for Research Purposes

Information about faculty members for research purposes may be provided, contingent upon the existence of adequate provisions to conceal from the person(s) doing the research, the identity of the individual faculty members whose personal data or information are being included in the research. Research requests may also be limited where the burden of complying with such requests would unreasonably impede the normal functioning of University business. If the confidentiality of faculty personal records would be jeopardized in any way by the release of the information for research purposes, the written consent of the faculty member must be obtained prior to the release of information. All such requests for information must be

submitted to the Vice President for Academic Affairs and Provost, who will obtain the approval of the appropriate faculty committee on human research before releasing any information from personal records for research purposes.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14,(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0040
Personal Records — Location and Custody

(1) All faculty personal records shall be kept within the Vice Presidential, College or School division, or department offices in which they are utilized.

(2) Each Vice President, Dean, Director, or Department Head shall be the official custodian of the personal records contained within the operating unit, unless another person is specifically designated, in writing, by such Vice President, Dean, Director, or Department Head, to assume his responsibility.

(3) The custodian of personal records shall maintain them in a manner which shall insure their confidentiality and security.

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

(5) The term "file" as used in this section is understood to mean a physical repository containing comprehensive personal records relating to a faculty member's qualifications, competence, and performance in his or her professional capacity. The number of files relating to the evaluation of a faculty member, or to each component of the separate assignments of faculty members with split or joint appointments, shall be limited to a total of three, except for a file designated pursuant to rules of the Oregon State Board of Higher Education for the maintenance of material properly held confidential or excised from other records. All files shall be kept in designated and accessible places.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0045
Personal Records — Permanence, Duplication, and Disposal

(1) The individual faculty member's personal record shall be maintained only for the minimum period of time required to serve the basic official functions for which the records were generated.

(2) The permanent retention of faculty personal records shall be limited to those which the President, the University Archivist, or the State Archivist shall determine to be of long-range value to the individual faculty member, to the University, or to the public.

(3) Duplication of permanent faculty personal records shall be permitted only when such records are required to serve the official functions of the office which maintains them and when the custodian has given his consent.

(4) Duplicate permanent records, evaluative statements and other similar personal records not designated for permanent retention shall not be maintained for a period longer than ten years without the approval of the President or the President's designee. All such records which have been maintained for a period of twenty years shall be disposed of in such a manner as to protect their confidentiality.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef. 11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

571-030-0050
Fee for Copies

Where a faculty member requests copies of materials under OAR 571-030-0030 or 571-030-0035, the University may charge a reasonable fee, not to exceed the actual cost of providing the material.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 5, f. 10-22-73, ef.11-11-73; UOO 14(Temp), f. 8-11-75, ef. 8-7-75 - 12-4-75; UOO 25, f. & cert. ef. 8-17-76

DIVISION 40

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

571-040-0200
Purpose

The purpose of the rules outlined in Oregon Administrative Rules chapter 571, division 40, OAR 571-040-0200 through 571-040-0390, 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 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0210
Code of Ethics

(1) The following Code of Ethics has been extracted from the OSSHE Administrative Rule, 580-040-0205, and shall apply to University employees in 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0220
Delegation of Authority

These delegations have been extracted from the OSSHE Administrative Rule, 580-040-0210.

(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.

(5) The above Administrative Rules do *not* apply to Personal Service Contracts or facilities contracting, which have their own rules. In addition, the University, by virtue of having developed and promulgated their own purchasing rules, approved by the OSSHE Vice Chancellor for Finance and Administration, is exempted from OAR 580-040-0223 to 580-040-0295.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0230
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) "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.

(4) "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 equitability and economy.

(5) "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.

(6) "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.

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

(8) "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.

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

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

(11) "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.

(12) "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.

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

(14) "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.

(15) "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.

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

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

(18) "Oregon Administrative Rules (OAR)": Agency rules adopted under the Oregon Administrative Procedures Act.

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

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

(21) "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.

(22) "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.

(23) "Proposer": A person or entity who submits a proposal in response to a Request for Proposals.

(24) "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) certifies every QRF in Oregon. See ORS 279.835 to 279.855 and OAR 125-030-0015.

(25) "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.

(26) "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.

(27) "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.

(28) "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.

(29) "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.

(30) "Responsible Bidder or Proposer": Has the meaning given in OAR 571-040-0350.

(31) "Responsive Bid or Proposal": Has the meaning given in OAR 571-040-0352.

(32) "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.

(33) "Single Seller": 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.

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

(35) "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.

(36) "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.

(37) "Women Business Enterprise (WBE)": The meaning given in OAR 125-030-0000.

(38) "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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0240
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 Affairs 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 Affairs 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 procurement they are authorized to enter into.

(2) The Vice President of 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 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 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 section (1) and (2) shall be responsible for ensuring that the proper procedures, as detailed in OAR 571-040-0243 to 571-040-0390, are followed for all institutional procurements. The University may take appropriate action in response to expenditures or actions authorized contrary to OAR 571-040-0243 to 571-040-0390. 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0243
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 137-030-0055 — Addenda to Solicitation Documents;

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

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

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

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

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

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

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

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

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

(14) OAR 137-030-00130 — Foreign Contractor; and

(15) OAR 137-030-00150 — Right to Inspect Plant.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0250
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;
(f) Intergovernmental;
(g) Procurement Cards;
(h) Price Agreements;
(i) Retainer Agreements;
(j) Requirements Contracts;
(k) Qualified Vendor Listings; and/or
(l) 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 the 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 571-040-0390. 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 exemptions 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 Support Services Office.

(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 Support Services Office has approved release from the formal procurement process, upon its finding that using such will not interfere with competition among prospective 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.

(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 of 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, 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. The University and its departments 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 Purchasing Support Services department may enter into price agreements on behalf of its departments with vendors to provide specific items at a set price during a specified period of time. The University and its departments may also purchase using State of Oregon or other governmental unit price agreements as authorized personnel deem appropriate without the use of competitive procedures.

(12) Departments, with the approval of the Purchasing Support Services 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.

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

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

(15)(a) Notwithstanding any of the procedures in this rule, the University and its departments are 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0253
Procurement of Telecommunications Equipment and Services

The following Procurement of Telecommunications Equipment and Services has been extracted from the OSSHE Administrative Rule, 580-040-0228 and applies 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 delegations 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 and its institutions, 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0260
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 goods and services. When purchasing from a single seller, 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) 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 and its departments may specify a list of qualified products by reference to the prequalified product(s) of particular manufacturers or sellers.

(d) Advertising and media services contracts.

(e) 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.

(f) 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.

(g) 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.

(h) Investment contracts.

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

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

(k) 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.

(l) Used personal property.

(m) Goods purchased for resale.

(n) 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 or acquiring equipment and supplies used in intercollegiate or interscholastic athletic programs.

(o) Media for athletic programs.

(p) Athletic contest agreements.

(q) Cadaveric organs.

(r) Designated conferences and workshops' hotel sites.

(s) Dues, registrations, and membership fees.

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

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

(v) Equipment repair and overhaul.

(w) Goods and services purchased in foreign countries.

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

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0263
Solicitation Protest/Change Request Procedure

All protests of solicitation documents are limited to the following issues and filing times.

