

## Chapter 576 Oregon University System, Oregon State University

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### DIVISION 1

### PROCEDURAL RULES

#### **576-001-0000**

#### **Notice of Proposed Rule**

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

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

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

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

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

Stat. Auth.: ORS 183.341  
 Stats. Implemented: ORS 183.341  
 Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### **576-001-0005**

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

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

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of rule) and where practicable and appropriate setting forth verbatim any rule proposed to be adopted, amended, or repealed.

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

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

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

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

Stat. Auth.: ORS 183.341  
 Stats. Implemented: ORS 183.341  
 Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80

#### **576-001-0010**

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 183.341  
 Stats. Implemented: ORS 183.341  
 Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80; OSU 1-1996, f. & cert. ef. 6-21-96

#### **576-001-0015**

#### **General Rulemaking Requirements**

The University rulemaking notice must:

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

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

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

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

(5) Provide a statement of fiscal impact identifying state agencies, units of local government and the public which may be

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0020

#### Postponing Intended Action

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0030

#### Conduct of the Hearing

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

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

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

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

(a) Statement of proponents;

(b) Statement of opponents; and then

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

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0040

#### Filing and Taking Effect of Rule

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0045

#### Submission to Legislative Counsel

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0050

#### Temporary Rules

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

(a) File with the Secretary of State the rule and the University's findings that failure to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned and the reasons for that finding, a citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule, a statement of the need for the rule and a statement of how the rule is intended to meet the need, and a list of the principal documents, reports or studies, if any, prepared by or relied upon by the University in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection;

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

### 576-001-0055

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

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

(a) The rule petitioner requests the University to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth

the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted enclosed in brackets and proposed additions shown by boldface;

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

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

(2) The University:

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

(b) May schedule oral presentations;

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341 & 183.390

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

### DIVISION 2

#### CONTESTED CASES AND OTHER HEARINGS

##### 576-002-0000

###### Definitions

As used pursuant to ORS 183.310(2):

(1) A “contested case” exists whenever:

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

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

(2) “Committee” means a group of students, a group of faculty members, or a group consisting of both students and faculty members selected to conduct a contested case hearing.

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

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

Stats. Implemented: ORS 183.341 & 351.088

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

##### 576-002-0015

###### Procedure for Informal Hearing

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

##### 576-002-0017

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

##### 576-002-0030

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

(1) When the grievant fails to appear after proper notice at the specified time and place, or at the time to which the hearing may have

been continued by mutual consent or by order of the hearing officer, the University shall issue an order based on the information available to it.

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

##### 576-002-0035

###### Subpoena, Deposition

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

##### 576-002-0060

###### Exclusion Appeals

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

Stat. Auth.: ORS 351.070 & 351.088

Stats. Implemented: ORS 351.070 & 351.088

Hist.: OSU 9-2001(Temp) f. & cert. ef. 10-5-01 thru 4-2-02; OSU 1-2002, f. & cert. ef. 2-25-02

##### 576-002-0070

###### Non Contested Case Adjudicative Proceedings

In any proceeding in which a hearing is required other than a contested case described in 576-002-0000, the University shall conduct the hearing using adjudicative procedures consistent with federal and state constitutional requirements and other applicable provisions of law.

Stat. Auth.: ORS 351.070 & 351.088

Stats. Implemented: ORS 351.070 & 351.088

Hist.: OSU 1-2002, f. & cert. ef. 2-25-02

### DIVISION 3

#### FACULTY RECORDS RULE

##### 576-003-0000

###### Definitions

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0005**

**Limitation on Records to Be Maintained**

Only records that are demonstrably and substantially relevant to the educational and related purposes of Oregon State University shall be generated and maintained.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0010**

**Restrictions on Soliciting or Accepting Confidential Information Relating to Employed Faculty**

When evaluating employed faculty members, Oregon State University shall not solicit or accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential, except for student evaluations made or received pursuant to OAR 576-003-0070(5).

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0020**

**Certain Information Not Required to Be Given by Faculty Members**

No faculty member shall be required to give, but may voluntarily provide, information as to race, religion, sex, political affiliation or preferences, except such information that may be required by state statute, federal law or valid federal rules, regulations or orders. Where the faculty member is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of any right to decline to respond that may be applicable.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0040**

**Locations and Custody of Faculty Records**

Official faculty personal records shall be kept in locations central to the department that maintains them. Custody shall be assigned to designated personnel specifically charged with maintaining the confidentiality and security of the records in accordance with applicable Oregon State University rules and policies. Oregon State University shall not maintain more than three files relating to the evaluation of a faculty member, except that Oregon State University may maintain one additional confidential file in excess of three existing files that shall contain only material excised from other records as permitted by OAR 576-003-0070. Evaluation files are those referred to in ORS 351.065 as "designated" or "authorized."

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0050**

**Release of and Access to Faculty Records**

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

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

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

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

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

(2) All information in the faculty member's personal record file, apart from that identified in section (1) of this rule, shall be considered personal and subject to restricted access as set forth in OAR 576-003-0060 through 576-003-0120.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0060**

**Confidential Records — Restrictions on Release**

(1) Personal records designated as subject to restricted access in accordance with authority granted in ORS 351.065 shall be available only to the faculty member who is the subject of the records as provided for in OAR 576-003-0070 through 576-003-0100 and to Oregon State University personnel, such as faculty, administrators, students and others serving on committees or in other official capacities. Such personnel shall have a demonstrably legitimate need to review the records in order to fulfill their official, professional responsibilities as defined in relevant Oregon State University rules or policies. These records may not be released to any other person or agency without the faculty member's written consent, unless on receipt of a valid subpoena or other court order or process or as required by state statute, federal law or valid federal or state rules, regulations or orders.

(2) Oregon State University shall appear in court through the Department of Justice when appropriate to test the validity of a subpoena or other court order or process relating to release of faculty records when validity is in question.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

**576-003-0070**

**Access to Files by Faculty Members**

(1) Faculty members shall be allowed full access to their own personal files and personal records kept by Oregon State University, except as provided in sections (2) and (3) of this rule.

(2) Letters and other information submitted in confidence to Oregon State University prior to July 1, 1975, shall be maintained in the evaluation files permitted by OAR 576-003-0040. However, if a faculty member requests access to such letters and other information pertaining to the faculty member, the anonymity of the contributors of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available to the faculty member except those portions of the text that would serve to identify the contributor, which shall be excised by a faculty committee created pursuant to institutional rules. The excised portions of the documents may be retained in the confidential file permitted by 576-003-0040.

(3) Confidential letters and other information received by Oregon State University after July 1, 1975, prior to the employment of a faculty member, shall be placed in evaluation files relating to the faculty member. If the applicant is not employed, the confidential information submitted concerning the applicant shall remain confidential. If an applicant who is employed requests access to personal files, the anonymity of the contributors of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that those portions of the text that would serve to identify the contributor shall be excised and may be retained in the confidential file permitted by OAR 576-003-0040.

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

(5) If Oregon State University solicits or accepts student survey evaluations of the classroom or laboratory performance of a faculty member, the survey evaluations shall be conducted anonymously.

Reports tabulated from student evaluations shall be placed in the evaluation files defined in OAR 576-003-0040. Survey instruments from which evaluation data are obtained shall be delivered to the faculty member. No other evaluative material shall be accepted from students unless the students are first clearly informed that the faculty member will have access to such material and that the anonymity of the student cannot be preserved.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

### 576-003-0080

#### Entry into File of Comments, Explanations, and Rebuttals

(1) The relevant Oregon State University officials shall, upon request, offer the faculty member opportunity to enter into the evaluation file a rebuttal, refutation, or explanation of any observations contained therein.

(2) On a faculty member's request, an appropriate faculty committee shall examine the faculty member's file to verify that all statements therein have been provided. If not, the committee shall require that the information be made available.

(3) On a faculty member's request, the faculty committee shall examine the confidential file to verify that it contains only those excised portions provided in OAR 576-003-0070. The committee shall have the authority to require that any other material be removed from the confidential file.

(4) A copy of the periodic, regular written evaluation of the faculty member containing or having attached to it a statement to the effect that the faculty member may discuss the evaluative statement with the evaluating administrator, shall be given the faculty member. A copy of the evaluative statement, signed by the faculty member signifying receipt of a copy thereof, shall be placed in the faculty member's evaluation file. The faculty member may enter into the evaluation file such comments, explanations, or rebuttals as desired. A copy of such comments, explanations or rebuttals made by the faculty member shall be attached to each copy of the evaluative statement retained by Oregon State University.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

### 576-003-0090

#### Retention of Evaluative Materials Concerning Candidates for Possible Employment

(1) If an individual is not employed, it is expected that the evaluative materials brought together by the Oregon State university as it evaluates an individual's qualifications in connection with possible employment will be retained as long as may be necessary to respond to affirmative action investigations and investigations of any claimed violation of the civil rights of any person in connection with employment. Thereafter, they will be disposed of in a manner designed to assure confidentiality, in accordance with rules of the State Archivist.

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

### 576-003-0100

#### Availability to Faculty Members of Objective Information Concerning Categories of Staff

A faculty member who feels adversely affected by a personnel action or lack thereof may request from the appropriate OSU administrator objective or quantitative information contained in limited access files concerning personnel actions affecting categories of faculty members, where such actions appear to have relevance to the requesting faculty member. Such information may include, but is not

limited to, assignment, load, and list of publications. Such information may not include any evaluative statements concerning other faculty members or the requesting faculty member if the faculty member is not otherwise entitled to the information.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

### 576-003-0110

#### Availability of Faculty Records for Research Purposes

Oregon State University may make information about the faculty member available for research purposes, but shall adequately conceal the identity of the faculty member whose personal data or information are being included in the research. If the confidentiality of faculty records would be jeopardized in any way by the release of the information for research purposes, Oregon State University shall first obtain written consent of the faculty member prior to releasing personal information for research purposes.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

### 576-003-0120

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

(1) The individual faculty member's record shall be maintained only for the time required to serve the basic official functions of the office that generates and maintains it. It should then be disposed of in a manner designed to assure confidentiality.

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

(3) Duplication of faculty records shall be minimized. Duplicated records that are made shall be destroyed at a time to be determined and set forth in institutional rules and in such manner as to assure confidentiality in accordance with the rules of the State Archivist, or with the Archivist's approval.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

Hist.: OSU 1-2009(Temp), f. & cert. ef. 6-9-09 thru 12-4-09; OSU 5-2009, f. 8-12-09, cert. ef. 8-26-09

## DIVISION 4

### ACCESS TO PUBLIC INFORMATION

### 576-004-0000

#### Policy

(1) Any person may obtain public records, not otherwise exempt from disclosure from the University, consistent with this rule and the University's written procedure.

(2) Written procedures describing how to make public records requests are available at the University website, the University's Office of the General Counsel, and the University's Valley Library.

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

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

Stat. Auth.: ORS 192.440 & 351.070

Stats. Implemented: ORS 192.440 & 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-004-0005

#### Authority to Deny

(1) The University may deny a request for public records if the records are exempt from disclosure or if the conditions for requests are not met.

(2) A written denial must be sent to the person making the public records request.

Stat. Auth.: ORS 192.430 & 351.070

Stats. Implemented: ORS 192.430 & 351.070 & 351

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

#### 576-004-0010

##### Petition

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

Stat. Auth.: ORS 192.430 & 351.07

Stats. Implemented: ORS 192.430 & 351.070

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

#### 576-004-0015

##### Response

The University shall respond to written requests for public records as soon as practicable and without unreasonable delay. The University's response will acknowledge receipt of the public records request and include at least one of the following: A statement that the University does not possess, or is not the custodian of, the public record. Copies of all requested public records for which the University does not claim an exemption from disclosure, or a statement that all requested records are exempt from disclosure. A statement that the University is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under section 576-004-0020. A statement that the University is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the University within a reasonable time. A statement that the University is uncertain whether it possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable. A statement that state or federal law prohibits the University from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanctions, with a citation to the applicable state or federal law.

Stat. Auth.: ORS 192.430 & 351.070

Stats. Implemented: ORS 192.430 & 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

#### 576-004-0020

##### Fees

(1) The University and its departments may charge fees to reimburse its costs for the duplication, copies, and preparation of public records requested by a person under OAR 576-004-0000 et. seq. The fees are set forth in the University list of fees and charges adopted by 576-010-0000.

(2) The University will not produce public records requested until fees associated with their production are paid.

(3) The University may produce public records without charge or at a substantially reduced fee if the University determines that the waiver or reduction of fees is in the public interest because making the information, materials, and documents available primarily benefits the general public. The person requesting the public records must request a waiver or reduction of fees and must explain why allowing the waiver or reduction is in the public interest.

Stat. Auth.: ORS 192.440 & 351.070

Stats. Implemented: ORS 192.440 & 351.070

Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

## DIVISION 5

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

#### 576-005-0005

##### Purpose and Scope

(1) The University recognizes and supports the rights of free expression and speech. It is the purpose of these regulations to inform

members of the University community and the public of the manner in which they may engage in constitutionally protected speech and expression at Oregon State University. It is the further intent to ensure the primary educational purpose of the University while promoting debate and the sharing of information.

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-005-0010

##### Definitions

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

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

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

(4) "University" means Oregon State University.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-005-0015

##### Public Areas

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

(a) Classroom buildings;

(b) Research and laboratory facilities and buildings;

(c) The Valley Library;

(d) Plageman Hall (Student Health Center);

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

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

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

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

#### 576-005-0020

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-005-0025**

**Notification**

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

(2) The officials to be notified are:

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

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

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

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

Stats. Implemented: ORS 351.070

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

**576-005-0030**

**University Mail System**

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-005-0032**

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-005-0035**

**Administrative Interpretation**

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-005-0040**

**Authorized Exceptions**

The Chief Business Officer may authorize speech activities which are determined not to cause disruption of campus activities despite a literal violation of these regulations. Such determinations shall be made without consideration of the content or message of the speech activities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-005-0041**

**Enforcement**

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

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

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

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

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

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

Stats. Implemented: ORS 351.070

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

**DIVISION 10**

**UNIVERSITY FEES, COLLECTING ACCOUNTS  
AND NOTES RECEIVABLE, AND  
REVOLVING CHARGE ACCOUNT PROGRAM**

**576-010-0000**

**Fees and Charges**

The University hereby adopts by reference a list of fees and charges for fiscal year 2010–2011. This List of Fees and Charges is available at the Oregon State University Valley Library, and is hereby incorporated by reference in the rule.

