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**DIVISION 1**

**PROCEDURAL RULES**

**577-001-0001**

**Definitions**

As used in this Division 1:

- (1) "University" means Portland State University.
- (2) "President" means the President or Acting President of Portland State University.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0005**

**Notice of Rulemaking**

Prior to the adoption, amendment, or repeal of any rule, the University shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the University's mailing list established pursuant to ORS 183.335(6).

(3) By mailing copies of the notice to the following:

- (a) United Press International;
- (b) Associated Press;
- (c) The Oregonian;
- (d) The Oregon Journal;
- (e) Vanguard;
- (f) Bulletin;
- (g) Oregon State Employees Association.

Stat. Auth.: ORS 183  
 Stats. Implemented:  
 Hist.: PSU 3, f. & ef. 1-14-76; PSU 12, f. & ef. 2-22-77

**577-001-0010**

**Contents of Notice**

(1) The notice referred to in rule 577-001-0005 shall contain the following:

(a) A description of the proposed action (adoption, amendment, or repeal of rule), and the intended date of the action;

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

(c) A statement of the manner in which a copy of the proposed rule or amendment, or of the rule to be repealed, may be obtained.

(2) If the University plans to hold a public hearing, the notice shall contain in addition the following:

(a) The time and place of the hearing and the manner in which interested persons may present their views;

(b) A designation of the person who will conduct the hearing.

(3) If the University does not plan to hold a public hearing, the notice shall contain in addition the following:

(a) The time and manner in which data or views may be submitted in writing;

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

(c) The time and manner in which request for a public hearing must be submitted;

(d) A statement that a public hearing will be held if the University receives timely request from ten or more persons or from an association having not less than ten members.

(4) If timely request for a public hearing is received from ten or more persons or from an association having not less than ten members, the University shall give notice of the hearing and conduct it in conformity with these rules.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0014**

**Statement of Intended Action**

Prior to the adoption, amendment, or repeal of any rule, the University shall prepare a brief written statement of its intended action, including in it the following:

- (1) The legal authority of any jurisdiction relied upon and bearing upon the promulgation of the rule.
- (2) A statement of the need for the rule and a statement of how the rule is intended to meet the standard.
- (3) The citation of applicable portions of the principal documents, reports, or studies prepared by or relied upon by the University in considering the need for and in preparing the rule.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1-1978, f. & ef. 1-6-78

**577-001-0015**

**Submission of Draft of Rule**

Prior to the adoption, amendment, or repeal of any rule, the University shall submit a draft of the proposed rule or amendment, or of the rule to be repealed, to the Legislative Counsel Committee and Legislative Counsel.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78

**577-001-0020**

**Postponement of Proposed Action**

(1) The University shall postpone its proposed action upon timely request of an interested person, to allow the requesting person an opportunity to submit data or views concerning the proposed action.

(2) Postponement of the proposed action shall be not less than ten nor more than 90 days. In determining the length of postponement, the University shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the proposed action.

(3) The University shall give notice of the postponement pursuant to OAR 577-001-0005, except that publication in the Secretary of State's Bulletin shall not be required if the postponement is less than 20 days.

(4) This rule does not apply to adoption of temporary rules.  
 Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0025**

**Conduct of Hearing**

(1) If a public hearing is held, it shall be conducted by a presiding officer, who may be either the President or a person designated by him.

(2) At the commencement of the hearing, any person wishing to be heard shall inform the presiding officer in writing of his name, address, affiliation, and position in favor of or opposition to the proposed action. The presiding officer shall provide a form for that purpose.

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

- (a) Statements of proponents;
- (b) Statements of opponents;
- (c) Statements of any other witness present and wishing to be heard.

(4) The presiding officer may question or examine any witness making a statement at the hearing. The presiding officer may, in his discretion, permit other persons to examine witnesses.

(5) There shall be no rebuttal or additional statement given by any witness unless requested by the presiding officer.

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

(7) The presiding officer shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witnesses offering

them. The exhibits shall be preserved by the agency for one year or, in the discretion of the University, returned to the witnesses offering them.

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

(9) A recording or verbatim record may be made of the hearing or, in the alternative, a record in the form of minutes.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0030**

**Presiding Officer's Report**

Upon request by the President, the presiding officer shall, within a reasonable time after the hearing, provide a written summary of statements given and exhibits received and a report of his observations of physical experiments, demonstrations, or exhibits.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0035**

**Action of University**

The President, on behalf of the University, may adopt, amend, or repeal rules covered by the notice of proposed action at any time after the conclusion of the hearing or, if no hearing is held, on or after the date specified in the notice of proposed action. Prior to any such action, the President shall consider fully all data, views, and testimony presented.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0040**

**Filing With Secretary of State**

The University shall file in the office of the Secretary of State a copy of each rule as adopted or amended and each notice of repeal. All such copies shall be certified by the President. At the time the certified copy is filed, the University shall also file the statement of intended action required by OAR 577-001-0014.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78

**577-001-0041**

**Submission of Copies of Rule**

Upon adoption, amendment, or repeal of any rule, the University shall send copies of each rule as adopted or amended, and each notice of repeal, along with copies of the statement of intended action to the following:

- (1) Legislative Counsel Committee and Legislative Counsel.
- (2) Secretary, Oregon State Board of Higher Education.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1-1978, f. & ef. 1-6-78

**577-001-0045**

**Petitions Requesting Promulgation, Amendment, or Repeal of Rules**

An interested person may petition the University requesting the adoption (promulgation), amendment, or repeal of a rule. The petitioner and the University shall be governed in that process by ORS 183.390 and by the Attorney General's rules adopted pursuant to it.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 12, f. & ef. 2-22-77

**577-001-0050**

**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. In such a case, the University shall:

(a) Submit a draft of the rule to the Legislative Counsel Committee and Legislative Counsel;

(b) Prepare a statement that the rule is necessary for the public interest or the interest of the parties concerned, with the reasons therefor;

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

(d) File the rule and the statement required by subsection (b) of this section in the office of the Secretary of State;

(e) Within 30 days following the adoption of the temporary rule, prepare the statement of intended action required by OAR 577-001-0014.

(2) Unless a later date is specified in the temporary rule, it shall be effective upon filing with the Secretary of State.

(3) Temporary rules may be effective for no longer than 120 days. They may not be renewed. The University may, however, adopt identical permanent rules upon notice and action in accordance with OAR 577-001-0001 to 577-001-0040.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78

### Rules of Procedure for Contested Cases

#### 577-001-0100

##### Contested Case Rule

OAR 577-001-0105 through 577-001-0120 may be referred to as the Portland State University rules of procedure for contested cases. They carry out the requirement of ORS 183.341(2) with respect to contested case proceedings and are to be interpreted consistently with the Oregon Administrative Procedure Act (ORS Chapter 183). Any situation not provided for in these rules shall be governed by the Act.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 15, f. & ef. 6-9-77

#### 577-001-0105

##### Applicability

These rules apply where the University:

(1) Is required by statute or constitution to determine the legal rights, duties, or privileges of a party by means of a hearing; or

(2) Provides in any matter for a contested case hearing.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 15, f. & ef. 6-9-77

#### 577-001-0110

##### Hearing Board

(1) Definition. As used in these rules, "hearing board" means any person or body of persons authorized by the University to hear a contested case.

(2) Powers of Hearing Board. When a contested case is referred to it by the proper authority, the hearing board shall be empowered to do the following with respect to that case:

(a) Give notice of and hold hearings;

(b) Issue subpoenas and order the taking of depositions;

(c) Examine witnesses;

(d) Hold conferences with all parties, before or during the hearing, to settle or simplify the issues;

(e) Make proposed findings of fact and recommendations for disposition of the case.

(3) Hearing Board Chairperson. One member of each hearing board shall be designated to chair the board and to preside at any hearings held. The chairperson, on behalf of the board, shall regulate the conduct of the hearing, shall administer oaths or affirmations to witnesses and may eject from a hearing any person who interferes with its orderly procedure. Subject to the board's approval, the chairperson shall rule upon admissibility of evidence and offers of proof.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 15, f. & ef. 6-9-77

#### 577-001-0115

##### Preparation and Hearing of Contested Case

(1) Notice. After referral of a contested case to it, the hearing board shall serve on each party, personally or by registered or certified mail, a notice containing the following:

(a) 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) Reference to the statutes or rules involved;

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

(2) Postponement. Upon motion of any party, for good cause shown, the hearing board may grant a postponement of the hearing.

(3) Counsel. Any party may elect to be represented by counsel, at the party's expense. The hearing board may be assisted by counsel on matters of law and procedure.

(4) Verbatim Record. A verbatim record shall be made of any motions, rulings, and testimony at the hearing, but such record need not be transcribed unless requested by a party. The University may charge the cost of transcription to the party requesting a transcript.

(5) Evidence. Evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All testimony shall be upon oath or affirmation.

(6) Presentation by Parties. Every party shall have the right to present his or her case by oral, documentary, or other satisfactory evidence, and to conduct such cross examination as may be required, to the end that a full and complete disclosure of the facts may be made.

(7) Order of Hearing. At the discretion of the chairperson of the hearing board, the hearing shall be conducted in the following order:

(a) Statement and evidence of complaining party (e.g. the University in disciplinary matters; the complainant in grievance proceedings);

(b) Statement and evidence of responding party;

(c) Rebuttal evidence of complaining party;

(d) Closing arguments of complaining and responding parties.

(8) Burden of Proof. The complaining party shall be required to prove, by a preponderance of the evidence, any charges or allegations made by such party.

(9) Failure of Party to Appear at Hearing. Any party failing to appear at a hearing shall be deemed to have waived the right to a hearing. If one or more parties fail to appear, the remaining party or parties may present their cases to the hearing board.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 15, f. & ef. 6-9-77

#### 577-001-0120

##### Posthearing Procedure

(1) Duties of Hearing Board. After the hearing is closed, the Hearing Board shall prepare the following:

(a) All pleadings, motions, and other documents submitted by the parties;

(b) A summary of testimony heard;

(c) The verbatim record, whether or not transcribed;

(d) All other evidence received at the hearing;

(e) A statement of stipulations of the parties and of matters officially noticed;

(f) Proposed findings of fact and recommendations for disposition of the case.

(2) The documents listed above shall be transmitted to the President or, in the case of student conduct hearings, to the Vice-Provost for Student Affairs in accordance with OAR 577-031-0140(3)(b).

(3) Review by President or Vice-Provost. The President or Vice-Provost in the case of student conduct hearings shall review so much of the material transmitted by the Hearing Board as he deems necessary. If the president or Vice-Provost is unable to reach a decision from the evidence and findings presented, the matter may be referred to the Hearing Board for further proceedings or deliberations.

(4) Proposed Order. If the decision reached by the President or Vice-Provost concerning disposition of the case is adverse to any

party other than the University, the President or Vice-Provost shall serve upon all parties a proposed order, including findings of fact and conclusions of law, and shall afford to each party adversely affected an opportunity to file exemptions and present argument to the President.

(5) Final Order. After exceptions and argument, if any, on the proposed order have been received and considered, the President or Vice-Provost shall prepare a written final order, accompanied by findings of fact and conclusions of law which may, in the President's discretion, be in the form of a narrative opinion. Copies of the final order and accompanying findings and conclusions shall be mailed to each party or, if applicable, to each attorney of record.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 15, f. & ef. 6-9-77; PSU 1-1988(Temp), f. & cert. ef. 3-15-88; PSU 3-1988, f. & cert. ef. 6-16-88

**577-001-0125**

**Discrimination Complaint Procedures for Employees**

(1) Purpose. These rules state the policy of Portland State University which prohibits discrimination in employment, and specifies procedures for filing and resolving related complaints. These rules apply to all classified and unclassified employees, and are intended to provide another complaint resolution option for employees in addition to other options provided generally in the university or through collective bargaining agreements.

(2) Policy. Portland State University prohibits discrimination in employment on the basis of race, color, disability, national origin, age, marital status, religion, sex, sexual orientation, or veterans status. Because of the collegial nature of the University informal resolution of complaints will be attempted first wherever possible. When informal resolution is not possible, formal resolution procedures will be undertaken.

(3) Definitions.

(a) Complaint of Discrimination: An allegation of differential treatment based upon those prohibited categories stated in paragraph 2 above.

(b) Cognizant Executive Officer: The Provost, Vice President, or another Portland State University officer who reports directly to the President but does not carry the title of Provost or Vice President who is in the direct reporting line of the individual(s) being complained about.

(c) Days: In the context of the time limits for this policy, "days" means a day when classes or examinations are scheduled and held in accordance with the official academic calendar of the university, excluding Saturdays and Sundays. Summer session days will not be counted for those individuals not employed during summer session.

(d) Formal Complaint resolution: The process of problem resolution which involves investigation of an allegation, followed by a recommendation for final action to be referred by the Director of Affirmative Action to the cognizant executive officer of the University.

(e) Informal complaint resolution: The process of problem resolution through gathering information and mediating a dispute without a formal investigation.

(4) Procedures.

(a) A representative of the Affirmative Action Office will discuss the complaint with the complainant to determine first whether informal resolution is possible. Efforts will be made to resolve the complaint at the lowest possible level consistent with the desires of the complainant and the nature of the complaint. If informal resolution is not possible, or is attempted and fails, the complainant may request formal resolution of the complaint.

(b) The complainant will complete the Portland State University Discrimination Complaint form. The complaint must be filed within 180 days of the alleged discriminatory act.

(c) The Affirmative Action Office will acknowledge the receipt of the complaint in writing. This letter will inform the complainant of other internal resolution options including general grievance procedures for faculty, student employment grievances procedures, and grievance procedures and timelines contained in relevant collective bargaining agreements. This letter will also inform the complainant

of his or her right to file a complaint with state and/or federal agencies. Copies of this letter will be sent to the respondent and cognizant executive officer of the university.

(d) The Affirmative Action Office will conduct an investigation of the complaint within 30 days. Should there be a need for additional time for investigation, the complainant will be notified of the extension. At no time shall the investigation extend beyond 60 days from receipt of the complaint without agreement of both parties.

(e) At the conclusion of the investigation the Affirmative Action Office will report the outcome of the investigation and make recommendation for corrective action, where necessary, to the cognizant executive officer for their review and action.

(5) Review by the President.

(a) If the complainant is not satisfied with the action of the executive officer he or she may petition the President for review within five days of the receipt of the decision. In arriving at a decision the President may gather any additional information deemed necessary.

(b) The President shall notify the complainant in writing of the decision and of the reasons for the decision within 30 days of the presentation of the petition for review. As part of the decision the President may take such further action as deemed necessary and proper, including granting or denying relief, or remanding the complaint for further proceedings.

(6) Non-retaliation. The University prohibits retaliation against individuals for making a complaint of discrimination or for providing evidence or testimony related to a complaint filed by another individual.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 2-1997, f. & cert. ef. 10-6-97

**DIVISION 30**

**STUDENT RECORDS**

**577-030-0005**

**Purpose**

These rules govern the form and variety of student records collected and maintained by the University; the nature of the information collected; and the way in which student information is recorded, maintained, used, and eventually disposed of, consistent with the Administrative Rules of the Oregon State Board of Higher Education, ORS 351.065, and **20 USC Section 1232g** and its implementing regulations. In cases of conflict with any other University rules, regulations, or policies now existing regarding student records, these rules shall govern.

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

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

**577-030-0010**

**Type and Content of Student Records**

(1) Definitions:

(a) "Personal Records". For purposes of these rules, personal records are files, documents, materials, or data recorded in any medium, including, but not limited to, handwriting, print, tape, film, microfilm, photocopy, and microfiche, kept by the University or any of its divisions or departments, which contain information concerning a student and which are furnished by the student or by others about the student at the request of the student, the University, colleges, or departments, including, but not limited to, record of grades attained, information concerning discipline, counseling, membership activity, employment performance, financial aid material, or other behavioral records of individual persons;

(b) "Education Records". For purposes of these rules, education records are personal records which contain information directly related to a student and which are maintained by the University or by a person acting for the University. Excluded are directory information and those categories listed in OAR 577-030-0030(1)-(8);

(c) "Student". For purposes of these rules, anyone who is or has been registered at Portland State University, with the following

exception: a person who is or has been registered in one component of the University and who has applied for admission to but has not been admitted or registered in another component of the University (such as a teacher education program in the School of Education) is not a student with respect to the component in which his or her application and registration are pending;

(d) "University Custodian of Student Records". The person officially delegated University-wide responsibility by the University President;

(e) "Unit Custodian of Student Records". Except as otherwise designated in these rules, the head of each academic or administrative unit responsible for the student records within that unit;

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

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

(g) "Directory Information". The student's full name, address, telephone number, electronic mail addresses, dates of attendance, degrees and awards received, number of credits earned, and the fact of enrollment, including whether the student is enrolled full-time or part-time;

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

(i) "Legitimate Educational Interests". The interest of University personnel who have a professional need to review records in order to fulfill their official responsibilities. Such responsibilities must involve the University in its primary educational and scholarly functions and/or secondary administrative functions of maintaining property, disbursing funds, keeping records, providing accommodations and other services, sponsoring activities, and protecting the health and safety of persons in the University community.

(2) General Policies:

(a) Generation and Maintenance of Student Records: Only such records as are demonstrably and substantially relevant to the educational and related purposes of the University, division, or department shall be generated and maintained;

(b) Student Not Required to Furnish Certain Information: No student shall be required to give (although the student may voluntarily provide) information as to the student's race, religion, sex, age, handicap, national origin, marital status, political affiliation, or preference or personal values, except as specifically required by state or federal law, rules, or orders;

(c) Use of Photographs:

(A) Photographs duly submitted as evidence of a student's alleged infraction of University rules and regulations are available only to those persons acting officially in a student conduct hearing as provided in the University Student Conduct Code, and may be retained only as a part of the record of such hearing, and until the completion of administrative or judicial proceedings;

(B) A photograph of a student may not be required or retained by any University office as a condition of admission. A student requesting a service available to enrolled students may be required to produce a valid University identification card which includes a photograph of the student.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77; PSU 1-2002, f. & cert. ef. 10-22-02

**577-030-0015**

**Release of Personally Identifiable Records**

(1) Confidentiality of Non-Directory Information: Information, except directory information not restricted by the student (as provided in OAR 577-030-0020 of these rules), that is identifiable by individual and which is maintained in education records, is designated as confidential.

(2) Release of Non-Directory Personal Records of a Non-Student: Release of non-directory information from personal records of an individual who has not been enrolled in the University, but who has filed a formal application for admission; has sought and been denied admission; or has been admitted but did not enroll in the University is prohibited (unless otherwise permitted by the unit custodian), except to a third party as provided in section (3) of this rule, and under the provisions related to statements of recommendation and letters of appraisal.

(3) Release of Personally Identifiable Records: Confidential information contained in the Education Record of a student may not be released without the written consent of the student to any party or for any purpose except the following:

(a) School Officials Who Have a Legitimate Educational Interest: In the event education records are released to an officially constituted committee (acting as a School Official as defined in these rules), the unit custodian releasing said records shall provide each committee with a copy of these student records rules and shall mark all records as being "confidential" and not to be released to others;

(b) Governmental Agencies, Upon Receipt of Lawful Subpoenas: In the event a University employee is served with such a legal document, the recipient unit custodian shall make reasonable efforts to notify the student in advance of compliance with said order or subpoena. Should a court appearance by a University employee be required to fulfill an obligation described in this paragraph and the student has not been notified prior to said appearance, the University employee shall notify the Court or other officer before whom he or she is to appear that the student has not been informed of the pending action nor provided an opportunity to defend against the release by the University of information in the student's education records;

(c) Appropriate Persons Dealing With Health and/or Safety Emergencies: The President of the University or the University Custodian of Student Records or designate may release information from the educational records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. However, such information may be released only if the threat to health or safety is serious, if the records are needed to meet the emergency, and if time is critical in dealing with the emergency;

(d) Persons Engaged in Approved Research Within the University: The following procedures shall govern the release of information for approved research purposes within the University:

(A) The University will release personal information in its personal records for University research purposes, except as otherwise provided in these rules, providing that either:

(i) There is nothing in the information released that makes any individual student's identity easily traceable; or

(ii) A written release is provided by the student to whom the personal record relates.

(B) Requests for such release shall be made in writing by the researcher and the sponsor to the unit custodian and must include a detailed description of the information sought and of the mechanisms to be used for the protection of the rights of students about whom the information is requested;

(C) Approval shall be granted only when the unit custodian determines that procedural protections are adequate to protect the privacy of affected students;

(D) All costs involved in the retrieval of student information and other aspects of the research, including use of University facilities, shall be borne by the investigator;

(E) No records shall be released for use in research projects involving human subjects unless the project has the written approval of the University Human Subjects Research Review Committee;

(F) Protection of "Pupil" Rights: Should a program or project conducted in the University be primarily designed to explore or develop new or unproven teaching methods or techniques for minor children, all instructional material including teaching manuals, films, video tapes, and other supplementary material used shall be available for inspection by the parent(s)/guardian(s) of the children in such program or project.