(1) Unless otherwise specified in the solicitation document, the bidder or proposer may submit a written protest or request for change of particular solicitation provisions, specifications, or contract terms and conditions to the University no later than ten (10) business days prior to close of the solicitation. Any solicitation document which requires an earlier protest deadline or request for change shall be approved by the Director of Business Affairs or designee prior to the release of the solicitation.

(2) The bidder or proposer shall submit in writing the reason for the protest or request and any proposed changes to the solicitation provisions, specifications or contract terms and conditions.

(3) Envelopes containing requests for change or protests of solicitation specifications or contract provisions shall be marked as follows: Solicitation Specification (or Contract Provision) Request for Change (or Protest), and shall include the solicitation document number or other identification.

(4) The Director of Business Affairs or designee shall review the bidder or proposer's protest of the solicitation document, and shall have the authority to make the final determination as to sufficiency of the solicitation document

(5) The University will not consider a solicitation protest submitted after the deadline established in this rule or the deadline provided in the solicitation document, if different.

(6) The University will (upon altering the solicitation in response to a protest/request) promptly mail copies of the revised solicitation to all responders, and extend the response deadlines where appropriate. If the revision makes a solicitation substantially more attractive, the University shall readvertise.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0270

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 solicitation. Such factors may include, but need 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0271
Selection or Award Protest Procedure

All protests of selection or award are limited to the following issues and filing times.

(1) Unless a different deadline is specified in the solicitation, a bidder or proposer who claims to have been adversely affected or aggrieved by the selection of a competing bidder or proposer shall have seven (7) business days after receiving notification of the award to submit a written protest. To be adversely affected or aggrieved, the bidder or proposer must demonstrate that all higher-ranked bidders or proposers were ineligible for selection, or that the protestor would have been "next in line" to receive the award and that the bidder or proposer who won the award was ineligible. The University shall not consider a protest submitted after the deadline established in this rule, or the deadline provided in the solicitation, if different.

(2) The Director of Business Affairs or designee shall have the authority to settle or resolve a written protest submitted in accordance with section (1) of this rule, and shall issue a written Final Agency Order. Contract award shall not be made prior to issuance to the protesting bidder or proposer 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0280
Determination of Contractual Terms and Conditions

Except to the extent the University has established mandatory contract provisions, 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 51
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0290
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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0310
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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0320
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 (EDI). The University or its departments shall determine the methods of receiving and responding to solicitations, either individually or by type of solicitation. When the University or its departments chooses 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 chooses to accept bids or proposals by EDI, it shall follow the requirements outlined in OAR 137-030-0014(4).

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0350
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 University's Purchasing Support Services office.

(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 or proposer is responsible.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0352
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 Proposal 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0360
Rejection of Individual Bids or Proposals

(1) This rule applies to rejections of individual bids or proposals. The University and its departments may reject 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 nonresponsible, 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 571-040-0382(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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0361
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 (7) business days to submit a written protest after receiving notification of rejection. 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 the deadline established in this rule, or the deadline provided in the solicitation, if different.

(2) The Director of Business Affairs or designee shall have the authority to settle or resolve a written protest submitted in accordance with subsection (1) above, 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0370
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 the person has 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 Disadvantaged Business Enterprise, Minority Business Enterprise, Women Business Enterprise, Emerging Small Business 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 itself grounds for a 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 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
Stats. Implemented:: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0371
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 wishes to protest the University decision to disqualify, the bidder or proposer must notify the University within three (3) business days after receipt of the notification.

(2) The Director of Business Affairs or designee shall arrange for a hearing as set forth in OAR chapter 571, division 2, Contested Cases. Contract award (if any is pending while the disqualified entity is appealing) shall not be made prior to 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0380
Purchasing Policies Governing the Acquisition of Goods and Services from Qualified Rehabilitation Facilities

(1) 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. ORS 279.850(1) states in part, "… agency shall, in accordance with rules of the department, procure such product or service, at the price established by the department, from a qualified nonprofit agency for disabled individuals provided the product or service is of the appropriate specifications and is available within the period required by that public agency."

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0382
Affirmative Action; General Policy

The following Affirmative Action General Policy 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, business 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

571-040-0390
Recordkeeping Requirements

These delegations have been extracted from the OSSHE Administrative Rule, 580-040-0295.

(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) 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
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1996, f. & cert. ef. 7-23-96

DIVISION 50

GENERAL

571-050-0005
Smoking Restrictions in University Facilities

(1) Smoking is prohibited in all University classrooms. This ruling also applies to the affected classroom areas for the time between class sessions.

(2) Smoking is prohibited in all campus areas where "No Smoking" signs have been posted by the Physical Plant for safety reasons, to implement other sections of this rule, or in conformance with Oregon Revised Statutes.

(3) Smoking is prohibited in all public gatherings such as movies, lectures, and concerts in campus buildings. It is also prohibited in school and college meetings.

(4) Smoking is prohibited in all public places in the Erb Memorial Union except in designated smoking areas. The Director of the Erb Memorial Union or the Director's designee is hereby delegated authority to specify such areas.

(5) Smoking is prohibited in all public offices except in designated smoking areas. The responsible office administrator or the administrator's designee is hereby delegated authority to specify such areas. A public office is defined as one which serves members of the University community or the public at large.

(6) Smoking is permitted in any workroom or private office only at the discretion and mutual agreement of all of the assigned occupants or regular users so long as the smoke does not move out of that office into any adjacent area or into the building's mechanical ventilation system. A private office is defined as one which has one or more assigned occupants or regular users and which is not ordinarily used by other members of the University community or the public at large except by appointment.

(7) Smoking is prohibited in elevators, stairwells, foyers, and restrooms.

(8) Smoking is prohibited in all University-owned vehicles.

(9) Smoking is prohibited in any University building when a majority of the building users in a written vote administered by the building administrator request the building be designated as a "No Smoking Building". A sign "No Smoking Building" shall be posted at the direction of the building administrator at all entrances to the building:

(a) A vote about smoking in a building may be held not more than once each academic year;

(b) Building administrators shall designate one building entry outside of which smoking may take place. Such entry shall not be the main entry to the building. Cigarette butts shall not be discarded on the grounds, sidewalks, exterior steps, or lawns adjacent to the entry where smoking is permitted.

(10) Smoking is prohibited in all exterior seating and aisles of Autzen Stadium, Hayward Field, Howe Field and in posted locations in athletic facilities. Complaints about violations of this section shall be made to Athletic Department officials or their designated agents. Violators failing to respond to a request to extinguish their smoking materials by Athletic Department officials or their agents, may be required to leave the event. Smoking is permitted in all exterior concourse and parking areas of Autzen Stadium, Hayward Field and Howe Field.

(11) Complaints about other (than section (10) of this rule) violations of this rule shall be submitted in writing to the building or facility administrator.

(12) The University administration reserves the right to impose, consistent with applicable provisions of state laws and regulations, applicable collective bargaining agreement, and applicable University and OSHBE administrative rules, reasonable sanctions, including disciplinary actions, upon faculty, staff and students who violate this rule.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 8, f. 5-3-74, ef. 6-25-74; UOO 12-1982, f. & cert. ef. 12-10-82; UOO 6-1990, f. & cert. ef. 5-18-90

Regulation of Possession of Glass Containers at Certain Athletic Facilities

571-050-0011
Articles and Activities Prohibited Inside Athletic Facilities

(1) The following items are not allowed inside (or on the rampways, stairways, and tunnels leading into) any University facility which serves as a site for intercollegiate athletic competition whether or not such competition is actually occurring:

(a) Glass containers of any kind;

(b) Metal cans;

(c) Weapons;

(d) Fireworks, explosives, and munitions;

(e) Alcohol or alcoholic beverages or freezes.