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

Stat. Auth.: ORS 351.070, 352.360 & 580-040-0010

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01; OSU 6-2002, f. 6-5-02, cert. ef. 7-1-02; OSU 1-2003, f. 6-19-03, cert. ef. 7-1-03; OSU 1-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 1-2005, f. 6-13-05, cert. ef. 7-1-05; OSU 1-2006, f. 6-23-06, cert. ef. 7-1-06; OSU 1-2007, f. 6-18-07, cert. ef. 7-1-07; OSU 3-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 2-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 1-2010, f. 6-30-10, cert. ef. 7-1-10

**576-010-0011**

**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 Oregon State University exercises diligence in collecting delinquent accounts and notes receivable due it by pursuing, as appropriate, the following remedies:

(a) Withholding transcripts, certificates and/or diplomas, and other applicable campus services;

(b) Denying or canceling registration;

(c) Withholding further account receivable privileges;

- (d) Applying any non-exempt credits in favor of debtor to debt;
- (e) With employee's approval, withholding wages;
- (f) Adding collection costs as permitted by statutes and regulations, including, but not limited to: collection agency charges, reasonable attorney's fees including attorney fees on appeal, and court costs;
- (g) Charging fees for sending a delinquent account or note receivable into collection;
- (h) Sending regular billings and past due notices;
- (i) Utilizing telephone inquiries;
- (j) Sending letters of demand;
- (k) Using "skip trace" information, to identify a debtor's location to direct communications regarding debt owed, as permitted by statutes and regulations;
- (l) Utilizing offset procedures with other state agencies;
- (m) Utilizing Department of Revenue as a collection agent, including utilization of the Department of Revenue Set Off Individual Liability program, which may result in a reduction of a debtor's tax refund by the amount owed the University;
- (n) Utilizing various commercial collection agencies, by contract, as permitted by law;
- (o) Instituting legal action as permitted by statutes and regulations;
- (p) Using commercial credit reporting agencies by contract and as permitted (or required by law);
- (q) Seeking collection on judgments as permitted by statutes and regulations;
- (r) Requiring exit interview for borrowers under federal loan programs;
- (s) Evicting debtors from residence halls or student family housing for nonpayment of room and/or board fees;
- (t) Reducing debtor's financial aid proceeds by the amount of the debtor's accounts receivable debts in accordance with Federal Title IV regulations, before releasing any remaining financial aid to the debtor.

(2) The amounts charged by University pursuant to the above remedies, including but not limited to the fees charged for sending a delinquent account or note receivable into collection, are set forth in the University list of fees and charges adopted by OAR 576-010-0000.

(3) The Oregon State University Director of Business Affairs, or his/her designee, may identify unique circumstances for which the full application of the above remedies is not prudent, in the best interest of the University, or lawful. In most circumstances, the University will continue to pursue collection of delinquent accounts and notes receivable through the Department of Revenue Set Off Individual Liability program.

(4) A debtor may challenge a charge within 60 days after the first bill on which the suspected error or problem appeared. Challenges should be directed to the office initiating the charge and should include a copy of the bill challenged and documentation evidencing the suspected error or problem. The Oregon State University Office of Business Affairs will assist debtors who have difficulty identifying the office initiating the charge. If an error is found, affected charges will be adjusted.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: OSU 4-2008, f. 6-27-08, cert. ef. 7-1-08

#### 576-010-0021

##### Revolving Charge Account Program

(1) Oregon State University offers extended payment terms utilizing a revolving charge account program as authorized by the Oregon State Board of Higher Education (OAR 580-040-0041).

(2) Any person, organization, or agency that incurs charges, fines, or penalties at Oregon State University is automatically enrolled in the revolving charge account program, provided that Oregon State University may deny use of the revolving charge account program privilege to persons, organizations, or agencies that do not have a good credit history with Oregon State University and to anyone who has been in default status on student loans.

(3) Participants in the revolving charge account program shall sign a revolving charge account agreement in a form provided by OSU and shall abide by the terms and conditions of the program as set forth in that agreement.

(4) Debt amounts resulting from fines, penalties, and similar types of amounts owed may be added to a revolving charge account enforceable against the responsible debtor, even though the debtor has not signed a revolving charge account agreement.

(5) Revolving charge account debtors have the right to pay the outstanding debt in full at any time without penalty.

(6) Interest will be charged each month on any unpaid balance at the rate of one percent per month, or fraction thereof (12% APR).

(7) Oregon State University reserves the right to amend the terms and conditions applicable to revolving charge accounts without securing a new agreement. Debtors shall be notified, in writing, of any changes in applicable interest rates, before the changes go into effect.

(8) A debtor may challenge a charge within 60 days after the first bill on which the suspected error or problem appeared. Challenges should be directed to the office initiating the charge and include a copy of the bill challenged and documentation evidencing the suspected error or problem. The Oregon State University Office of Business Affairs will assist debtors who have difficulty identifying the office initiating the charge. If an error is found, affected charges will be adjusted.

(9) The debtor is responsible for informing the Oregon State University Office of Business Affairs of any name and address change occurring during the term of the revolving charge account agreement.

(10) Delinquent accounts will be processed under the procedures described in OAR 576-010-0011 (OSU Collecting Accounts and Notes Receivable).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: OSU 5-2008, f. 6-27-08, cert. ef. 7-1-08

#### 576-010-0031

##### Discounted Fee Program — Purpose

The purpose of this rule is to authorize the Veterinary Teaching Hospital to charge discounted fees for certain services and merchandise to faculty, professional students, staff and alumni of the College, as well as owners of service animals, through the establishment of a Discounted Fee Program. The Discounted Fee Program is established in OAR 576-010-0031 through 0041, and in policies adopted by the Hospital.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

#### 576-010-0036

##### Definitions

The following definitions apply to OAR 576-010-0031, 576-010-0036 and 576-010-0041:

(1) "College" means the Oregon State University College of Veterinary Medicine

(2) "Discounted Fee Program" means the criteria and procedures described in OAR 576-010-0031 through 576-010-0041 for providing discounted fees to Eligible Participants for merchandise and service as described in this rule and in policies adopted by the Hospital.

(3) "Eligible Participant" means a person who meets the criteria set forth in OAR 576-010-0041(1).

(4) "Eligible Pet" means a pet that meets the criteria set forth in OAR 576-010-0041(2).

(5) "Eligible Services" means services described in OAR 576-010-0041(3).

(6) "Hospital" means the Oregon State University Veterinary Teaching Hospital.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

**576-010-0041**

**Eligibility Criteria, Discount, Loss of Eligibility**

(1) Participant Eligibility

(a) To be eligible for the faculty and staff discount in subsection (4)(a) of this rule, a person must be employed by the College on the date that the services are rendered or the merchandise is purchased.

(b) To be eligible for the professional student discount in subsection 4(b) of this rule, a student must be enrolled in the Doctor of Veterinary Medicine program with the College on the date that the services are rendered or the merchandise is purchased.

(c) Graduates of the College are eligible for the alumni discount in subsection (4)(c) of this rule.

(d) Owners of assistance animals are eligible for the assistance animal discount in subsection (4)(d) of this rule if they present written documentation or certification that the animal assists the disabled. This documentation, which must include the assistance organization's name, will be copied and included in the patient's record.

(2) Pet Eligibility.

(a) Discounts are limited to services performed, or merchandise purchased, for animals that are personally owned by the Eligible Participant and are enrolled in the Discount Program. An Eligible Participant may enroll in the Discount Program using forms provided by the Hospital. An Eligible Participant may enroll a maximum of four (4) animals in this Discount Program at a time. Animals must be enrolled in the Discount Program prior to the Hospital visit or at the time of admission.

(b) An animal may remain enrolled in the Discount Program until its death, unless ownership is transferred to a person who is not an Eligible Participant.

(3) Eligible Services. All services provided by the Hospital are eligible for the Discount Program, with the exception of services provided through the Veterinary Diagnostic Laboratory and the Small Animal Preventive Health Program.

(4) Discounts

(a) Eligible Participants who qualify under subsection (1)(a) of this rule will receive a 20% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(b) Eligible Participants who qualify under subsection (1)(b) of this rule will receive a 25% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(c) Eligible Participants who qualify under subsection (1)(c) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(d) Eligible Participants who qualify under section (1)(d) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(5) Participants in this Discount Program who violate this rule may have discount privileges permanently removed.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

**DIVISION 12**

**KEY DEPOSITS**

**576-012-0000**

**Purpose and Scope**

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

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

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

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

Stat. Auth.: ORS 351.070 & 293.445

Stats. Implemented: ORS 351.070 & 293.445

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

**DIVISION 15**

**STUDENT CONDUCT CODE**

**576-015-0005**

**Purpose**

(1) The primary purpose of the Student Conduct Code is to establish community standards and procedures necessary to maintain and protect an environment conducive to learning, in keeping with the educational objectives of Oregon State University. This code is based on the assumption that all persons must treat one another with dignity and respect in order for scholarship to thrive.

(2) Students are also expected to follow the academic and professional standards of the academic units.

(3) Choosing to join the Oregon State University community obligates each member to a code of responsible behavior. Individuals and Student Organizations are expected to observe the policies, rules, and requirements of Oregon State University as well as laws of municipalities and counties, the State of Oregon, the United States of America and, when in another country, that country.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

**576-015-0010**

**Definitions**

(1) A "Student" includes all persons enrolled at the University and/or any or all dual-enrolled campuses pursuing undergraduate, graduate, or professional studies. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the University including, but not limited to, those individuals admitted to the University and attending orientation programs, and those individuals enrolled in any special non-credit programs approved by the University. A "Student" may be currently registered, or may have been enrolled in a previous term, or may be registered for a future term, or may be admitted but not yet enrolled.

(2) A "Student Organization" includes any group of students living or acting together, or electing officers, or assessing dues or fees for their mutual benefit, or which has registered with the University, or is affiliated with an academic unit.

(3) An "Individual Violation" is a violation of the Student Conduct Code committed by an individual Student acting alone or in concert with other individual(s) independent of a Student Organization or its activities and events.

(4) An "Organization Violation" is a violation of the Student Conduct Code committed by a Student Organization.

(5) "SCCS" is the office of Student Conduct and Community Standards.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

**576-015-0020**

**Offenses Proscribed by the University**

A Student or Student Organization found to have committed any of the following proscribed acts is subject to sanctions under these rules:

(1) Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, or other institutional activ-

ities, including the institution's public service functions or other authorized activities on institutionally-owned or controlled property. Disruptive behavior may include but is not limited to the following, where it has the effect of obstructing or disrupting the University activities listed above:

(a) Repeatedly leaving and entering the classroom without authorization;

(b) Making loud or distracting noises;

(c) Arriving late or leaving early;

(d) Persisting in speaking without being recognized;

(e) Behavior that would cause a reasonable person to fear for his or her safety.

(2) The instructor has authority to manage the classroom environment, which may include requiring a Student to leave when the Student's behavior disrupts the teaching or learning environment. If the Student refuses to leave, the instructor may call the Department of Public Safety for assistance and should submit an Incident Report Form to SCCS to initiate disciplinary proceedings.

(3) Academic or Scholarly Dishonesty:

(a) Academic or Scholarly Dishonesty is defined as an act of deception in which a Student seeks to claim credit for the work or effort of another person, or uses unauthorized materials or fabricated information in any academic work or research, either through the Student's own efforts or the efforts of another.

(b) It includes:

(A) **CHEATING** — use or attempted use of unauthorized materials, information or study aids, or an act of deceit by which a Student attempts to misrepresent mastery of academic effort or information. This includes but is not limited to unauthorized copying or collaboration on a test or assignment, using prohibited materials and texts, any misuse of an electronic device, or using any deceptive means to gain academic credit.

(B) **FABRICATION** — falsification or invention of any information including but not limited to falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(C) **ASSISTING** — helping another commit an act of academic dishonesty. This includes but is not limited to paying or bribing someone to acquire a test or assignment, changing someone's grades or academic records, taking a test/doing an assignment for someone else by any means, including misuse of an electronic device. It is a violation of Oregon state law to create and offer to sell part or all of an educational assignment to another person (ORS 165.114).

(D) **TAMPERING** — altering or interfering with evaluation instruments or documents.

(E) **PLAGIARISM** — representing the words or ideas of another person or presenting someone else's words, ideas, artistry or data as one's own, or using one's own previously submitted work. Plagiarism includes but is not limited to copying another person's work (including unpublished material) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project and then submitting it as one's own.

(c) Academic Dishonesty cases are handled initially by the academic units, following the process outlined in the University's Academic Dishonesty Report Form, and will also be referred to SCCS for action under these rules.

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

(5) Hazing, defined as any action that endangers the physical, emotional, mental health or safety of an individual, or destroys or damages personal property for the purpose of initiation, membership, admission or participation in a group or organization. Expressed or implied consent of the person subject to hazing is not a defense. Apathy and acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Acts that constitute hazing when they endanger the physical, emotional, mental health or safety of an individual, or destroy or damage personal property, include but are not limited to:

(a) Acts that are prohibited under any applicable law, including but not limited to ORS 163.197, under which hazing is a criminal violation;

(b) Interfering with a Student's academic performance by denying sufficient time for class, study or other academic activities;

(c) Compelling ingestion of any substance;

(d) Compelling participation in physical activities such as calisthenics, exercise, or other games or activities requiring physical exertion;

(e) Compelling exposure to weather elements or other physically or emotionally uncomfortable situations;

(f) Compelling excessive fatigue from sleep deprivation, physical activities, or exercise;

(g) Committing any act of physical brutality against another including but not limited to paddling, striking with fists, open hands or objects, and branding;

(h) Kidnapping or transporting another with the intent of stranding him or her;

(i) Compelling conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as scavenger hunts;

(j) Intentionally creating work or labor for another;

(k) Compelling another to commit any sexual act or engage in lewd behavior;

(l) Compelling any act that results in the destruction, defacement or removal of private or public property

(6) Harassment, defined as conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities or participate in the activities of the University, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the University. Stalking behavior that meets this definition constitutes Harassment within the meaning of this rule.

(7) Sexual Harassment, as defined in the University's Policy on Sexual Harassment.

(8) Discriminatory Harassment, as defined in the University's Policy on Discriminatory Harassment.

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

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

(11) Alcohol violations, including possession or consumption of alcohol by persons less than 21 years of age, furnishing alcohol to persons less than 21 years, or consumption of alcohol by a Student of any age in violation of the University's rules or policies on alcoholic beverages on University owned or controlled property or at University sponsored or supervised activities.

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

(13) Detention or physical abuse of any person or conduct that threatens imminent bodily harm or endangers the health of any person on any institutionally-owned or controlled property.

(14) Invasion of another's privacy, where that person has a reasonable expectation of privacy, including but not limited to the use of electronic devices to make an unauthorized audio or video recording of any person while on University owned or controlled property without his or her prior knowledge, or without his or her effective consent, when such a recording is of information or of images taken

from or of a person at a time and place where she or he has a reasonable expectation of privacy and where the recording is reasonably likely to cause injury or distress.

(15) Unauthorized recording of a class or of organizational or University meetings. To obtain the required authorization, the Student or Student Organization must obtain expressed permission from the faculty member, Student Organization, or University representative or official in charge of the class, meeting, or activity.

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

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

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

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

(20) Falsification or misuse of University information, including but not limited to records, permits, documents, computer resources, identification cards, etc.; or the furnishing of false or misleading information to the University or its representative; or refusal to provide one's name, class, school, and local address when requested by a University official, provided the official is identified and indicates legitimate reason for the request.

(21) Unauthorized use of University computing resources in violation of the University's Acceptable Use of Computing Resources Policy.

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

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

(24) Violation of any federal or state law or city or local ordinance or University rule or policy that applies to the Student.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1996, f. & cert. ef. 6-21-96; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 4-1999, f. & cert. ef. 7-17-99; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

### **576-015-0021**

#### **Violations of the Student Conduct Code by Student Organizations**

When members of a Student Organization act together in a way that violates the Student Conduct Code, the Student Organization is expected to hold itself accountable.