(e) Organizations External to the University: Organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, improving instruction, and for accreditation purposes; provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted;

(f) Government Officials:

(A) Designated Officials: The Comptroller General of the United States; the Secretary of the United States Department of Health, Education and Welfare; the United States Commissioner of Education; the Director of the National Institute of Education; the Assistant Secretary for Education in the Department of Health, Education and Welfare and state educational authorities when necessary in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements which relate to those programs;

(B) Conditions of Release: Information released under this paragraph shall be protected in a manner which will not permit the personal identification of students by other than those officials; and personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with federal legal requirements.

(g) A Sponsor, or Authorized Representative, of Financial Aid for which a Student has Applied or received: Provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(A) To determine the eligibility of the student for financial aid;

(B) To define the amount of the financial aid;

(C) To determine the conditions which will be imposed regarding the financial aid; or

(D) To enforce the terms or conditions of the financial aid.

Stat. Auth.: ORS 351 & 580

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77; PSU 3-1981, f. & ef. 12-3-81

#### 577-030-0020

##### Release and Restriction of Directory Information

(1) Release of Directory Information: Upon request, the Office of the Registrar shall disclose directory information as defined in these rules.

(2) Restriction of Directory Information: A currently enrolled student may request that designated directory information not be released by filing such a request with the Office of the Registrar not later than the last day of regular registration period for the term of the academic year in which the student first enrolls. The option may not be exercised or changed for the balance of the academic year, and is only applicable for the current academic year, the first term of which is the summer session each year.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0025

##### Location and Custody of Student Records

(1) Location: Student Records shall be kept in locations central to the University, its colleges, schools, Divisions, or departments in which they are maintained, with the custody thereof assigned to designated personnel specifically charged with maintaining the confidentiality of the records.

(2) University Custodian of Student Records: The Dean of Students shall be the University Custodian of Student records.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0030

#### Student Access to Records

A student may see and review with the unit custodian, or in his/her absence a staff member of the office or department that maintains the record, all educational records that pertain to the student, except as listed below. Access of the student to the records shall be provided as early as possible, but no later than 45 days following the student's request. In accordance with this policy, a written request from a student for a copy, at the student's expense, of any information in that record, shall be honored by the record's custodian except as noted below. Copies shall be provided at the earliest possible date, but not later than 45 days, and the fee charged shall be at the prevailing University rate for photocopy services. The following records shall not be available to the student:

(1) Records which are created by an individual staff member for the sole possession of the maker, such as notes to one's self, and which are not accessible to any other person(s).

(2) Records relating to an individual who is employed by the University which are made and maintained in the normal course of business and which relate exclusively to the individual in question in his or her capacity as an employee, and are not available for any other purpose. This paragraph does not apply to records relating to an individual in attendance at the University who is employed as a result of his or her status as a student.

(3) Medical, psychiatric, and psychological records which are maintained only in connection with provision of treatment to the student and which are not available to persons other than those providing treatment, except that such records: may be reviewed by the student with the consent and under the conditions of the attending professional; and/or may be personally reviewed by a physician or other appropriate professional of the student's choice with the student's written consent. Copies shall not be provided to the student without the written consent of the attending professional and unit custodian.

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

(5) Confidential letters and statements of appraisal which were placed in the student's education records prior to January 1, 1975, if such letters were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality, and are used only for purposes for which they were specifically intended.

(6) Confidential letters and statements of appraisal placed in the student's education record after January 1, 1975, for which the student has signed a waiver of the right of access and which pertain to:

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

(b) Application for employment; or

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

(7) Records of the campus Safety and Security Office which are maintained solely for law enforcement purposes, and which are not disclosed to individuals other than law enforcement officials sharing the same territorial jurisdiction. Education records maintained by the University shall not be disclosed to the personnel of the Campus Safety and Security Office except as otherwise provided in these rules.

(8) Copies of transcripts of grades of a student sent to the University by other educational institutions.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0035

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

(1) Right to Challenge: A student may challenge the content of an education record on the grounds that the record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the

student. However, no hearing under these rules shall be granted for challenging any grade except the accuracy of its recording.

(2) Procedure for Challenging:

(a) The student shall request the appropriate unit custodian for brief explanations and interpretations of the records in question;

(b) The unit custodian of the challenged education record, after reviewing the record with the student, may settle the dispute informally with the student and make the necessary deletions or modifications of the education record;

(c) In the event the unit custodian disapproves the student's requests to delete or modify the record in question, the student shall be notified by the unit custodian (in writing and within a reasonable time) after reviewing the record with the student, of the decision and of the student's right to a formal hearing on the request:

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

(B) The hearing shall be conducted by a University staff member who does not have a direct interest in the outcome of the challenge and who shall be appointed by the President of the University to be the hearing officer. The hearing shall be held within a reasonable period of time after receipt of the student's request for hearing, and all parties involved shall be notified reasonably in advance by the hearing officer of the date, place, and time of the hearing;

(C) The student shall be required to prove the validity of his or her claim at the hearing by a preponderance of the evidence;

(D) The provisions of the Oregon Administrative Procedures Act for the conduct of contested cases shall regulate the conduct of the hearing, unless the student waives said provisions. If a student waives formal proceedings, he or she will nonetheless be afforded a full and fair opportunity to present relevant evidence;

(E) Based on the evidence presented at the hearing and within a reasonable period after the hearing, the hearing officer shall make a written recommendation to the President of the University together with written findings of fact concerning the student's request. Within a reasonable period of time, the President of the University shall notify the student in writing of the decision:

(i) In the event the decision of the President is adverse to the student, the student shall be notified of the opportunity to place in the file in question a summary statement commenting on the information in the records and/or setting forth reasons for disagreeing with the decision. If a copy of the questioned document is subsequently provided to a third person, the before-described student's statement shall accompany the release of any such information;

(ii) If a student challenge to the content of a given record is upheld, the President of the University shall order the unit custodian to make the requested change. Upon the student's specific written request to the President of the University, the University shall make reasonable efforts to contact student-designated third persons who have received copies of the previous record to inform them of the change which has been made.

Stat. Auth.: ORS 351  
Stats. Implemented:  
Hist.: PSU 14, f. & ef. 4-26-77

**577-030-0040  
Waivers**

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

(2) Revocation of Waivers: A waiver exercised under this rule may be revoked with respect to any actions occurring after the revo-

cation. All waivers and revocations must be in writing, dated, and signed by the student.

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

Stat. Auth.: ORS 351  
Stats. Implemented:  
Hist.: PSU 14, f. & ef. 4-26-77

**577-030-0045  
Files or Records Containing Letters of Appraisal**

(1) Letters Received Prior to January 1, 1975: No letters of appraisal received prior to January 1, 1975, shall be revealed to a person applying for admission or to a student unless the author notifies the unit custodian in writing of his or her agreement.

(2) Letters Received After January 1, 1975: Such letters shall be treated as follows:

(a) Unless a waiver in accordance with these rules is on file, letters solicited with an assurance to the writer of confidentiality, or if the writer claims confidentiality, shall be returned by the Department to the writer. The Departmental letter to the writer shall contain the notation that under **20 USC Section 1232g**, the document is open to review by the student. If the writer is willing to resubmit the letter under that condition, the writer is asked to return the letter to the unit;

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

(3) Information About Student Right of Access: University application instructions and appraisal forms shall inform writers and applicants or students of student rights of access to letters of appraisal under this section.

(4) Letters of Appraisal Released to Graduate and/or Professional Schools for Admission Purposes: Where a student exercises a waiver in accordance with these rules and request the Placement Office to send letters of appraisal to graduate and/or Professional Schools for admission purposes, the student shall not have the right, notwithstanding as otherwise provided in these rules, to designate which letters of appraisal shall be sent.

Stat. Auth.: ORS 351  
Stats. Implemented:  
Hist.: PSU 14, f. & ef. 4-26-77

**577-030-0050  
Non-Release to Third Parties**

All copies of educational records will bear this statement to the effect that: "Under the provisions of Public Law 93-380 (as amended), the information contained in this document is not to be released to others without the written consent of the student named herein."

Stat. Auth.: ORS 351  
Stats. Implemented:  
Hist.: PSU 14, f. & ef. 4-26-77

**577-030-0060  
Record of Access to Student Records**

(1) Notation of Disclosures: A written notation shall be made in a student's educational record of each occasion that a person outside the University is given access to it. The notation should indicate the person's name, organization represented, the date and the reason for granting access. However, such notation is *not* required where:

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

(b) The disclosure is made pursuant to the student's written consent. The written consent must be kept as a permanent part of the student's record;

(c) The disclosure is made to University officials with a designated need to know as part of their official duties;

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

(e) The disclosure is made to other officials as noted in OAR 577-030-0015(3)(a).

(2) **Individuals Having Authorized Access:** The following individuals shall have access to inspect the record of disclosures:

(a) The student, upon proper identification verification as described in these rules;

(b) The respective unit custodian or the designated representative of the unit custodian as defined in these rules;

(c) Authorized school officials and authorized state and federal officials for the purpose of auditing the record-keeping procedures of the University.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0065

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

(1) **Permanence:** Permanent retention of student records shall be limited to those records which are of long-range value to the individual and/or the University: for example, school or department graduate admissions folder; applications for assistantships and scholarships; honors and awards received by a student; Registrar's permanent record and permanent academic folder; student teaching records; practicum records; Student Health Service records; Counseling Center records; records of hearings; Placement Office placement file; and student employee payroll records.

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

(3) **Records of Non-Admitted or Non-Enrolled Students:** Records of applicants for admission who are not admitted or who, if admitted, do not enroll in the University, need not be retained.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0070

##### Location/Administration of Student Records Rules

(1) These rules regarding student records provide students at Portland State University the rights under **Section 438 and 439 of the General Education Provisions Act**, as amended (added by Section 513 of Public Law 93-380 and amended by Section 2 of Public Law 93-568), and the regulations thereunder. All questions regarding these rules and copies of the rules may be directed to and obtained in the Office of the Dean of Students or the Office of the Registrar. Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure of the University to comply with the requirements of the laws cited above and their supporting regulations.

(2) The University shall inform students of their rights under Public Law 93-380 publishing a summary of their substance in the quarterly schedule of classes.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

#### 577-030-0075

##### Description of Student Records

(1) **Records Created and/or Maintained by Service and Administrative Units:**

(a) **Registrar's Permanent Record:**

(A) This record, compiled and permanently maintained in the Registrar's Office, contains for each student a complete history of

academic enrollment, academic progress and achievement, and all related official action;

(B) Students may arrange to have the Registrar's Office send official copies of this record to whomever they choose;

(C) Actions taken by the University resulting in academic disqualification and re-instatement of a student are recorded on the student's permanent record;

(D) The unit custodian of these records shall be the Registrar.

(b) **Permanent Academic Folder:**

(A) This record contains the formal application for admission and all supporting documents required in evaluation of admission. It also contains official supporting action taken by faculty members and university committees which is related to entries recorded on the permanent academic record and other documents and forms related to the student's academic record such as the evaluation of transfer courses, graduation check, supplemental grade reports, residency forms, etc.;

(B) This record is originated and permanently maintained in the Office of the Registrar;

(C) The unit custodian of these records shall be the Registrar.

(c) **Official Enrollment Lists:**

(A) The Office of the Registrar maintains permanent official enrollment lists which contain the course enrollment of all students registered in the University;

(B) The unit custodian of these records shall be the Registrar.

(d) **Disciplinary Records:**

(A) Disciplinary records are those records of charges made and the evidence and proceedings related to the charges with respect to a named student and involving infractions, for which sanctions may be imposed, of University or Oregon State Board of Higher Education regulations;

(B) The unit custodian of these records shall be the Dean of Students.

(e) **Records in the Office of the Dean of Students:**

(A) A consultation folder may be initiated with or for a student whenever a student contacts the Office of the Dean of Students. The folder contains notations and documents pertinent to the professional staff's working relationship with the student;

(B) The unit custodian of these records shall be the Dean of Students.

(f) **Office of International Student Services:**

(A) An advising folder is initiated for each foreign student upon initial registration at the University. This folder contains copies of pertinent Immigration and Naturalization forms, and correspondence relating to admissions, governmental and international agencies concerned with the student, as well as correspondence and documents related to the financial arrangements under which the student will attend the University;

(B) The unit custodian of these records shall be the Coordinator of International Student Services.

(g) **Student Rights and Organization Membership Records:**

(A) No records of membership in student organizations, except membership lists of honoraries and such other lists as may be required for registration of student organizations and official purposes of the Associated Students of Portland State University and the Educational Community Activities Policy Board, shall be maintained;

(B) Student organizations are required, however, to provide the Office of Educational Activities with the names of current officers to whom communications are to be directed;

(C) The unit custodian of these records shall be the Director of Educational Activities.

(h) **Career Planning and Placement Office Placement Files:**

(A) These files contain forms submitted by the student and letters of recommendation written by persons whom the student lists as references;

(B) The unit custodian of these records shall be the Director of Financial Aids and Placement.

(i) **Counseling Center Records:**

(A) Records are created for students using the services of the Counseling Center. All data in these records, which are maintained in the Counseling Center, are privileged and confidential;

(B) The unit custodian of these records shall be the Director of the Counseling Center.

(j) Office of Financial Aids Records:

(A) Records are created and maintained in the Financial Aids Office for each student applying for and/or receiving financial assistance through the University. These records include the original and subsequent applications for financial aid, a financial analysis report from the student and the student's family, a report of work experience, a record of assistance awarded, etc.;

(B) The unit custodian of these records shall be the Director of Financial Aids and Placement.

(k) Student Health Service Records:

(A) A health record is created and maintained in the Student Health Service for all regular students enrolled in the University. These records include the entrance physical history form supplied by the student and records of any service provided to the student by the office. Such records are privileged and confidential;

(B) The unit custodian of these records shall be the Director of the Student Health Services.

(l) Student Payroll Records:

(A) Records are established and maintained by the Business Office of all payments made to students employed by the University;

(B) The unit custodian of these records shall be the Director of Business Affairs.

(m) Student Employee Evaluation Records:

(A) These records contain evaluations of the job performance of students by a school or department;

(B) The unit custodian of these records shall be the chief administrator of the school or department employing a student.

(n) Computing Services Center Records:

(A) The Computing Services Center maintains a variety of student records on behalf of other University units;

(B) Such records shall be released only with the consent of and under the conditions specified by the custodian of the unit on behalf of which the records are maintained;

(C) The unit custodian of these records shall be the Director of the Computing Services Center.

(o) Other Records Created and/or Maintained by Service and Administrative Units:

(A) Such records as may be compiled and maintained by service and administrative units not specified above in this rule shall be used only for the purpose(s) for which they are intended, as stated in OAR 577-030-0010(2)(a);

(B) The unit custodian(s) of such records shall be the official(s) designated by the University to be the director(s) or supervisor(s) of the service and administrative unit(s) creating and/or maintaining the records.

(2) Records Created and/or Maintained by Instructional Units:

(a) School or Department Graduate Admissions Folders:

(A) These records contain the formal application for admission and all supporting documents submitted by the student and are maintained in the central office of the student's major school or department;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which the student is majoring.

(b) Applications for School or Departmental Assistantships, Scholarships, or Other Awards:

(A) These records contain the student's application for such award and all supporting documents submitted by the student;

(B) The unit custodian of these records shall be the chief administrator of the school or department to which the student is applying for such awards.

(c) Academic Advising Folders:

(A) Academic advising folders contain such documents and other materials as enable faculty to work effectively with students as academic advisors. These folders are maintained by individual faculty members or by departmental offices;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which the student is majoring.

(d) Student Employee Evaluation Records:

(A) These records, created and maintained by the employing school or department, contain evaluations of the job performance of students employed therein;

(B) The unit custodian of these records shall be the chief administrator of the school or department in which students are employed.

(e) Student Teaching Records:

(A) The student teacher's folder, created and maintained in the School of Education, contains students' applications, copies of students' per-manent academic records and written evaluations of students' student teaching performance submitted by students' supervisors;

(B) The unit custodian of these records shall be the Dean of the School of Education.

(f) Class Lists:

(A) Class lists contain the names of all students who are officially enrolled in each class;

(B) The unit custodian of these records shall be the individual faculty member or chief administrator of the appropriate school or department.

(g) Final Grade Reports:

(A) Final Grade reports are records of the grades received by all students enrolled in a course, a copy of which is retained by the school or department;

(B) The Registrar retains one copy of all final grade reports permanently and shall be the unit custodian of these records.

(h) Grade Books and Attendance Records:

(A) Grade books contain members' notations of students' progress in classes and may contain record of students' attendance;

(B) The unit custodian of these records shall be the individual faculty member who creates and maintains such records.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 14, f. & ef. 4-26-77

### 577-030-0080

#### Health Insurance Requirements for Non-Immigrant International Students and Their Dependents Living in the United States

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

(2) All admitted nonimmigrant international students enrolled part- or full-time at PSU 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 non-immigrant international student must provide coverage comparable to the extended coverage offered by PSU Student Health Service (\$25,000 maximum in 1991-92) or meet guidelines established by NAFSA: Association of International Educators. 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.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 4-1992, f. & cert. ef. 7-21-92

## DIVISION 31

### STUDENT CONDUCT CODE

#### 577-031-0125

##### General Policy

(1) Portland State University seeks excellence in instruction, research, and public service. The University recognizes the intrinsic value of individual differences and diversity. The University supports the right of all people to live and learn in a safe and respectful environment that promotes the free and vigorous expression of ideas. Policies and procedures are designed to protect these freedoms and

the fundamental rights of others. Students are expected to conduct themselves in a manner consistent with these principles.

(2) A student or student organization or group whose conduct is determined incongruent with the standards of the University as described in this Code of Student Conduct and Responsibility (the "Code") is subject to disciplinary action. The procedures for that action are generally educational in nature and are intended to lead to self-evaluation and accountability.

(3) The Code will be applied without regard to age, ability, ethnicity, gender, race, religious or political affiliation, or sexual orientation.

(4) The procedures of this Code consider each case individually and informal resolution of student conduct complaints will be sought whenever possible.

(5) In addition to the regulations in this Code, all students must follow the academic and professional standards of all applicable academic units, departments, schools, and colleges.

(6) This Code becomes effective on September 30, 2002 and supersedes all other previous student conduct codes.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02

### 577-031-0130

#### Applicability

(1) This Code applies to any student as defined below.

(2) This Code applies to any group or organization as defined below.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 2-2002, f. & cert. ef. 10-22-02

### 577-031-0131

#### Definitions

(1) The term "Code" means this Code of Student Conduct and Responsibility.

(2) For the purpose of enforcing this Code, a student is defined as any person who:

(a) Has submitted an application for admission, financial aid, or any other service provided by the University that 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.

(3) This Code also applies to any student organization or group as defined below. The University's code applies to all students and student organizations or groups for up to six months beyond the date of last enrollment, registration or recognition. This is applicable to all cases except plagiarism or fraudulently obtaining a degree, which have no termination date.

(4) An "organization or group" is any assembly of students recognized to be living or acting together, electing officers, assessing dues or fees for their mutual benefit, officially affiliated with an academic unit or department because of common interest and mutual benefit, and/or which has applied for and received recognition from the Student Organization Council, ASPSU, Student Fee Committee, or Student Development Office.

(5) The term "faculty member" and "course instructor" means any person hired by the University to conduct classroom activities or who has an official instructional or administrative function with the University.

(6) The term "University official" includes any person employed by the University performing assigned administrative or professional responsibilities.

(7) The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed or officially recognized as a University associate. A person's status in a particular situation shall be determined by an appropriate University official.

(8) The term "University" means Portland State University, or any part, program, department, or division within Portland State University.

(9) The term "University premises" includes all land, buildings, facilities, and other property owned or in the possession of, and used or controlled by the University.

(10) The term "University sponsored activity" includes any program or event hosted by a department, program, organization, or individual representing the University. Such activities include, but are not limited to field trips, athletic events, and student organization hosted programs or events.

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

(12) An "organization violation" is a violation of University policy and regulations committed by a student organization.

(13) The term "judicial officer" refers to the University official charged with the responsibility of administering the Code and executing the responsibilities outlined in the Code. The Vice Provost for Student Affairs may authorize a judicial officer to serve simultaneously as the sole member or as one of the members of a judicial body.

(14) A "conduct record" includes, but is not limited to incident reports, final reports, notification of allegation, Timely Notice Forms, Conduct-Pending, Conduct-Restitution, and Suspension Lists, Quarterly Security Reports, disciplinary reports, informal discussion notes, formal hearing notes, final summary statements, decision statements, appeals documentation, and related documentation and correspondence as defined in OAR 166-475-0110(38).

(15) The term "judicial body" means any person(s) authorized by the Vice Provost for Student Affairs to determine whether a student has violated the Code.

(16) The term "shall" is used in the imperative sense.

(17) The term "may" is used in the permissive sense.

(18) The term "day" means any business day in which the University is open and in session. It does not include weekends, federal and state holidays or days in which the University is not open for business.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

### 577-031-0132

#### Judicial Authority

(1) The judicial officer shall develop policies for the administration of the Code and procedural rules for the conduct of hearings that are consistent with provisions of the Code.