(2) Exceptions to the above prohibition are limited to:

(a) Alcoholic beverages and alcoholic beverage containers belonging to the University of Oregon, or to licensed concessionaires 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 and those duly licensed to carry them when carried in the manner permitted by the license;

(c) Fireworks in the custody of any group operating or presenting an officially sanctioned fireworks display.

(3) University employees or agents shall request, as a condition of the license to enter, that persons about to enter allow them to look inside all backpacks, briefcases, suitcases, athletic bags, packages, duffle bags, coolers, ice chests, picnic baskets, and other similar containers capable of concealing prohibited articles:

(a) University employees and agents requesting such an inspection shall do so outside the facility's ticket gate. They shall inform persons in possession of the containers to which the inspection request pertains that they are free to decline the inspection and may receive a refund of the price of the ticket and parking (if parking fees were incurred) upon surrender of their tickets or, in the alternative, the persons may discard the container or prohibited items in the container or return them to a vehicle without inspection and then enter the facility without such items;

(b) Personnel making the inspection requests are not obliged to cause entering spectators to wait in line while other inspections are proceeding. They must, however, request the inspection of the next person who appears carrying inspectable containers as soon as they have completed any given inspection;

(c) Signs with lettering no less than two inches high shall be prominently displayed at each entrance to any proximate parking lot, at pedestrian entrances to the Autzen Stadium grounds off Centennial Boulevard and Day Island Road, at the south end of the Autzen Stadium footbridge, and no more than fifty feet in front of each inspection point. The signs shall itemize the prohibited articles, explain the potential request for inspection and the right-to-decline options, including refund. Similar explanations shall be printed on season ticket order forms and shall be displayed at ticket windows where tickets for events at University athletic facilities are regularly sold.

(4) If prohibited articles are discovered during an inspection, the possessor of such items shall be offered the choice of discarding them in a public trash receptacle or of returning them to a vehicle.

(5) 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 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.

(6) If a refund is requested under the provisions of subsection (3)(a) of this rule, a bearer coupon shall be signed and delivered reasonably promptly by University officials. Such a coupon shall not name the person possessing the articles, but it shall specify the location, price and date. This bearer coupon may be turned in at (or mailed to) the University Athletic Department's ticket office for a full refund within 30 days.

(7) Inspections allowed hereunder do not include pat-down inspections of clothing being worn but do extend to carried items.

(8) Prohibited articles which may be seen without inspections are subject to the same consequences as specified in section (4) of this rule.

(9) Open umbrellas are prohibited in all Autzen Stadium, Hayward Field and Howe Field seating areas, seating area aisles, and standing room only locations. Complaints about violations of this section shall be made to Athletic Department officials or their designated agents. Violators failing to respond to a request to close their umbrellas by Athletic Department officials or their agents may be required to leave the event.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.060 & ORS 352.004
Hist.: UOO 7-1983(Temp), f. & cert. ef. 8-15-83; UOO 4-1984, f. & cert. ef. 7-31-84; UOO 5-1990, f. & cert. ef. 5-18-90; UO 3-2000(Temp), f. 9-20-00, cert. ef. 9-20-00 thru 3-18-01; Administrative correction 6-21-01

Policy Restricting the Use of Roller Skates and Skateboards in University of Oregon Facilities

571-050-0020
Roller Skates and Skateboards

(1) Use of roller skates or skateboards inside University buildings, structures, or facilities is prohibited.

(2) Only the cautious use of roller skates and skateboards is permitted on University property. Acrobatics or other stunts performed on or using roller skates or skateboards are prohibited.

(3) Users of roller skates and skateboards must yield the right-of-way to pedestrians.

(4) Use of roller skates or skateboards is prohibited (unless otherwise permitted by signs) in areas of pedestrian traffic, including, but not limited to walkways, sidewalks, loading docks, driveways, and access ramps.

(5) Use of roller skates or skateboards is permitted on University paved roadways designed for vehicular or bicycle traffic provided users obey all traffic safety rules and this rule.

(6) Users of roller skates and skateboards shall obey all campus stop, yield, and dismount signs.

(7) Any person violating this rule is subject to:

(a) A fine as listed in OAR 571-060-0005;

(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 an authorized University employee or agent.

(8) Building managers, deans, department heads, directors, and campus security officers are authorized to enforce administration of this rule and to direct individuals violating this rule either to remove the roller skates/to stop using the skateboard, or to leave the premises.

(9) Exception to this rule may be made for University-sponsored and supervised programs.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 5-1979(Temp), f. & cert. ef. 10-3-79; UOO 6-1979, f. & cert. ef. 12-20-79; UOO 3-1986(Temp), f. & cert. ef. 7-16-86; UOO 5-1986, f. & cert. ef. 12-9-86; UOO 3-1991, f. & cert. ef. 2-11-91

571-050-0025
Animal Control

(1) To protect public health and safety, the University does not permit animals in its buildings.

(2) Unattended or unleashed domestic animals are not permitted on the property of the University.

(3) Exceptions:

(a) Dogs trained to assist the handicapped;

(b) Dogs authorized by permit issued by the Office of Public Safety;

(c) Animals used for authorized research projects or experiments;

(d) Residents of the University's East Campus Housing only may keep authorized pets within their rented property.

(4) The Office of Public Safety will call a control agency to remove and impound unattended or at-large animals.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.065 & ORS 352.010
Hist.: UOO 3-1980, f. & cert. ef. 4-7-80

Commercial and Charitable Solicitations and Commercial Transactions

571-050-0030
Introduction

The University of Oregon recognizes the right of its students to familiarize themselves with divergent points of view and to associate with whomever they choose. The University further recognizes the right of members of the public to enter the campus of the University and to engage in lawful and peaceful activities while there. It is the belief of the administration of the University of Oregon that encouragement of these rights will lead to a broader, richer education for its students. Rights do not exist without responsibilities, however. Nor is the University without an obligation to provide a safe, private, scholastic environment in which its students may pursue their studies without interference. To insure that both the rights and the responsibilities are satisfied as fully as possible, the University has adopted the following rules concerning public access to the campus. They are designed to strike a balance which will provide free access and protect the educational environment without sacrificing one to the other.

(1) Definitions. As used in this rule, the following definitions apply:

(a) "Sale", "selling", or "purchasing" mean an activity which creates an activity or obligation to transfer property or services for a valuable consideration;

(b) "Commercial solicitation" means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale;

(c) "Private sale" means occasional selling between persons who are campus students or employees;

(d) "Commercial transactions" means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business. To the extent a non-profit organization or charity is selling a tangible product or is offering a tangible product with the expectation of thereby obtaining an immediate and direct contribution, this aspect of the entity's activity shall be deemed for the purposes of this rule to be a commercial transaction;

(e) "Interference standard" describes the basis on which University officials will make an activity impact judgement (i.e., extent to which an activity or proposed activity limits, impedes or makes more costly than normal the use or function of an area);

(f) "Charitable solicitation" means any direct and personable communication in the course of the operations of a not-for-profit organization reasonably intended to result in a sale or monetary contribution;

(g) "Not-for-profit organization" means any group of individuals, formally or informally organized for the purpose of promoting the well-being of the public at large or for benefitting an indefinite number of persons, including but not limited to educational, literary or scientific purposes, or for the prevention of cruelty to children or animals, or for the benefit of religion, rehabilitation services, public recreation, civic improvement or services which lessen the burdens on government, and also means any entity to whom a donation would qualify for a tax credit under ORS 316.102.