(1) When a potential Organization Violation of the Student Conduct Code occurs, SCCS may review the incident to determine the appropriate process for resolution. Generally, the University will expect a Student Organization to hold itself accountable for the acts of its members when those acts are related to the Student Organization's activities.

(a) The Student Organization or its governing body will notify SCCS and keep it informed at all stages of the process.

(b) The University, through SCCS, reserves the right to take immediate jurisdiction at its discretion. The Student Organization or governing body may still hold its members accountable in the situation, but must do so in conjunction with SCCS.

(2) If a person affected by the alleged violation is not satisfied with the action taken by the Student Organization, that person may file a grievance with the appropriate governing body or, if none exists, with SCCS.

(3) If, in the judgment of the Director of SCCS, sufficient action is not taken in a timely manner by the Student Organization, the case will be reviewed for possible action by SCCS.

(4) In deciding whether the Student Organization is responsible for the violation, the University will consider whether one or more of the following factors are present:

(a) The violation arises out of an event sponsored, organized, financed, or endorsed by the Student Organization;

(b) The violation occurs on premises owned or controlled by the Student Organization;

(c) The leadership of the Student Organization had knowledge, or should have had knowledge, of the likelihood that a violation would occur and failed to take corrective action; or

(d) A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

### **576-015-0025**

#### **Jurisdiction**

The Student Conduct Code shall apply to a Student's or Student Organization's conduct that occurs on University premises, at University sponsored or affiliated activities regardless of location, and to off campus conduct that adversely affects the University community or the pursuit of University objectives. These standards shall apply to a Student's conduct even if the Student withdraws from school while a disciplinary matter is pending. Examples of behavior that adversely impacts the University community may include but are not limited to physical or sexual assault, rape, hazing, harassment, stalking, furnishing alcohol to minors, distribution of drugs or illegal substances, or illegal weapons use. The University has sole discretion to determine what conduct occurring off campus adversely impacts the University community and/or the pursuit of University objectives.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

### **576-015-0030**

#### **Sanctions**

The University utilizes an educational and restorative sanctioning model. The sanction applied will be commensurate with the violation committed and become progressively more demanding or severe if the Student or Student Organization repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as deferred suspension, suspension, and expulsion. Violations that affect the health, safety and well being of the community are deemed the most severe and may result, upon the first violation, in a suspension or expulsion. Students or Student Organizations exhibiting behavior that violates any part of the Student Conduct Code are subject to one or more of the following:

(1) Warning: Official notice to a Student or Student Organization exhibiting behavior that violates any part of the Student Conduct Code. The continuation of such behavior may result in further conduct action.

(2) Required Educational Activities: Mandatory participation in educational activities. Such Education Activities include but are not limited to completion of a report or attendance at a seminar or other educational program or presentation.

(3) University/Community Service Work Hours: A Student or Student Organization is required to complete a specified number of hours of service to the University or general Community.

(4) Behavior Expectations Agreement: A contract between the University and the Student outlining specific behavior expectations.

(5) Restitution: The Student or Student Organization is required to provide reimbursement by dollar amount, by transfer of property, or by provision of services to the University or a member of the University community in accordance with the nature of the violation and in an amount not in excess of actual expenses, damages, or losses incurred.

(6) Restrictions: Removal from a Student Organization, denial of entry to specific University facilities or other restrictions consistent with the violation committed. For a Student Organization, restrictions may include denial of specific University privileges including but not limited to sponsored social activities, sponsored parties or philanthropy, participation in intramurals, representing the University and any travel in connection with such representation, recruitment, membership or representation on a governing council, use of space for a meeting or event on campus, participation in competition and events, and receipt of institutional funding.

(7) No Contact Order: A No Contact Order is a directive to a Student or Students to refrain from any intentional contact, direct or indirect, with one or more designated persons through any means including personal contact, e-mail, telephone, or third parties.

(8) Academic Sanction: Students whose behavior is found to constitute Academic or Scholarly Dishonesty as defined in OAR 576-015-0020(2) are subject to additional academic sanctions, which may include but are not limited to failing the course, removal from an academic department, or removal from a college. Academic sanctions are imposed by the instructor, department chair or dean and are noted on the Academic Dishonesty Report Form in accordance with Academic Regulation 15.

(9) Removal from a Class: A Student's removal from a class may be temporary or permanent. Permanent removal from a class may be authorized by the Director of SCCS with concurrence from the Dean of the College in which the class is offered. A Student who is permanently removed from a class will receive a "W" (Withdrawal) on the academic transcript. No refunds for tuition or other class fees will be made.

(10) Conduct Probation: Placement on probationary status during which there is observation and review of behavior and the Student or Student Organization must demonstrate compliance with the Student Conduct Code. Terms of the Conduct Probation will be determined at the time the probation is imposed and may include additional sanctions including but not limited to loss of privileges, restrictions, restitution, and/or required educational activities.

(11) Conduct Suspension:

(a) Deferred Suspension: Placement on deferred suspension status during which there is observation and review of behavior. If the Student or Student Organization is found to further violate the Student Conduct Code during this period then the Student/Student Organization is suspended without further hearings. Deferred Suspension may be for a period of one term up to and including the remainder of a Student's enrollment at the University; Deferred Suspension for a Student Organization is generally for one year but may be up to three years.

(b) Suspension:

(A) Student — Exclusion from the University and all University property for a specified period of time. The Department of Public Safety will exclude the Student from OSU campus upon suspension. Suspended Students are denied the privileges and services provided to currently enrolled Students, including residing in University-owned or recognized Student housing, attending class, or using other University services or facilities. Suspension is generally for one year, however the period of Suspension may be specified for any period of time;

(B) Student Organization — Loss of University recognition or registration for a specified period of time. The Organization must comply with all sanctions prior to being registered or recognized again. While a Student Organization is suspended it may not use University resources;

(C) The conditions of Suspension take effect immediately after the Student or Student Organization has been informed of the decision. If an appeal is filed, the imposition of the Suspension will be delayed until the conclusion of the appeal process. However, if a pending conduct hearing or appeal may result in Suspension as determined by the Director of SCCS, awarding of a Student's academic degree will be postponed pending the outcome of the conduct hearing.

(12) Expulsion: Permanent Conduct Suspension.

(13) Degree Revocation.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0035

### Readmission After Suspension

A Student suspended for misconduct and wishing to return to the University after the suspension period must notify the Director of SCCS in writing. The notification should include a description of the Student's activities since the suspension went into effect. If the Director of SCCS certifies that the terms of suspension have been met, the Student may apply for readmission through the regular process.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0040

### Record

(1) All Student Conduct Code violations incurring sanctions include the creation of a conduct record. Sanctions at the level of Conduct Probation and above place the Student or Student Organization outside of "good standing" with the University for the duration of the sanction. Multiple sanctions may be imposed where appropriate.

(2) Suspension or expulsion will be noted in a Student's general academic record within the Registrar's Office by means of a Conduct Action Form which indicates the reason for the Suspension. The suspended Student may include in the record an explanation for the action taken by the University. As stipulated in OAR-166-475-0110(38), case files involving Expulsion or Degree Revocation are retained for 75 years; case files involving Suspension are retained for 10 years; all other conduct case files are retained for 5 years.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0043

### Notice

(1) Upon receiving a complaint or report that a Student or Student Organization may have violated the Student Conduct Code, the Director of SCCS will notify the Student/Student Organization in writing of the alleged violation(s). The notice will inform the Student or Student Organization of the rule(s) said to have been violated and a description of the acts or omissions alleged to have been in violation of the Student Conduct Code.

(2) If the Director of SCCS determines the alleged violation(s) may result in Suspension or Expulsion, the notice described in subsection (1) will set a time and place for a SCCS Committee hearing. The period of time between the hearing date and the accused Student's or Student Organization's receipt of the notice must be at least 72 hours. The Director of SCCS will notify the Student/Student Organization that the SCCS Committee Hearing may be waived and, in its place, the case heard by the Director of SCCS or designee.

(3) If there is an allegation of academic dishonesty as defined in OAR 576-015-0020(2), the Director of SCCS will determine what conduct proceeding is appropriate. If there is a record of a previous incident of academic dishonesty, the Director of SCCS will send written notice to the Student of a SCCS Committee hearing, as described in subsections (1) and (2) of this rule, and OAR 576-015-0050.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0045

### Determination by the Director of Student Conduct and Community Standards

(1) If the Student or Student Organization elects to have the case heard by the Director of SCCS or designee, the Student/Student Organization will be informed of the evidence of the violation(s) and

will be given an opportunity to explain the behavior. The Student/Student Organization may bring any third party advisor to any meetings so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(2) If the Student or Student Organization fails to meet with the Director of SCCS or designee, the Director may take conduct action in the Student's/Student Organization's absence.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0050

### Student Conduct and Community Standards (SCCS) Committee Hearing

(1) When an SCCS Committee hearing is called, the accused Student or Student Organization will appear before a panel of up to five faculty or staff and five students appointed by the Vice Provost for Student Affairs and the Associated Students of Oregon State University, respectively. The Bylaws of the SCCS Committee are available from the Vice Provost for Student Affairs or the SCCS office.

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

(3) If the Student or Student Organization has been properly notified and fails to appear, the SCCS Committee may proceed with the hearing and conduct action may be taken.

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

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

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

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

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

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization; and

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0055

### Hearing Officer(s) Contingency

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## 576-015-0056

### Emergency Action

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

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

(a) Immediate Suspension from the University;

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

(3) At the time that the Emergency Action takes place, the Director of SCCS or designee shall:

(a) Inform the accused Student of the reason for the Emergency Action;

(b) Give the accused Student the opportunity to explain why an Emergency Action need not be taken;

(c) Inform the accused Student that a preliminary hearing will take place according to section (4) of this rule, and that the accused Student will be informed of its time, place and date.

(4) The preliminary hearing shall take place within two business days of the Emergency Action. At this hearing the accused Student shall have a full opportunity to demonstrate to the Director of SCCS that none of the conditions specified in section (1) of this rule apply. As with other proceedings, the accused Student may be accompanied by an advisor, but must speak for him/herself at all times.

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

(a) Dissolve the Emergency Action and take no further action; or

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

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

(6) Formal hearings subsequent to an Emergency Action shall occur no later than ten (10) business days after the preliminary hearing and shall be administered pursuant to OAR 576-015-0050 to 576-015-0055.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

#### 576-015-0057

##### Notice of Decision and Rights of Victim

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

(2) If any sanction beyond a verbal warning is imposed after a conduct hearing, the accused Student will be given or sent a letter confirming the decision and University expectations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

#### 576-015-0060

##### Conduct Action Appeals

(1) Appeals of the decision of the Director of SCCS shall be made to the Vice Provost for Student Affairs whose decision is final. In appeals concerning Academic or Scholarly Dishonesty, the Vice Provost for Student Affairs will confer with the Vice Provost for Academic Affairs and International programs or designee before the decision is made.

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## DIVISION 16

### STUDENT FAMILY HOUSING

#### 576-016-0000

##### Purpose

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-016-0010

##### Definitions

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-016-0020

##### Student Family Housing Eligibility

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

(a) Be admitted to the University;

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-016-0030

##### Eligibility for Residence

To be eligible to reside in student family housing a student must meet the eligibility requirements for application in OAR 576-016-0020 and must be enrolled in the University and meet the minimum qualifications for satisfactory academic progress as specified in current Oregon State University academic regulations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

#### 576-016-0040

##### Residency Requirements

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

### 576-016-0050

#### Priorities

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

### 576-016-0060

#### Exceptions

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

## DIVISION 17

### STUDENT LIVING GROUPS

### 576-017-0005

#### General Housing Regulations

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

### 576-017-0010

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

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

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

(b) Promote sound academic performance by members.

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

### 576-017-0015

#### Withdrawal of Approval or Recognition

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**576-017-0020**

**Private Living Group Security and Internal Regulations**

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

**DIVISION 20**

**STUDENT RECORDS RULE**

**576-020-0005**

**Basic Philosophy**

Oregon State University shall generate and maintain only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, or divisions or departments. The University has responsibility to preserve the confidentiality of such records and to protect the individual student's privacy. Public access to personal student records shall be restricted according to provisions of the federal **Family Educational Rights and Privacy Act**, ORS 351.065, and Division 13 of the Oregon State Board of Higher Education Administrative Rules.

This rule is a detailed statement of the implementation of this philosophy and of federal and state law. The following general rules shall be observed by all persons dealing with students' records:

(1) Only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, divisions, or departments shall be generated and maintained. Records shall be retained as needed and as directed by the University Records Retention and Disposition Schedule.

(2) Institutional officials generating or maintaining duplicate copies of student records (whether permanent or temporary) shall retain them in the same manner as designated in section (1) of this rule.

(3) A student shall not be required to give, although the student may voluntarily provide, information as to the student's race, religion, political affiliation or preference, or personal values except as required by state or federal statute, rule, regulation, or order.

(4) Student records shall be kept in locations central to the University, its colleges, school, divisions, or departments in which they are maintained, with the custody thereof assigned to designated personnel specifically charged with maintaining the confidentiality of the records. A statement of policy regarding student records is published annually in the OSU Barometer. Copies shall be available in the Student Involvement office.

(5) The duplication of permanent student records and the generation of temporary student records shall be kept to a minimum and shall be maintained only for the minimum time required to serve the basic official function of the office which generates and/or maintains them.

(6) The permanent retention of student records shall be limited to those designated in the University Records Retention and Disposition Schedule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

**576-020-0010**

**Definition of Terms**

(1) "Student" — A person who is or has been enrolled at Oregon State University.

(2) "Educational Record" — Records directly related to a student which are maintained by Oregon State University or by a person acting for the University.

(3) "Directory Information" — Student's name, current mailing address and telephone number, current e-mail address, campus office address, class standing, month and day of birth, major field of study, full-time or part-time enrollment status, status as a graduate teaching assistant or graduate research assistant and hours of service, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, date(s) of degree(s), and most recent previous educational institution attended by student.

(4) "Institutional Official" — 6-19-03 A person employed by the University in an administrative, supervisory, academic, research or support staff position (including health staff); a person, company or entity with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the board of trustees; or a student serving on an official committee such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01; OSU 5-2002, f. & cert. ef. 5-8-02; OSU 2-2003, f. & cert. ef. 6-19-03; OSU 3-2004, f. 11-16-04, cert. ef. 1-1-05

**576-020-0015**

**Availability of Records**

Except as noted below, all educational records are available to students and said records shall not be released to other persons or organizations without the student's prior written approval. A student may see and review with the record's custodian or in his/her absence a staff member of the office or department that maintains the record, all educational records that pertain to the student, except as noted below. Access of the student to the record shall be provided as early as possible, but not later than 45 days following the student's request. In accordance with this policy, a written request from a student for 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.

(1) Records Not Available: The following are not categorized as "educational records" and/or are not available to students:

(a) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(b) Records made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional acting in a professional capacity related to treating a student. However, such records may be reviewed by a physician or other appropriate professional at the student's written request;

(c) Financial records of the student's parents, unless they have given written consent to the student seeking said records;

(d) Confidential evaluations/recommendations placed in the educational records prior to January 1, 1975, if the evaluations/recommendations continue to be used only for their original purpose;

(e) Confidential evaluations/recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access and which are limited to admission to an educational institution, and application for employment, for a recommendation for an honor, or other form of recognition.