(2) Decisions made by a judicial body and/or judicial officer shall be final, pending the appeal process.

(3) The judicial officer may designate an arbiter of disputes in cases that are not direct violations of the Code. All parties must agree to arbitration, and are bound by the decision with no right to appeal.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

### 577-031-0133

#### Jurisdiction

(1) The provisions of OAR 577-031-0135 and 577-031-0136 apply to all students and activities on University-owned or -controlled property; during any University-sponsored activity or the activity of a University-sponsored organization, regardless of location; or when the behavior poses a clear threat to any persons or property. Examples of behaviors that pose a clear threat may include, but are not limited to, physical or sexual assault, rape, sexual harassment, stalking or illegal weapon use.

(2) Allegations of certain behavior may be adjudicated within the University's administrative judicial program as outlined in this Code as well as within any off-campus criminal justice system. Adjudication of allegations of student misconduct will occur expeditiously without regard to the status of off-campus adjudication.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0135**

**Proscribed Conduct by the State Board of Higher Education**

The following constitutes conduct as proscribed by the State Board of Higher Education for which a student or student organization or group is subject to disciplinary action:

(1) Obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including the University's public service functions or other authorized activities on University-owned or -controlled property, or any other location where teaching, research, administration, disciplinary procedures or other University activities take place.

(2) Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular, on University-owned or -controlled property.

(3) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on University-owned or -controlled property, in contravention of law or without University authorization.

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

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

(6) Refusal by any student, while on University-owned or -controlled property, to comply with an order of the President of the University, or appropriate authorized official or officials, to leave such premises because of conduct proscribed by the Code, when such conduct constitutes a danger to health, personal safety, or property, or is disruptive of education or other appropriate University activity.

(7) Unauthorized entry to, or use or possession of University facilities or property, including buildings, grounds, desks, files, records, equipment or information.

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 3-1994, f. & cert. ef. 10-26-94; PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0136**

**Proscribed Conduct by Portland State University**

The following constitutes conduct as proscribed by Portland State University for which a student or student organization or group is subject to disciplinary action:

(1) Obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including the University's public service functions or other authorized activities on University-owned or -controlled property, or any other location where teaching, research, administration, disciplinary procedures or other University activities take place.

(2) All forms of academic dishonesty, cheating, and fraud, including but not limited to:

(a) Plagiarism;

(b) The buying and selling of course assignments and research papers;

(c) Performing academic assignments (including tests and examinations) for other persons;

(d) Unauthorized disclosure and receipt of academic information and

(e) Falsification of research data.

(3) Violation of the University's Computer and Acceptable Use Policy.

(4) Knowingly providing false or misleading information to the University or knowingly failing to provide required information to the University or misrepresenting a person's identity to an instructor or other University official.

(5) Forgery, alteration or unauthorized use of University documents, records, identification or resources.

(6) Unauthorized possession or use of keys to University facilities, including buildings, offices, desks, files or equipment, or violation of the University's Key Policy.

(7) Behavior that constitutes a clear and present danger to an individual or to other individuals on University-owned or -controlled property.

(8) Stalking, defined as repeatedly contacting another person without a legitimate purpose when:

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

(b) It is reasonable for the person in that situation to have been alarmed or coerced by the contact. As used in this subsection, "contacting" includes but is not limited to coming into the visual or physical presence of the other person; following another person; and sending written communication of any form to the other person, by themselves or through a third party.

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

(a) Verbal or physical conduct by an individual based on another individual's age, ability, national origin, race, marital status, religion, sex or sexual orientation that interferes or prevents the person from conducting his or her customary or usual affairs, puts the person in fear of his or her safety, or causes the person to suffer actual physical injury;

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

(10) Sexual harassment, defined as unwanted and unwelcome sexual advances or requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(a) Submission or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University-sponsored educational program or activity; or

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

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

(11) Sexual assault, which includes, but is not limited to:

(a) Rape;

(b) Sexual misconduct; or

(c) Unwanted sexual contact of any kind, or threat of such contact. Sexual contact shall be considered "unwanted" or without consent if no clear consent is freely given; if inflicted through force, threat of force, coercion, or if inflicted upon a person who is unconscious or otherwise without the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it will be considered without consent.

(12) Tampering with the election of any student, organization or group.

(13) Hazing, defined as an act or conduct which subjects a person to bodily danger or physical harm or to the likelihood of bodily danger and physical harm, or to require, authorize or permit that the person be subjected to such conduct or act for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

(14) Violations of the University Alcohol and other Drugs Policy.

(15) Smoking in unauthorized areas.

(16) Public indecency defined as exposing the genitals of the person while in a public place or a place visible from a public place on University-owned or -controlled property.

(17) Violation, or alleged violation, of any federal or state law, city or local ordinance or University policy, or when such violation interferes with, or is detrimental to, the mission of the University or interferes with other students' legitimate educational activities and interests.

(18) Conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the University would constitute a danger to health, personal safety, or property or where the offense occurred on University-owned or -controlled property or at University-sponsored or -supervised activities.

(19) A violation of any sanctions imposed as a result of previous disciplinary proceedings under the provisions of this Code.

(20) Abuse of the University judicial program as outlined in this Code, including but not limited to:

(a) Falsification, distortion or misrepresentation of information before any judicial body;

(b) Knowingly initiating any judicial proceedings without cause;

(c) Attempting to discourage an individual's participation in, or use of, any judicial system; or

(d) Influencing or attempting to influence another person to commit an abuse of any judicial system.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

#### 577-031-0137

#### Procedures for Complaints Against Student Organizations or Groups

(1) Complaints submitted to the OSA against a student organization or group will be referred to the University official of the unit to which the group is most closely affiliated.

(2) The University official serves as the judicial officer's designee and follows the procedures outlined for Complaints Against Individuals as stated in Section 577-031-0140.

(3) The president, principal officer, contact person(s), or other students designated by the program, organization or group to act as agents on behalf of the program, organization or group shall be given reasonable notice of the charges and shall be afforded all procedural rights in accordance with the provisions of this Code. The president, principal officer, contact person(s), or group agent shall be required to represent the group at all applicable stages of the judicial program. Failure to cooperate or appear and represent the organization or group shall not delay the disposition of the matter.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02

#### 577-031-0140

#### Procedures for Complaints Against Individuals

(1) Any person may submit a written complaint to the Office of Student Affairs (OSA) alleging that a student(s) or student organization or group has engaged in conduct proscribed by this Code. Any charge should be submitted as soon as possible after the event takes place, preferably within fourteen days of the event.

(2) Initially, the judicial officer or designee will send a written notice within a reasonable time to the accused student(s) (the "student") charged with a violation advising him or her of the allegations and requesting a meeting in order to investigate the matter to determine whether there are reasonable grounds to believe that the complaint is well-founded.

(3) If reasonable grounds are not found, the judicial officer, in his/her sole discretion, will refer the issue to mediation, dismiss the case, or dismiss the case with administrative counsel when warranted.

(4) If reasonable grounds are found or if the student accepts responsibility for the conduct, the student is informed of the matter charged, with reference to the specific section of this Code allegedly violated and the student's option to have the case heard by the judicial officer or the Student Conduct Committee. Once informed of this option, the student has seven days to submit a written request for a hearing. Failure to file a timely request for a hearing shall result in the loss of this option.

(5) If the student chooses to have the judicial officer hear the case, the student will be given an opportunity to explain the behavior and will be informed of the evidence supporting the charge. The student may bring any third party of their choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The student will be expected to speak for him or herself at all times and may only use the advisor for consultation or support. The judicial officer may involve relevant additional persons in the hearing process:

(a) The judicial officer will determine, based upon a preponderance of the evidence, whether a Code violation exists. Once that determination is made, the student will receive written notice confirming the matter charged and the subsequent sanction, if any, and the right to appeal as stated in Section xxx.

(b) If the student fails to meet with the judicial officer, the officer will take disciplinary action in the student's absence.

(6) The Student Conduct Committee (the "Committee") is a 12-month administrative committee appointed by the President of the University to begin service fall quarter of each academic year. Committee members serve staggered terms of two years from the date of appointment or until a successor is appointed.

(a) The Committee consists of four faculty members nominated to the President by the Vice Provost for Student Affairs and three students nominated to the President by the Vice Provost for Student Affairs in consultation with the Associated Students of Portland State University. In addition, two alternate faculty members and two alternate student members will be appointed to serve in the event of vacancy, absence, or other inability to serve. Additional alternates may be appointed as may be necessary. At least four members of the Committee must be present for a hearing to occur. The President designates one of the faculty members to be the Chairperson of the Committee. The Chairperson facilitates hearing procedures and has voting power in the case of a tie. The judicial officer serves as an ex-officio member and ensures administrative support of the process.

(7) All Committee hearings are closed and information presented in them and supporting documents are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures:

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

(b) During the Committee hearing, the student may be accompanied by an advisor of the student's choice as long as the availability of this advisor does not interfere with the timeliness of the hearing. The student may elect to have an attorney serve as advisor. However, the advisor does not represent the student in a Committee hearing and the student will be expected to speak for him or herself at all times. The University assumes no responsibility for any costs associated with such representation.

(c) The complainant is present for the hearing and has the opportunity to offer information, evidence, or testimony on his or her own behalf and to review and respond to all information, statements, or evidence presented.

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

(e) Members of the Committee may ask questions of any person present during the hearing. The Chairperson may invite questions and comments from advisors or others present. If the Chairperson decides an essential person or piece of information is missing, the Chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) After the Chairperson has determined that all the necessary information has been presented and questions answered, the Com-

mittee will go into executive session and all persons will be excused. The Committee will determine, based on a preponderance of evidence, whether or not the accused is responsible for a violation of the Code, and, if so, what sanctions may be appropriate.

(g) The Committee's decision will be in the form of a recommendation to the judicial officer. This recommendation is due to the judicial officer within seven (7) days from the conclusion of the hearing.

(h) The judicial officer reviews the Committee's recommendation and communicates the outcome of the hearing to the student in writing.

(8) Pending resolution of a complaint, the student is entitled to all rights and privileges of a student in good standing. However, the Vice Provost for Student Affairs may suspend the student pending resolution of a complaint upon a finding by clear and convincing evidence that the individual's presence at the University constitutes a substantial threat to health, personal safety, or property.

(9) The hearing process will make an effort to consider the rights and needs of the complainant, if there is one, in decisions related to restitution or other sanctions.

(10) Appeals of the decision of the judicial officer's decision shall be made to the Vice Provost for Student Affairs. This appeal must be in writing and filed within fourteen days following the judicial officer's notification to the student of the hearing's outcome. The request for an appeal must include specific allegations of improper conduct or process that denied the student a fair hearing.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 2-1988(Temp), f. & cert. ef. 3-15-88; PSU 4-1988, f. & cert. ef. 6-16-88; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02

#### 577-031-0141

##### Special Procedures for Matters Involving Allegations of Sexual Assault

Although disciplinary matters are generally confidential, in cases involving sexual assault:

(1) The complainant and the student are entitled to the same opportunities to have others present during a disciplinary proceeding; and

(2) Both the complainant and the student shall be informed of the outcome of any disciplinary proceeding.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

#### 577-031-0142

##### Procedures for Complaints of Academic Dishonesty

(1) Faculty has the responsibility and purview to respond to academic dishonesty with students enrolled in their respective courses. Faculty may address academic dishonesty as they deem appropriate and are limited to an academic sanction of issuing a zero or a failing grade for the assignment for which the dishonesty was found.

(2) Departments, programs, colleges, or schools may also address academic dishonesty as they deem appropriate. These entities are limited to academic sanctions of issuing a zero or a failing grade for the assignment for which the dishonesty was found or suspension or expulsion from the department, program, college or school.

(3) In addition, any person may submit a written complaint to the OSA alleging that a student(s) has engaged in academic dishonesty as proscribed by this Code. Any charge should be submitted as soon as possible after the activity takes place, preferably within fourteen days of such activity.

(4) If the complaint is submitted by anyone other than the course instructor, the complaint is referred to the instructor of the course in which the alleged academic dishonesty occurred.

(5) If the complaint is submitted by the course instructor, he or she may indicate whether the complaint is submitted for further investigation or for documentation purposes.

(6) If the complaint is submitted for documentation purposes, a conduct record is established and the charged student is sent written notification to that effect. If more than one complaint of academic

dishonesty is received for a student the procedures outlined in 577-0310-0140 (Procedures for Complaints Against Individuals) will be followed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

#### 577-031-0143

##### Appeals

(1) The Vice Provost for Student Affairs will convene an Appeals Board (the "Board") to respond to appeals as stated in 577-031-0143 (10). The Appeals Board will consist of two faculty members nominated to the President by the Vice Provost for Student Affairs and two students nominated to the President by the Vice Provost for Student Affairs in consultation with the Associated Students of Portland State University. Alternates may be appointed as necessary. All members of the Board must be present for a hearing to occur. The Vice Provost serves as Chair of the Board. The Chair facilitates hearing procedures and has voting power in the case of a tie. The Board is the final appeals body.

(2) Appeals to the Board are restricted to review of the sanctions imposed 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 finds that substantial rights of the petitioner were prejudiced.

(b) The order is not supported by substantial evidence in the whole record.

(3) If the party submitting the appeal has been properly notified and fails to appear, the Board will dismiss the appeal.

(4) During the Board hearing, the party submitting the appeal may be accompanied by an advisor of the student's choice as long as the availability of this advisor does not interfere with the timeliness of the hearing. The party may elect to have an attorney serve as advisor. However, the advisor does not represent the party in the hearing and the party will be expected to speak for him or herself at all times.

(5) The party submitting the appeal has the opportunity to offer information and testimony and to review and respond to all information, statements, or evidence presented.

(6) The judicial officer and Chair of the Committee is present for the hearing and may offer information on behalf of the Committee hearing and may respond to all information, statements, or evidence presented.

(7) Members of the Board may ask questions of any person present during the hearing. The Chairperson may invite questions and comments from advisors or others present. If the Chairperson decides an essential person or piece of information is missing, the Chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(8) After the Chairperson has determined that all the necessary information has been presented and questions answered, the Board will go into executive session and all persons will be excused. The Board will determine, based on a preponderance of evidence, whether or not the appeal is warranted, and, if so, what subsequent actions may be appropriate.

(9) The Board may dismiss the appeal, mandate that the case be heard again by the Committee, or modify the sanction imposed by the judicial officer.

(10) The Board's decision will be in the form of a letter to the party submitting the appeal with copies to the judicial officer and Chair of the Committee. The time between the conclusion of the hearing and the delivery of the recommendation shall not be more than seven (7) days.

(11) Pending resolution of an appeal, the student is entitled to all rights and privileges of a student in good standing. However, the Vice Provost for Student Affairs may suspend a student(s) pending resolution of an appeal upon a finding by clear and convincing evidence that the student's presence at the University constitutes a substantial threat to health, personal safety, or property.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0145**

**Types of Sanctions**

Students whose behavior violates this Code are subject to one or more of the following sanctions:

(1) **Mediation Session-** A student(s) may be assigned to participate in a mediated meeting(s) with the complainant.

(2) **Assessments-** A student(s) may be assigned to complete evaluations and to follow the recommendations of the counselor for treatment and/or education.

(3) **Restitution-** In cases involving damaged, stolen or misappropriated property a student(s) may be required to reimburse by dollar amount, by transfer of property, or by the provision of services to the University or a member of the University community in accordance with the nature of the violation and in an amount not to exceed the actual expenses, damages, or losses incurred.

(4) **Community Service-** A student(s) may be required to render a designated number of hours of specified service to the University or the community.

(5) **Reprimand-** A student(s) may receive written notice that the conduct in which the student(s) engaged is inconsistent with the Code. Such notice will indicate that future violations of the Code may result in the imposition of more serious sanctions.

(6) **Disciplinary Probation-** Upon expiration of the period of probation the student's conditions for continued enrollment should be lifted.

(7) **Loss of Privileges-** A student(s) may be denied specific privileges normally associated with student status, such as participation in recognized activities or use of University facilities or services.

(8) **Suspension-** A student(s) may lose the right to be a student at the University for a specific period of time. Suspended students are not eligible for the privileges and services provided to currently enrolled students, including residing in University-owned or -recognized student housing, registering, attending class, or using other University services or facilities. The suspension may be specified for any length of time:

(a) If a student is suspended, fees will be refunded in accordance with the refund schedule adopted by the Oregon State Board of Higher Education.

(b) The conditions of suspension take effect immediately after the student(s) has been informed of the decision. If an appeal is filed, the imposition of the suspension will be stayed until the conclusion of the appeal process. However, if a pending conduct hearing or appeal may result in suspension, awarding of the academic degree sought will be postponed pending the outcome of the hearing.

(c) Upon expiration of the period of suspension the student may submit in writing a to the judicial officer request for permission to apply for readmission to the University. The request should include a description of the student's activities since the suspension went into effect. If the judicial officer certifies that the terms of suspension have been met, the student may apply for readmission through the regular process. Such readmission shall be contingent on the satisfaction of all general admission and registration requirements.

(9) **Negative Notation on Transcript:** A student(s) may be subject to entry of information onto the student's permanent academic record regarding his or her violation of the Code and subsequent sanction. The entry may be permanent or temporary. If the notation is temporary, after the expiration of the period of time specified, the notation will be removed upon written request by the student. Receipt of a Negative Notation on Transcript indicates that the student is not in "good standing" with the University and is subject to the consequences of this status as outlined in the University Bulletin.

(10) **Expulsion:** A student(s) may be permanently suspended from the University. (See Section (8) of this rule).

(11) **Degree Revocation:** A former student may have his/her degree revoked if the student is found to have engaged in academic dishonesty in courses taken leading to a degree that, if known at the time the degree was awarded, would have made the student unqualified for the degree.

(12) Students whose behavior violates OAR 577-031-0142 (academic dishonesty) are subject to additional academic sanctions including suspension or expulsion from an academic department,

program, college, or school that may be imposed as a result of the process defined by the respective entity.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0146**

**Types of Sanctions for Student Organization or Group Conduct**

An organization or group is subject to the appropriate disciplinary sanctions outlined in Section 0145, including the temporary or permanent suspension of the organization's or group's charter or registration.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0147**

**Records**

(1) All complaints involve the creation of a conduct record for the student or organization or group receiving a sanction. These records are confidential and accessible only to the student and appropriate University officials and other entities as required by law.

(2) Suspension or expulsion will be permanently noted in a student's general academic record maintained by the Office of Admissions, Records and Registration by means of a notation, which indicates the reason for the action. The student may include in the record a response to the action taken by the University.

(3) A copy of conduct records for cases in which the sanction is expulsion, degree revocation, or permanent negative notation on the transcript are retained indefinitely. A copy of conduct records for cases in which a lesser sanction is issued will be retained consistent with applicable law.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

**577-031-0148**

**Interpretation and Revision**

(1) Any question of interpretation regarding the Code shall be referred to the Vice Provost for Student Affairs or his/her designee for final determination.

(2) The Code should be reviewed every three years or as needed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02

**DIVISION 32**

**DISCRIMINATION**

**577-032-0010**

**Purpose**

These rules state the policy of Portland State University that prohibits discrimination in its education programs, services, and activities. They establish procedures for presentation and investigation of complaints of prohibited discrimination and for redress of grievances. They help implement the nondiscrimination requirements of, among others, **Title VI of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments, Section 504 of the 1973 Rehabilitation Act**, Chapter 204 of Oregon Laws 1975, and Chapter 35 of the State Board of Higher Education Administrative Rules. These rules do not apply to claims of discrimination in employment, promotion, enture, or termination of employment.

Stat. Auth.: ORS 659 & ORS 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

**577-032-0020**

**Definitions**

(1) "Compliance Officer" means the University's Affirmative Action Officer or other person designated by the President of the University.

(2) "Grievance Counselor" means the Vice President for Student Affairs or other person designated by that vice president or by the President.

(3)(a) "Prohibited discrimination" means any act that either in form or operation, whether intended or unintended differentiates among persons on the basis of age, disability, national origin, race, marital status, religion, sex or sexual orientation:

(b) "Sexual Harassment" means any sexual advance, any request for sexual favors or other verbal or physical conduct of a sexual nature when:

(A) 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

(B) Submission 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 the student; or

(C) Such conduct interferes with the work or academic performance of an individual because it has created an intimidating, hostile or offensive working or academic environment for the student who is the object of the conduct and a reasonable person of that individual's gender would have been affected similarly to the individual.

(c) "Other prohibited harassment" means verbal or physical conduct by an individual based on an individual's age, disability, national origin, race, marital status, religion or sexual orientation when such conduct interferes with the work or academic performance of the individual who is the object of the conduct because it has created an intimidating, hostile or offensive working or academic environment for the individual and a reasonable person of the individual's age, disability, national origin, race, marital status, religion or sexual orientation would have been affected similarly to the individual.

Stat. Auth.: ORS 351 & 659

Stats. Implemented:

Hist.: PSU 2-19798, f. & ef. 5-19-78; PSU 3-1994, f. & cert. ef. 10-26-94

**577-032-0030**

**Policy**

No person shall be subjected to prohibited discrimination in any of Portland State University's education programs or services, school or interschool activities. Those include but are not limited to admissions, recruitment, access to course offerings, counseling, use of facilities, financial assistance, employment assistance, health and insurance benefits and services, and athletics.