(2) Commercial and charitable solicitation and commercial transactions are prohibited on campus except upon written application by the vendor or solicitor and with written permission by the University President or the President's designated representative. The President has designated the Director of Erb Memorial Union as the Official designee to carry out the provisions of this rule. The Director of Erb Memorial Union shall, when the facilities affected are other than those of Erb Memorial Union, consult with the appropriate administrator:

(a) The application shall include:

(A) The applicant's name, address, and tele-phone number;

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

(C) The purpose of the visit to campus;

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

(E) The duration of the visit; and

(F) Any other information which is relevant to the granting or denial of permission to engage in the above-mentioned activities.

(b) Permission shall be granted if the proposed activity:

(A) Aids achievement of the educational or cultural objectives of the campus;

(B) Does not interfere with the operations of the campus;

(C) Is not prohibited by law or rule;

(D) In the case of commercial solicitations and for-profit commercial transactions, pays the University a minimum of rental for use of space, or ten percent (10%) of gross proceeds, whichever is greater;

(E) Does not conflict with terms of other contracts for sales or services already at the University;

(F) In the case of commercial solicitations and for-profit commercial transactions does not continue more than two (2) days and is not a frequently requested privilege. In the case of charitable solicitations and not-for-profit charitable transactions which occur on a continuing or repeated basis, permission must be reobtained at the beginning of each academic term;

(G) Does not conflict with similar sales or services offered by departments of the University.

(3) Any person granted permission under section (2) of this rule to engage in commercial or charitable solicitation or commercial transactions must abide by any time, place or manner restrictions which may be imposed as a condition to the granting of such permission. These restrictions include, but are not limited to, the number of presentations within a given period of time as determined by the Director of Erb Memorial Union in consultation with other University administrators whose unit may be affected.

(4) Commercial and charitable solicitation and commercial transactions are prohibited in all areas where such activity will, or is likely to, interfere with the normal functions of that area. Such areas include, but are not limited to:

(a) Individual student rooms, hallways, stairwells and lavatories in the dwelling areas and the interior and food service areas of dining rooms in residence halls. Use of residence hall lounges and meeting rooms will be allowed only with the permission of the Director of Housing (using an interference standard) and a majority vote of the residents of that unit. Use of dining hall lobbies will be allowed

only with permission of the Director of Housing, applying the same standard;

(b) Classrooms, except with written permission of the Director of Erb Memorial Union and written consent of the instructor;

(c) Meeting rooms, auditoriums, or general assembly areas except with written permission from the Director of Erb Memorial Union;

(d) Libraries;

(e) Faculty and administrative offices; and

(f) Any other areas designated by the President or the Director of Erb Memorial Union on behalf of the President.

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

(a) Members of the campus community shall be disciplined in accordance with the procedure which is appropriate with that person's status as a student, faculty member, administrator, employee, or other category;

(b) Non-members of the campus community shall be prohibited from entering upon the campus for purposes of commercial and/or charitable solicitation or commercial transactions for a period of not more than one year. Those who violate this prohibition shall be subject to trespass laws.

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

(7) Nothing in this rule shall affect advertising in campus newspapers, radio or television stations.

(8) Nothing in this rule shall affect commercial solicitations and commercial transactions by vendors providing sales and services to offices, employees or agents of the University of Oregon for the conduct of University business.

(9) Commercial and charitable door-to-door solicitation in Family Housing areas shall be managed as follows:

(a) Each person desiring to solicit door-to-door must fill out a request-to-solicit form at the area office once a year. Forms record applicant's name, address and telephone number; company name, address and telephone number; purpose of visit; type of activity and length of visit;

(b) The area director will file each request and will permit any person or group to solicit door-to-door once an academic term. Solicitors will receive a written approval pass which should be carried and displayed on request during the course of their visit to the Family Housing Area;

(c) Solicitors may return to established customers without reapplying for permission, but shall renew the request-to-solicit form the same month each year.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 4-1980, f. & cert. ef. 5-20-80; UOO 12-1980, f. & cert. ef. 10-21-80; UOO 16-1981(Temp), f. & cert. ef. 12-15-81; UOO 1-1995, f. & cert. ef. 1-13-95

Key Control

571-050-0035
Introduction

To regulate the control, authorization of use and issuance of University of Oregon facility keys, the President of the University designates the Vice-President for Administration to administer the University's key control policy. The Director of Public Safety shall administer the University's key control program.

(1) Definitions. As used in this rule, the following definitions apply:

(a) "University" shall mean University of Oregon;

(b) "Facilities" shall mean any University building, house, room or area to which access is controlled by a key, electronic access device or by another device normally restricting access;

(c) "Grand Master Key" shall mean a key which opens all doors in two or more University buildings or departments;

(d) "Master Key" shall mean a key which opens all doors in a University building or department;

(e) "Sub-Master Key" shall mean a key which opens more than one door in a portion of a University building;

(f) "Change Key" shall mean a key which opens a door within a University building;

(g) "Outside Door Key" shall mean a key which opens an exterior door of a University building;

(h) "Access Card" shall mean an ID card or similar object used in an electronic reader to permit access into a University building;

(i) "Access Level" shall mean the software control uses to determine time and place an access card holder may enter a University building or electronically-controlled door.

(2) Regulation of Keys and Access Cards:

(a) The issuance of all keys and assignment of card access levels to University facilities shall be subject to the provisions of this policy;

(b) The University Department of Public Safety shall be the sole source for the making, duplicating, manufacturing, or cutting of any University facility keys. The University ID card services shall be the sole source for making and duplicating "Access Cards". These departments or the departments' designees shall be subject to all the regulations in this policy and responsible for maintaining accurate key and access card inventory issuance, and return records as well as access information and access records;

(c) Persons to whom keys and access cards to University facilities are issued are prohibited from duplicating such keys and access cards;

(d) Persons violating the University key policy are subject to disciplinary sanctions;

(e) A three- or four-member Key Control Advisory Committee shall be appointed by the Vice-President for Administration each year. The committee shall serve from September to June. It shall review all department requests for multiple key issuance and perform other advisory functions outlined in the key control policy. It shall be advisory to the Vice-President for Administration. The Director of Public Safety shall act as staff advisor to the committee;

(f) Keys to University facilities may be issued to departments, University faculty, staff, graduate assistants and students, and to non-University persons authorized in writing by the appropriate dean, director or department head to have access to University facilities;

(g) Departments may request a consignment of change and outside door keys to be issued to and administered by the department for use limited within that department. This written request shall be reviewed by the Key Committee, which is authorized to grant, deny, or modify the request. The department request shall include statements to justify the need for the number of keys requested and shall outline how it plans to assure the proper use and control of keys placed in its custody. These keys may be acquired by department requisition. The department's administrative officer shall maintain accurate records of all keys issued to the department. Upon written request of the Director of Public Safety or the Director of Business Affairs, the department's administrative officer shall present a current accounting of all keys issued to the department. An annual accounting of keys shall be filed with the Director of Public Safety by June 30 of each year;

(h) An emergency key board shall be maintained by the Department of Public Safety and by the University Housing to be used by Public Safety or Physical Plant personnel in emergencies after normal business hours;

(i) The University Housing Director, subject to the regulations of this policy, shall be responsible for the issuance of keys for University housing and the maintenance of accurate key inventory, issuance and return records. An annual accounting of University Housing keys shall be filed with the Director of Public Safety by June 30 of each year.