(2) Release of Records Without Student Permission. Educational records can be released without permission to:

(a) Institutional officials who have a legitimate educational interest. An institution official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility;

(b) Officials of schools to which the student seeks or intends to enroll. In such cases, the student shall be notified of the transfer of records, and, if the student desires, shall receive a copy of the record

sent and have the opportunity for a hearing to challenge the record's contents;

(c) Authorized representatives of the U.S. Comptroller General, the Secretary of HEW, the Attorney General of the United States, and the Chancellor of the Oregon University System;

(d) An agency from which the student has applied for, or is receiving, financial aid;

(e) State and local authorities for whom information was specifically required to be disclosed by state statute prior to November 19, 1974;

(f) Organizations conducting legitimate educational research, testing, accreditation, granting financial aid, or improving instruction; if such data does not permit identification of the student or parents to others, and if the information is destroyed when no longer needed to carry out its specified purpose(s);

(g) The court, if the University initiates legal action against a student or if a student initiates legal action against the University.

(h) Directory Information is available to the public upon request without the student's permission unless the student has requested in writing that the material be kept confidential. A student may request in writing that all directory information be kept confidential. This option may be exercised by completing an authorization form at the Office of the Registrar. This option remains in effect until revoked by the student;

(i) The outcome of a disciplinary action taken against a student accused of sexual assault shall be disclosed to the alleged victim and the accused student;

(3) Release of Records with Student Permission. Except as otherwise noted in this division, all educational records may be released only with the student's prior written permission. The written notice of permission shall be filed with the record thereby released.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

### 576-020-0020

#### Student Right to Waive Access

As noted in OAR 576-020-0015, a student may *voluntarily* waive the right of access to an educational record. Under no conditions can a student be compelled to waive the right of access. Additionally, a student who waives the right *must* be informed of the names of persons making confidential evaluations/recommendations and that such evaluations/recommendations are being used only for the purpose originally intended.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0025

#### Challenge to Content of Records and Administrative Hearing Process

The student has the right to challenge the content of educational records in order to insure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Additionally, the student has the right to request the correction or deletion of such material in the student's own educational records.

(1) If a student challenges the content of a record, the University shall consider the challenge within a reasonable time after it is received. If the student's request for modification of said record is denied, the University shall inform the student of its decision and of his or her right to a hearing. If a hearing is requested, the following procedure will apply:

(a) The University shall hold the hearing within a reasonable time after it receives the request.

(b) The University shall give the student reasonable advance notice of the date, time, and place of the hearing.

(c) The hearing may be conducted by any person, including an institutional official, who does not have a direct interest in the outcome of the hearing.

(d) The University shall give the student a full and fair opportunity to present evidence relevant to the educational records at issue. The student may, at his or her own expense, be assisted or repre-

sented by one or more persons of his or her choice, including an attorney.

(e) The University shall make its decision in writing within a reasonable time after the hearing.

(f) The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence presented along with reasons for the decision.

(2) Following the hearing, if the hearing officer determines that information in the educational record is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the hearing officer shall:

(a) Amend the record accordingly; and

(b) Inform the student in writing of the change.

(3) Following the hearing, if the hearing officer determines that information in the educational record is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the hearing officer shall inform the student of his or her right to place a statement in the record commenting on the contested information and/or stating why he or she disagrees with the University's decision.

(4) If a student chooses to place a statement in his or her educational record, the University shall:

(a) Maintain the statement with the record for as long as the record is maintained; and

(b) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

### 576-020-0030

#### Non-Release to Third Parties

All copies of educational records will bear this statement to the effect that: "Under the provisions of the federal Family Educational Rights and Privacy Act, the information contained in this document is not to be released to others without the written consent of the student named herein."

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96

### 576-020-0035

#### Record of Access to Student Records

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

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

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

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

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

(5) The disclosure is made to other officials as noted in OAR 576-020-0015.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0040

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

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

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

(3) All *duplicate* copies of permanent records and all temporary student records shall be destroyed in a manner such as to protect their confidentiality. Prior access shall be granted to students who have requested access before the records are destroyed.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77; OSU 10-2001, f. & cert. ef. 11-16-01

### 576-020-0045

#### Period for Granting Access

A maximum delay of 45 days is authorized in granting access to education records involving students.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0050

#### Subpoenas and Court Orders

If a court order or subpoena is issued to produce an educational record on a student, the University shall immediately take steps to notify the student of this fact prior to release of the record, unless, in the case of a federal grand jury subpoena or other subpoena issued for a law enforcement purpose, the court or issuing agency has ordered the University not to disclose the existence or contents of the subpoena to the student.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

### 576-020-0055

#### Health or Safety Emergencies

The custodian may release information from the educational records to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. However, such information may be released only if the threat to health or safety is serious, if the records are needed to meet the emergency, if there are persons who can use the information to deal with the emergency, and if time is critical in dealing with the emergency.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0060

#### Access to Records on Several Students

If a student requests access to an institutional record containing data on several students, including said student, the student shall be given access to only that data relating to said student. The privacy of the other student's data shall not be violated.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77

### 576-020-0065

#### Annual Publication of Institutional Rule

The University shall publish annually in the OSU Barometer the student records rule of the institution. Copies shall be available in the Student Involvement office. Notice shall include the following:

- (1) The right of access to educational records;
- (2) The types of educational records being maintained directly relating to students;
- (3) The institutional policy for reviewing records;
- (4) The student's right to copies of certain educational records;
- (5) The student's right to have the meaning of entries in personal educational records explained;
- (6) The procedures for challenging the content of educational records and for inserting a denial or correction of disputed data;
- (7) The categories of information designated as directory information and the student's right to prevent disclosure of directory information; and
- (8) The student's right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to

comply with the requirements of these rules and the **Family Educational Rights and Privacy Act of 1974**, as amended.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3, f. & ef. 6-20-77; OSU 8-1996, f. & cert. ef. 8-23-96; OSU 10-2001, f. & cert. ef. 11-16-01

## DIVISION 22

### STUDENT APPEALS AND GRIEVANCES

#### 576-022-0005

##### Purpose

(1) The University recognizes the importance of providing an opportunity for appeal for students from decisions made by student governing groups, University administrators, committees, and faculty and staff. Particular care is taken to provide safeguards for students in any action which significantly alters their status at the University, e.g. changes their living situation, prohibits them from participating in certain activities, suspends them from the institution, significantly affects their academic standing.

(2) Basic appeal procedures are summarized in the following rules. Any questions regarding appeal procedures should be directed to the individual department or committee involved or to the Office of the Dean of Students (200 Kerr Administration Building).

(3) Unless otherwise specified, all initial appeals must be filed in writing within 15 calendar days of the decision or action being appealed, and all appeals to subsequent steps in the process must be filed within seven calendar days of the date of the decision at the previous level.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 2-1993, f. & cert. ef. 5-7-93; OSU 9-1996, f. & cert. ef. 8-23-96

#### 576-022-0010

##### Student Academic Grievances

Challenges to academic decisions are governed by the Academic Regulations and Procedures adopted by the Faculty Senate, and published in the Schedule of Classes. Those regulations provide:

(1) Student grievances of academic matters including grades and student-instructor conflicts are appealed:

- (a) To the class instructor;
- (b) To the department head or chairperson;
- (c) To the grievance committee of the college if the college maintains such a committee;
- (d) To the dean of the college;
- (e) To the Provost and Executive Vice President or designee.

(2) Student appeals regarding matters of academic dishonesty are appealed in accordance with written college procedures which must provide at a minimum for appeal to the dean, followed by appeal to the Provost and Executive Vice President. If a college does not maintain its own written appeal procedures, the steps for appeal shall be:

- (a) The class instructor;
- (b) The department head or chairperson;
- (c) The dean of college in which the course is offered;
- (d) The Provost and Executive Vice President or designee.

(3) Academic matters outside the authority and responsibility of instructors and the academic colleges are governed through University student-faculty committees. Students seeking an exception to academic regulations and requirements must petition the appropriate committee for a decision. An explanation of regulations, requirements, procedures, and the specific committee to which to direct the appeal can be obtained through the Registrar's Office, 102 Kerr Administration Building.

(a) If other pertinent information or factors become apparent after the original decision is reached, the student may appeal the decision to that committee for reconsideration by providing written documents or appearing in person;

(b) Appeals from committee except as in section (1) of this rule, are made to the Provost and Executive Vice President or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070  
Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 2-1993, f. & cert. ef. 5-7-93; OSU 9-1996, f. & cert. ef. 8-23-96

### 576-022-0020

#### Student Financial Aid Appeals

A student may appeal a decision of a financial aid staff member concerning the awarding of financial aid:

- (1) To the Director of Financial Aid;
- (2) To the Scholarship Committee when a scholarship or grant is involved;
- (3) To the Financial Aid Committee;
- (4) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 9-1996, f. & cert. ef. 8-23-96

### 576-022-0025

#### Student Appeals in Matters of University-Owned Housing

(1) Damages: concern or disagreement on billing for damages is appealed:

- (a) To the Assistant Director of University Housing and Dining Services;

(b) To the Director of University Housing and Dining Services.

(2) Denial of contract and removal from a residence hall, cooperative, or family housing are appealed:

(a) To the Director of University Housing and Dining Services;

(b) To the Vice Provost for Student Affairs.

(3) Breaking the housing contract is appealed:

(a) To the Assistant Director of University Housing and Dining Services or designee;

(b) To the Contract Appeals Committee;

(c) To the Director of University Housing and Dining Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 9-1996, f. & cert. ef. 8-23-96

### 576-022-0030

#### Student Activities and Organization Appeals

Decisions of a student organization which affect students personally or as a group are appealed:

(1) To the student organization making the decision;

(2) To the appropriate board(s), committee(s), or organization(s) having policy-making jurisdiction over that organization;

(3) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 3-1997, f. & cert. ef. 4-21-97

### 576-022-0035

#### Discipline Action Appeals

(1) University discipline action appeal procedures are described in the Student Conduct Rules, OAR 576-015-0005 to 576-015-0060.

(2) Interliving group council discipline action appeal procedures are published in the bylaws of the respective committees and boards.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

### 576-022-0045

#### Student Employment Appeals

(1) Student employees in student affairs departments, including University Housing and Dining Services, appeal grievances:

(a) To the immediate supervisor;

(b) To the unit director or manager;

(c) To the department head;

(d) To the Vice Provost for Student Affairs.

(2) Student employees of other University departments appeal employment-related grievances:

(a) To the immediate supervisor;

(b) To the department chairperson;

(c) To the dean of the college or director of the division.

(3) Student employees may also appeal employment grievances of harassment or of alleged discrimination based on sex, religion, race, color, age, national origin, marital status, sexual orientation, vet-

eran status, or disability to the Affirmative Action Office, 500 Kerr Administration Building, 737-3556.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1991, f. & cert. ef. 3-6-91; OSU 9-1996, f. & cert. ef. 8-23-96

### 576-022-0050

#### Other

Appeals from decisions made based upon policies and procedures developed by student-faculty or administrative committees involving areas such as traffic and automobiles, student identification cards, and bicycles follow procedures detailed in the appropriate sections of the operating procedures of the relevant committee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

## DIVISION 23

### ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

### 576-023-0005

#### Introduction

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

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

(3) "Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs which are specified in OAR 576-023-0010(5) and which could have or could have had an effect during a period of organized practice, conditioning, or competition or during a period of counseling for substance abuse or, in the case of steroids, during any period of conditioning or weight training:

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

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

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

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

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

(5) Alcohol abuse during any period of OSU supervised conditioning, weight training, practice, or competition can have severe detrimental effects on personal health, performance, behavior, and academic progress. Team regulations dealing with alcohol abuse therefore provide for possible counseling and/or disciplinary action for student-athletes who are abusing alcohol. The Department considers that a conviction for driving while under the influence of alcohol is evidence of a serious problem of alcohol abuse. A conviction for driving under the influence of intoxicants (DUI) which arises from an incident during any period of OSU supervised conditioning, weight training, practice, or competition will be treated the same as a positive test for drugs, as set out in OAR 576-023-0035 of this policy.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91

### **576-023-0010**

#### **Testing Method**

(1) The standard method adopted by the Athletic Department for testing for drug use shall be through laboratory analysis of urine samples provided by student-athletes. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Athletic Department administration in compliance with the protocol described in OAR 576-023-0020, Specimen Collection and Role of Monitor.

(2) Results of the test shall be available only to the student-athlete, to the head coach in the athlete's sport, to the head trainer, to the Athletic Director, and to the Team Physician. Should any challenge to the test results, consequences of the test or the test procedures be raised in relation to a particular student-athlete, other appropriate University officials may have access to the information in order to carry out their responsibilities in handling the challenge.

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

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

(5) The substances for which the student-athlete will be tested include amphetamines, cocaine, anabolic steroids, marijuana, barbiturates, and phencyclidine or their derivative compounds and other similar performance enhancing or performance depressing drugs.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

### **576-023-0012**

#### **Notification of Test**

An athletic trainer will contact a student athlete either in person or by phone to inform the student that a drug test will be done. In the event initial contact is made by phone, the student athlete will have 45 minutes to appear at the test site specified by the athletic trainer. If contact is in person, the student athlete will not be allowed to leave the area prior to submitting a specimen for testing.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2001, f. & cert. ef. 4-25-01

### **576-023-0015**

#### **Testing Protocol**

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

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

(3) Testing of urine samples shall be performed by a laboratory which meets the standards of the International Olympic Committee and/or the National Collegiate Athletic Association.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

### **576-023-0020**

#### **Specimen Collection and Role of Monitor**

(1) The Athletic Department protocol described in the Sections below shall be followed in the collection of specimens.

(2) Student-athlete is escorted by University athletic trainers to the designated area.

(3) Monitor asks student-athlete to select a sealed specimen container.

(4) Student-athlete will sign identification form and container labels at entry point. The student-athlete will then follow the monitor to the collection area.

(5) Toilet bowls and tanks shall be filled with water containing colored dye.

(6) Student-athlete shall empty all pockets and shall leave contents of pockets plus purses, back packs, and similar containers (all inside a sealed sack) with the monitor.

(7) Student-athlete shall enter collection stall and shall close the privacy curtain. Monitor shall remain immediately outside the stall. Quiet shall be maintained. After voiding into the specimen container, student-athlete shall emerge and hand the container to the monitor. The monitor shall inspect the collection stall before and after the specimen is collected. Only the monitor shall flush the toilet.

(8) The student-athlete shall then, in the presence of the monitor, pour off approximately half the contents of the container into two new containers and shall then cap, seal, and tape them.

(9) Monitor and student-athlete shall proceed together to the specimen receiving area. The specimen is to remain in view of the monitor until the monitor signs off as described in section (11) of this rule.

(10) Monitor inquires if student is taking any medication and enters this information on the certification form.

(11) Monitor signs control sheet affirming monitored specimen collection on the certification form.

(12) If unable to produce a specimen at all, the student-athlete shall be asked to return to the designated area to wait. The student-athlete begins the entire procedure anew when student-athlete deems readiness.

(13) If the student-athlete is unable to supply the necessary quantity, but wishes to keep the partial sample, then she or he must:

(a) Keep the container in her or his possession and be out of arm's reach of any other person. He or she may request liquid but must stay in possession of partial sample and remain under continuous observation of monitor;

(b) When the student-athlete indicates to the monitor readiness to complete the collection, he or she is then accompanied by the monitor to resume the process in section (7) of this rule.