Stat. Auth.: ORS 659 & ORS 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

**577-032-0040**

**Informal Resolution of Grievances**

A grievance alleging prohibited discrimination can often be settled without formal complaint proceedings if the parties discuss the matter with each other to resolve misunderstandings. Complainants are urged to raise grievances first with the persons who have done the acts complained of. If a complainant prefers, he or she may ask the assistance of the Grievance Counselor, to serve as a conciliator in the informal resolution of a grievance. Any member of the University faculty or staff, upon receiving information from a person which might indicate grounds for a complaint of prohibited discrimination, is urged to refer that person to the Grievance Counselor.

Stat. Auth.: ORS 659 & 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

**577-032-0050**

**Duties of Grievance Counselor**

(1) Informal Resolution of Grievances: In most discrimination matters the Grievance Counselor is the first person contacted by the complainant. If conciliation and informal resolution of the grievance

appear possible, the Grievance Counselor should offer to assist in settlement of the matter.

(2) Formal Complaints: If a complainant or the person complained of declines to seek informal resolution, or the Grievance Counselor believes that an attempt at informal resolution would not be helpful, or informal resolution is attempted without success, the Grievance Counselor then assists the complainant, if requested, to draft a written complaint. The complaint should be brief, allege specific facts to support the complainant's charge, and include the claimant's suggestions for resolution of the matter. The complainant must sign the complaint, and the signature is his or her personal verification that the complaint is accurate and complete.

Stat. Auth.: ORS 659 & 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

**577-032-0060**

**Duties of Compliance Officer**

(1) Receipt of Complaints: A complainant, either individually or through the Grievance Counselor, pursues a formal complaint by submitting a written, signed complaint to the Compliance Officer. The Compliance Officer retains the original complaint and delivers copies of it to the President, the Chancellor of the Department of Higher Education and any individual respondents named in the complaint. A complaint cannot be considered unless it is submitted to the Compliance Officer within 180 days or 365 days, if the complaint alleges sexual harassment or other prohibited harassment as defined by OAR 577-032-0020(A) and (B) from the date of noncompliance.

(2) Investigation of Complaints: The Compliance Officer investigates the matters alleged in the complaint. He or she completes the investigation within 30 days of receipt of the complaint and recommends to the President action, where necessary, to correct any non-compliance found to exist or to have occurred. The 30 days period for completion of the investigation may be extended for up to 30 additional days, upon application to the Chancellor.

(3) Report to the Chancellor: The President, or the Compliance Officer at the direction of the President, sends to the Chancellor and to the complainant a report of the investigation findings and of any corrective action ordered.

Stat. Auth.: ORS 351 & 659

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78; PSU 3-1994, f. & cert. ef. 10-26-94

**577-032-0070**

**Protection from Reprimand or Retaliation**

A person who raises a grievance or submits a complaint of discrimination under these rules is protected by the law from reprimand or retaliation by the University or its employees.

Stat. Auth.: ORS 659 & 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

**577-032-0080**

**Appeal to the Chancellor**

(1) Request for Hearing: If a complainant is not satisfied with the report, or if no report is made within the allotted time, the complainant may request that the Chancellor order a hearing on the complaint. The request states the specific grounds for the complainant's dissatisfaction with the report. It is submitted to the Compliance Officer, who immediately forwards it to the Chancellor and retains a copy.

(2) Review by the Chancellor: Upon receipt of a request for a hearing, the Chancellor may order the hearing; provided, however, that the Chancellor may review the report and other information presented and then in his or her discretion order that no hearing be held and declare that the action of the University is satisfactory. The Chancellor's order is final.

(3) Conduct of Hearing: If a hearing is ordered by the Chancellor, its conduct is in accordance with division 35 of the State Board of Higher Education Administrative Rules. Copies of those rules are available from the office of the President. At a hearing the complainant may be represented by counsel, at his or her option and expense.

Stat. Auth.: ORS 659 & 351

Stats. Implemented:

Hist.: PSU 2-1978, f. & ef. 5-19-78

### ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

#### 577-033-0001

##### Introduction

(1) In the interest of the personal health and safety of student-athletes competing for and against Portland State University in its intercollegiate athletic program and in the interest of fair and sporting competition, the Department of Intercollegiate Athletics (Athletic Department) does not condone alcohol abuse, drug and substance abuse or illegal use of such substances by a student-athlete at any time. Nor does the Athletic Department endorse or permit the use of performance-affecting substances.

(2) The Athletic Department has instituted a program of drug testing by urinalysis for student-athletes engaged in intercollegiate athletics. The testing process shall be initiated only on the basis of individualized reasonable suspicion or on the basis of failing a test previously conducted pursuant to these rules. The circumstances, conditions, or events giving rise to such reasonable suspicion and the source thereof shall be recorded in writing by the team physician who shall be the only person to authorize and initiate the drug testing process.

(3) "Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs which are specified in OAR 577-033-0010 and which could or could have 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 or other illegal performance enhancement drugs/supplements, during any period of conditioning or weight training:

(a) Such belief may be engendered by, among other things, direct observation by coaches, trainers, or the team physician of physical or mental deficiency or of medically indicated symptomatology of tested-for drug use, or of aberrant or otherwise patently suspicious conduct or of unexplained absenteeism;

(b) Such belief may also be engendered by, among other things, information supplied by reliable third parties, including but not limited to law enforcement officials, if this information is corroborated by objective facts, including but not limited to, equivocal, contradictory, or unlikely and unsubstantiated explanation by the individual about whom the report is made. Should information that leads to reasonable suspicion be provided by law enforcement, prosecutorial or probation department officials, the University will only utilize and act upon such information if it succeeds in getting a written agreement from the law enforcement source that results of a potential test will not be used by law enforcement to prosecute or revoke parole;

(c) Such belief may also be engendered by common-sense conclusions about observed or reliably described human behavior upon which practical people ordinarily rely;

(d) Such belief may also be engendered by a previous positive test under these procedures within the preceding twelve months.

(4) The Athletic Department shall not perform any drug testing solely at the request of a student-athlete.

(5) Alcohol abuse during any period of PSU supervised conditioning, weight training, practice, or competition can have severe detrimental effects on personal health, performance, behavior, and academic progress. Athletic Department and team regulations dealing with alcohol abuse therefore provide for possible counseling and/or disciplinary action for student-athletes who are abusing alcohol. The Athletic Department considers that a conviction for driving while under the influence of alcohol is evidence of a serious problem of alcohol abuse. A conviction for driving under the influence of intoxicants (DUII) which arises from an incident during any period of PSU-supervised conditioning, weight training, practice, or competition will be treated the same as a positive test for drugs, as set out in OAR 577-033-0050.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

#### 577-033-0010

##### Testing Method

(1) The standard method adopted by Athletic Department for testing for drug use shall be through laboratory analysis of urine samples provided by student-athletes. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Athletic Department administration in compliance with the protocol described in OAR 577-033-0030, 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 have access to the information in order to carry out their responsibilities in handling the challenge.

(3) The Team Physician shall determine, after consultation with the head coach, whether it is appropriate to inform and involve a drug and substance abuse counselor, in addition to those individuals listed in section (2) of this rule.

(4) A copy of the rules describing the Athletic Department Substance Use and Drug Testing Policy shall be included in the Student Athlete Handbook (the Handbook). This Handbook shall be given to each student athlete before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.

(5) The substances for which the student-athlete will be tested are: recreational, prescription and performance enhancing drugs or supplements and their derivative compounds and/or substances listed on the NCAA list of banned substances (as amended).

(6) A student-athlete who refuses to provide a urine sample during the test process or within four hours of the designated time shall be deemed to have tested positive for the drug(s) in question.

(7) Adulteration of a urine sample by the student-athlete will result in and be considered as a positive test for the drug(s) in question.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

#### 577-033-0020

##### Testing Protocol

(1) The Athletic Department protocol for testing student-athletes shall minimize the chances of accidental error or cheating. The protocol shall not provide for visual observation of voiding.

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

(3) Testing of urine samples shall be performed by a designated local laboratory.

(4) If the initial test is positive and was not performed by a test at least as accurate as gas chromatography-mass spectrometry, a second test shall be performed by use of the split samples at an independent laboratory, using procedures at least as accurate as gas chromatography-mass spectrometry.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

#### 577-033-0030

##### Specimen Collection and Role of Monitor

(1) Specimen collection and testing shall be performed by a qualified independent laboratory, which is selected and designated by the Athletic Department. The Athletic Department may use any independent laboratory that is qualified to perform the needed tests and that meets the standards stated in these rules. The Athletic Department may change the laboratory used for testing at any time before testing begins without first notifying the student-athletes.

(2) The exact process and steps of specimen collection will be determined by the independent laboratory's standard protocol for specimen collection. However, the laboratory's protocol must include the following steps set forth by the Athletic Department:

(a) The student-athlete will report to the designated independent laboratory and check in with a laboratory employee who is trained in specimen collection and who will serve as and be referred to in these rules as the “monitor”.

(b) The student-athlete will provide the monitor with photo identification. The monitor will record all needed information on the collection form. The student-athlete will verify that the information is correct. The monitor will ask if student is taking any medication and enters this information on the appropriate form.

(c) The student-athlete shall empty all pockets and shall the leave contents of any pockets, purses, backpacks, and similar containers with the monitor.

(d) The monitor will ask the student-athlete to select two sealed specimen containers and proceed into the rest room designated for specimen collection. Toilet bowls and tanks shall be filled with water containing colored dye. The monitor will instruct the student-athlete not to flush the toilet or use the sink, as only the monitor will flush the toilet.

(e) The monitor shall remain outside of the restroom. Quiet shall be maintained. After voiding into 2 specimen containers, the student-athletes shall emerge and hand the capped containers to the monitor. The monitor will test the temperature of the containers by a non-contaminating method within the full view of the student-athlete.

(f) The monitor will then remove the labels marked “A” and “B” from the collection form and use these labels to seal both specimen containers. This task shall be accomplished in full view of the student-athlete. The monitor will then record the date on each label. The student-athlete will initial each label, then read, complete and sign the bottom of the collection form.

(g) The monitor, in the presence of the student-athlete, then initiates the chain of custody by filling out and signing the proper section of the collection form.

(h) If unable to produce a specimen at all or unable to produce the necessary quantity, the student-athlete shall be asked to return to the designated waiting area. He or she may request liquids but must stay in view of the monitor at all times. The student-athlete begins the entire process anew when the student-athlete deems readiness.

(i) In the event an empty container is left standing, or an unsealed, filled container is not in close proximity and possession of the student-athlete and monitor, then the monitor shall dispose of the container.

Stat. Auth.: ORS 351 & 352  
 Stats. Implemented: ORS 351 & 352  
 Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

**577-033-0040**

**Specimen Handling and Preliminary Testing**

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

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

- (i) One week for a negative test result;
- (ii) 180 days for a positive test result;

(b) The laboratory staff communicates with only the team physician when the testing indicates a positive result. Such communication shall be made orally to the team physician personally, followed by a written report of the test results to the team physician. Split samples are used and final confirmation of positive comes only from GC-MS method (gas chromatography-mass spectrometry);

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

(2) Test results and the fact of testing shall be treated confidentially at all times. Test results and related information shall be stored securely separately from other educational or medical records. University and laboratory employees shall not disclose or discuss the fact or the outcome of testing or the identity of the person tested except insofar as necessary to carry out their official and professional responsibilities. The phrase “official responsibilities” shall not extend to financial aid (other than determination appeals under OAR 577-033-0010(2)), student conduct, housing or campus security activities.

(3) Laboratories testing specimens shall employ secure storage and chain-of-custody/signature/name/date-time-location-purpose documentation continuously while in possession of specimens.

Stat. Auth.: ORS 351 & 352  
 Stats. Implemented: ORS 351 & 352  
 Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

**577-033-0050**

**Positive Test Results Sanctions**

(1) The team physician, athletic director, 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 but is not limited to, abstinence of further use and periodic retesting and may include counseling, physical therapy, reduced playing time and withholding from contact drills, scrimmages, competition, or reduction of athletic grant-in-aid.

(2) If repeated positive tests or admission 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 577-001-0100 et seq.

(3) If a student-athlete refuses to provide a urine sample during the test process or within four hours of the designation time, the student-athlete shall be deemed to be in violation of these rules 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 suspicions 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 & 352  
 Stats. Implemented: ORS 351 & 352  
 Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

**577-033-0060**

**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 Affairs.

(3) Test results shall be deemed by the University as part of a student’s educational/ medical records protected from disclosure under state and federal law. However, these laws do not immunize student educational records from disclosure pursuant to a subpoena or court order. In such an instance, the University will take reasonable steps to notify the record-subject in advance of compliance with any such subpoena or order. The University or the record-subject may move the court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

Stat. Auth.: ORS 351 & 352  
 Stats. Implemented: ORS 351 & 352  
 Hist.: PSU 3-2003, f. 8-25-03, cert. ef. 9-1-03

**DIVISION 40**

**FACULTY RECORDS**

**577-040-0005**

**General**

(1) Personal records shall be maintained for each faculty member at the University. Faculty includes all unclassified personnel.

(2)(a) As a condition of employment or continued employment, a faculty member may be required to furnish certain information as stated in OAR 577-040-0010. All such information must be demonstrably and substantially relevant to the educational and related purposes of the University as required under OAR 580-042-0720 and in accord with OAR 580-042-0725;

(b) No faculty member shall be required to give any information as to race, religion, sex, marital status, age, number of children, political affiliation or preferences (though such information may be given voluntarily if the faculty member desires to do so) except as required by state statute, federal law, or valid federal rules, regulations, or orders. In the event such information is requested, the purpose of the inquiry shall be stated and the faculty member shall be informed of the right to decline response to such request.

(3) Certain administrative personnel such as deans and department heads may be furnished certain relevant information regarding faculty members as required by OAR 577-040-0010 and in accord with the procedures of OAR 577-040-0015.

(4) Personal records of each faculty member will be kept in locations central to the University, school or college, or department by which they are maintained. Except as provided in OAR 577-040-0020(4), the number of files relating to the evaluation of a faculty member shall be limited to three, to be kept in designated, available locations; each file on an individual member shall refer to the existence and location of the other files. All records containing personal information about faculty members shall be kept in secured files. The head of each academic or administrative unit maintaining faculty records shall be responsible for maintaining the confidentiality and security of all faculty records within that unit in accordance with the provisions of these regulations.

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

Hist: PSU 5, f. & ef. 4-6-76

**577-040-0010****Information to Be Recorded**

In accord with OAR 580-042-0715, 580-042-0720, and 580-042-0725, personal records of each faculty member at the University may include information regarding the following:

(1) Professional preparation and experience including record of credits earned toward a degree or in post-doctoral work and/or certificates, diplomas, licenses, and degrees received;

(2) Professional membership activity;

(3) Student advising and counseling;

(4) Professional activities external to the University including awards, recognition, research activities, travel;

(5) Teaching assignment, workload, publications, exhibitions, and other professional performance;

(6) Personnel data including promotions, tenure, leaves, retirement credits;

(7) Quality of teaching including departmental summaries of students' evaluations, research and service to the University;

(8) General performance including, but not limited to, discipline, counseling, and other behavioral records.

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

Hist: PSU 5, f. & ef. 4-6-76

**577-040-0015****Procedure for Recording Information for Faculty Personnel Records**

(1) Once each year, the information specified under OAR 577-040-0010(1) through (8) shall be brought up to date.

(2) It shall be the responsibility of the President of the University or his delegate to gather the information in a timely and efficient manner.

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

Hist: PSU 5, f. & ef. 4-6-76

**577-040-0020****Use of Information Contained in Faculty Records**

(1) In accord with OAR 580-042-0735, only the following four kinds of information may be released, upon request, without the faculty member's consent:

(a) Directory information (within the limitations of OAR 577-040-0005(2)), that is, information generally needed in identifying or locating a named faculty member including information as is readily to be found in published documents such as the University's catalogs and directories. A faculty member may stipulate that this information not include telephone number;

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

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

(d) Records tabulated from students' classroom survey evaluations and used by students in selecting courses or instructors.

(2)(a) All other information contained in faculty records shall be considered personal and subject to restricted access, being available only to the faculty member and to the University's personnel who have a demonstrably legitimate need to review it in order to fulfill their official, professional responsibility and including those individuals and/or committees responsible for making recommendations or decisions regarding retention, tenure, promotion, and salary increases. These records may not be released to any other person or agency without the faculty member's written consent, except upon receipt of a valid subpoena or other court order or process or as required by state statute, federal law, or valid federal rules, regulations or orders, or upon a finding by the President of the University that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such personal records;

(b) In accordance with OAR 580-042-0740(2) requiring the designation of institutional officials to appear in court to test the validity of a subpoena or other court order or process relating to release of faculty records when validity is in question, the President of the University or his delegate is designated to so appear;

(c) Access cannot be limited for records of academic achievement or for records more than 25 years old.

(3)(a) The entire contents of a faculty member's personal records files shall always be available to the member. A faculty member may at any time enter into the member's personal records files such comments, explanations, or rebuttals as the member may wish;

(b) A copy of each written evaluation of the faculty member, containing or having attached to it a statement that the member may discuss the evaluation with the evaluating official, shall be given the member. A copy of the evaluation signed, by the member signifying receipt, shall be placed in the member's evaluation file. The faculty member may enter into the evaluation file such comments, explanations, or rebuttals as desired. There shall be attached to each copy of the evaluation retained by the University, school, college, or department a copy of such comments, explanations, or rebuttals;

(c) If and when statements, either oral or written, are solicited concerning the scholarship, teaching or general performance of a faculty member, it must be made clear to the person from whom the statements are solicited that the University maintains an open file and that such statements, including the identity of the authors, will be available to the faculty member;

(d) Any evaluation received by telephone shall be documented in each of the faculty member's files by written summary of the conversation with the names of the conversants. After July 1, 1975, the University or any of its subdivisions when evaluating its employed faculty members shall not solicit nor accept oral or written statements from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential;

(e) If a department head or other administrative officer receives a written statement concerning a faculty member, and it is determined that the statement is significant, there must be an immediate notification to the faculty member that such statement has been received, and if it is decided that such material should be retained,

it must be retained only in the faculty member's personal records files.

(4) Confidential letters and other information submitted to or solicited after July 1, 1975, by the University or any of its subdivisions prior to the employment of a faculty member are exempt from the provisions of this section. However, if the applicant is employed by the University, the confidential preemployment information shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text which would serve to identify the contributor shall be excised and retained in a file other than the three designated in OAR 577-040-0005(4).

(5) Faculty members at the University who feel adversely affected by the University, school, college, or departmental personnel action or lack thereof may request from the President of the University or his delegate objective or quantitative information contained in files, which are limited as to access, concerning the personnel actions affecting categories of faculty members, where such actions appear to have relevance to the case of the faculty member making the request for information. The President or his delegate will make such information available. Such information may include: assignment, load, list of publications, and such other information as determined by the President or his delegate to be relevant, but will, in no event, include any evaluative statements concerning faculty members. Such information shall also be available to any other faculty member at the University upon request.

(6) Information about the faculty member requested for research purposes may be made available but without identifying the faculty member whose personal data or information are being included in the research. If the confidentiality of faculty records would seem in any way jeopardized by the release of requested information, the University through the President or his delegate, shall obtain the written consent of the faculty member prior to releasing information about him for research purposes.

(7) Survey evaluations by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports of evaluations shall be placed in at least one of the files designated in section 577-040-0005(4). All survey instruments used to obtain evaluation data shall be returned to the faculty member. No other evaluative material shall be accepted from students unless they are first clearly informed that the faculty member will have access to such material and that students' anonymity cannot be preserved.

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

Hist: PSU 5, f. & ef. 4-6-76

### 577-040-0025

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

(1) The individual faculty member's records shall be maintained only during the time that he is employed by the University and for one year after his employment is terminated. Thereafter, the faculty member's file shall be transferred to the office of the President or his delegate where it shall be determined whether any part of the file should be permanently retained. Only such records as are determined to be of long range value to the faculty member, to the University, or to the public shall be retained.

(2) Faculty records may be duplicated only when authorized by the President or his delegate or by the faculty member himself or his duly appointed representative.

(3) All records not retained permanently and all duplicate copies of any permanently retained records shall be destroyed as soon as their purpose is concluded as determined by the President of the University or his delegate, and said records or said duplicates shall be destroyed, in such manner as to protect their confidentiality, in accordance with the rules of the State Archivist.