(3) Conditions of Issuance:

(a) Grand master and master keys shall be issued only upon the written authorization of the Director of Public Safety or, in the case of keys issued to supervisory personnel in the Physical Plant, upon the written authorization of the Director of the Physical Plant;

(b) A sub-master key shall be issued only upon the written authorization of department head, director, dean, or the Director of the Physical Plant;

(c) A change key shall be issued only upon receipt of the standard key request authorization form issued by the University department to which key applicant is assigned;

(d) An outside door key shall be issued only upon receipt of the standard key request authorization form issued by a department head, director, dean, other administrative officer or designated representative.

(4) Conditions of Key Use:

(a) Any person or department issued University key(s) accepts the responsibility for promptly notifying the Department of Public Safety and the person's immediate supervisor in the event the key(s) disappears, is lost, stolen, or otherwise misplaced;

(b) If the loss, theft, disappearance or misplacement of a key requires the changing of a lock or locks, the cost of changing the lock(s) shall be borne by the responsible University department. Appeals for exception to this requirement may be made to the Key Control Advisory Committee;

(c) Authorized non-University persons, such as contractors on job sites, window washers, elevator maintenance personnel, etc., requiring short-term key access to University facilities shall obtain needed keys from the Department of Public Safety or the office of the Director of the Physical Plant after paying a deposit or a monetary consideration in the contract for services. Keys for such short-term access shall be issued for a specified time period and must be returned to the issuing office as specified;

(d) The University building inspector shall obtain any needed keys from the Department of Public Safety on the inspector's personal signature.

(5) Deposit:

(a) A deposit for the issuance of keys will be made at the time keys are obtained from the Department of Public Safety, deposit to be returned upon return of the key;

(b) Deposit fees and lost key replacement charges for grand master, master or sub-master keys are published annually in the Public Safety subsection of Special Fees, Fines, Penalties, Service Charges (OAR 571-060-0005).

(6) Sanctions:

(a) The University reserves the right to impose reasonable sanctions, including disciplinary actions upon persons violating the University key policy;

(b) The University Payroll office shall, upon written request of the Director of Public Safety, withhold from the paychecks of University employees the appropriate amount as listed in OAR 571-060-0005 for change of, unreturned or lost grand master, master or sub-master as well as outside door or dorm keys;

(c) Students who have not paid a deposit and who do not return issued keys as specified or upon demand shall be reported to the Director of Public Safety who may assess a fine. Appeals of the fine may be made to the Key Control Advisory Committee;

(d) When a key deposit in excess of $1 per key is required or the use of multiple keys is an integral part of a job, classified employees may elect to sign an agreement promising to return the key(s) upon demand or to authorize a deduction from their pay of an amount equal to the required deposit(s) if the key(s) are not returned.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 15-1981, f. & cert. ef. 12-10-81; UOO 8-1991, f. 5-31-91, cert. ef. 6-1-91

DIVISION 51

MUSEUM OF ART

571-051-0005
Museum Acquisition Procedure

(1) Conditions. Because the Museum of Art's collections are vital to its usefulness and continued excellence, all acquisitions shall meet certain conditions:

(a) They should meet at minimum the criteria of quality reflected in the best objects now in the Museum's collections;

(b) They should be relevant to the purposes and functions of the Museum, which include support for the institution's teaching and research in the visual arts as outlined in the University of Oregon Policy Statement "Museum of Art Statement of Purpose", so as to strengthen those collections in which the Museum specializes and for which it is recognized by scholars and artists;

(c) Because the Museum must be able to provide proper storage and care of the objects accessioned into the collections, no object will be accepted which cannot be properly cared for and stored;

(d) The Museum must observe all State of Oregon, federal, and applicable international laws on acquiring imported art objects and will not, therefore, accept objects collected or acquired under questionable or illegal circumstances. The Museum informally endorses the UNESCO Convention (to which the U.S.A. has not yet become a signatory) on the Means of Prohibiting and Preventing Export and Transfer of Ownership of Cultural Property;

(e) Title to objects shall be obtained free and clear of restrictions and qualifications of any type or manner, unless it is deemed by the University authorities (the President or the President's designees) in concurrence with the Museum Director, the Museum Acquisitions Advisory Committee, and the Curator(s) of Special Collections to be in the best interests of the University. If an object is accepted under restricted conditions, notation of the restriction must be included in the object's permanent documentation.

(2) Criteria. Objects are added to the permanent collection by gift, purchase, bequest, exchange, or other transactions by which legal title passes to the Museum, the University, and the State. Before accepting objects to the permanent collections, the Museum Acquisitions Advisory Committee shall consider whether:

(a) The object to be accessioned is destined for a particular collection area. Objects not so destined shall be accepted only in rare circumstances, including but not limited to situations where it may be prudent and necessary to accept an entire private collection, even though some of the works may not be regarded as having Museum quality, in order to obtain desired works. The Museum Acquisitions Advisory Committee shall make specific recommendations where entire collections are to be considered for acquisition;

(b) The object is unique or of greater aesthetic quality or value than similar ones already in the collections;

(c) Proper care can be given to the object;

(d) If an object is offered for sale, a comparable object may be obtained by gift, bequest, or exchange. In such cases, the object so obtained shall be accessioned;

(e) The object is in suitable condition for use and exhibition;

(f) The provenance of the object, as determined by the Director or appropriate Curator(s) of Special Collections, is satisfactory;

(g) The object is encumbered with conditions imposed by the donor regarding use or future disposition. As a rule, only unrestricted objects should be accepted;

(h) The use of the object is restricted or encumbered by intellectual property rights (copyright, patent, trademark, or trade secret) or by its nature (obscene, defamatory, potentially an invasion of privacy, physically hazardous);

(i) The object is generally consistent with the goals of the Museum.

(3) Appraisals and Donor Tax Deductions. Gifts to the University of Oregon Museum of Art are tax deductible as a charitable donation based on the fair market value of the gift evidenced and substantiated in a manner acceptable under federal Internal Revenue Service regulations:

(a) Staff members of the University of Oregon Museum of Art shall not provide appraisals for donated objects;

(b) Neither the Museum, the University of Oregon, nor the State of Oregon is responsible for the authenticity and accuracy of the appraisal.