(14) In the event an empty container is left standing, or a partially or fully filled container is not in close proximity and possession of the student-athlete associated with it, the monitor or an employee of the laboratory shall dispose of the container.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

### **576-023-0025**

#### **Specimen Handling and Preliminary Testing**

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

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

- (A) One week for a negative test result;
- (B) 90 days for a positive test result;

(b) The laboratory staff communicates with only the team physician or head athletic trainer when the testing indicates a positive result. Such communication shall be made orally to the team physician personally, followed by a written report of the test results to the team physician. Split samples are used and final confirmation of positive comes only from GC-MS method (gas chromatography — mass spectrometry) in accordance with OAR 576-023-0015(4);

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

(2) Test results and the fact of testing shall be treated confidentially at all times. Test results and related information shall be stored securely separately from other educational or medical records. University and laboratory employees shall not disclose or discuss the fact or the outcome of testing or the identity of the person tested except insofar as necessary to carry out their official and professional responsibilities. The phrase “official responsibilities” shall not extend to financial aid (other than termination appeals under OAR 576-023-0035(2) below), student conduct, housing or campus security activities.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01

#### 576-023-0030

##### Drug Education and Counseling Services

Working with the Dean of Students, the Student Health Center, the Team Physician, and other campus resources, the Athletic Department administration shall provide a program of drug information and counseling referral for student-athletes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90

#### 576-023-0035

##### Positive Test Results Sanctions

(1) The team physician, the head athletic trainer, the Athletic Director, and the head coach shall review a positive test result and shall, bearing in mind the type of tested-for drug(s) used, the recency of use, the medical, safety and performance-enhancing effects of its use, formulate a treatment/behavior modification program for the student-athlete. Such program shall include abstinence of further use and periodic retesting and a reduction of playing time equivalent to 10% of the competitive season for the student athlete's sport. The program may include counseling, physical therapy, and withholding from contact drills, and scrimmages as well.

(2) If a second positive test or admission reveals continuing use of tested-for drugs beyond the initial positive test, the student-athlete shall at a minimum have his or her playing time reduced by 50% of the competitive season. The student athlete may be expelled from the team and may lose all athletic grant-in-aid support beginning with the next academic term. If the student-athlete declines twice to provide a sample, or if the student-athlete is involved in any combination of positive tests or declinations totaling two, he or she shall receive a 50% playing time reduction and may similarly be expelled from the team and lose all athletic grant-in-aid support. Prior to loss of financial aid the student-athlete shall first be offered a contested-case hearing under OAR 576-002-0000 and following.

(3) A third positive test result shall automatically cause the student-athlete to be expelled from the team. All athletically-related financial aid shall be terminated beginning with the next academic term. The student athlete shall be offered a contested-case hearing under OAR 576-002-0000 prior to the termination of the financial aid.

(4) Failure by the student athlete to cooperate in the treatment plan shall constitute immediate probable cause for subsequent testing.

(5) If a student-athlete refuses to provide a urine sample during the test process or within four hours of the designated time, the student-athlete shall be deemed to have a positive test and shall be withheld from contact-drills, scrimmages and game competition for the next three weeks of the competition season(s) starting immediately. Include a reduction of playing time equivalent to 10% of the competitive season for the student athlete's sport. The student-athlete shall not be tested following such refusal and withholding on the basis of the original incident, or particular facts which led to individualized reasonable suspicion, except in instances of a prior positive test within twelve months.

(6) In the event a student athlete tests positive, and the positive results are confirmed; or if the student has refused to provide a urine sample in accordance with section (4) of this rule, a second test cannot be required until sufficient time has elapsed for complete elimination of the drug found in the first test. Such elapsed time shall be no less than the following:

(a) Amphetamines, barbiturates, and similar stimulants, Elapsed Time 10 days;

(b) Cocaine, Elapsed Time 7 days;

(c) Marijuana, Elapsed Time 6 weeks;

(d) Anabolic steroids:

(A) Fat-soluble injectable types, Elapsed Time 8 months;

(B) Oral or water-soluble types, Elapsed Time 8 weeks.

(7) Conviction of a student-athlete for driving while under the influence of alcohol as set out in OAR 576-023-0005(5) shall result in the same pattern of sanctions as for a positive drug test. The first conviction will involve sanctions as listed in section (1) of this rule. A second conviction will result in actions listed in section (2) of this rule; a third conviction will result in actions listed in section (3) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91; OSU 5-1995, f. & cert. ef. 12-13-95; OSU 4-2001, f. & cert. ef. 4-25-01

#### 576-023-0040

##### Records Security

(1) The University has no purpose of invoking or facilitating criminal justice procedures or Student Conduct Code disciplinary proceedings arising out of the use or ingestion of the tested-for substances.

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, state or federal law enforcement officials. Nor are those administering the tests acting as, for, or on behalf of the Office of Student Conduct. The off-campus use of substances tested for under this rule is not a violation of the Student Conduct Code.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90

## DIVISION 24

### ARTICLES PROHIBITED IN CERTAIN ATHLETIC FACILITIES

#### 576-024-0000

##### Prohibited Articles

(1) The following items are not allowed anywhere within Reser Stadium or within the defining fence around it, or anywhere within Gill Coliseum during periods when it is being used for an event open and advertised to the public:

(a) Glass containers of any kind;  
(b) Metal cans;  
(c) Weapons, firearms, destructive devices and ammunition, as provided in OAR 576-065-0000 to 576-065-0020;

(d) Fireworks, explosives or explosive devices, inflammables, and artificial noisemakers as provided in the rules of the Pacific 10 Conference, available in the OSU Department of Intercollegiate Athletics;

(e) Alcohol or alcoholic beverages, except as provided in OAR 576-060-0010 to 576-060-0039;

(f) Briefcases, athletic bags, packages, duffel bags, coolers, ice chests, picnic baskets, and other similar containers capable of concealing prohibited articles, except that backpacks and other small bags may be used for carrying personal possessions;

(g) Signs on sticks or poles;

(h) Umbrellas.

(2) Exceptions to the above prohibitions are limited to:

(a) Alcoholic beverages and alcoholic beverage containers belonging to Oregon State University concessionaire or catering services contracting with the University for its officially sponsored social functions, e.g. receptions, meetings, promotional activities, etc.;

(b) Weapons of law enforcement officials while on duty for the scheduled event;

(c) Megaphones used by cheerleaders;

(d) Functions held within the Valley Football Center or elsewhere in Reser Stadium, including the press box structure, which have been approved by the Department of Intercollegiate Athletics.

(3) University employees or agents shall request, as a condition of the license to enter the facility, that persons about to enter allow them to look inside all backpacks and other bags for carrying personal possessions, purses and diaper bags.

(a) The person(s) entering the facility will be asked by University staff or agents to reveal the items in the backpack, purse or bag. Staff or agents shall inform person(s) in possession of the backpack, purse or bag of the reason for the inspection. Staff or agents shall further inform the persons entering the facility that they may decline the inspection and shall inform them of the following options available if they decline inspection:

(A) The person(s) will be denied admission to the facility, and will then be entitled to receive an immediate refund of the price of the ticket at the "Will Call" booth; or

(B) The person(s) may return the backpack, purse or bag to a vehicle and then enter the facility without such item.

(b) If the container is opened for inspection, and prohibited items are found by staff or agents, the possessor of such items shall be offered a choice of discarding the item(s), or returning them to a vehicle as provided in (3)(a)(B) of this rule;

(c) Personnel making the inspection requests are not obliged to cause persons to wait in line unduly while other inspections are proceeding. They must, however, request the inspection of the next person who appears carrying inspectable containers as soon as they have completed any given inspection;

(d) Inspections made under this rule do not include pat-down inspection of clothing being worn but do extend to carried items. Entering persons will be encouraged to keep moving through gates and doorways.

(4) If prohibited articles are openly possessed by a person inside the facility, that person shall be considered to have violated the license to enter and view the event. The license is then revoked and the person(s) shall be requested to leave immediately. A refusal or failure to leave following such a request can cause the person to be treated as a trespasser.

(5) If a refund is requested under the provisions of subsection (3)(a)(A) of this rule, a bearer coupon shall be delivered promptly by University officials. This bearer coupon may be exchanged for a full refund immediately at the "Will Call" or other appropriate ticket booth.

(6) Prohibited items which may be seen without inspection are subject to the same consequences as specified in section (3) of this rule.

(7) Signs shall be prominently displayed at entrances to the facilities listing prohibited articles, and providing notification of the request for inspection and the right to decline options.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1993, f. & cert. ef. 6-4-93; OSU 7-2001(Temp), f. & cert. ef. 9-28-01 thru 3-26-02; OSU 3-2002, f. & cert. ef. 2-25-02; OSU 6-2008, f. 6-27-08, cert. ef. 7-1-08

## DIVISION 25

### STUDENT HEALTH SERVICES AND INSURANCE

#### 576-025-0005

##### Student Health Services

The Student Health Service (Plageman Hall) provides student health services in accordance with the rules of the Oregon State System of Higher Education, OAR 580-011-0005. Charges for services are itemized in the University's fee rule, 576-010-0000.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 6-1980, f. & ef. 12-3-80; OSU 5-1994, f. & cert. ef. 6-30-94

#### 576-025-0020

##### Health Insurance Requirements for Non-Immigrant International Students and Their Dependents.

(1) In order to assist the University in complying with federal regulations, and to ensure the quality of the educational and cultural experience of non-immigrant international students at Oregon State University, such students must demonstrate their ability to meet their financial responsibilities in full. These responsibilities include the provision by non-immigrant international students of medical care for themselves and dependent family members in the United States.

(2) As used in this rule, "OSU Plan" means the insurance plan available through Oregon State University for non-immigrant international students.

(3) All non-immigrant international students enrolled part- or full-time at Oregon State University shall provide health insurance coverage for themselves and their dependent family members in the United States. Non-immigrant international students may fulfill this requirement by enrolling themselves and their dependent family members in the OSU Plan, or by securing a comparable insurance waiver under section (5) of this rule, within 21 days of enrollment at OSU.

(4) Charges for enrollment of international students and their dependents in the OSU plan will automatically be billed to such students' OSU accounts unless they have secured a comparable insurance waiver under section (5) of this rule. Students who are enrolled for spring term will automatically be billed and enrolled for both spring and summer term.

(5) A non-immigrant international student who does not wish to participate in the OSU Plan may apply to the Director of Student Health Services for a comparable insurance waiver. Such application shall be submitted to the Student Health Insurance Office on a form provided by that office, which will require documentation of coverage. A comparable insurance waiver may be granted only when the student is covered by an alternative policy, plan or contract that provides comparable coverage:

(a) "Comparable coverage" means that the alternative policy, plan or contract meets or exceeds all levels of coverage provided by the OSU Plan, including any exclusions, the maximum amount of coverage per accident and illness, and the maximum amount of cumulative benefit; and that the alternative policy, plan or contract is either backed by the full faith and credit of the government of the international student's home country; is part of a health benefits program offered on a group basis to employees or enrolled students by a designated sponsor; or is an alternative plan lawfully sold in Oregon.

(b) Documentation of such coverage must indicate in English the insurance company's name and address for billing purposes, policy number, the coverage terms of the policy, the effective dates of the policy, and any exclusions, the names of the individuals covered

by the policy, and the maximum amount of coverage per accident and illness and/or in terms of cumulative benefits.

(c) In all cases proof of continuous coverage is required during the student's program of study.

(d) Notwithstanding section (5)(a) of this rule, the Vice Provost for Student Affairs may designate as comparable coverage any plan for which non-immigrant international students are eligible that is offered through a University-recognized collective bargaining agreement.

(6) Non-immigrant international students may contest the factual premise underlying any decision to deny a comparable insurance waiver by presenting their documentation and arguments before the Vice Provost for Student Affairs.

(7) A non-immigrant international student whose request for a comparable insurance waiver is denied shall be enrolled in the OSU Plan and premiums will be billed to the student's OSU account.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 6-1980, f. & ef. 12-3-80; OSU 5-1994, f. & cert. ef. 6-30-94; OSU 3-2003, f. 6-19-03, cert. ef. 9-18-03

### DIVISION 26

#### MEASLES IMMUNIZATION POLICY

##### 576-026-0005

###### Compulsory Pre-Entrance Immunizations

(1) An entering freshman is required to have primary immunization against measles, mumps and rubella and a secondary reimmunization with measles vaccine.

(2) A Student Health Center form, signed and dated by the student or the parent/guardian, indicating the dates of immunization or disease, or existence of medical or bonafide religious contraindication to required immunization as provided in OAR 580-010-0005(4) must be returned by registration.

(3) A student who does not comply shall not be allowed to register until the immunization requirement is met.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1991, f. & cert. ef. 3-6-91

##### 576-026-0010

###### Exemptions

The following students are exempt from the requirements of OAR 576-026-0005:

(1) Students who enroll only in summer session.

(2) Students born prior to 1957.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1991, f. & cert. ef. 3-6-91

### DIVISION 30

#### REGULATIONS GOVERNING THE USE OF MOTOR VEHICLES

##### 576-030-0005

###### Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of all motor vehicles on the Oregon State University (OSU) campus is derived from Oregon Statutes and action of the Oregon State Board of Higher Education pursuant to such statutes. The rules and regulations published herein were filed with the Office of Administration, Oregon Department of Higher Education, and the Secretary of State in accordance with the provisions of ORS 183.310 to 183.500. Strict enforcement of these regulations is necessary to maintain safety on campus streets, reduce congestion, improve security, and effectively utilize parking facilities.

Stat. Auth.: ORS 352.360

Stats. Implemented: ORS 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78

##### 576-030-0010

###### Application of Motor Vehicle Laws of the State of Oregon and City of Corvallis

All motor vehicle laws and ordinances of the State of Oregon and the City of Corvallis specifically including, but not limited to, ORS Chapters 801 through 823 together with adopted amendments are applicable to public highways. All provisions of the above motor vehicle laws are applicable and enforceable except as they conflict or are inconsistent with these rules.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92

##### 576-030-0015

###### Definitions

For the purpose of these rules:

(1) "Parked" means that a Vehicle is stopped regardless of the period of time the Vehicle is stopped or whether a driver is present in the Vehicle when it is stopped, unless the Vehicle is stopped for reasons beyond the driver's reasonable control.

(2) "Vehicle" means any type of motor-powered or alternative-powered conveyance including, but not limited to, automobiles, trucks, motorcycles, and motor scooters.

(3) "Signage" means signs placed by OSU's Transit and Parking Services ("TAPS") on campus to designate parking rights. Signage may be posted or painted on pavement.

(4) "Compact Vehicle," as used on Signage means a small Vehicle that does not exceed 5'6" by 15'6".

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 6-1999, f. & cert. ef. 6-17-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

##### 576-030-0020

###### Parking Permits

(1) OSU offers a variety of Parking Permits, specified below, for parking in designated parking areas or specific parking places on Campus. Unless otherwise specified by Signage, Parking Permits are required for parking on Campus. Parking Permits and informational parking brochures may be obtained through TAPS. Permits must be clearly and appropriately displayed in Vehicles as specified in the applicable parking brochure in order to park in the areas or spaces for which the Parking Permits are valid. Use of parking areas on Campus without a properly-displayed, current Parking Permit in areas or spaces where it is required on Signage may result in a citation and a fine as established in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000.