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

Hist: PSU 5, f. & ef. 4-6-76

## DIVISION 41

### FACULTY CONDUCT CODE

#### 577-041-0005

##### Standards of Faculty Conduct

(1) Membership in the University community accords the Faculty member certain privileges, foremost among them the right to academic freedom; but such membership also places upon the faculty member special responsibilities:

(a) As a teacher, the faculty member by precept and example encourages the free pursuit of learning in his students; he respects the confidential nature of the relationship between professor and student; and he makes every reasonable effort to assure that his evaluation of students reflects their true merit;

(b) As a scholar, the faculty member practices intellectual honesty, seeking and stating the truth as he sees it; he devotes his energies to developing and improving his scholarly competence; and he accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge;

(c) As a colleague, the faculty member respects and defends the free inquiry of his associates; he shows due respect for the opinion of others; and he strives to be objective in his professional judgment of colleagues;

(d) As a member of the University, the faculty member seeks above all to be an effective teacher, scholar, and administrator; he participates willingly in the government of the University; and he observes the stated regulations of the University, provided they do not contravene academic freedom — Although he maintains his right to criticize and seek revision of those regulations;

(e) As an administrator, the faculty member has obligations toward the students, other academic staff members, and the University which derive from his common membership in the academic community; and he seeks to carry out his duties responsibly with due regard to equitable treatment of all personnel under his jurisdiction, so that the governance of the University effectively furthers its primary educational and scholarly functions;

(f) As a member of the non-academic community, the faculty member has the same rights and obligations as any citizen; however, when he speaks or acts as a private person, he avoids creating the impression that he speaks or acts for the University.

(2) Beyond the specific responsibilities stated in the foregoing, the faculty member — singly and together with his colleagues — has a dual obligation. First, he strives to ensure that the highest ethical standards of professional behavior are realized within the University. Second, he participates in guaranteeing due process to colleagues against whom complaints are brought alleging that they have violated the Oregon State Board of Higher Education's standards of "cause" for faculty discipline, which involve the above-listed responsibilities and other institution-related activities.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1, f. 12-14-71

#### Termination of Appointment and the Imposition of Other Sanctions for Cause

#### 577-041-0010

##### Definitions

In accordance with OAR 580-041-0325 of the Administrative Rules of the Oregon State Board of Higher Education, the appointment of academic staff members, whether on indefinite tenure or not on indefinite tenure, may be terminated for cause, or other sanctions may be imposed for cause:

(1) The term "academic staff member" as used in this Division 41 shall include all staff members of the University having academic rank (graduate rank or faculty rank) as defined in OAR 580-040-0040 of the Administrative Rules, e.g., graduate teaching assistant, graduate research assistant, graduate fellow, instructor, senior instructor, research assistant, research associate, lecturer, senior lecturer, assistant professor, associate professor, and professor, whether the type of service be teaching, research, administration, or other service; provided, however, that the procedures of this division

41 for the imposition of sanctions shall not be applicable to the president of the University. Complaints alleging that the President of the University has engaged in conduct such as to warrant the imposition of sanctions for cause as set forth in this OAR 577-041-0010 shall be forwarded to the Chancellor of the Department of Higher Education.

(2) Cause is defined by the Administrative Rules (OAR chapter 580) as follows:

(a) Failure to perform the responsibilities of an academic staff member, arising out of his particular assignment, toward his students, toward his academic discipline, toward his colleagues, or toward the institution in its primary educational and scholarly functions and secondary administrative functions of maintaining property, disbursing funds, keeping records, providing living accommodations and other services, sponsoring activities, and protecting the health and safety of persons in the institutional community. Evidence to demonstrate cause under the standard set forth in this subsection may include, but is not limited to, evidence of incompetence, gross inefficiency, default of academic integrity in teaching, research, or scholarship, and intentional or habitual neglect of duty;

(b) Conviction of a felony or of a crime involving moral turpitude during period of employment by the Department of Higher Education (or prior thereto if the conviction was wilfully concealed in applying to the Department for employment);

(c) Engaging in conduct proscribed by OAR 580-042-0410 of the Administrative Rules (the proscriptions in the following list apply to all persons in the University, not just academic staff members):

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

(B) Obstruction or disruption which interferes with the freedom of movement, both pedestrian and vehicular, on institutionally owned or controlled property;

(C) Possession or use of fire arms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on institutionally owned or controlled property, in contravention of law or without University authorization;

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

(E) Malicious damage or misuse or theft of institutional property, or the property of any other person where such property is located on institutionally owned or controlled property, or, regardless of location, is in the care, custody, or control of the University;

(F) Refusal by any person, while on institutional property, to comply with an order of the institutional executive or appropriate authorized official or officials, to leave such premises because of conduct proscribed by the Administrative Rules (OAR chapter 580) when such conduct constitutes a danger to personal safety, property or educational or other appropriate institutional activities on such premises;

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

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

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

(3) Sanctions for cause include oral or written warning or reprimand, written censure, removal from an assigned post and reassignment, suspension for a period not to exceed one year, and termination.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0015**

**Procedures for the Imposition of Sanctions**

Complaints alleging that an academic staff member has engaged in conduct such as to warrant the imposition of a sanction or sanctions for cause shall be filed with the President of the University or his deputy. (Hereinafter the word President shall be understood to refer to the President of the University or his deputy.) Such complaints shall be in writing and shall state specifically the facts believed to constitute the grounds for the imposition of such sanction or sanctions. Upon receiving such written complaint, the President shall promptly refer it to an appropriate administrative officer and shall also have a copy of the written complaint delivered to the academic staff member in person or sent by certified mail to his last known address. The administrative officer shall explore to his satisfaction the possibility of a settlement mutually acceptable to the academic staff member and himself. If no mutual settlement is effected, the procedures of OAR 577-041-0020 to 577-041-0085 shall apply.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0020**

**Sanctions of Oral Warning or Reprimand**

Sanctions of oral warning or reprimand may be imposed at the discretion of the appropriate administrative officer if, in his judgment, the preponderance of the evidence supports the complaint. But if an administrative officer desires to enter a notation of the imposition of such sanction in the academic staff member's personnel record or other records, he shall promptly submit the matter for review to a special *ad hoc* Warning and Reprimand Committee. The Committee, consisting of at least three members, shall be chosen in a manner to be determined by the Faculty Senate. The Committee shall review the complaint and, in accordance with the preponderance of the evidence, shall recommend, by agreement of at least a majority of its members, to the President whether such notation should be made. If the President authorizes the notation, he shall promptly give the academic staff member written notice of his decision and of his reasons therefor. No notation of the imposition of a sanction of oral warning or reprimand shall be made in the academic staff member's personnel record, or shall at any time be made a matter of record in any other manner, unless authorized by the President after he has received the recommendation of the special *ad hoc* Warning and Reprimand Committee.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0025**

**Sanctions of Written Warning or Reprimand**

If, in the judgment of the administrative officer to whom the complaint has been referred, the preponderance of the evidence supports the complaint against the academic staff member, he may determine that the imposition of a sanction of written warning or reprimand is warranted. If so, he shall promptly inform the academic staff member in writing of his decision to impose such sanction and of his reasons therefor, and such notification shall be delivered to the academic staff member in person or sent by certified mail to his last known address. Within ten days, or such longer period as may be approved by the administrative officer upon showing by the academic staff member that he was unable to respond within ten days, after the personal delivery or mailing by certified mail of such notification to him, the academic staff member shall state in writing to the administrative officer whether he desires a review, by a special *ad hoc* Warning and Reprimand Committee consisting of at least three members and chosen in a manner to be determined by the faculty Senate, of the decision to impose a sanction of written warning or reprimand. If the academic staff member does not request such review, the sanction shall become effective at the end of the ten-day or approved longer period. But if the academic staff member does request a review by the Warning and Reprimand Committee, that committee shall promptly review the matter and, in accordance with the preponderance of the evidence, recommend, by agreement of at

least a majority of its members, to the President whether a sanction of written warning or reprimand should be imposed. If the President determines that such sanction shall be imposed, he shall promptly give the academic staff member written notice of his decision and of his reasons therefor.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**Sanctions More Severe than Oral or Written Warning or Reprimand**

**577-041-0030**

**Screening Panel and Preparation of Formal Charges**

(1) If a complaint against an academic staff member has been referred to an administrative officer as provided for in OAR 577-041-0015 above, and a mutual settlement of the complaint has not been effected, the administrative officer shall promptly prepare and transmit to a special *ad hoc* Screening Panel a preliminary statement of charges if, in his judgment:

(a) The conduct alleged is such that it could warrant the imposition of a sanction or sanctions more severe than oral warning or reprimand, or written warning or reprimand; and

(b) He finds probable cause that the academic staff member did engage in such conduct;

(c) The preliminary statement of charges shall be in writing and shall state specifically the facts believed to constitute the grounds for the imposition of such sanctions. No institutional officer responsible for evaluating such charges shall participate in their preparation.

(2) The special *ad hoc* Screening Panel, composed of at least three members, shall be chosen by the Advisory Council in a manner it shall determine. It shall be the duty of the Screening Panel to recommend to the President within 14 days of the date of its selection whether there should be further proceedings before a hearing committee.

(3) The Screening Panel shall recommend that there be further proceedings before a hearing committee, if, in its judgment:

(a) The conduct alleged in the preliminary statement of charges is such that it could warrant the imposition of a sanction or sanctions more severe than oral warning or reprimand, or written warning or reprimand; and

(b) There is probable cause that the academic staff member did engage in the conduct alleged in the preliminary statement of charges.

(4) If the Screening Panel, by agreement of at least a majority of its membership, determines that there should be further proceedings before a hearing committee, it shall transmit the preliminary statement of charges to the President with a recommendation that a hearing committee should be selected to hear the case as provided for in OAR 577-041-0040 and 577-041-0045.

(5) If the President agrees with the Screening Panel's recommendation that there should be further proceedings before a hearing committee, he shall authorize the selection of a hearing committee as provided for in rules 577-041-0040 and 577-041-0045, and shall have delivered to the academic staff member in person or sent by certified mail to his last known address a written statement informing him of the President's agreement with this recommendation of the Screening Panel, and enclosing a copy of the Screening Panel's recommendation and of the statement of charges.

(6) If the President disagrees with the Screening Panel's recommendation that there be further proceedings before a hearing committee, the charges against the academic staff member shall be dropped.

(7) If the Screening Panel determines that there is not probable cause to impose sanctions more severe than oral or written warning or reprimand, and recommends that there should not be further proceedings before a hearing committee, and the President disagrees with this determination, he may order preparation of formal statement of the charges. If the President orders preparation of a formal statement of the charges, the procedure followed shall be as set forth in OAR 577-041-0030, except that the Screening Panel shall be bypassed. Within ten days after the President's decision to require

a hearing, or after preparation of the amended statement of charges, a copy of the statement of charges shall be delivered to the academic staff member in person or sent by certified mail to his last known address.

(8) For the purposes of these procedures and in connection with the notation in an academic staff member's personnel file of formal charges brought against him (see OAR 577-041-0080), the bringing of formal charges against an academic staff member shall be constituted by:

(a) The delivery to an academic staff member in person, or the sending by certified mail to his last known address, of a written statement from the President informing him of the President's agreement with a Screening Panel's recommendation that there be further proceedings before a hearing committee; or

(b) The delivery to an academic staff member in person, or the sending by certified mail to his last known address, of a statement of the charges against him; or

(c) The delivery to an academic staff member in person, or the sending by certified mail to his last known address, of a statement of charges against him the preparation of which was authorized by the Board of Higher Education as provided for in OAR 577-041-0070.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0035**

**Temporary Suspension of Academic Staff Member**

If at any time after the filing of a written complaint as described in OAR 577-041-0015 above, or following a directive of the Board of Higher Education to the President described in OAR 577-041-0070, the President makes a finding that there is a clear and present danger that the academic staff member's continued performance of his duties will be harmful to the University, to the academic staff member, or the public at large, the President may suspend the academic staff member, without financial penalty, from some or all of his duties.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0040**

**Academic Staff Member's Request for a Formal Hearing**

Within ten days after the personal delivery or mailing by certified mail of a copy of the formal charges to the academic staff member, the academic staff member who is so charged shall state in writing to the President whether he desires a formal hearing on the charges before a hearing committee. This ten-day period may be reasonably extended by the President. If the academic staff member requests in writing that he not have a formal hearing, the President may impose an appropriate sanction or sanctions upon the academic staff member to be effective as the President determines, and he shall promptly give written notice thereof to the academic staff member; provided, however, that the appointment of an academic staff member shall not be terminated sooner than one month nor later than one year from the end of the ten-day period (or as it may have been extended), and provided further, however, that an academic staff member having indefinite tenure whose appointment is terminated for cause other than misconduct shall receive his salary for one year from the end of the ten-day period, or as it may have been extended.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0045**

**Hearing Committee**

Unless the academic staff member requests in writing that he not have a formal hearing on the charges, such hearings shall be before a special *ad hoc* hearing committee of five members. Committee members shall be selected in the following manner: The Advisory Council shall appoint one or more permanent panels each consisting of ten faculty members: from one, or if necessary, two, of the

permanent panels, the Advisory Council will name five to serve as the hearing committee. If the academic staff member so requests, the Advisory Council may provide that the hearing committee be composed of at least three members having the same contractual status, i.e., indefinite tenure or not indefinite tenure, as he does; or, if he so requests, that the hearing committee be composed entirely of members having indefinite tenure. The academic staff member and the administration are each allowed one peremptory challenge. A committee member so challenged will then be replaced by the Advisory Council from the same panel or panels of ten members each. The hearing committee shall be constituted promptly and shall complete the hearing and its report within 30 days of its constitution, if possible. The committee shall elect a chairman from among its members.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0050**

**Conduct of Hearing**

(1) The committee shall set a date for the hearing, giving sufficient time to the academic staff member to prepare his case. The committee shall promptly send written notification of the time, place, and date of the hearing to the academic staff member, either by delivery to him in person, or by certified mail to his last known address. The notification shall specify the authority and jurisdiction under which the hearing is to be held. The academic staff member and the administration shall have the option of assistance by counsel, both in preparing for and at the hearing. No less than one week before the hearing date, the academic staff member shall file with the committee any such written statement of his case as he elects to file. The committee shall review the charges and the academic staff member's statement, if any, prior to the hearing. During the period between the filing of the complaint and the President's action on the committee's report, the academic staff member shall enjoy the same academic freedom, rights, and privileges as other academic staff members, unless suspended as provided in rule 577-041-0035.

(2) If the academic staff member has neither requested in writing that he have a formal hearing nor requested in writing that he not have a formal hearing, the committee shall consider the case on the basis of the obtainable information and decide what, if any, sanction or sanctions it will recommend be imposed upon the academic staff member. The academic staff member shall have the option of a public or private hearing except that the hearing committee, for cause, may require that the hearing be limited to a few observers; the observers shall include representatives of the press if they request to be present. The conduct of the hearing shall be under the control of the committee chairman, subject to the procedure of the committee.

(3) A verbatim record of the hearing shall be kept. The verbatim record shall be held in the custody of the Vice President for Academic Affairs until final disposition of the case has been made by the President or by the Board if there is an appeal to or review by the Board. Thereafter, it shall be sent to the President to be held in his safe keeping until a year after the final disposition of the case by the President, the Board, or the appropriate court of law, and then destroyed as soon as permitted by law. At the hearing, the testimony of witnesses, upon oath or affirmation, and other evidence concerning any disputed facts shall be received by the committee. The administration shall have the burden of proving the formal charges against the academic staff member and the committee findings shall be according to the preponderance of the evidence.

(4) The academic staff member shall have the right to appear, and to participate in the hearing and to present relevant evidence to the committee, and he may be represented by counsel with or without the presence of the academic staff member. If an academic staff member who has requested a formal hearing fails to appear at the time set for the hearing, and no explanation acceptable to the committee has been given, the committee shall proceed with the hearing without the presence of the academic staff member. The academic staff member and the administration shall have the right to confront and cross-examine all witnesses. The administration shall issue subpoenas for the attendance of witnesses upon request of the hearing committee on good cause being shown, including a showing of rel-

evance and reasonable scope, by the academic staff member. The academic staff member and the administration shall be given a reasonable opportunity to submit rebuttal testimony or other evidence. At the conclusion of the testimony, the committee shall permit each side a reasonable time, not to exceed two hours, to submit an oral or written summation. When the committee is satisfied that all pertinent and available evidence has been received, and that all summations intended to be offered have been presented, the hearing will be adjourned. When the committee is satisfied that all pertinent and available evidence has been received, and that such summations as it deems appropriate have been presented, the hearing will be adjourned. The committee will then go into executive session for the purpose of deliberation.

Stat. Auth.: ORS 351  
 Stats. Implemented: ORS 351.070  
 Hist.: PSU 1, f. 12-14-71; PSU 2-1998(Temp), f. & cert. ef. 8-11-98 thru 11-1-98; PSU 6-1998(Temp), f. & cert. ef. 12-11-98 thru 4-30-99; PSU 2-1999(Temp), f. & cert. ef. 4-15-99 thru 5-30-99; PSU 3-1999, f. & cert. ef. 5-14-99

**577-041-0055**

**Committee's Report**

The committee, by agreement of at least a majority of the members thereof, shall make explicit findings based upon the hearing record with respect to each specification in the formal charges lodged against the academic staff member, and shall within ten days following determination by the committee of its findings recommend, by agreement of at least a majority of the members thereof, what, if any, sanction or sanctions be imposed upon the academic staff member. The President and the academic staff member shall be given copies of the findings and recommendation. The verbatim record of the hearing shall be made available to the President and to the academic staff member for copying or copies thereof shall be made for them at cost upon their request.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0060**

**Action by the President**

The President may, if he deems it necessary, refer the matter back to the committee for further findings of fact. If the President reviews the entire record, including the verbatim record of the hearing, he shall, promptly after receipt of the committee's report and after having had a reasonable opportunity to consult with the Chancellor and others, give the academic staff member and the Chancellor written notice of his decision. If the President decides adversely to the academic staff member solely upon the basis of the committee's report, without reviewing the full record, he shall prepare a proposed order, including findings of fact and conclusions of law, and provide an opportunity to the academic staff member to file exceptions thereto and present argument. The President shall personally consider any portion of the record cited in the academic staff member's exceptions and argument. The President's decision, whether or not upon the full record, shall be accompanied by findings of fact and conclusions of law on each contested issue. A copy of the decision, including findings of fact and conclusions of law shall be delivered to the academic staff member in person or sent by certified mail to his last known address. If the decision is to impose a sanction or sanctions upon an academic staff member, the notice shall state when it is to be effective; provided, however, that the appointment of an academic staff member shall not be terminated sooner than one month nor later than one year from the date of the written notice, and provided further, that an academic staff member having indefinite tenure whose appointment is terminated for cause other than misconduct shall receive his salary for one year from the date of the written notice of the President's decision.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0065**

**Review by the Board of Higher Education**

(1) The Board shall review any case of the imposition of a sanction or sanctions upon an academic staff member having indefinite tenure upon written notice of appeal by the academic staff member. This appeal shall be filed with the Board's Secretary within ten days (or within such extension of time as permitted for cause by the Chancellor) of date of the written notice of the President's decision, stating grounds for the appeal, with a copy to the President. The Board may on its own initiative review any case involving the question of the imposition of a sanction or sanctions upon an academic staff member. Upon receiving a notice of any written notice of appeal by an academic staff member having indefinite tenure or of the Board's decision to review a case, the President shall forward to the Board's Secretary the following:

- (a) A copy of the charges in the case and of the academic staff member's written statement, if any, in answer thereto;
  - (b) The verbatim record of the hearing, and any exhibits;
  - (c) The committee's findings and recommendations; and
  - (d) A copy of the notice of the President's decision, including his findings of fact and conclusions of law.
- (2) The Board may:
- (a) Review the case on record only;
  - (b) Return the case to the University for the receipt of further evidence or testimony;
  - (c) Conduct such hearings as it deems proper for its review;
  - (d) Refer the matter to a committee of Board members for consideration, including possible hearings, and recommendations; or
  - (e) Refer the matter to a hearing officer for hearings and recommendation. The Board shall make such determination of the case, pursuant to the Administrative Rules (OAR chapter 580), as it deems just.
- (3) If the Board sustains the decision to impose a sanction or sanctions upon the academic staff member, the sanction or sanctions shall be effective at the date originally named by the President, or such later date as determined by the Board.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0070**

**Board's Initiative in Bringing Investigation or Charges**

On any occasion when it appears to the Board that there is probable cause to impose a sanction or sanctions upon an academic staff member, the Board may direct the President to determine whether he finds there is probable cause to impose a sanction or sanctions upon the academic staff member. In determining the existence of probable cause, the President shall refer the question to a Screening Panel described in OAR 577-041-0030 for its recommendation. The subsequent procedures shall be the same as provided for in OAR 577-041-0030(2) through 577-041-0065. If the finding of the President is that there is not probable cause to impose a sanction or sanctions upon the academic staff member, the President shall transmit such report to the Board, including a full statement of his reasons for such a finding. If the Board, after receipt of the report, deems that the facts of the case warrant the filing of formal charges, the Board shall provide the President with a statement explaining its exceptions to his findings, and it may direct the President to have formal charges prepared or, upon the request of the President, the Board may direct some person within the Department of Higher Education to prepare the formal charges. Following the President's authorization of preparation of charges, no institutional officer responsible for evaluating the charges shall participate in their preparation. Within ten days after the President's authorization of preparation of the charges, they shall be filed with the President, and a copy personally delivered to the academic staff member or sent by certified mail to his last known address. The personal delivery or sending by certified mail to the academic staff member of the charges whose preparation was authorized by the President or prepared within the Department of Higher Education, shall constitute the formal filing of charges for the purposes of this OAR 577-041-0070. The subsequent procedures shall be the same as provided for in OAR 577-041-0035 through 577-041-0065.