(4) Museum Acquisitions Advisory Committee. The Museum Acquisitions Advisory Committee is an advisory committee to the Director composed of, in addition to its permanent, ex officio members, not more than four acknowledged art, art museum, or legal specialists:

(a) The permanent, ex officio members of the committee are the Director and Registrar of the Museum, the chairperson (or designee) of the Board of Governors of the Friends of the Museum, and the Curator(s) of Special Collections;

(b) The other members of the committee are appointed for three-year terms by the Museum Director in consultation with and

with the approval of the Museum Acquisitions Advisory Committee, the Museum of Art Advisory Committee, and the Curator(s) of Special Collections. The terms of office for these appointees shall be staggered to provide for committee continuity;

(c) The committee chairperson shall be selected by the committee as a whole, and shall hold this position for a two-year term;

(d) No more than one member from one academic department may be appointed to the committee;

(e) If for any reason (other than the expiration of a member's term of office) an appointed position on the committee becomes vacant, the vacancy shall be filled in the same manner as original appointments. The replacement member shall serve for the unexpired portion of the vacating member's term.

(5) Meetings of the Museum Acquisitions Advisory Committee shall be called by the Director in consultation with the chairperson when the Director determines that there is a need. The following procedures shall be followed:

(a) For each object under consideration for acquisition, the Director or Curator of a Special Collection shall present to the Museum Acquisitions Advisory Committee the documentation and provenance of the object and explain its contribution to the collection as a whole;

(b) If possible, each object under consideration by the Director should be physically present for evaluation by members of the committee. If the chairperson determines that this is not possible, adequate photographs or slides of the object shall be presented to the committee;

(c) Minutes of all Museum Acquisitions Advisory Committee meetings shall be taken and maintained;

(d) The Museum Acquisitions Advisory Committee may suggest and recommend to the Director for purchase work deemed desirable for the collection when funds are available.

(6) The Director shall make all decisions with reference to acquisitions.

(7) The Director shall notify donor(s) of acceptance or rejection of objects.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist: UOO 1-1985, f. & cert. ef. 4-9-85

571-051-0010
Museum De-Accessioning Procedure

(1) Criteria. An object in the Museum of Art collection can be considered for de-accessioning only if it meets at least one or more of the following criteria:

(a) It has physically or organically deteriorated beyond repair as determined by a reputable conservator; or

(b) It requires conservation, the cost of which would exceed the Museum's funds or the Museum's ability to raise the necessary monies; or

(c) It cannot be either properly stored or properly exhibited by the Museum; or

(d) It is, in the opinion of qualified outside experts, of markedly inferior quality and/or there is a superior example of the same kind and type already in the collection:

(A) The qualified outside experts shall be neither current nor former Museum of Art employes;

(B) The qualified outside experts shall be selected by the Director of the Museum of Art after consultation with the Museum Acquisitions Advisory Committee.

(2) Evaluation. Removal of object(s) from the Museum's permanent collections can be recommended only by the Director, the Curator(s) of Special Collections, the Museum Registrar, or a conservator:

(a) After such a de-accession recommendation is made, a de-accession worksheet for each object shall be begun and placed in the documentation file;

(b) A thorough search shall be made by the Museum Registrar of Museum records and related University archival files to determine legal ownership as well as restrictions imposed by the donor and accepted by the Museum at the time of accessioning. Relevant requests or preferences of the donor shall also be taken into consideration;

(c) The qualified staff members, including the Director, Curator(s) of Special Collections, and the Museum Registrar, will then meet on call of the Director to discuss the results of this search and to propose an appropriate course of action. De-accession action requires a unanimous vote. The results of this review and of any de-accession vote shall be recorded in the documentation file;

(d) Before any object can be de-accessioned and exchanged or sold from the Museum collections (whether from "permanent exhibition collections" or "study collections"), one recognized professional expert (who is neither a current nor former Museum of Art employe), recommended by the Museum staff, shall be consulted for an opinion on the quality of the object. If the reason for the recommendation is the poor condition of the work, the expert shall be a qualified conservator in the special area of the object under consideration and should additionally offer an opinion as to the physical and economical feasibility of reconditioning the work. This expert opinion shall be submitted in writing, dated, and kept in the permanent documentation file;

(e) No further de-accession action shall be taken for a period of at least six months after receipt of the outside expert's opinion;

(f) After the six-month waiting period, a re-evaluation of the recommendation to de-accession shall be made by the professional staff in light of all relevant documentation and the recorded expert opinion. If the re-evaluation unanimously (including the vote of the Director) confirms the staff's recommendation in favor of de-accessioning, the Director shall put these findings in writing. The Director shall submit the findings, substantiating the recommendation with copies of the expert opinion and other related documentation, via the appropriate Vice-President to the University President. The Vice-President and President shall be asked to provide written approval for disposal of the object;

(g) If approval to de-accession is not granted, a statement to that effect shall be placed in the object's documentation file. A request for presidential reconsideration may be submitted when additional justification is available.

(3) Procedures. Upon receipt of written approval to de-accession an object, the following procedures shall be implemented:

(a) The Museum Registrar shall submit a request to the State Inventory Control Office (with copies of supporting documentation) for permission to remove the object(s) from the Museum collection inventory;

(b) A written, dated appraisal from a certified art appraiser (who is neither a current nor a former Museum of Art employe) shall be sought by the Director to establish current market value of the object(s) to be de-accessioned;

(c) In order that objects de-accessioned from the Museum collection may continue to serve the purpose for which they were initially acquired, an effort shall be made to place them (by exchange or sale) in another non-profit institution. To achieve this end, such objects shall be advertised in appropriate professional publications. Such advertisement shall clearly state that neither the Museum of Art, the University of Oregon, nor the State of Oregon guarantees the authenticity nor the appraised value of the work. This disclaimer shall be repeated in writing at the time of sale or exchange;

(d) Sales to private parties or profit-making entities shall be pursuant to state law dealing with disposition of surplus property. Whenever possible, the work of art should be sold at public auction in a city outside Eugene. In all cases, the sales should be public, although some works of art because of their nature may be more appropriately sold in antique or second-hand stores. De-accessioned objects shall not be sold to any Museum of Art staff member or University of Oregon official whose responsibility includes Museum operations, funding, or administration, nor to their representatives or immediate families. Proceeds from sales are to be earmarked for the acquisition of objects which will improve the Museum's collection;

(e) Exchanges of de-accessioned objects shall be for object(s) of equal or greater value to the Museum and these transactions shall be made in accordance with the procedures of the Museum Acquisitions Advisory Committee;

(f) Any transactions involving a combination of object(s) and monies (given or received) shall be negotiated at the discretion of the Director after consultation with the Museum Acquisitions Advisory Committee;

(g) Copies of records for de-accessioned objects including provenance, research, and data on publication, and a statement authorizing removal from the Museum collection (signed by the Director and the appropriate University administrators) and any other necessary documentation will be forwarded to the acquiring instititution (or individual) at the time of the exchange of ownership;

(h) Notes shall be made on the donor's card showing disposition of objects. Where feasible, the exhibition label on object(s) acquired through exchange of a donation, or with funds derived from the sale of a donation, shall credit the donor of the exchanged or sold gift. Original records for de-accessioned objects will remain on permanent file in the Museum Registrar's office, with the de-accession work sheet showing completion of all steps in the de-accession process, including record of means of disposal, new ownership, and the original document showing State of Oregon and University approval of the de-accessioning and the Director's authorization. Cross-references will be placed in catalog card files;

(i) The Museum Registrar shall initiate procedures to remove de-accessioned objects from the computer inventory records and place notice of de-accessioning in the archival microfilm records for the year of de-accession.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist: UOO 1-1985, f. & cert. ef. 4-9-85

DIVISION 60

SPECIAL FEES, FINES, PENALTIES, AND SERVICE CHARGES

571-060-0005
Special Fees, Fines, Penalties, Service Charges

The University of Oregon has adopted by reference a list of Special Fees, Fines, Penalties, Service Charges, etc., for the current fiscal year:

(1) The fees, fines, penalties and service charges listed by reference in this rule are updated annually and copies are on file in the listed departments by July 1.