(2) Parking Permits available for purchase and their applicable fees are specified in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000. Permits will not be issued to persons who have an outstanding balance on their TAPS account.

(3) Unless otherwise specified on the Parking Permit, Parking Permits will expire on September 30th. Term Permits, however, expire at the conclusion of the term for which they were issued.

(4) Parking Permits are personal to the persons to whom they are issued and may not be used or transferred to other persons for parking on campus unless such use or transfer is to members of a carpool with which that person is affiliated and the use or transfer facilitated the carpool activities.

(5) Faculty/Staff Parking Permits may be purchased by all non-Student-status, full or part-time employees of OSU or businesses or agencies with which OSU has contracted to locate full or part-time employees on OSU's campus. Annual Faculty/Staff Parking Permits expire on September 30, unless otherwise specified. Term Faculty/Staff Parking Permits expire on the last day of the academic term for which they were issued.

(6) Student Parking Permits may be purchased by any OSU Student. Annual Student Parking Permits expire on September 30, unless otherwise specified. Term Student Parking Permits expire on the last day of the academic term for which they were issued.

(7) Emeritus Parking Permits may be purchased by emeritus and retired OSU employees. Annual Emeritus Parking Permits expire on

September 30, unless otherwise specified. Term Emeritus Parking Permits expire on the last day of the academic term for which they were issued.

(8) Motorcycle and Motor Scooter Permits may be purchased by Faculty, Staff, Students, Emeritus Faculty, and Vendors for use in accordance with OAR 576-030-0060.

(9) Vendor Parking Permits may be purchased by persons, businesses, or agencies desiring to park on Campus to facilitate provision of services to be provided to OSU.

(10) Temporary Parking Permits may be purchased by OSU employees, students or Visitors, for use in lots as designated by the Parking Permit.

(11) Visitor Parking Permits may be purchased by Visitors from pay and display stations located on Campus. Applicable rules, instructions, and charges are subject to change and displayed on the machines at pay and display stations.

(12) Guest Parking Permits may be purchased by persons attending qualifying conferences, workshops, and meetings.

(13) Complimentary Courtesy Parking Permits may be issued to OSU administrative personnel who are required to utilize their personal Vehicle in the performance of official duties. A valid Faculty/Staff Parking Permit must be displayed along with the Complimentary Courtesy Parking Permit. The Complimentary Courtesy Parking Permit is valid in each space for up to three (3) hours in designated Service Vehicle or Vendor parking areas.

(14) Parking on the Campus in parking spaces designated by Signage as Disability Parking requires one of the above current, valid OSU Parking Permits in addition to a valid Americans with Disabilities Act ("ADA") parking placard issued by Department of Motor Vehicles (DMV). Both Parking Permits must be properly displayed at all times. Requests for reserved disabled parking spaces should be submitted to the OSU Office of Affirmative Action and Equal Opportunity for approval.

(15) Lost or stolen Parking Permits should be reported to TAPS. A replacement for a lost or stolen Parking Permit will be issued after payment of the fee set in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000.

(16) Reserved parking spaces designated for exclusive use by any College, School, Department, or other approved organizations such as businesses or agencies required to park on campus to facilitate provision of services to be provided to OSU will be assessed an annual fee set forth in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000. Purchase of these reserved parking spaces must be renewed annually. Valid reserved Parking Permit issued to the College, School, Department, or other approved organizations must be properly displayed in Vehicles. OSU Faculty, Staff, Emeritus, or Students must display a valid OSU Parking Permit in addition to the reserved space Parking Permit when utilizing reserved spaces.

(17) Motor Pool Vehicles and other Vehicles owned by OSU that are to be parked on campus for one month or longer shall be subject to an annual parking fee equal to the fee for an Annual Faculty/Staff Parking Permit or a Term Faculty/Staff Parking Permit as specified in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0025

### Driver Responsibility

(1) All persons operating Vehicles on campus are responsible for knowing and adhering to the regulations stated herein. The regulations are enforced at all times.

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

(3) In the event of conflict between Signage and these or other regulations, the Signage shall control and must be followed.

(4) Only Vehicles with valid ADA permits or placards, approved campus service Vehicles, emergency-response Vehicles, U.S. Postal Service Vehicles, freight trucks, OSU Campus Shuttle busses, public transit buses and bicycles may enter or park in the area designated "Campus Core" by Signage.

(5) OSU is not responsible for any Vehicle or its contents parked on OSU property or environs. Individuals assume all risk of accident and property loss, personal injury, and property damage.

(6) OSU may issue citations to and enforce fines against both the person in possession or control of the Vehicle at the time a violation of these regulations or Signage occurs and the person identified as the Registered Owner of the Vehicle.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 6-1999, f. & cert. ef. 6-17-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0035

### Refunds

TAPS may issue refunds for fees paid for Parking Permits pursuant to a Parking Permit refund schedule published by TAPS. Refunds are available only upon return of the Parking Permit for which the refund is sought to TAPS. A refund will not be issued to a person who has an outstanding balance on his or her TAPS account, but the refund will be applied to his or her outstanding TAPS account balance. Any such refund amount that exceeds the TAPS account balance, after the balance is satisfied, will then be issued.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0040

### Driving and Parking Regulations on Campus

(1) Anyone operating a Vehicle on campus shall observe Signage, speed limits, barricades, bicycle lanes, crosswalks, stop signs, and all other traffic signs and regulations and shall drive in a safe and prudent manner. The speed limit on campus is 15 MPH unless Signage directs otherwise. Driving or parking Vehicles on sidewalks, lawns, and other areas not designated for driving or parking is prohibited.

(2) Campus traffic boundaries and parking areas are indicated on the campus parking map published by TAPS.

(3) Most parking areas on campus are reserved for Vehicles with specific Parking Permits, as indicated by Signage in the parking areas.

(4) Vehicles shall park headed into the parking stall where the end of the stall is a curb, building, fence, shrubbery or other obstruction, or parallel facing in the direction of traffic flow within indicated boundaries.

(5) On the OSU campus any area not specifically designated for parking is a "No Parking Zone."

(6) No Vehicle may be parked in more than one parking space or stall.

(7) Vehicles may not be parked in loading zones at any time for any purpose other than loading and unloading. The maximum time limit is ten minutes or as otherwise required by Signage.

(8) All persons operating Vehicles parked on OSU property are required to observe Signage.

(9) Abandoned or immobilized Vehicles left on OSU property more than 72 hours may be removed at the Registered Owner's expense unless an extension has been granted by TAPS or by the OSU Department of Public Safety. Unlicensed Vehicles and Vehicles without OSU Parking Permits parked more than 24 consecutive hours on OSU property Monday through Friday may be considered abandoned and subject to removal at the Registered Owner's expense.

(10) All Vehicles driven on OSU property shall be operated by a legally licensed driver. The license must be displayed upon request of Department of Public Safety Officers or Campus Patrol Officers.

(11) Government Vehicles not assigned a permanent parking space may be parked for a period of 24 hours in Faculty/Staff or Student parking spaces unless Signage directs otherwise.

(12) All reserved spaces allocated for specific Vehicles are reserved at all times.

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0045

### Parking Committee and Appeal Review Committee

(1) The Vice President for Finance and Administration appoints the members of the Parking Committee to represent faculty, staff, and students on parking matters. Requests for hearings and/or suggestions for enforcement, modification, or amplification of parking regulations should be presented in person or in writing to the Parking Committee.

(2) Any appropriate matter presented to the Parking Committee will be considered by the committee or referred to the Appeal Review Committee or the Student Appeal Court to determine what action, if any, is required.

(3) The Appeal Review Committee is composed of two Parking Committee members, appointed by the Chair of the Parking Committee to review parking citation appeals filed by affected persons, other than Students, and appeals from Student Appeal Court decisions filed by Students.

(4) The Student Appeal Court is composed of at least two Students. At least one member of the Student Appeal Court must be a Parking Committee member appointed by the Vice President for Finance and Administration. The Student Appeal Court reviews parking citation appeals filed by Students.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 6-1999, f. & cert. ef. 6-17-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0050

### Penalties for Offenses

(1) Fines in an amount set out in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000 will be imposed for:

(a) Failure to display a Parking Permit on any Vehicle parked on campus in violation of these regulations or Signage.

(b) Counterfeiting, altering, defacing, or giving false information in an application or hearing or for misuse of any Parking Permit. Such a violation may result in the revocation of the Parking Permit or campus parking privileges in addition to a fine.

(c) Parking in a "No Parking" area.

(d) Parking in an area not authorized by the Parking Permit on display in the Vehicle.

(e) Unauthorized parking in a Disability space or van access area as designated by Signage.

(f) Parking on a lawn, sidewalk, crosswalk, bike lane, driving lane or any other area on campus not designated by Signage as a parking area.

(g) Parking overtime at single or multi-space meters or posted timed parking areas.

(h) Living in Vehicles.

(i) Parking in posted fire lanes.

(2) Any other offenses not specified herein which are violations of the motor vehicle laws and ordinances of the State of Oregon, City of Corvallis or OSU, may be prosecuted in the appropriate state or municipal courts.

(3) A Vehicle may be booted or towed and impounded, and is subject to towing and storage fees at the Registered Owner's expense in addition to fines if the Vehicle is a traffic hazard, a hazard to pedestrians or to public safety, if it impedes University operations, or if it is parked without authorization in a reserved parking space.

(4) In the event three or more unpaid citations are associated with a Vehicle, TAPS may do any or a combination of the following:

(a) Terminate the Vehicle Parking Permit without a refund;

(b) Revoke campus parking privileges;

(c) Boot the Vehicle until all citation fines have been paid.

Booted Vehicles are subject to tow after seven business days.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 6-2009, f. & cert. ef. 10-15-09

## 576-030-0055

### Enforcement and Appeals

(1) All penalties prescribed in OAR 576-030-0050, other than violations referred to appropriate courts of law as provided in 576-030-0050(2), will be administratively enforced by OSU. For all administratively enforced violations, a parking citation or notice of offense, including the scheduled fine, will be issued to the person charged with the violation who is in possession or control of the Vehicle or Parking Permit in use, or it will be attached to the Vehicle.

(2) Fines for cited violations must be paid to TAPS, on or before the date indicated on the citation. Citations not paid within thirty days may be forwarded to OSU Business Affairs for collection.

(3) A person charged with a violation may appeal the citation by paying the scheduled fine and filing a request for a hearing within ten days of the date of issuance of the citation. The appeal must be submitted to TAPS on an Appeal Request Form that is available from TAPS.

(4) After the appeal is filed, the case will be scheduled for review by the appropriate Appeal Review Committee as described in 576-030-0045. Student Appeal Court findings may be appealed by the student to the Appeal Review Committee. All judgments rendered by the Appeal Review Committee are final and not subject to further appeal.

(5) A person who fails to pay and appeal a violation on or before the date specified in the citation forfeits his or her right of appeal.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0060

### Motorcycle and Motor Scooter Operation

(1) Parking areas for motorcycles and motor scooters are specifically designated by Signage.

(2) Motorcycles and motor scooters may not park in any areas prohibited for other motorized Vehicles including sidewalks, bicycle parking areas, bicycle lanes, or pedestrian areas.

(3) Motorcycles and motor scooters are prohibited from entering or parking in the area designated "Campus Core" by Signage, unless otherwise authorized by TAPS or OSU Department of Public Safety.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0070

### Skateboard and Skate Regulations

(1) Skateboard and skate use is prohibited on property owned or controlled by Oregon State University except use as specified in these regulations.

(2) Skateboards and skates may be operated in the area in McAlexander Field House designated for their use. All other use of skateboards and skates is prohibited in University buildings.

(3) Skateboards and skates may be operated on the University paved roadways that are designed for vehicular travel.

(4) Skates may be operated on paths, walkways, and sidewalks at no more than walk speed.

(5) Skateboard and skate users shall yield the right-of-way to pedestrians, Vehicles and bicycles while in the roadway, and emergency Vehicles.

(6) Skateboard users shall obey all stop and yield signs.

(7) Skateboards shall not be used on that portion of Jefferson Street commonly known as Library Hill (immediately south of Valley Library).

(8) Skateboard and skate users shall not perform acrobatics or other stunts when using skateboards or while wearing skates.

(9) All persons using skateboards or skates as authorized by this rule shall use them in a reasonable and prudent manner, having due regard to traffic, pedestrians' rights, surface of the roadway, the hazard at intersections, and any other condition then existing.

(10) Any person who violates this rule is subject to:

(a) Issuance of a University Citation and a fine of \$50.00;

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

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

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

(12) Parents and guardians of minors and adult operators, including students, staff and faculty, are responsible for damage to University buildings or property by their skateboards or skates and for payment of any fines.

(13) The Vice President for Finance and Administration, the Vice Provost for Student Affairs, Department of Public Safety Manager, Manager of Environmental Health and Safety, Director of Facilities Services, Director of University Housing and Dining Services, Director of Conferences and Special Events, the Director of the Memorial Union and Educational Activities, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and this rule.

Stat. Auth.: ORS 164.205(5), 351.070 & 352.360

Stats. Implemented: ORS 164.205(5), 351.070 & 352.360

Hist.: OSU 1-1987, f. & ef. 4-21-87; OSU 5-1990, f. 9-7-90, cert. ef. 9-15-90; OSU 3-1993, f. & cert. ef. 5-7-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 2-1999(Temp), f. & cert. ef. 4-14-99 thru 9-30-99; OSU 7-1999, f. & cert. ef. 9-9-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## 576-030-0090

### Bicycle Regulations

(1) Bicycles must be operated in a safe manner and be equipped in accordance with applicable state laws and city ordinances. Bicyclists shall maintain a safe speed and shall obey all applicable Signage and state, city, and campus laws and regulations regarding bicycle use.

(2) Bicycles must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A bicycle or its rider must be equipped with lighting equipment that must be used during hours of darkness and during limited visibility conditions. The lighting equipment required includes:

(a) A white light attached to the front of the bicycle, visible from a distance of at least 500 feet; and

(b) A red reflector or lighting device or material attached to the rear of the bicycle, visible from a distance of at least 600 feet.

(4) Bicycles must not be operated on sidewalks or other walkways unless Signage indicates otherwise.

(5) Bicyclists involved in collisions shall call the Department of Public Safety for assistance. All involved individuals shall remain at the collision site until released by the attending officer. When a collision results in an injury, a written accident report must be submitted to OSU's Department of Public Safety by the individuals involved.

(6) Bicycles may be parked, stored, or left on campus only in areas so designated by bicycle racks, Signage or storage. All bicycles, regardless of owner, must be maintained in working order while parked on campus. Bicycles parked at bicycle racks at or near academic or research buildings longer than five days will be considered abandoned and will be impounded.

(7) Bicycles users may be cited for:

(a) Improper or unsafe operation of a bicycle including failing to obey a traffic control device, having more persons on a bicycle than it is designed to hold, riding encumbered, and riding faster than the posted speed limit;

(b) Use of improper or inadequate equipment including no bicycle headlight, no rear reflector or lighting device, and no bicycle helmet for riders under 16 years of age;

(c) Being parked in a way that creates a hazard including blocking the bicycle or traffic lane, blocking access to any stairway, ramp or doorway, and blocking access to any handrail or other device used to aid entry to a building or structure;

(d) Being parked in a way that hinders the use of a bicycle parking device by other bicyclists;

(e) Being parked in buildings except in designated bike rooms;

(f) Any other violations of these regulations or applicable state law and city ordinances.