Stat. Auth.: ORS 351  
 Stats. Implemented:

Hist.: PSU 1, f. 12-14-71

**577-041-0075**

**No Reprisals**

No employee of the Department of Higher Education shall be subject to reprimand or other adverse action by the Department for appearing as a witness or for participating as a member of a committee in any proceedings provided for in this division 41.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0080**

**Personnel Record**

No notation shall be made in the personnel record of an academic staff member of any investigation which has not resulted in formal charges being brought against him under this Division, or which has not resulted in the imposition of a sanction of oral or written warning or reprimand in accordance with the procedures provided for in OAR 577-041-0015, 577-041-0020, and 577-041-0025.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**577-041-0085**

**No Prejudice**

If at any stage of the proceeding the charges against the academic staff member are dropped, or if the academic staff member is exonerated of the charges against him, he shall enjoy without prejudice the same academic freedom, rights, and privileges as other academic staff members in good standing. The Vice President for Academic Affairs shall assume responsibility for assuring that the academic staff member involved enjoys such academic freedom, rights, and privileges without prejudice.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1, f. 12-14-71

**DIVISION 42**

**FACULTY GRIEVANCE PROCEDURE**

**577-042-0005**

**Purpose and General Explanation**

(1) The purpose of this procedure is to provide the faculty of Portland State University with a means for prompt and efficient handling of grievances. The procedure covers a broader range of grievances than those grievable under current collective bargaining agreements between Portland State University and various bargaining agents.

(2) The emphasis is on solving problems in a collegial manner with members of the University community confronting each other directly as peers seeking to resolve conflicts in a way that embodies mutual respect and fairness. The procedure encourages settlement of disputes at the lowest possible level by direct communications between the conflicting parties. In filing grievances, grievants are expected to do so in a timely manner so that subsequent events do not make adjustments of grievances impossible or highly impractical.

(3) Peer review and an opportunity for peer hearing are provided. The grievant is also assured of an opportunity to appeal to the President of the University. Appeal from the decision of the President is governed by the Administrative Rules of the Oregon State System of Higher Education.

Stat. Auth.: ORS 351  
 Stats. Implemented:  
 Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89; PSU 2-2001(Temp), f. 9-27-01, cert. ef. 10-1-01 thru 1-29-02; Administrative correction 3-15-02; PSU 3-2002, f. & cert. ef. 10-22-02

**577-042-0006**

**Definitions**

(1) "Grievance" means a complaint of unfair or inequitable treatment by the University:

(a) Grievances relating to charges of discrimination may be filed with the University Affirmative Action Officer;

(b) If the grievant is entitled to a contested case procedure, the grievant may elect to use that procedure;

(c) Grievances resulting from disciplinary action will be processed under the procedures established in the Bargaining Agreement between PSU and AAUP/PSU, if applicable.

(2) "Grievant" means one or more members of the Portland State University faculty asserting a grievance, but shall not include administrators or similar persons in supervisory positions.

(3) "Day" means a day when classes or examinations are scheduled and held in accordance with the official academic calendar of the University, excluding Saturdays and Sundays. Summer Session days will not be counted as days for those employees not employed during the Summer Session.

(4) "Dean" shall have its ordinary meaning but includes in appropriate cases, University administrators serving in an equivalent supervisory capacity.

(5) "Department Chair" shall have its ordinary meaning but includes, in appropriate cases, University Administrators serving in an equivalent supervisory capacity. In the event there is no person in the position of department chair, or its equivalent, the Dean shall assume the obligations of the Department head as required by this grievance procedure.

(6) "Grievance Officer" means the administrative officer appointed by the President to receive and act upon the recommendations of the faculty committee. The Grievance Officer shall be the Vice President in the reporting line of a given academic staff member. In cases where a grievance is against the relevant Vice President, the President shall appoint a Grievance Officer mutually agreeable to both parties.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89; PSU 2-2001(Temp), f. 9-27-01, cert. ef. 10-1-01 thru 1-29-02; Administrative correction 3-15-02; PSU 3-2002, f. & cert. ef. 10-22-02

#### 577-042-0010

##### General Provisions

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

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

(3) Failure of the grievant to take action within the time limits specified at any step, including any extensions, shall be considered acceptance by the grievant of the decision. Failure by the accountable administrator to act within the specified time limits, including any extensions shall constitute a violation of this procedure, the complaint against which will automatically become a part of the grievance and will be treated in subsequent stages of the procedure as if it had been part of the original complaint, except that no evidence or testimony shall be required save that the administrator did not act within the time limits. Failure of the administration to communicate the decision on a grievance at any step within the time limits, including any extension thereof, shall allow the grievant to proceed to the next step.

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

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

(6) At any time, the parties may, at their discretion, enter into confidential mediation communications pursuant to OAR 580-001-0030 and 580-022-0047 provided as follows:

(a) All parties to the mediation must agree in writing to engage in confidential mediation; and

(b) All parties must agree to suspend consideration of the grievance until such time as the mediation resolves the grievance or the mediation concludes. In no case shall the rights of the grievant to continue to pursue resolution of the grievance under this rule be limited or considered untimely if the parties have mutually agreed to confidential mediation, whether or not the grievance has been formally presented prior to confidential mediation. A grievance that has not been formally presented and that is not resolved by confidential mediation must be presented as described in OAR 577-042-0015 within 30 days of the conclusion of confidential mediation.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89; PSU 2-2001(Temp), f. 9-27-01, cert. ef. 10-1-01 thru 1-29-02; Administrative correction 3-15-02; PSU 3-2002, f. & cert. ef. 10-22-02

#### 577-042-0015

##### Presentation of Grievance

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

(2) Oral presentation of a grievance:

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

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

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

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

(e) Within ten days of the first presentation of the grievance, the department chair shall orally notify the grievant of the outcome and record the date of notification;

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

(3) Written presentation of a grievance:

(a) Step one: Dean's review.

(A) If the grievant is not satisfied with the decision of the department chair and desires to proceed further, the grievant shall, within five days of being notified of the department chair's decision, present the grievance in writing to the Dean on the form attached as **Appendix I**;

(B) Upon receipt, the Dean shall immediately transmit a copy of the written grievance to the department chair and shall create a grievance file into which all written materials concerning the grievance will be placed. The grievance file shall be available at any time to the grievant;

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

(D) The Dean shall conclude the review and notify in writing the grievant and the department chair of the decision on the grievance within ten days of the meeting.

(b) Step two: Peer hearing.

(A) If the grievant is not satisfied with the Dean's decision and desires to proceed further, the grievant shall, within five days of receipt of the Dean's written decision, file a request for a hearing

with the chairperson of the University Faculty Grievance Panel, using the form attached as **Appendix 2**;

(B) The Faculty Peer Hearing Committee, having been duly constituted in accordance with section (v) of this rule, shall obtain the grievance file from the Dean and provide opportunity for the grievant, Dean, and department chair to submit any additional written information or written statements in connection the grievance;

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

(D) The Hearing Committee shall present its report including recommendations, to the grievant and to the Vice President within ten days after the conclusion of the hearing;

(E) Procedure for the conduct of peer hearings:

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

(ii) During the hearing an opportunity shall be provided for the grievant and the Dean to present brief opening and closing statements and for both parties to call and examine witnesses, to introduce exhibits, and present and question witnesses. Each party may present evidence, argument, and rebuttal;

(iii) The grievant shall appear at the hearing and may be accompanied and assisted by other persons, including counsel. Any costs incurred for presentation or assistance will be the obligation of the party requesting it;

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

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

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

(vii) Based only on the evidence presented at the hearing, the Hearing Committee shall describe the issues considered, reach conclusions and recommendations based on those conclusions in a written report to the Grievance Officer;

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

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

(c) Step three: Grievance Officer's Decision.

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

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

(C) The Grievance Officer shall provide written notice to all previous parties of the decision on the grievance within ten days of receipt of the report of the Hearing Committee.

(d) Step four: Review by President.

(A) If the grievant is not satisfied with the action of the Grievance Officer, the grievant may, within five days of receipt of the Grievance Officer's decision, petition the President to review;

(B) The President shall notify the grievant in writing of the decision and of the reasons for the decision within 30 days of the presentation of the petition for review. As part of the decision, the President may take such further action as deemed necessary and proper,

including granting or denying relief, or remanding the grievance for further proceedings.

(C) Except as set forth in OAR 580-021-0050 and herein, the decision of the President shall be final and shall be an exhaustion of the grievant's administrative remedies with the institution and the State Board of Higher Education. If the grievance involves the President, where the President is the immediate supervisor of the grievant, then the appeal set forth in section (A) above shall be to the Chancellor of the Oregon University System (all other provisions of this rules shall otherwise apply).

(4) Nothing contained in this administrative rule shall be construed to limit the right of the State Board of Higher Education to make such inquiry and review into personnel actions as it may from time to time deem, in its sole discretion, appropriate.

[ED NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89; PSU 2-2001(Temp), f. 9-27-01, cert. ef. 10-1-01 thru 1-29-02; Administrative correction 3-15-02; PSU 3-2002, f. & cert. ef. 10-22-02

### 577-042-0020

#### Non-Retaliation

Regardless of the outcome of the grievance procedures, no action adverse to the grievant may be taken in retaliation for invoking the procedure.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89

### 577-042-0025

#### University Faculty Grievance Panel and Faculty Peer Hearing Committee

(1) Membership:

(a) All members of the Portland State University faculty who are employed for a full academic year at 0.50 FTE or more are eligible for membership on the University Faculty Grievance Panel.

(A) The panel shall consist of 24 members selected through a random process by the Secretary of the Faculty. The President of the University shall appoint each of these 24 persons to serve for a term of one academic year.

(B) Any person selected shall be required to serve and may be excused by the President, upon request, only in exceptional circumstances.

(b) The Secretary of Faculty shall convene the panel within 10 days of its appointment to elect a chairperson. The Secretary of the Faculty shall explain the duties of the chairperson. The election shall be accomplished by secret ballot and majority vote.

(c) Vacancies, including the chairperson, occurring during the term of the panel, shall be filled in the same manner as the initial selection and appointment.

(2) Faculty Peer Hearing Committee:

(a) When a Hearing Committee is requested by a grievant, the chairperson of the Grievance Panel and the Secretary of the Faculty, without delay, shall draw through a random process five names from the panel, excluding the chairperson. These five persons shall be the Hearing Committee for the grievance at hand. The chairperson shall promptly notify the persons selected. The chairperson shall also notify the parties of the persons selected.

(b) Within one day of receipt of such notice, each party may challenge any selection for cause. All such challenges shall be decided by the chairpersons of the Grievance Panel. In addition each party is entitled to one peremptory challenge. Peremptory challenges shall be exercised within one day after all challenges for cause have been decided and replacement selected.

(c) All vacancies resulting from challenges, for cause or peremptory, shall be filled by drawing names of the remaining panel members in the manner described above.

(d) If the panel is exhausted, additional members shall be selected at random by the Secretary of the Faculty and temporarily appointed by the President in the same manner as permanent members of the Faculty Grievance Panel.

(e) Upon completion of the selection of the Hearing Committee, the chairperson of the Grievance Panel shall promptly convene the Committee. The chairperson of the Grievance Panel shall make the first nomination for chairperson of the Hearing Committee, and conduct an election in which the five members of the Hearing Committee select their chairperson. At this point the Hearing Committee is duly constituted and shall proceed with its business.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89

## DIVISION 50

### CENTER FOR POPULATION RESEARCH AND CENSUS

#### 577-050-0005

##### Authority

Under ORS 190.610 the State Board of Higher Education in 1965 established a Center for Population Research and Census (CPRC) at Portland State University and delegated to it the state census responsibilities set forth in ORS 190.510–190.610.

Stat. Auth.: ORS 190

Stats. Implemented:

Hist.: PSU 4-1978, f. & ef. 6-26-78

#### 577-050-0010

##### Purpose

These rules govern the procedures by which a county or city may obtain review of a population estimate made by the CPRC.

Stat. Auth.: ORS 190

Stats. Implemented:

Hist.: PSU 4-1978, f. & ef. 6-26-78

#### 577-050-0015

##### County Estimates

(1) Population Estimate: Under ORS 190.520, the CPRC annually estimates the population as of July 1 of each county in the State of Oregon.

(2) First Review Period: Preliminary county estimates are mailed to the designated county official by November 15th of the estimate year for review by the county. Since under ORS 190.520 the CPRC is required to certify county estimates by December 15th of the estimate year, the county has one month for review, questions, and challenges. If differences regarding the estimate are not resolved during the first review period, the CPRC will certify the preliminary estimate to the Secretary of State on December 15th of the estimate year.

(3) Second Review Period: A second review period is from December 15th of the estimate year to March 31st of the following year. This period is to allow counties to assemble and present data to the CPRC that could not be assembled during the initial review period. If differences between the county and the CPRC are resolved during the second review period the CPRC will issue a revised certificate of population for the county retroactive to December 31st of the estimate year.

(4) Review Data: Counties may supply the CPRC with data that can be used to evaluate the population estimate in question. Acceptable data are:

(a) Housing Data. To be considered in a CPRC review, housing data must reflect all additions to a county's housing stock from the last decennial federal census through the date of estimate. The data must meet the following criteria:

(A) All housing units constructed are identified by year and month of construction and type of unit. Specifically, the data show number of single units, number of units contained within multiple units (i.e., apartments, condominiums, townhouses, etc.), and mobile homes that are occupied and used as permanent residences;

(B) Building activity reports must exclude commercial construction and permits issued for home improvements or modifications, unless the modification involves conversion to another type of unit (i.e., single family unit modified to a multiple unit). Data for each year must also show demolitions, removals, or housing units

lost (fire, etc.), conversions, and abandonments or existing housing stock;

(C) Differences between numbers of permits issued and numbers of actual completed units must be reported. Only completed units can be added to the housing stock;

(D) Counties must differentiate between permits issued in incorporated cities within the county and permits issued for units in the unincorporated areas of the county. Additionally, all units reported for construction in the unincorporated areas of a county must be accompanied by a map (of such scale as to be easily identified) showing the location of such construction.

(b) Group Quarters Data. Counties should also report all persons not living in households (i.e., group quarters). These are defined as persons living in college or other educational institution dormitories; inmates of federal and state prisons, but only those serving term of more than one year; inmates of long-term care facilities; members of religious orders; and members of the armed forces living in military barracks;

(c) Utility Data: If the county chooses to supplement housing data with utility data the following criteria apply:

(A) The utility boundaries must be entirely comparable to the county boundaries;

(B) The coverage of the population by the utility must be evaluated against the last decennial census household county, i.e., the number of housing units serviced by the utility in the last decennial census year should be in general congruent with the number of occupied housing units enumerated in the last decennial census;

(C) Master meters must be accounted for — The meter in use for an entire building misrepresents the number of residential units; in addition, conversions from master meters to individual meters must be reported;

(D) Vacant units that do not disconnect power between occupants (such as rental units and recreational units) cannot be reported as occupied residences.

(5) Enumeration or Survey: At any time during the first or second review period, the county may request that the CPRC conduct a complete enumeration or a sample survey of housing units and number of permanent residents to determine the population of the county. The enumeration or survey is performed at the cost of the requesting entity. If the census or survey is conducted before March 1 of the year following the December 15th certification, this population count is certified to the Secretary of State and to the Federal Bureau of the Census, and it is retroactive to December 31st of the estimate year. The CPRC determination is final. A census or survey is recognized as a final figure of the county's population by both state and federal governments.

Stat. Auth.: ORS 190

Stats. Implemented:

Hist.: PSU 4-1978, f. & ef. 6-26-78

#### 577-050-0020

##### City Estimates

(1) Population Estimate: Under ORS 190.520, the CPRC annually estimates the population as of July 1 of each incorporated city or town in the State of Oregon.

(2) First Review Period: Preliminary city estimates are mailed by November 15 to the designated city official in each incorporated city for review. Since under ORS 190.520 the CPRC is required to certify city estimates by December 15 of the estimate year, the city has one month in the first review period for questions and challenges. Unless resolution of differences between a city and the CPRC occurs during the month of the first review period, the CPRC will certify the preliminary population estimate to the Secretary of State on December 15 of the estimate year.

(3) Second Review Period: A second review period ensues from the December 15 certification date to March 31 of the following year. This period allows the cities to assemble and collect data which could not be assembled in the first review period. The CPRC will review additionally submitted data and notify the city whether their population estimate will be changed. If the CPRC changes the city's annual estimate, the revision will be certified March 31 retroactive to December 31 of the estimate year.

(4) Review Data: Cities may supply the CPRC with additional data that can be used to evaluate the population estimate in question. Acceptable review data are:

(a) Housing Data:

(A) Since incorporated cities provide the CPRC with annual building and demolition data by type of unit, these annual data may be reviewed by the city and by the CPRC. If the city has originally submitted incorrect building and demolition data, it must resubmit all building and demolition data broken down by month from the date of its last official census (either Federal or CPRC). The CPRC will then reevaluate the city's estimate and determine if an adjustment is to be made;

(B) Mobile home inventories may be reexamined and resubmitted for the estimate year in question if errors are found in city submitted data. The CPRC will reevaluate the city's estimate based on corrected mobile home input as of March 31 of the estimate year in question.

(c) Group Quarters Data: If a city has originally submitted incorrect data on group quarters population, it may resubmit a detailed summary of all group quarters facilities within the incorporated limits of the city, and their respective populations as of March 31 of the estimate year in question;

(c) Annexation Data: Since cities provide annexation data to the CPRC on a quarterly basis, these data may be reviewed by the city and the CPRC. If city-submitted annexation data are incomplete, the city may submit annexation questionnaires for each omitted annexation and schedules for each housing unit involved in each annexation. If there are more than 125 housing units in any single annexation, the CPRC must conduct the census of the annexation area at the city's expense. This additional population data will be used to reevaluate the city's estimate;

(d) Utility Data: If a city chooses to supplement housing data with utility data, the following criteria apply:

(A) The utility boundaries must be entirely comparable to the corporate limits of the city;

(B) The coverage of the population by the utility must be evaluated against the last decennial census household count, i.e., the number of housing units serviced by the utility in the last decennial census year should be in general agreement with the number of occupied housing units enumerated in the last decennial census year;

(C) Master meters must be accounted for; one meter in use for an entire building misrepresents the number of residential units; in addition, conversions from master meters to individual meters must be checked;

(D) Care must be taken not to count vacant rental units that do not disconnect power between occupants.

(5) Enumeration or Survey: At any time during the first or second review period, the city may request that the CPRC conduct either a complete enumeration, or, for cities with populations greater than 5,000, a sample survey of housing units. The enumeration or survey is conducted at the expense of the requesting entity. The population determined by either the enumeration or survey will then be certified to the Secretary of State and to the U.S. Bureau of the Census. It should be noted that the U.S. Bureau of the Census recognizes CPRC conducted censuses and surveys and accepts CPRC figures for their Federal Revenue Sharing estimates. Censuses or surveys conducted before March 1 of the year following the December 15 certification will be certified March 31 retroactive to December 31 of the estimate year in question. The CPRC determination is final.

Stat. Auth.: ORS 190  
 Stats. Implemented:  
 Hist.: PSU 4-1978, f. & ef. 6-26-78

## DIVISION 60

### SCHEDULE OF FEES FOR GENERAL SERVICES AND OTHER CHARGES

577-060-0020

### Schedule of Fees for General Services and Other Charges

The Schedule of Fees for General Services and Other Charges for the 2004-2005 Fiscal Year are hereby adopted by reference by Portland State University.