(2) The amounts and conditions of these fees may change from time to time throughout the year due to administrative considerations, changing costs, changes in institutional budgets, etc. If the size and the amount of these fees are or could be of importance to users, they should verify the details prior to making a commitment, before entering into any planning activities or before actually incurring any charges.

(3) The master copy of the current list of fees is maintained in the Office of the Director of Business Affairs and is available upon request to any person during regular business hours. The Director of Business Affairs also maintains a bulletin board where fee changes made during each 30-day period are posted. Following that posted period, the changes are filed within the master copy.

(4) University departments charging fees shall maintain a copy of at least that department's section of the list of special fees, fines, penalties and service charges including any updates made during the course of the fiscal year. The list and all current changes shall be available upon request to any person during regular departmental business hours.

(5) No department may change fees between annual amendments to this rule without first obtaining an approved statement of justification signed by the appropriate Vice-President. Prior to granting approval of any fee charged to students, the Vice-President shall consult with the Office of Student Advocacy. Changes in fees approved by the Vice-President and the justification statement shall be posted for 15 days in a public area of the departmental office. The new fee, fine, penalty or charge becomes effective at the end of the 15-day posting period after it is filed with the Director of Business Affairs along with the justification statement.

(6) However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees, and residence hall and housing charges, shall be adopted in accordance with the provision of ORS 183.310 to 183.500.

(7) Certain charges, fees or fee schedules may, according to ORS 351.072(b), be adopted without compliance with rulemaking provisions of ORS 183.310 to 183.500. They are: charges relating to symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or institutional publications.

[ED. NOTE: Lists referenced in this rule are available from the agency.]
Stat. Auth.: ORS 351.070, ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 20, f. & cert. ef. 4-27-76; UOO 34(Temp), f. & cert. ef. 8-8-77; UOO 37, f. & cert. ef. 9-30-77; UOO 3-1978, f. & cert. ef. 7-1-78; UOO 1-1979(Temp), f. 6-26-79, ef. 7-1-79; UOO 4-1979, f. & cert. ef. 10-3-79; UOO 7-1980, f. 6-30-80, ef. 7-1-80; UOO 7-1981 (Temp), f. 6-16-81, ef. 7-1-81; UOO 9-1981(Temp), f. & cert. ef. 6-29-81; UOO 2-1982, f. & cert. ef. 4-14-82; UOO 4-1982, f. & cert. ef. 6-10-82; UOO 4-1983, f. & cert. ef. 6-10-83; UOO 5-1983(Temp), f. & cert. ef. 6-15-83; UOO 2-1984, f. 6-11-84, ef. 7-1-84; UOO 3-1985, f. 6-19-85, ef. 7-1-85 UOO 1-1986; f. 6-4-86, ef. 7-1-86; UOO 4-1986(Temp), f. & cert. ef. 11-10-86; UOO 7-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 8-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 1-1987, f. & cert. ef. 1-29-87; UOO 3-1987, f. 6-17-87, ef. 7-1-87; UOO 6-1988, f. 6-29-88, cert. ef. 7-1-88; UOO 8-1988, f. & cert. ef. 8-17-88; UOO 5-1989, f.6-20-89, cert. ef. 7-1-89; UOO 7-1990, f. 6-14-90, cert. ef. 7-1-90; UOO 9-1991, f. 6-12-91, cert. ef. 7-1-91; UOO 1-1992, f. 4-9-92, cert. ef. 7-1-92; UOO 2-1993, f. 4-19-93, cert. ef 7-1-93; UOO 9-1993, f. & cert. ef. 6-15-93; UOO 11-1993, f. 8-29-93, cert. ef. 9-1-93; UOO 2-1994, f. 6-13-94, cert. ef. 7-1-94; UOO 3-1994, f. 6-14-94, cert. ef. 7-1-94; UOO 4-1995, f. 6-13-95, cert. ef. 7-1-95; UOO 5-1995, f. 7-31-95, cert. ef. 8-1-95; UOO 3-1996, f. 6-6-96, cert. ef. 7-1-96; UOO 6-1997, f. 6-18-97, cert. ef. 7-1-97; UOO 7-1997, f. 6-18-97, cert. ef. 7-1-97; UO 1-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1999, f. 6-1-99, cert. ef. 7-1-99; UO 3-1999, f. 6-1-99, cert. ef. 7-1-99; UO 2-2000, f. 6-15-00, cert. ef. 7-1-00; UO 1-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2002, f. 6-19-02, cert. ef. 7-1-02; UO 3-2002, f. 6-19-02, cert. ef. 7-1-02; UO 1-2003, f. 6-23-03, cert. ef. 7-1-03; UO 2-2003, f. 6-23-03, cert. ef. 7-1-03

571-060-0010
Interest on Overdue Accounts

(1) Interest at the rate of nine percent may be charged and collected on all liquidated debts which are six months past due.

(2) Interest at rates up to 12 percent may be charged and collected on all debts six months past due when so stated in the contract, promissory note, or other written agreement for extension of credit.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented; ORS 351.070
Hist.: UOO 13-1982, f. & cert. ef. 12-10-82

571-060-0015
Library Fines Appeal Process

(1) University Library borrowers who believe they have been assessed in error library fines or charges for lost or damaged materials or that extenuating circumstances warrant reduction or cancellation of the amount billed them by the Library through the Business Office shall first appeal to the classified staff member or Library faculty member in the Library unit where the borrowing transaction originally took place. Student employees are not authorized to handle appeal requests:

(a) Any appeal should be made within 30 calendar days of the original billing by the Business Office or of the date of the notice of deduction from the student deposit;

(b) The Library shall publish notice of the availability of this appeals process and shall provide copies of such notice at circulation desks and/or upon request.

(2) The following reasons do not constitute legitimate grounds for appeal:

(a) Lack of understanding of Library policy;

(b) Failure to receive notices mailed by the Library. It is the borrower's responsibility to provide a correct address;

(c) Borrower's absence when materials were due or when notices were sent;

(d) Materials charged out by one borrower and then lent to another. The borrower whose name appears on the charge card is fully responsible. Borrowing privileges are non-transferable;

(e) Accounts referred to a collection agency;

(f) Charges incurred over 545 days before the date of appeal.

(3) The Library employee shall review with the borrower Library circulation records, explain the questioned transaction referring to applicable Library policies, describe any alleged damage or loss and/or other evidence leading to the assessment of the fine or charge.

(4) If the explanation and review do not satisfy the borrower of the appropriateness of the fine or charges, the borrower may ask to be referred to the appropriate supervisor:

(a) Library supervisors are authorized to cancel all or part of any fine or charge; or

(b) Library supervisors may determine that the fine or charge was correctly applied.