(8) The fine for any such citation is set out in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000. Campus citations may be appealed by written statement to the appropriate forum.

(9) Bicycles may be impounded by OSU's Department of Public Safety if they are left in a place that creates a safety hazard or if they appear to be non functional or abandoned. A notice of impoundment will be sent to the registered bike owner, if known, within 24 hours. Bicycles may be claimed from OSU's Department of Public Safety by identifying the bicycle and paying the citation fine and impoundment fee to TAPS. OSU's Department of Public Safety will not be liable for the cost of repair or replacement of a securing device damaged when removing and impounding a bicycle.

(10) All bicycles that are operated, parked, or stored on campus by students, staff, or faculty may be registered with OSU's Department of Public Safety.

(11) Registrants and owners are responsible for parking violations involving their bicycles on campus.

(12) Bike lockers are available for rent on an annual or term basis at fees established in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 4-1987, f. & ef. 6-11-87; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

## DIVISION 35

### USE AND SAFETY RULES FOR TRAVEL IN STATE-OWNED OR CONTROLLED VEHICLES

## 576-035-0000

### Purpose

Oregon State University adopts these rules to govern use of vehicles on official university business by faculty, staff, and students.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92

## 576-035-0010

### Definitions

(1) "Vehicle" means cars, vans, trucks, and buses.

(2) "State-owned Vehicle" means a vehicle which is owned by or registered in the name of the State of Oregon, Oregon State University, or any of its departments.

(3) “Hired Vehicle” means a vehicle which is leased, hired, or rented by the State, Oregon State University, or any of its departments.

(4) “State Business” means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of Oregon State University.

(5) “Faculty and Staff” means personnel on the university payroll and volunteers who are registered with the Business Affairs Office.

(6) “Student” means a person currently enrolled/registered at OSU.

(7) “Officially Sanctioned Program” means any program undertaken to further the instructional, research, or service missions of Oregon State University or designed to promote the cultural and physical development of students. Such programs include but are not limited to:

- (a) Academic department programs;
- (b) Co-curricular programs;
- (c) Intramural, recreational sports, club sports, and inter-collegiate athletic programs;

(d) Any student programs or activities identified by the Vice Provost for Student Affairs or designee. Examples of such activities include, but are not limited to, student government, student housing activities, and activities sponsored by student organizations that are consistent with the university’s mission.

Stat. Auth.: ORS 283.310, 351.070 & 351.277

Stats. Implemented: ORS 283.310, 351.070 & 351.277

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

## 576-035-0020

### Uses by Faculty, Staff, and Students

(1) Vehicles must be operated within the laws, rules and regulations of the State of Oregon and the policies and procedures of OSU, as found in the **OSU Motor Pool Handbook**, the **OSU Safety Procedures Handbook** and the **Motor Pool Information Policies and Procedures Publication**, all available at the OSU Motor Pool Office. State-owned vehicles are for state business only and may not be used for any private purpose except as specifically authorized by State Department of Administrative Services regulations.

(2) Drivers of state-owned vehicles, or hired vehicles must certify that they:

- (a) Possess a driver’s license valid in Oregon;
- (b) Have not committed a “major traffic offense,” as defined in ORS 153.500 and enumerated in the OSU’s **Safety Procedures Handbook**, within the past 36 months, as certified by a check of DMV records;

(c) Have satisfactory driving experience with the type of vehicle being used.

(3) Drivers of state-owned or hired vehicles shall:

- (a) Ensure that all passengers have an operable seat belt;
- (b) Prior to a trip, evaluate the route, weather conditions and other circumstances to determine which additional safety equipment such as a flashlight, ice scraper, first aid kit, emergency instructions, tire chains, etc. are necessary;

(c) File itineraries, to include destinations and anticipated departure and return times, with the Motor Pool;

(d) Provide for a relief driver if travelling continuously for over four hours and carrying passengers;

(e) Make rest stops every two hours on long trips where practical.

(4) The use charge for state-owned vehicles must be paid from an appropriate state account.

(5) Non-state employees and non-students riding in state-owned vehicles may do so only when authorized by a university department head.

(6) Use of state vehicles for home-to-office travel is not authorized and shall be considered vehicle misuse.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

## 576-035-0030

### Students

Students shall have access to university Motor Pool services and state-owned vehicles subject to the following general guidelines:

(1) Student use of Motor Pool vehicles is authorized only for events or activities directly related to an officially sanctioned program.

(2) Student organization use of state vehicles is restricted to student organizations receiving student fee program funds collected by the university student fee funding procedure.

(3) Students participating in student fee funded programs under the auspices of the Memorial Union and Student Activities or the Recreational Sports Program must present an authorized purchase order to the Motor Pool before obtaining vehicle access.

(4) If a student is not an OSU employee, he/she must present a student driver authorization form from the department or unit head before obtaining a Motor Pool vehicle.

Stat. Auth.: ORS 283.310, 351.070 & 351.277

Stats. Implemented: ORS 283.310, 351.070 & 351.277

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

## DIVISION 40

### POLICY ON SMOKING IN UNIVERSITY BUILDINGS

## 576-040-0010

### Purpose

It is the policy of Oregon State University that students, faculty, staff, and visitors are entitled to and will be provided smoke-free areas in which to study, work, teach, conduct research, transact business, and otherwise participate in university activities indoors.

Stat. Auth.: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Stats. Implemented: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

## 576-040-0012

### Definition

“Service Line” means any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

Stat. Auth.: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Stats. Implemented: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Hist.: OSU 8-1998, f. & cert. ef. 8-24-98

## 576-040-0015

### Areas in Which Smoking is Prohibited

(1) Smoking or carrying any lighted smoking device is prohibited within enclosed university facilities, including but not limited to offices, reception areas, laboratories, lavatories, classrooms, stairwells, hallways, lobbies, meeting rooms, gymnasiums, elevators, and storage rooms.

(2) Smoking shall not occur:

(a) Within a reasonable distance, not to be less than ten (10) feet, of any entrance of any enclosed area where smoking is prohibited or of any service line that extends out of doors; or

(b) In any other area where a smoking prohibition is posted.

(3) Smoking is prohibited in Parker Stadium except in designated areas.

Stat. Auth.: ORS 243.345, 243.350 & 351.070

Stats. Implemented: ORS 243.345, 243.350 & 351.070

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 11-1991, f. & cert. ef. 11-13-91; OSU 8-1998, f. & cert. ef. 8-24-98

## 576-040-0025

### Motor Pool Vehicles

Smoking in University Motor Pool vehicles is prohibited.

Stat. Auth.: ORS 243.345, 243.350 & 351.070

Stats. Implemented: ORS 243.345, 243.350 & 351.070

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

**576-040-0030**

**Responsibility for Communication of the Policy**

(1) Building managers are responsible for announcing and applying these policies within their buildings. When a building manager has not been designated for a university structure, the department head responsible for the structure will announce and apply smoking policies.

(2) Building managers will be responsible for reporting violations of this policy by university staff and faculty members to the violator's division director or department head.

(3) Building managers will be responsible for reporting violations of this policy by students to the Office of the Student Conduct Coordinator.

(4) Building managers will be responsible for reporting visitors who refuse to comply with this policy to Security Services. Either the Manager of Security Services or designee is included among those persons "in charge" of campus property for purposes of ORS 164.205(5).

Stat. Auth.: ORS 243.345, 243.350 & 351.070

Stats. Implemented: ORS 243.345, 243.350 & 351.070

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 10-1996, f. & cert. ef. 8-23-96; OSU 8-1998, f. & cert. ef. 8-24-98

**576-040-0035**

**Sanctions**

The university reserves the right to impose, consistent with applicable provisions of state law and regulations, applicable collective bargaining agreements, and applicable university and OSBHE administrative rules, reasonable sanctions, including disciplinary actions, upon university, faculty, staff, and students who violate this policy.

Stat. Auth.: ORS 243.345, 243.350 & 351.070

Stats. Implemented: ORS 243.345, 243.350 & 351.070

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88

**DIVISION 45**

**ANIMAL CONTROL**

**576-045-0000**

**Purpose**

Oregon State University adopts these rules to control animals on campus.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95

**576-045-0010**

**Definitions**

(1) "Animal" means any bird, reptile or mammal kept as a pet.

(2) "Leash" means any rope, strap, chain or similar device not exceeding six feet in length, held in the hand of a person capable of controlling the animal to which it is attached.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-9

**576-045-0020**

**Regulation**

(1) The City of Corvallis animal control ordinance, Corvallis Municipal Code 5.03.050, together with any adopted amendments, is applicable and enforceable on university owned and controlled property within the City.

(2) No person shall bring an animal onto university owned or controlled property and leave it unattended for any length of time.

(3) No person shall attach any animal by the use of any leash or other device to any tree, pole, fence, sign, building, fire hydrant, vehicle or other object on university owned or controlled property.

(4) No person shall confine or attach an animal within or to a motor vehicle either leashed, tied or loose in such a way that the animal can extend beyond that vehicle.

(5) Animals are not allowed on university owned or controlled property unless on a leash and under the control of a person capable of controlling the animal.

(6) No person shall bring an animal onto university owned or controlled property unless it has a current license.

(7) Animals are not permitted in university owned or controlled buildings.

(8) Exceptions:

(a) Assistance animals trained to assist a physically impaired person in one or more daily life activities, including but not limited to Guide Dogs for the Blind, Companion Dogs for the Deaf, Canine Companions for Independence (including those dogs in training), or those associated with a comparable nationally recognized organization;

(b) Animals under guidance and control of university staff for the purpose of research or other academic endeavors.

(c) Pets of professional and teaching faculty who live in residential facilities operated by University Housing and Dining Services (UHDS), when authorized in advance by UHDS under criteria established by UHDS. Such criteria shall address health and safety concerns and the suitability of the animal for living in a residence hall setting.

Stat. Auth.: ORS 346.685 & 351.070

Stats. Implemented: ORS 346.685 & 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97; OSU 2-2005, f. & cert. ef. 12-16-05

**576-045-0030**

**Sanctions**

(1) Any person who violates this rule is subject to:

(a) Issuance of a University Notification by a Public Safety Officer;

(b) An order to leave the premises and remove the animal from property owned or controlled by the university by a person in charge of university property;

(c) Disciplinary action, if a student or university employee.

(2) Animals found on university or controlled property in violation of OAR 576-045-0020 will be impounded and taken to the Human Society if the owner cannot be readily located.

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

(4) The Vice President for Finance and Administration, Director of Facilities Services, Manager of Environmental and Public Safety, Security Services Manager, Public Safety Officers, Director of Student Housing and Residence Programs and their designees, have the authority of "persons in charge" of university property for purposes of ORS 164.205 and this rule.

Stat. Auth.: ORS 351.070 & 164.205

Stats. Implemented: ORS 351.070 & 164.205

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97

**DIVISION 50**

**FACULTY GRIEVANCE PROCEDURE**

**576-050-0010**

**Purpose**

(1) The University encourages the resolution of grievances through informal means and discussion in keeping with the collegial atmosphere of a university. The University is also committed to a formal procedure for consideration of grievances that are not resolved through informal processes.

(2) The procedure set out in this rule is available to any unclassified employee with faculty rank as defined in this rule and in the rules of the State Board of Higher Education.

(3) This grievance procedure may be used to hear any complaint by a faculty member that he or she was wronged in connection with compensation, tenure, promotion or other conditions of employment, or that his or her rights were denied as to reappointment. "Other conditions of employment" shall include, but not be limited to, violations

of academic freedom, nondiscriminatory employment practices and discriminatory employment practices including sexual harassment, and laws, rules, policies and procedures under which the institution of higher education employing the academic employee operates. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to this grievance procedure.

(4) The University may elect not to proceed with a grievance if the grievant also seeks resolution in another forum.

(5) If the grievance concerns a matter to which contested case procedures apply, the grievant may elect to use the procedures in OAR 576-002-0020 to 576-002-0055.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

### 576-050-0015

#### Definitions and Mail Requirement

(1) "Days" as used in this rule shall mean calendar days.

(2) "Presentation of the Grievance" as used in OAR 580-021-0050 means receipt of the grievance by the dean, director or unit executive officer as specified in 576-050-0025.

(3) "Faculty Mediator" is an academic employee with faculty rank chosen by the Faculty Senate Executive Committee. Emeritus faculty shall be eligible to serve as the Faculty Mediator.

(4) "Faculty Grievance Committee" is a committee of five academic employees with faculty rank chosen by the Faculty Senate Executive Committee and charged with the responsibility for hearing faculty grievances in accordance with these procedures. Any person with faculty rank may submit nominations to the Executive Committee for consideration. The Executive Committee shall choose at least one female and one minority member. Three members shall constitute a quorum. The Executive Committee of the Senate shall select a Chair.

(5) "Faculty Rank" means faculty ranks as defined in the rules of the State Board of Higher Education and includes faculty without rank but with professional title.

(6) All appeals, decisions, or recommendations referred to in this rule shall be sent by U.S. Mail or University campus mail.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96

### 576-050-0020

#### Informal Procedures

(1) Prior to filing a formal grievance a faculty member is encouraged to discuss the grievance with his or her supervisor (or dean, director, unit executive officer or Affirmative Action Director). The immediate supervisor shall respond to the grievant within fifteen (15) days.

(2) The Affirmative Action Office must be notified of any grievance alleging discrimination, including sexual harassment. The Affirmative Action Director, if so requested by the grievant, will investigate any grievance alleging discrimination and attempt to help the parties resolve the issue.

(3) The faculty member or the Chair of the Grievance Committee, with the faculty member's concurrence, may request the Faculty Mediator to review and attempt to resolve all other grievances, including those the Affirmative Action Director determines not to be valid claims of discrimination.

(4) The Mediator may meet with the grievant and take what action he or she considers appropriate in attempting to resolve the grievance, including interviewing or consulting other persons. The Mediator and all parties to the grievance shall keep the mediation process confidential to the extent possible under law. Statements made in mediation shall not be admissible in a grievance hearing.

(5) Nothing in this rule shall require a faculty member to use informal grievance procedures before filing a formal written grievance, provided that a faculty member must notify the Affirmative Action Office of all claims of unlawful discrimination, including sexual harassment, before filing a written complaint.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96

### 576-050-0025

#### Initiation of Formal Procedures

(1) If a grievance is not resolved to the satisfaction of the grievant at the informal stage, or if the grievant chooses to bypass the informal stage, the grievant may file a formal written grievance. A grievance shall be filed with the dean, director, or executive officer in charge of the administrative unit, except:

(a) Where the grievant is a department chair in which case the grievance shall be filed with the Provost and Executive Vice President; or

(b) Where the grievant alleges sexual harassment against the person in charge of the administrative unit, in which case the grievance shall be filed with the next higher administrator.