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 16(Temp), f. 8-24-77, ef. 9-1-77; PSU 18, f. & ef. 10-4-77; PSU 19(Temp), f. & ef. 10-11-77; PSU 20, f. & ef. 11-18-77; PSU 3-1978(Temp), f. 6-19-78, ef. 7-1-78; PSU 7-1978, f. & ef. 9-5-78; PSU 1-1979, f. & ef. 9-17-79; PSU 3-1980, f. & ef. 9-4-80; PSU 2-1981, f. & ef. 9-10-81; PSU 3-1982, f. & ef. 9-3-82; PSU 1-1983, f. & ef. 2-8-83; PSU 2-1983, f. 6-22-83, ef. 7-1-83; PSU 1-1984, f. 6-8-84, ef. 7-1-84; PSU 1-1985, f. 6-26-85, f. 7-1-85; PSU 1-1986, f. 6-25-86, ef. 7-1-86; PSU 1-1987, f. 6-19-87, ef. 7-1-87; PSU 3-1987 (Temp), f. & ef. 8-11-87; PSU 5-1987, f. & ef. 10-27-87; PSU 5-1988, f. & cert. ef. 7-18-88; PSU 7-1988(Temp), f. & cert. ef. 11-29-88; PSU 3-1989, f. & cert. ef. 7-26-89; PSU 5-1990, f. & cert. ef. 7-5-90; PSU 2-1991(Temp), f. & cert. ef. 6-28-91; PSU 3-1991, f. & cert. ef. 8-7-91; PSU 4-1991(Temp), f. & cert. ef. 12-4-91; PSU 1-1992, f. & cert. ef. 1-17-92; PSU 2-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1993, f. & cert. ef. 6-11-93; PSU 2-1993(Temp), f. & cert. ef. 7-13-93; PSU 3-1993(Temp), f. & cert. ef. 7-30-93; PSU 4-1994, f. & cert. ef. 11-3-94; PSU 1-1995, f. & cert. ef. 8-9-95; PSU 1-1996(Temp), f. 1-18-96, cert. ef. 3-1-96; PSU 3-1996, f. & cert. ef. 6-27-96; PSU 1-1997, f. & cert. ef. 8-1-97; PSU 4-1998, f. & cert. ef. 9-17-98; PSU 4-1999, f. & cert. ef. 8-11-99; PSU 2-2000, f. & cert. ef. 8-1-00; PSU 1-2001, f. & cert. ef. 8-14-01; PSU 2-2003, f. 6-27-03, cert. ef. 7-1-03; PSU 4-2003(Temp), f. & cert. ef. 11-18-03 thru 5-14-04; PSU 1-2004, f. & cert. ef. 8-20-04

## DIVISION 70

### PARKING RULES AND REGULATIONS

577-070-0005

#### Declaration of Purpose

(1) In order to facilitate the operation of parking structures, parking lots and controlled street access areas of the University, the following rules and regulations are hereby established and are enforceable under authority provided by ORS 352.360.

(2) All motor vehicle laws of the State of Oregon including specifically, but not limited by, ORS Chapters 481, 482, 483, 484, and 486, together with amendments hereafter adopted, are applicable to the campus of Portland State University to the same extent as if this campus and its streets were public highways, and all provisions of said motor vehicle laws are applicable and enforceable. State motor vehicle laws shall apply should any of these parking rules and regulations be found inconsistent and incompatible.

(3) Portland State University, through the President and other administrative officers designated by him, is hereby authorized to place these rules and regulations into effect and to provide for the enforcement thereof through the appointment of security and student patrol officers.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

577-070-0010

#### Use Restrictions

The parking structures and parking lots are for the use of faculty, staff, student, guests and visitors of the State System of Higher Education; parking by other persons is subject to availability of parking spaces and the policies as established by the administration of Portland State University. All persons — faculty, staff, students, visitors, and commercial representatives — who park in University-owned parking lots, structures, University controlled street access areas, campus grounds or other no parking zones, must obtain and display a permanent, temporary, contractor, or service permit. Vehicles cited for failure to display such permits are subject to penalty as assessed by the University. The PSU Parking office reserves the right to enforce all parking areas, from 8am to 7pm Monday through Thursday and 8am to 5pm on Fridays and Saturdays, including breaks between terms. Restricted parking areas, including drive lanes and fire lanes, disabled spaces, loading zones and lots marked as

reserved 24 hours per day and all campus grounds may be enforced at all times.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

### 577-070-0015

#### Permits and Fees

(1) Permits: Parking permits are required to park in any University parking facility except on Sundays and legal holidays when the University is closed. To be eligible for a permit, applicants must provide the University Transportation and Parking Office with their vehicle license number (or VIN# in lieu), make and year of the vehicle(s) on which the permits will be displayed. Applicants registering vehicles with the Transportation and Parking Office may be required to provide proof of registration that said vehicles are registered in DMV to them or members of their immediate family, and/or leased by applicant. Faculty/Staff permit applicants must provide proof of current employment at the University. Emeritus will receive, upon written confirmation from the Office of Academic Affairs, a complimentary parking permit, renewable yearly. Alumni may purchase an afternoon or evening permit by presenting proof of their status via a current alumni card. Student applicants desiring full time permits must show registration at the University, for at least twelve (12) credit hours. Masters and Doctorate students desiring full time permits, must show registration for at least nine (9) credit hours. On campus student housing residents must show registration for at least six (6) credit hours, and be identified on a housing list or have a current lease agreement or current rent receipt, to be eligible for a "West Hall Housing" permit or an "Ondine Housing" permit. Student applicants desiring afternoon or evening permits must show registration at the University, for at least one (1) credit hour. Student applicants desiring Tues./Thurs. or Mon./Wed. permits must show registration at the University, for at least six (6) credit hours. All permit holders must maintain their eligibility requirements throughout the term or surrender their permit for applicable permit exchange and/or monetary adjustment. All students will be required to pay for all outstanding fines, prior to purchasing a current term permit. The University may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use university property, students must show that the vehicle is operated by a student holding a valid driver's license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the vehicle has provided the Motor Vehicles Division with other satisfactory proof of compliance with the financial responsibility requirements of this state. Transportation and Parking Services reserves the right to waive any of these requirements.

(2) University parking permits are valid only when purchased from the Portland State Transportation and Parking Office. Permits not purchased through the Parking Office are subject to forfeiture and may be considered stolen. Permits are to be displayed in a manner prescribed by the University. Permits which are static cling or stickers are to be adhered inside of vehicle, on the lower left rear window, left rear side window, or if vehicle has a canopy, or a convertible top, driver's front side window. Motorcycle permits are to be displayed in a conspicuous place. Movable permits are to be hung on rear view mirror facing toward front windshield, and clearly visible through the windshield. Permanent permits are not transferable except as provided in rule 577-070-0020 and must be displayed on vehicle registered to permit holder.

(3) The following types of permits are available at the Parking Office to faculty, staff, students, alumni, guests and visitors of the State System of Higher Education. A customer may only receive one physical permit.

(a) Faculty/Staff permits allow the applicant to park one vehicle at any time, during the day or evening, in any space designated as a permit parking area, except spaces marked reserved or restrict-

ed. Institutional accounts are not to be charged for parking space furnished to employees for personally owned automobiles. A charge may be made against a department, however, where parking space is furnished to a person with a privately owned vehicle when that person is rendering service for the benefit of the department with no compensation. (see OAR 580-040-0025)

(b) Day and Evening permits allow only one vehicle at any time to be parked in any space designated as a permit parking area, except spaces marked as reserved or otherwise restricted.

(c) University Reserved permits allow an assigned vehicle to be parked from 6:00 a.m. to 7:00 p.m., Monday through Friday in their assigned reserved space, unless otherwise posted.

(d) Carpool permits allow one vehicle at any time from a carpool registered with the Parking Office to park in one of the preferred carpool parking spaces on campus. Preferred carpool parking spaces are non-assigned and reserved for carpool members until the time designated at each parking space or lot. If the carpool spaces are full, carpool permit holders may park in general permit parking spaces. A carpool shall be defined as two (2) or more University staff, faculty, or full-time students, who have compatible schedules, allowing the car-poolers to ride in together, and have agreed to occupy a single preferred carpool space. Individuals in carpools must ride together a minimum of three days per week. Individuals who carpool must come into the parking office together to sign a carpool agreement and carpool contract to receive their carpool permit. A copy of PSU's carpool policies can be obtained at the Transportation and Parking Services office in Neuberger Hall.

(e) A Disabled vehicle which displays a State Disabled plate or placard may park in any non-assigned disabled space, providing the appropriate PSU parking permit is also displayed or the parking meter is fed. A disabled person is one who meets at least one of the following criteria as stated in ORS 801.235 and in Oregon Administrative Rule (OAR) 735-080-0010:

(A) A person who has severely limited mobility because of paralysis or the loss of use of some or all of the person's legs or arms;

(B) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or

(C) A person who has any other disability that prevents the person from walking without the use of an assisted device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:

(i) Chronic heart condition.

(ii) Emphysema;

(iii) Arthritis;

(iv) Rheumatism; or

(v) Ulcerative colitis or related chronic bowel disorder.

(D) A licensed physician must certify that you are disabled, as defined above, and whether your disability is temporary. If the disability is temporary, the physician also must give the date you are no longer expected to need the disabled person parking placard or disabled parking space.

(E) Temporary disabilities such as fractured limbs that impair mobility can be accommodated on a temporary basis, with approval from parking administration.

(F) Afternoon permits allow a vehicle to be parked beginning at 12:30 noon to 8:00am the next day in any space designated as a permit parking area, except spaces marked reserved or otherwise restricted. Students must carry a minimum of one (1) credit hour.

(G) Evening permits allow a vehicle to be parked beginning at 3:30 p.m. to 8:00am the next day in any space designated as a permit parking area, except spaces marked reserved or otherwise restricted.

(h) Tuesday/Thursday permits allow the vehicle to be parked any time during the day or evening Tuesdays, Thursdays, Fridays, Saturdays and Sundays in any space designated as a permit parking area, except spaces marked reserved or otherwise restricted. Students must carry a minimum of six (6) credit hours.

(i) Motorcycle permits allow motorcycles and power scooters, including mopeds, to be parked at any time but only in areas designated as "Motorcycle Parking". This excludes spaces identified as bicycle parking.

(j) A complimentary temporary permit may be issued by the Transportation and Parking Office to a University student, faculty or staff member who has driven a vehicle other than the vehicle for which the permit was issued, provided that both the registered vehicle and the additional vehicle are not parked in University permit parking areas at the same time. A temporary permit may be issued for a fee to a University student, faculty, staff member, or alumni, only if the issuance of the temporary permit does not displace a University permit holder who has purchased permits under OAR 577-070-0015.

(k) Special Event Parking permits may be made available to visitors attending on-campus events such as athletic contests, concerts, meetings, and workshops, only if the issuance of the Special Event Parking permit does not displace a University permit holder who has purchased permits under OAR 577-070-0015. Special event parking requires a PSU parking permit designed and/or approved by Parking administration. Parking availability and charges for special event parking will be the decision of the Manager of Transportation and Parking, or designated staff. Some events will require contractual agreements that will be drafted by parking administration and negotiated with event sponsors. On campus special events that impact parking space require at least a two-week notice in writing to PSU Parking.

(l) The use of the University parking meters is restricted to University students, faculty and staff members, alumni and visitors having business with the University. Metered parking requires payment from 8 am to 7 pm Monday through Thursday and from 8 am to 5 pm Friday and Saturday, including breaks between holidays. PSU meters are operational all days PSU is open, including holidays PSU does not observe.

(m) Restricted Extended Studies Parking permits allow University employees, whose University responsibilities necessitate daily travel to and from locations in the Portland Metropolitan area, access to the restricted Extended Studies permit parking lot, or any general permit facility, to include, but not be limited to the hours of 7:30 a.m. to 7:00 p.m. Monday–Thursday and on Friday until 5:00 p.m. The Vice President for Finance and Administration shall determine which University employees meet the minimum criteria for eligibility for a Restricted Parking permit.

(n) Student Housing permits allow a vehicle to be parked in any space designated as a Student Housing permit parking area, except for spaces marked reserved or otherwise restricted. Student Housing permits are available to those individuals with proof of on campus student residency, and proof of registration at the University for at least six (6) credit hours. Permits have lot and eligibility restrictions.

(o) Tenant Parking permits are provided at the discretion of the Manager of Transportation and Parking Services or designated employee, and managed through contractual agreements with the tenants and PSU administration. Parking access cards, if necessary, will be distributed through the PSU Parking Office and tenants will be charged a non-refundable fee for the card.

(p) Emeritus and VIP permits allow the vehicle to be parked any time during the day or evening in any space designated as a permit parking area, except spaces marked as reserved or otherwise restricted. No other persons may use the Emeritus or VIP permit, including members of the individuals household who are employed or attending classes at the university. An exception will be made for the spouse of an Emeritus permit holder if the Emeritus faculty is deceased.

(q) Monday, Wednesday, permits are good all day on Monday, Wednesday, Friday, Saturday and Sunday. Students must hold a minimum of six (6) credit hours to get this permit.

(r) Commercial Representatives, Delivery Vehicles, Contractors and Departmental Service permits:

(A) Commercial representatives (vendors i.e., business, company or individual), engaged in providing service under contract to the University, may purchase a service permit, and are entitled to park in any general permit parking area. Vendors will be required to pay all outstanding parking fines. Failure to comply may result in the vendors parking permit being revoked.

(B) Departmental Service permits may be requested by departments to be issued by the Parking Office, to be used by fac-

ulty and staff permit holders for loading and unloading in no parking zones for up to 30 minutes.

(C) Contractor permits shall be made available to a company or individual engaged in providing service, under contract, to the University, in any general permit parking areas; only if the issuance of the Contractor permit does not displace a University permit holder who has purchased a permit under OAR 577-070-0015. Arrangements for contractors, construction employees and construction maintenance personnel must be made prior to beginning work on campus. Permits arranged through PSU Facilities Management require a completed signed contractor agreement with project accounting codes identified on the agreement at the time the permit is issued.

(D) Contractors requiring parking next to the job site must arrange parking and staging through the City of Portland. Any exception to this policy, due to extenuating circumstances, must be authorized and permitted by the University Transportation and Parking Office.

(E) Commercial Delivery vehicles may use any designated loading zone for up to 30 minutes, while conducting business with the University without a vendor permit.

(s) Oversized permits allow oversized vehicle access to spaces and areas designated by Transportation & Parking personnel based on availability.

(t) Academic Year permits allow the vehicle to be parked in any space designated as a permit parking area during fall, winter and spring term, except spaces marked reserved or otherwise restricted.

(u) University Center Building Permits will be provided on a first-come first-serve basis to PSU faculty and staff occupying UCB building space and to tenants through contractual agreements at the discretion of the Manager of Transportation and Parking Services.

(v) Fourth Ave. Term Permits — 4th Ave only permits authorize parking on the P1 level of the Fourth Avenue garage only. The student will be required to have an access card for entry.

(w) Weekly Permits are valid in any general permit space unless otherwise noted and are valid for seven consecutive days.

(x) Loading zone permits — Valid in areas or parking spaces designated by Transportation & Parking Personnel.

(4) Fees: The fees to be collected for parking permits described in this rule are as follows beginning Spring, 2003 through Spring, 2006:

(a) Day/Evening permit June 2003 \$74/month\* or \$222/term; June 2004 \$77/month\* or \$231/term; June 2005 \$80/month\* or \$240/term \*(Monthly rates are only for faculty/staff).

(b) Reserved spaces are intended for faculty or staff of PSU; June 2003 \$136/month; June 2004 \$141; and June 2005 \$146/month.

(c) Faculty/staff, or students requesting disabled reserve spaces will be charged the regular reserved space fee.

(d) Day and Evening (4wk & 8wk) Summer Term: \$80, for four weeks in 2003, \$84, for four weeks in 2004, and \$87 for four weeks in 2005; \$161 for eight weeks in 2003, \$168 for eight weeks in 2004, and \$175 for eight weeks in 2005.

(e) Monday, Wednesday, & Friday permits and Tuesday, Thursday, & Friday permits: \$133 per term in 2003, \$139 per term in 2004, \$144 per term in 2005.

(f) Carpool: June 2003 \$63/month\* or \$189/term; June 2004 \$65/month\* or \$196/term; June 2005 \$68/month\* or \$204/term \*(monthly rates are intended for faculty/staff only)

(g) Afternoon permits: \$111 per term in 2003, \$116 in 2004, \$120 in 2005.

(h) Evening permits: \$46 per term in 2003, \$48 in 2004, \$50 in 2005.

(i) Fourth Avenue Daily Parking: Rates are charged an hourly or daily rate upon exit. Vehicles exiting after attendant has left will be issued a parking owed envelope. Payment is required within 10 days, after which time a 'Non-payment of Daily Fees' ticket may be issued. Rates are \$2 per hour with a 24 hour maximum of \$10.

(j) Motorcycle permits: \$46 per term in 2003, \$48 in 2004, \$50 in 2005. (No charge to full-time permit holders with proof of vehicle (motorcycle) registration).

(k) Full-day Temporary permits: \$8 per day Good only for date(s) marked on permit. Permits valid in general spaces as designated on permit.

(l) Special Event permits: The cost for special event parking sponsored by a PSU department will be based on current department rates. The cost for special event parking not sponsored by a PSU department will be negotiated with the event sponsor and parking administration.

(m) ID Card Fees: Any PSU faculty/staff or student, who receive a NEW PSU ID card will be charged a \$10.00 fee. Lost/stolen or Replacement ID cards will cost \$20.

(n) Restricted Lot Permits: \$82 per month in 2003, \$82 in 2004, \$85 in 2005.

(o) Contractor Parking permits: Eligible for PSU faculty/staff daily, weekly and monthly rates.

(p) Vendor Parking permits: \$10 weekly or \$30 monthly. Permits may be purchased by vendor if they are the sole user or by a university department if permit is to be used by multiple vendors.

(q) Alumni permits: Alumni, who have received one or more academic degrees from the University, may purchase an evening permit at the approved rates, with valid Alumni card.

(r) Student Housing permits: costs are the same as the full time day evening permits.

(s) Meter and pay station Parking: \$1 per hour.

(t) Daily temporary PM permits, sold only from the Kiosk booths in Parking structures, on a space availability basis only with the exception of the Fourth Avenue Garage, Monday through Friday:

(A) 1:30 p.m. to 5:00 p.m. \$4.

(B) 5:00 p.m. to 7:00 p.m. \$2.

(u) Tenant Parking permits: Contractual Fee Amount.

(v) Academic Year permit: Academic year permits are available only in the beginning of fall term of each academic year and are the same price per term as the Day/Evening permit:

(w) Department guest permits: \$5 for daily permits, \$1/hr. for hourly permits, \$10 for a reserved space.

(x) Replacement permits: \$20 for any Transportation and Parking issued parking permit.

(y) Loading zone permits: \$2 per hour, \$8 per day.

(z) Weekly permits: \$28 per week up to 6 weeks.

(5) Lost and Stolen permits:

(a) Permits, which are lost or stolen, must be reported immediately to the Transportation and Parking Office. They will be replaced (see rule 577-070-0020) only if the person to whom the permit was originally issued signs an affidavit of loss. A report must be filed with the Campus Public Safety Office if the permit has been stolen.

(b) Any car appearing on campus with a permit listed in the Transportation and Parking Office as lost or stolen will be booted or towed immediately on discovery, and will be subject to fines listed in rule 577-070-0045. Possession of a lost or stolen permit could be grounds for criminal charges and/or University disciplinary action. Note: Permits not purchased through the Parking office are subject to forfeiture and may be considered stolen.

(6) Forged or Altered permits: Drivers of cars bearing forged or altered permits are subject to fines listed in 577-070-0045. The car will be booted, impounded and/or towed immediately on discovery, and the remaining permit value may be forfeited. Drivers of cars bearing a forged permit will also be charged for the entire value of the permit from the date that it was originally issued.

(7) Application for Refund of Fees: Unused portions of term parking permits may be submitted to the Transportation and Parking Office. Permits must be removed from the vehicle and returned to the Transportation and Parking Office. Refunds are computed from the date the permit is returned. Refunds will not be issued during the last two weeks of the academic term.

(8) Faculty/Staff permits must be returned to the Transportation and Parking Office to stop payroll deduction or upon termination from the University. To terminate current month's payroll deduction, permits must be turned in on or before the fifteenth of the month, and a payroll cancellation form signed to stop the parking deduction. A daily-prorated amount for faculty and staff will be charged through the day the permit(s) are surrendered. Permits not returned within 30

days after termination may be considered to be lost/stolen and the possessor of the permit will be billed the one month value of the parking permit.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 69(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 3-1983, f. 6-22-83, ef. 7-1-83; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 2-1985, f. 6-26-85, ef. 7-1-85; PSU 2-1986, f. 7-28-86, ef. 9-1-86; PSU 2-1987, f. 6-19-87, ef. 9-1-87; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 2-1996, f. & cert. ef. 5-1-96; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

### 577-070-0020

#### Replacement Permits

A replacement permit may be obtained when the permit is lost or damaged. A charge of \$20 per permit will be made for the replacement permit. In the event a permit is stolen, an affidavit of stolen permit must be completed in the Transportation and Parking Office, and a stolen permit report filed with the Campus Public Safety Office, before a replacement permit may be issued.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

### 577-070-0025

#### Miscellaneous Regulations

(1) No driver of a vehicle shall stop or park such vehicle at a time or in a place not authorized by a permit issued under these regulations.

(2) Other vehicles: motorcycles, scooters, mopeds and bicycles may be parked only in those areas specifically designated for their use. Bicycles may be parked without charge in areas where the University has placed suitable racks. Bicycles may not be parked in any area designated for vehicle parking or chained to parking meters or signposts. Bicycles are not allowed in campus buildings, stairwells, or chained to any trees, shrubbery or vegetation. Bicycles found in violation will be removed at the owner's expense. No motorized vehicles are allowed to park in bicycle areas.

(3) No permit holder is allowed to use his/her vehicle, while on PSU property, for the purpose of temporary or permanent residence.

(4) Loading Zones are for the specific use of loading and unloading only, and are limited to 30 minutes or less as posted.