(5) Appeal of a supervisor's decision shall be made by the borrower completing an "Appeal of Library Charges" form and returning it within two weeks to the supervisor whose decision is unsatisfactory. Upon receipt of the appeal form, the supervisor shall arrange a mutually convenient appointment for the borrower and the appropriate Library Department Head. The Department Head may, upon reviewing the facts, waive a part or all of the fine or charge or may uphold the billing. The Department Head shall explain the decision to the borrower and record the decision on the appeal form.

(6) Department Head's decision may be appealed to the Assistant University Librarian for Public Services within two weeks of the Department Head's decision. The Assistant University Librarian for Public Services shall make a decision within two weeks of receipt of the appeal of the Department Head's decision. The decision shall be recorded on the appeal form.

(7) Assistant University Librarian for Public Services' decisions may be appealed to the University Librarian within two weeks of receipt of the Assistant University Librarian for Public Services' decision. The University Librarian shall make a decision in writing within two weeks of receipt of the appeal:

(a) For public borrowers, appeal to the University Librarian shall constitute the end of the available appeals within the University;

(b) For members of the University community (faculty, students and staff), appeal to the University Librarian shall be considered as satisfying Step One of the University's grievance procedure outlined in OAR 571-003-0005. Continuation of the complaint through all the steps in OAR 571-003-0005 shall exhaust University community borrowers' appeals within the University.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented; ORS 351.070
Hist.: UOO 2-1985, f. & cert. ef. 4-23-85

571-060-0020
Appeals of Library Policy

(1) In the event a member of the University community (faculty, student or staff) believes a University of Oregon Library circulation policy is unjust, unclear, or unfair (either universally or individually), two avenues of appeal exist:

(a) A statement of particulars (including name and a contact address) may be placed in the Library Suggestion Box located between the Circulation Desk and Reference area on the first floor of the Main Library. A response to the suggestion or proposed policy reform will be posted above the suggestion box and sent to the person making the suggestion if a name and adequate address are provided; or

(b) An appointment may be made with the Assistant University Librarian for Public Services to discuss the policy in person.

(2) If the Assistant University Librarian for Public Services concludes that a Library policy should be reconsidered, suggested changes shall be brought to the attention of the University Library administration.

(3) Appeal of the Assistant University Librarian for Public Services' decision may be made in writing to the University Librarian within two weeks of receipt of that decision.

(4) Appeal to the University Librarian shall exhaust the University's appeal process for members of the general public. For members of the University community (faculty, students and staff), appeal to the University Librarian shall be considered as satisfying Step One of the University's grievance process outlined in OAR 571-003-0005. Continuation of the appeal through all the Steps in OAR 571-003-0005 shall exhaust University community members' appeals within the University.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented; ORS 351.070
Hist.: UOO 2-1985, f. & cert. ef. 4-23-85

571-060-0025
Collecting Receivables

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

(a) Withhold transcripts;

(b) Deny registration;

(c) Withhold further account receivable privileges;

(d) Evict from residence hall or student family housing for nonpayment of room and/or board fee;

(e) Apply any credits in favor of the debtor to the debt;

(f) Assess penalties, interest, late fines, and collection charges as allowed by statutes and regulations;

(g) Utilize telephone inquiries;

(h) Send letters of demand;

(i) Use "skip trace" information as allowed by statutes;

(j) Utilize offset procedures with other state agencies;

(k) Utilize Department of Revenue as a collection agent;

(l) Institute legal action as permitted by statutes and regulations;

(m) Seek collections on judgments as permitted by statutes;

(n) Contract with outside collection agencies.

(2) Before initiating remedies listed in subsections (1) (c), (d), (j), (k), (l), (m), or (n) of this rule, the University of Oregon Director of Business Affairs shall:

(a) Give at least seven days notice to the debtor of the deficiency asserted (if that person has not been properly notified by the department which initiated the charge);

(b) The notice shall list the possible remedies and/or collection procedures to be followed;

(c) Inform the debtor of the existence of informal and formal hearing appeal processes in cases where the amount of the debt is challenged.

(3) The University of Oregon Director of Business Affairs may waive any of the above remedies if approved by the Vice-President for Administration, but only in those instances which serve the best interest of the institution, the state or the federal government, or where required by state or federal statutes.

(4) A debtor shall have 60 days after receiving initial notification of the charge (or such shorter time as the department or unit initiating the charge may specify in published procedures available for the asking at the departmental or unit office) in which to present to the department or unit initiating the charge a challenge to the debt. Such a challenge must have been made and denied in whole or in part (or must not have produced a departmental/unit response within 20 days after submission) to qualify the debtor for a further hearing in the Office of Business Affairs. If the debtor is eligible for such a hearing, he/she must request it no later than 60 days after the denial (or non-response) of his/her challenge at the highest available level of the initiating department or unit or 60 days from the date on the notice provided for in section (2) of this rule. The University of Oregon Director of Business Affairs shall grant a hearing upon written request from any debtor disputing the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing are available at the University of Oregon Business Office during regular business office hours Monday through Friday.

(5) In the event the hearing before the Director of Business Affairs does not satisfy the complaint, the debtor may appeal in writing within seven days of receipt of the Director of Business Affairs' decision to the Vice-President for Administration.

(6) The procedures in this rule conform with the requirements of federal and state laws and regulations.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070

Hist.: UOO 4-1985, f. & cert. ef. 9-11-85; UOO 2-1996, f. & cert. ef. 3-5-96

571-060-0040
Revolving Charge Account Program

(1) The University of Oregon offers extended payment terms utilizing a revolving charge account program as authorized by the Oregon State Board of Higher Education (OAR 580-040-0041).

(2) Any person, organization, or agency that

incurs charges, fines, or penalties at the University of Oregon is eligible to participate in the revolving charge account program, except that the University of Oregon may deny use of the minimum payment privilege to persons, organizations, or agencies that do not have a good credit history with the University of Oregon, and to anyone who has been in default status on student loans.

(3) Participants in the revolving charge account program shall sign a revolving charge account agreement and abide by the terms and conditions of the program as set forth in that agreement.

(4) The terms and conditions of the revolving charge account program may be imposed upon debts arising from fines, penalties, and the like, without the requirement that the debtor sign a revolving charge account agreement.

(5) Revolving charge account debtors have the right to pay the outstanding debt in full at any time without penalty.

(6) The interest rates and service charges applicable to revolving charge accounts are described in OAR 571-060-0005 as amended.

(7) The collection policies applicable to the revolving charge account program are described in OAR 571-060-0025.

(8) Students must pay, in full, all tuition and fees incurred in any given term or semester, prior to the start of the next term or semester.

(9) The University of Oregon reserves the right to amend the terms and conditions applicable to revolving charge accounts without securing a new agreement. Debtors shall be notified, in writing, of any changes in applicable interest rates, charges or fees, in advance of these changes taking place.

(10) In cases of errors or questions, a debtor may challenge a charge within 60 days after the first bill on which the suspected error or problem appeared. Inquiries should be directed to the office initiating the charge. If an error is found, affected charges will be adjusted. Further appeals shall be processed under the procedures described in OAR 571-060-0025(4).

Stat. Auth.: ORS 351.070 & ORS 352

Stats. Implemented; ORS 351.070

Hist.: UOO 1-1993(Temp), f. 3-2-93, cert. ef. 3-15-93; UOO 6-1993, f. & cert. ef. 5-14-93