(5) State Vehicles (E-Plates) owned or assigned to the University may park in any general permit parking space at the current faculty/staff rates; other State Vehicles wishing to park long term, including all other government vehicles i.e., cities, municipalities, counties, or federal government, will be required to obtain a permit in accordance with established fees under 577-070-0015 and notify the PSU parking administration.

(6) Police vehicles may use metered spaces or the guest spaces in the Shattuck lot (without charge) when firearms or computers are physically secured inside the vehicle. All police vehicles using the guest spaces or metered spaces must report with the Campus Public Safety Office. Any police vehicle whose operator is at Portland State University to attend classes or continuing education courses will be required to obtain a permit in accordance with established fees under 577-070-0015.

(7) Fire Bureau vehicles parked in spaces OTHER than the general spaces on campus may do so only after notifying the Transportation and Parking Office and/or Campus Public Safety of their intent and reason for doing so.

(8) No permit holder is allowed to use PSU property for the purpose of storing any vehicle.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

**577-070-0030**

**Vehicular Traffic Within the Structures and Lots**

(1) Unless otherwise posted, the speed limit within the parking structures and lots shall be 10 miles per hour. In the University-controlled street areas, the speed limit is 15 miles per hour, and 10 miles per hour in all pedestrian crossings.

(2) Traffic within the parking structures or lots is limited to movement into and out of parking spaces and from parking spaces to an exit. All vehicles will follow the indicated direction of traffic flow, including traffic on the University-controlled street access areas. Vehicles in violation are subject to the fines listed under OAR 577-070-0045. Repeated violations (witnessed by parking enforcement personnel, campus officials, or members of the PSU community) of the Basic Rule may be cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within the boundaries of the University Campus may result in the violators vehicle being towed and/or elimination of all parking privileges.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1985, f. 6-26-85, ef. 7-1-85; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 3-1992, f. & cert. ef. 6-15-92; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

**577-070-0035**

**Vehicle Immobilization and Towing**

(1) Booting, Towing and Impoundment. A vehicle with three outstanding citations and an expired tow notice can be booted and/or towed. In the case of a restricted/reserved area situation the parking office has the right to boot or tow without warning. Vehicles bearing altered, forged, or stolen permits and/or vehicles in violation of parking or payment regulations are, in addition to other penalties provided herein, subject to being booted, towed away or impounded. Release of a towed or impounded vehicle will be made upon payment (cash, credit card or check with the exception of after hours transactions limited to cash or checks at the discretion of Campus Public Safety) of all outstanding fines with the parking office, after proof of ownership is substantiated.

(2) Tow Notice Violation. A vehicle having three or more outstanding parking citations is subject to a Tow Notice Violation. If payments of all outstanding citations are made with the Parking Office within (7) seven calendar days of receiving a Tow Notice Violation, the penalty for the Tow Notice Violation will be waived.

(3) Vehicles parked anywhere on University property may also be booted or towed at the owner's expense without notice, under the following conditions:

(a) Parking in an area designated as a fire-lane (yellow or red curbing and/or signed) or tow-a-way zone.

(b) Blocking traffic or obstructing the normal flow of traffic.

(c) For fire or safety reasons.

(d) Abandoned vehicles — Abandoned or junked vehicles remaining on University property more than 24 hours will be removed. Unlicensed vehicles (to include those with obscured VIN numbers) parked on University property will be considered as abandoned and subject to removal upon discovery or booted until ownership and information is verified.

(e) Vehicles bearing forged altered or stolen permits.

(f) Parking in an Reserved space, Disabled Reserved space, or restricted area without an appropriate permit.

(g) Vehicles equipped with alarms that do not cease emitting intermittent or constant sound after an aggregate time of 3 minutes within any 15-minute period.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92; PSU 2-1995, f. & cert. ef. 12-12-95; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

**577-070-0040**

**Pedestrian Traffic**

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

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

(3) Skateboard and Skate Regulations: Skateboards, roller blades, roller skates, in line skates, skateskis or similar devices are prohibited in the parking structures and parking lots under the control of the University. Exception to this rule may be made by the Vice President of Finance and Administration, for University-sponsored and supervised classes, programs and events.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

**577-070-0045**

**Violations and Penalties**

(1) The following subsections (2)(a)-(p) are considered to be violations and are prohibited. All fines are payable to the Parking Office, Portland State University.

(2) Fines. Fines for violation of regulations set forth in rules OAR 577-070-0005 through 577-070-0040 are as follows:

(a) Overtime at Meter (4 hours past expired meter citation) — \$15;

(b) No permit — \$25;

(c) Straddling Parking Space Lines — \$15;

(d) Parking in a Restricted/Reserved Area — \$35;

(e) Parking in a Reserved Space — \$50;

(f) Misuse/Altered permit — \$50;

(g) Traffic Hazard /Blocking/Firelane — \$50;

(h) Expired Meter — \$15;

(i) Stolen/forged permit — \$150;

(j) Stolen/forged Access Card — \$150;

(k) Tow Notice Violation — \$35;

(l) Towing — all charges incurred are the responsibility of the individual;

(m) Parking in a “No Parking” Zone — \$35;

(n) Vehicle Impound Charge — Actual Contractual Fee;

(o) Other — \$15 (definitions to be determined in written policies of the Parking Office);

(p) Parking vehicle in disabled space — \$200;

(q) Overtime at Loading Zone — \$15;

(r) Boot removal fee — \$25;

(u) Vehicle Alarm — \$15;

(v) Relocation Tow fee — actual contractual fee;

(w) Stolen/Damaged Boot — \$150 plus cost of repair or replacement;

(x) Non-Payment of Daily Fees in 4th Ave Garage — \$25;

(y) Late fee — up to \$5 (charged after 30 days of citation issuance and monthly thereafter).

(3) Enforcement of Penalties:

(a) All disputed violations may be appealed within fourteen (14) calendar days of the date of the ticket by completion of the Parking Waiver Form at the Parking Office. Any disputed decisions on waivers or violations will be reviewed by the Traffic Appeals Board at Portland State University. Disputes to the Traffic Appeals Board

may be conducted in writing or in person at scheduled Traffic Appeals Board meetings. Any further dispute of decisions on waivers may be appealed in writing to the Director of Auxiliary Services at Portland State University within fourteen (14) calendar days of the postmark of notification.

(b) The Director of Auxiliary Services will also provide an opportunity for a hearing if requested by the appealing party. Such hearing will be conducted without formal rules of evidence, and will provide an opportunity for presentation of circumstances surrounding the issuance of the citation(s). Decisions by the Director of Auxiliary Services, after the hearing will be in writing, but need not contain specific findings of fact and conclusions of law.

(c) The ruling on the appeal to the Director of Auxiliary Services shall be final.

(d) Failure to adhere to the timelines laid out above may result in loss of ability to petition.

(4) Nonpayment of Fines:

(a) A student who fails to tender payment to the University for any traffic violations received, or fails to request a waiver as specified in rule 577-070-0045 on or before the date specified in the traffic citation may have their transcripts withheld or may have their registrations canceled or may be denied graduation if any fines or fees under these regulations are owing or unpaid.

(b) Unpaid parking citations may be sent to the responsible party's university Accounts Receivable account or an outside collection agency.

(5) Forfeiture of Parking Privileges:

(a) Drivers of vehicles bearing forged, altered or stolen permits, drivers who are verbally or physically abusive to Transportation and Parking personnel, persons who cause damage to Transportation and Parking property, or drivers with repeated "Basic Rule Violations" may be denied parking privileges for a period of up to one year, or a time determined by Parking Administration Drivers will be booted and/or towed for not adhering to their revocation of parking privileges.

(b) Six or more violations resulting in non-payment of citations in a fiscal year may be cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within the boundaries of the University campus, may result in the violator's vehicle being towed or booted.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 2-1986, f. 7-28-86, ef. 9-1-86; PSU 2-1987, f. 6-19-87, ef. 9-1-87; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

### 577-070-0050

#### Abandoned or Inoperable Vehicles

(1) Abandoned vehicles. Abandoned or junked vehicles remaining on University property more than 24 hours, will be removed at the owner's expense, in accordance with ORS Chapter 819. Unlicensed (to include those with obscured VIN numbers) vehicles parked on University property will be considered as abandoned and subject to removal upon discovery.

(2) Inoperable vehicles. Vehicles which have broken down on University property and which cannot be removed must be reported at once to the Campus Security Office. Inoperable vehicles must be removed from the campus within 24 hours, or will be subject to removal at the owner's expense. Mechanical repairs to disabled private vehicles on University property is prohibited.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03

## DIVISION 71

### USE OF BUILDINGS, GROUNDS, AND SERVICES

#### 577-071-0005

##### Policy

Use of University facilities shall at all times be consistent with the University's three primary purposes: instruction, research, and public service. However, the University shall retain the right of determining which activities are consistent with its primary purposes.

All persons or groups using University facilities shall conform to the requirements of these rules and other University policies, as well as applicable Administrative Rules of the Oregon State Board of Higher Education and city, county, state, and federal ordinances and statutes.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

#### 577-071-0010

##### Definitions

(1) "University" means Portland State University.

(2) "Buildings" mean buildings or structures or portions thereof, owned or leased by the University. It includes buildings or structures owned by the State of Oregon or the State Board of Higher Education, operated by or through the University, and included within the approved campus boundaries.

(3) "Facilities" means University owned or operated buildings, equipment, or property, including grounds, and University services where applicable.

(4) "Services" means services preformed by the University for students, staff, faculty, and the public in connection with instruction, research, and public service. It includes, but is not limited to, computing, duplicating, telephone, addressing, food service, gym suit service, scheduling, and janitorial services.

(5) "Grounds" means all real property, other than buildings, owned or controlled by the University.

(6) "South Park Block" means that portion of the City of Portland's South Park Blocks bounded on the east and west by S.W. Park Avenue, on the north by S.W. Montgomery Street and on the south by S.W. Harrison Street.

(7) "Internal Users" means:

(a) Academic or administrative departments or units of the University or interinstitutional groups composed of official representatives of PSU and other institutions within OSSHE;

(b) Student organizations, including those formally sanctioned by academic units of the University, registered through the Office of the Vice President for Student Affairs;

(c) Faculty and staff of the University, active or retired; and

(d) University alumni activities recognized by the Office of Alumni Relations.

(8) "External Users" means:

(a) Educational institutions or organizations, other than the University;

(b) City, county, state, and federal agencies, and tax-support-ed organizations such as school districts;

(c) Civic and community organizations whose activities are consistent with the purposes of the University; or

(d) Private organizations, political organizations, or individuals whose activities are consistent with the purposes of the University.

(9) The Office of the Registrar is the scheduling office for instructional activities in all University facilities under the jurisdiction of the Office of Academic Affairs. Individual academic departments are responsible for scheduling in all instructional facilities under the jurisdiction of the individual academic departments and as authorized by the Office of Academic Affairs.

(10) The University Scheduling Office is the scheduling office for Smith Memorial Center, the Performing Arts Center, and for non-instructional activities in all University buildings except the Health and Physical Education Building.

(11) The Office of the Dean of the School of Health and Physical Education is the scheduling office for HPE programs and athletic events in the Health and Physical Education Building.

(12) "Public Areas" means University facilities which are, by their physical nature, function, custom or usage, generally open to the public.

(13) "Non-Public Areas" means University facilities, including classrooms; laboratories; gymnasias; physical education exercise rooms; research areas; child day care facilities; offices assigned to faculty, administrative or staff personnel; conference rooms; seminar rooms; lounges; storage areas; parking structures; or other similar areas, which are generally not open to the general public.

(14) "Person-in-Charge" means an employee of the University, or appropriate person, authorized by the University to administer or direct an activity of the University.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78; PSU 4-1983, f. 6-22-83, ef. 7-1-83

**577-071-0015**

**Use of University Facilities by Internal Users**

(1) Use of University facilities by internal users shall be arranged through the appropriate scheduling office. Requests for use of University facilities by internal users shall be made in accordance with established procedures. When there are conflicting requests for space, a determination will be made by the scheduling office concerning which users will be authorized use of space. Such determination will be made based upon the "priority of use" guidelines established by the scheduling office and approved by the President, or the President's designee.

(2) Use of the South Park Block by internal users shall be scheduled through the Smith Memorial Center Scheduling Office and approved by the Vice President for Student Affairs.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

**577-071-0020**

**Use of University Facilities by External Users**

(1) Any use of University facilities by an external user must be approved by the President of the University or by the President's designee. External users shall follow the same procedures for requesting space as are required of internal users.

(2) Use of the South Park Block by external users shall be scheduled through the Park Bureau of the City of Portland.

(3) The University shall not make University facilities available to the following external users and activities:

(a) Private, personal, or commercial interests operated primarily for profit, except as provided for in the Administrative Rules of the Oregon State Board of Higher Education;

(b) Sales, solicitation, advertising, or promotional activities; and

(c) Political campaigning by or for candidates who have filed for public office, or for ballot measures.

(4) Exceptions to this rule may be granted by the President or by the President's designee when the external group is sponsored by an internal user or when the purposes of the external users are found to be consistent with the purposes of the University. All external users must also comply with other portions of these Administrative Rules.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

**577-071-0025**

**Fees for Using University Facilities**

The University Scheduling Office shall establish a fee schedule, subject to the approval of the President, or the President's designee. Schedules shall be adopted in accordance with the Administrative Procedures Act. In cases of extreme hardship or other unusual circumstances, fees or a portion thereof, may be waived. All requests for fee waivers shall be submitted to the President, or the President's designee, who shall make the final determination.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

**577-071-0030**

**Conditions of Use**

(1) University faculty administrative and staff personnel, and University students are permitted access to public areas, and, when engaged in a University authorized or assigned activity, to non-public areas.

(2) Members of the general public who are not University employees or students are permitted access to the public areas of the University, provided such access is consistent with the provisions of OAR 577-071-0005.

(3) Members of the general public who are not University employees or students are prohibited from use of non-public University facilities except upon the authorization of the person-in-charge.

(4) University employees and students, and members of the general public are prohibited from bringing animals into University facilities, excluding grounds; exempted from this prohibition are University employees and students, and members of the general public:

(a) Who are legally handicapped, and whose handicap requires the assistance of a dog; or

(b) Are engaged in an authorized University instructional, research or public service activity requiring the presence of animals in University facilities.

(5) University faculty, administrative and staff personnel, University students, and members of the general public are expressly prohibited from consuming food or beverages of any kind whatsoever in any University classroom or laboratory, except as authorized in writing by the appropriate vice president. Exempted from this prohibition are facilities within Smith Memorial Center under the scheduling jurisdiction of the University Scheduling Office.

(6) Smoking is expressly prohibited in any University classroom or laboratory.

(7) The dispensing or consumption of alcoholic beverages is expressly prohibited in any University facility, except as authorized under the provisions of the University's Internal Management Directive 5.500.

(8) The University reserves the right to impose such requirements on the use of University facilities as it may deem necessary, and reserves the right to reassign or substitute facilities as available and when the University deems such reassignment or substitution is in the best interests of the University.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78; PSU 4-1983, f. 6-22-83, ef. 7-1-83

**577-071-0035**

**Appeals**

Internal or External Users who are denied use of University facilities for whatever reason may appeal the denial to the President or the President's designee, who shall make a final determination.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

**DIVISION 72**

**COLLECTING ACCOUNTS AND NOTES RECEIVABLE**

**577-072-0005**

**Collecting Accounts and Notes Receivable**

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

(a) Withholds a student's diploma, transcript, or other instruments of degree confirmation-verification, when:

(A) The student has an outstanding accounts receivable or notes receivable balance; or

(B) The student has failed to complete a required exit interview (exit interviews are necessary to have students sign repayment agree-

ments, obtain forwarding addresses and to gather other data needed when a student leaves an institution); or

(C) The student has not made arrangements to pay the balance due or complete an exit interview; and in addition to paragraph (A), (B), or (C) of this subsection;

(D) The student has notice that the balance is due, or an exit interview is required; and that the student's diploma, transcript or other instrument of degree confirmation/verification may be withheld.

- (b) Denies or cancels registration;
- (c) Withholds further account receivable privileges;
- (d) With employee's approval, withholds wages;
- (e) Applies any non-exempt credits in favor of debtor to debt;
- (f) Adds penalties and interest as allowed by statutes and regulations;
- (g) Utilizes telephone inquiries;
- (h) Sends letter of demand;
- (i) Uses "skip trace" information as allowed by statutes;
- (j) Utilizes offset procedures with other state agencies;
- (k) Utilizes Department of Revenue as a collection agent;
- (l) Institutes legal action as permitted by statutes and regulations;

- (m) Seeks collection on judgments as permitted by statutes;
- (n) Reporting to credit bureaus as necessary.

(2) The Director of Business Affairs, Portland State University, may waive any of the above remedies only in those circumstances which serve the best interests of the institution, the state, or the federal government, or where required by state or federal statutes. (The discharge of debt through bankruptcy prevents the taking of any further action to collect.)

(3) The procedures are in conformity with the requirements of federal and state laws and regulations and were formally adopted as a rule after public hearing under the Administrative Procedure Act.

(4) The Portland State University Office of Business Affairs will grant hearings to any individual requesting information or expressing concern about the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing are available at the Business Affairs Office.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-1979, f. & ef. 9-17-79; PSU 5-1989, f. & cert. ef. 12-18-89

### 577-072-0020

#### Revolving Charge Account Plan

(1) Terms and Conditions:

(a) Eligibility. Any person, organization or agency that incurs charges, fines, or penalties at Portland State University is eligible to participate in the Revolving Charge Account Plan.

(b) Required Payments. Students must pay all past due amounts and a minimum payment of one-third of the current term's tuition and fees on or before the designated due date each term. The unpaid balance is subject to the terms and conditions of the Revolving Charge Account Plan. The option to pay the unpaid balance in full always exists. Specified payment dates are listed in the Schedule of Classes. Portland State University may deny use of the minimum payment privileges to persons who do not have a good credit history with Portland State University or have been in default on student loans.

(c) Interest Charges. Portland State University charges interest on account balances not paid within the grace period.

(A) Interest will be charged at an annual interest rate of 12 percent (.0003288 daily rate).

(B) Portland State University Computes the interest charge on an account by applying the daily rate, multiplied by the number of days since the previous billing date, to the "previous billed balance" remaining on the account on the billing date. Interest charges are calculated and applied monthly.

(d) Penalties. Portland State University will impose penalties on delinquent accounts as follows.

(A) Registration will be denied.

(B) The extension of credit, provision of services, transcripts, and diplomas will be withheld.

(C) Telephone services will be disconnected or denied when past due accounts relate to telecommunication charges.

(D) In-house collection costs will be assessed.

(E) Accounts will be referred to the Oregon Department of Revenue and/or outside collection agencies, and/or the Oregon Department of Justice.

(F) Accounts will be referred to the Oregon Department of Revenue for state tax refund offset.

(G) The status of the account will be reported to credit reporting bureaus.

(e) Collection Costs. Accounts referred to collection will be assessed all costs and charges incurred in the collection of any amount unpaid when due, including, but not limited to, Oregon Department of Revenue charges, collection agency charges, reasonable attorney's fees, including attorney fees on appeal, and court costs.

(f) Address Updates. Until all outstanding account balances are paid in full, the student is solely responsible for immediately notifying the Office of the Registrar of any change in address or name.

(g)(A) Repayment Through Financial Aid. It is the policy of Portland State University to use any financial aid, including but not limited to, Stafford, SLS or Perkins Loan Proceeds to pay in full all accounts receivable debts and other current term charges BEFORE releasing any remaining financial aid to the recipient. Students wishing to decline the automatic crediting of Title IV aid to prior terms' unpaid institutional charges or to current charges other than tuition and mandatory fees must communicate their declination in writing to the Accounts Receivable Department in the Office of Business Affairs no less than 21 days before the first day of classes for the new term.

(B) Students wishing to decline the automatic crediting of Title IV aid to a prior term's unpaid institutional charges or to current charges other than tuition, mandatory fees, and room and board, must communicate their declination in writing to the Accounts Receivable Department of the Office of Business Affairs no less than 21 days before the first day of classes for the new term.

(h) Billing rights Summary. In case of errors or questions, a student may challenge a charge within 60 days after the first billing statement on which the suspected error or problem appeared, by directing his/her inquiry to the office initiating the charge. If an error occurred, affected charges will be adjusted.

(i) Notification of Changes. Portland State University may amend these Terms and Conditions without securing a new agreement. Portland State University will notify student of any changes in interest, charges or fees in advance of the change. The option to pay in full always exists. If unpaid, student is bound by the changes.

(2) Definitions:

(a) Student: Any person who is currently or has in the past been enrolled at Portland State University.

(b) Due Date: Date set by Portland State University for payment, as specified on the billing statement or other form of notification such as the Schedule of Classes.

(c) Future Balance: Amounts shown on the account which are due at a future date not in the current billing cycle.

(d) Grace Period: The time period between posting charges to an account and the date on which interest accrual begins.

(e) Outstanding Balance: Total amount of account balances at any given time.

(f) Past Due: Amounts are considered "past due" when not paid by the due date, and are subject to interest and penalties.

(g) Previous Billed Balance: the total of past due amounts, including fees, charges, prior interest and penalties, less payments