(2) The grievant shall file a copy of the written grievance with the Legal Advisor in the Office of the President. The formal grievance must be filed within sixty (60) days of the time the faculty member knew or by reasonable diligence should have known of the acts which gave rise to the grievance. Therefore, discussion or mediation at the informal stage should be initiated as soon as possible. The University shall extend the sixty (60) day filing requirement if the grievant is pursuing the complaint at the informal level and it appears that additional time would be beneficial in resolving the grievance. Extension by the University shall be in writing by the Legal Advisor.

(3) The written grievance must contain the grievant's name and address, the date and nature of the act or omission which gave rise to the grievance, any rule, policy or procedure alleged to have been violated or misapplied, and the remedy requested by the grievant.

(4) The dean, director, unit executive officer, or the respective designee shall send a written decision to the grievant within twenty (20) days of receipt of the grievance.

(5) If the sole basis of the grievance is a claim of an unlawful discriminatory employment practice or practices, the grievant may waive in writing the right to file a formal grievance under this rule and may elect instead to file a formal complaint of discrimination with the Office of Affirmative Action and Equal Opportunity. If the grievant elects to file with the Office of Affirmative Action and Equal Opportunity, the grievant shall be entitled to that office's procedures and shall have no further rights to the procedures set forth in this Division 50.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 3-2005, f. & cert. ef. 12-16-05

### 576-050-0030

#### Appeal to the Faculty Grievance Committee

(1) If the decision of the dean, director, or unit executive officer is not satisfactory to the grievant, the grievant may file a written appeal with the Faculty Grievance Committee within ten (10) days of receipt of the written decision, stating why the response at the previous level is deficient. This step is optional with the grievant. The grievant may bypass the Committee and file the appeal directly with the President.

(2)(a) The Committee shall send to the grievant a written notice of the time and place of the hearing at least seven (7) days prior to the hearing;

(b) At the Committee hearing the faculty member shall present his or her case first, followed by the person or persons who are the object of the grievance. Thereafter the faculty member shall have an opportunity to respond;

(c) Each party shall have a right to call and examine witnesses, to introduce exhibits or other documents. The members of the Committee may question any witness and may call additional witnesses;

(d) If the grievant so chooses he or she may be accompanied by or represented at the hearing by any other person;

(e) Either party may provide for and obtain a sound recording of the hearing;

(f) The hearing shall be open to the public at the option of the grievant to the extent allowed by law. However, deliberations of the Grievance Committee shall not be open to the public or the parties.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96

### 576-050-0035

#### Decision by the Committee and Appeal to the President

(1) The Committee's decision shall be made in the form of a written recommendation to the President. It shall be based only upon evidence presented at the hearing. The recommendation shall include a description of the complaint, the evidence the Committee collected, and its conclusions and recommendations for disposition of the case. The recommendations shall be sent to the grievant, to the President and to the dean, director or executive officer in charge of the unit out of which the grievance arose within sixty (60) days of receipt of the appeal to the Committee.

(2) The President or his or her designee shall review the decision of the Committee and the President shall deliver a written decision to the grievant, to the Grievance Committee and to the dean, director or executive officer in charge of the unit out of which the grievance arose within thirty (30) days of receipt of the Committee's recommendation. Prior to issuing a decision the President, or designee, may interview any person concerning the grievance to supplement the record whether or not the person testified at the hearing, provided that the decision shall list each person so interviewed. In addition the President or designee may review any documents, provided that the decision shall identify any such documents that were not introduced at the Committee hearing. The grievant shall be informed of any additional information obtained by the President and given seven (7) days to respond. If the President rejects or modifies the recommendations of the Committee, the reasons shall be stated in the decision.

(3) If the grievant chooses to appeal the decision of the dean, director, or unit executive officer directly to the President, the President shall proceed to review the matter and reach a decision as set out in section (2) of this rule, provided that all persons interviewed and all documents reviewed must be identified in the decision. The President shall issue a decision within thirty (30) days of receipt of the grievant's appeal.

(4) The decision of the President shall be final except as provided in OAR 576-050-0035(5).

(5) If the grievance is directed at the President as the immediate supervisor of the grievant or at the President in his or her administrative capacity (as contrasted to appellate capacity), the grievant may appeal to the Chancellor of the Oregon University System as provided in OAR 580-021-0050(10).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02; OSU 4-2002, f. & cert. ef. 2-25-02

### 576-050-0045

#### Effect of Time Limits

If the University fails to respond within the time limits at any step in this grievance process, the grievant may appeal to the next step.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

### 576-050-0050

#### Non Retaliation

An individual filing a grievance in good faith or otherwise participating in any of the actions authorized under these grievance rules shall not be subject to retaliatory action of any kind by any employee of the University, the Oregon University System, or the State Board of Higher Education.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02; OSU 4-2002, f. & cert. ef. 2-25-02

### 576-050-0055

#### Two-Year Review

Not later than two years from the adoption of these rules, the Provost and Faculty Senate Executive Committee shall jointly appoint a faculty committee to review the effectiveness of this grievance procedure and to recommend any changes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

## DIVISION 60

### ALCOHOLIC BEVERAGE POLICY

### 576-060-0010

#### Purpose

These rules govern the conditions under which alcoholic beverages may be consumed in areas other than housing units on the University campus. Rules concerning use of alcoholic beverages by students in University housing units and by recognized student organizations are in OAR 576-018-0230 to 0260, and 576-015-0015. Copies are available through the Office of Student Conduct or at the Oregon Administrative Rules website. The University cautions against the excessive use of alcoholic beverages, and in the matters referred to in these rules, expects all persons serving or consuming alcoholic beverages to adhere to all applicable laws and regulations, including the regulations of the Oregon Liquor Control Commission ("OLCC").

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0015

#### Definitions

(1) "Insured Licensed Vendor" means a business entity that holds an annual liquor license issued by the OLCC and that carries public liability and liquor liability insurance at limits satisfactory to the University Director of Business Services.

(2) "Corvallis campus" means property owned or controlled by the University within the city limits of Corvallis, Oregon, except for those properties in use as single family dwellings.

(3) "Stadium" means the University football stadium complex including the football center and the indoor practice center.

(4) "University campus" means property owned or controlled by the University, including but not limited to the Corvallis campus, agricultural experiment stations, research forests, the Cascades campus at Central Oregon Community College, and Extension offices, except for those properties in use as single family dwellings.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0020

#### Use of Alcoholic Beverages on the Corvallis campus in connection with Oregon State University varsity football games

Alcoholic beverages may be served and consumed as provided in this rule in parking areas on the Corvallis campus in conjunction with scheduled Oregon State University varsity football games.

(1) Individuals wishing to picnic ("tailgate") prior to a varsity football game and serve non-bulk alcoholic beverages may do so only in parking areas other than those designated by signage as closed to tailgating. Food and non-alcoholic beverages must be available.

(2) No kegs or other bulk dispensing of alcoholic beverages are permitted in the parking areas without prior approval and registration in accordance with the process and requirements described in OAR 576-060-0035. The Vice President for Finance and Adminis-

tration may designate specific areas in the parking lots in which any approved kegs and bulk dispensing must be located.

(3) Alcoholic beverages provided from kegs or bulk dispensing at group or individually sponsored events may not be served after the close of half-time of the football games.

(4) Any person violating this policy may be subject to disciplinary action and to removal from the premises as provided in OAR 576-060-0039.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0025

#### Use of Alcoholic Beverages at LaSells Stewart Center, CH2M Hill Alumni Center, the Memorial Union, Peavy Lodge, Agricultural Experiment Stations, and Memorial Union East

Alcoholic beverages, limited to beer and wine, may be served at events at LaSells Stewart Center, CH2M Hill Alumni Center, e Memorial Union, Peavy Lodge, the Agricultural Experiment Stations, and the Gallery and Forum in Memorial Union East when prior approval is secured following the process and requirements described in OAR 576-060-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0031

#### Use of Alcoholic Beverages in the Stadium Complex

(1) Alcoholic beverages, limited to beer and wine, may be served and consumed at the Stadium if served with food and non-alcoholic beverages by the Insured Licensed Vendor that has an exclusive catering contract with the University for catering at the Stadium. The vendor shall provide, on a monthly basis, prior notice of events at which it will be serving alcoholic beverages to Business Services through the Office of Risk Management. Service by any provider other than the exclusive caterer under contract to the University requires prior approval following the process and requirements described in OAR 576-060-0035

(2) Alcoholic beverages may be served in the Stadium skyboxes and suites only in connection with varsity football games. Food and non-alcoholic beverages must be provided. The individual skybox lessee serving the alcoholic beverages must carry host liquor liability insurance coverage, or equivalent insurance coverage, with limits satisfactory to Business Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 4-2009, f. 6-16-09, cert. ef. 7-1-09

### 576-060-0035

#### Procedures and Requirements for Approval

A request for approval to serve alcoholic beverages as required by these rules must be submitted to Business Services through the Office of Risk Management. A Licensed, Insured Vendor, approved by the University, must be named as the server. Food and non-alcoholic beverages must be provided in addition to the alcoholic beverages, which must be limited to beer and wine. Approval request forms are available through Business Services via the Office of Risk Management website. Approval request forms must be submitted at least three weeks prior to the event in order to assure adequate time for review by the designated date. The server or event co-sponsor must provide evidence of insurance meeting the minimum standards and guidelines of Business Services before the event will be approved. There must be an OLCC license for the event, if one is required under applicable law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997,

f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0037

#### Use at Additional Locations

The Vice President for Finance and Administration, or designee, may authorize service of alcoholic beverages, limited to beer and wine, at specific events at additional locations not otherwise authorized under these rules upon a determination that to do so would be consistent with the intent of these rules. A request for authorization to serve at another location must be submitted to the Vice President for Finance and Administration no later than three weeks prior to the date of the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0038

#### Prohibition

No person shall consume or carry an open container containing alcohol in any form or serve alcoholic beverages on campus except as provided in these rules and in OAR 576-018-0230 to 0260, and 576-015-0015. Copies are available through the Student Conduct office and the Oregon Administrative Rules website.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0039

#### Enforcement

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

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

(b) Forfeiture of deposits or ticket costs;

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

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

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

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

### 576-060-0040

#### Evaluation of Rules

This policy will be reviewed by the President or designee as needed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

## DIVISION 65

### FIREARMS, WEAPONS, DESTRUCTIVE DEVICES

### 576-065-0000

#### Definitions

(1) "Firearm" means a weapon or device, by whatever name known, which is designed to expel a projectile by the action of black powder, smokeless powder, compressed air, gas, compressed spring or by any chemical action, and which is readily capable for use as a weapon.

(2) "Weapon" means any knife having a blade that projects or swings into position by force of a spring, by centrifugal force or by gravity and is commonly known as a switchblade knife; any hunt-

ing or target bow, any crossbow; any dirk, dagger, slingshot, metal knuckles; or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.

(3) “Destructive Device” means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance; or

(b) A bomb, grenade, missile, or similar device or any launch- ing device therefor.

(4) “University Sanctioned Use” means: ROTC, OSU Pistol Club, OSU Rifle Club, or other uses approved by the Vice President for Finance and Administration.

(5) “Designated Storage Area” means: Areas designated by OSU Security Services as secure areas for storage of firearms, in- cluding the ROTC, OSU Pistol Club, and OSU Rifle Club storage areas.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99

### 576-065-0010

#### Prohibitions and Regulations

(1) Possession, use, or threatened use of firearms, ammunition, ammunition components including but not limited to smokeless pow- der, black powder, primers and percussion caps, dangerous chemi- cals, weapons, or destructive devices, are not allowed on property owned or controlled by Oregon State University except as expressly authorized by law or authorized in this rule. Possession of a con- cealed weapons permit does not constitute authorization by law for purposes of this rule.

(2) University students may bring firearms and ammunition to campus only in connection with a University sanctioned use.

(3) University employees may bring firearms and ammunition to campus only for University sanctioned use.

(4) While not in use, firearms must be stored at all times in a University designated storage area.

(5) Firearms, weapons, destructive devices or ammunition may be used on campus owned or controlled property only in connection with a University sanctioned use. Use must be consistent with the regulations of the organization conducting the sanctioned use.

(6) University staff in the Departments of Animal Sciences, Crop and Soil Sciences, Rangeland Resources, Horticulture, Fish- eries and Wildlife, Branch Agricultural Experiment Stations, and College of Veterinary Medicine may possess a firearm while per- forming their authorized duties. When not in use, firearms must be removed from University property or stored in a designated storage area.

(7) Firearms must have a trigger guard in place before being brought on to University owned or controlled property. The trigger guard shall remain in place while the firearm is stored in the desig- nated storage area.

(8) This rule does not apply to University family housing units or University-owned single family dwellings.

Stat. Auth.: ORS 351.060 & 351.070

Stats. Implemented: ORS 351.060 & 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 9-1998(Temp), f. & cert. ef. 10-2-98 thru 3-31-99; OSU 1-1999, f. & cert. ef. 2- 25-99; OSU 3-2001, f. & cert. ef. 2-21-01

### 576-065-0020

#### Sanctions

(1) Any person who violates this rule is subject to:

(a) Institutional disciplinary proceedings, if a student or em- ployee;

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

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

(3) The Vice President for Finance and Administration, the Director of Facilities Services, Vice Provost for Student Affairs,

Coordinator of Student Conduct, Director of University Housing and Dining Services, Director of Conferences and Special Events, Direc- tor of the Memorial Union and Educational Activities, Manager of Security Services, and their designees are included among those “persons in charge” of University property for purposes of ORS 164.205(5) and this rule.

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

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99

## DIVISION 80

### LOG EXPORT RULES

#### 576-080-0005

##### Definitions

(1) “Export” means that unprocessed timber is loaded on a ves- sel or other conveyance with a foreign destination or is present at a facility such as a port or dock with intent to load it on a vessel or other conveyance with a foreign destination.

(2) “Performance Bond” means the security required by a log or timber purchase contract which ensures satisfactory performance of contract requirements by the purchaser. A performance bond may be in the form of a surety bond, cash, negotiable securities, irrevoc- able letter of credit, or an assignment of surety.

(3) “Person” means an individual, a partnership, a public or pri- vate corporation, an unincorporated association, or any other legal entity. The term includes any subsidiary subcontractor, parent com- pany or other affiliate. Business entities are considered affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

(4) “Private Lands” means lands within the State of Oregon owned by a person. The term does not include federal lands or non- federal public lands, or any lands the title to which is:

(a) Held in trust by the United States for the benefit of any Indian tribe or individual;

(b) Held by any Indian tribe or individual subject to a restric- tion by the United States against alienation; or

(c) Held by any Native Corporation as defined in **Section 3** of the **Alaska Native Claims Settlement Act** (43 USC 1602).

(5) “Purchaser” means a person who has entered into a log or timber purchase contract with the University.

(6) “University Lands” means lands owned by the State of Ore- gon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any lands leased to or managed by the University.

(7) “University Logs or Timber” means any timber owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any timber leased to or managed by the University.

(8) “University Log or Timber Purchase Contract” means any logs or timber under contract with the University which are owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any logs or timber under contract with the University.

(9) “Unprocessed Logs or Timber” means trees or portions of trees or other roundwood not processed to standards and specifica- tions suitable for end product use. The term does not include timber processed into any one of the following:

(a) Lumber or construction timbers, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on four sides, not intended for reman- ufacture;

(b) Lumber, construction timbers, or cants for remanufacture, meeting current American Lumber Standards Grades or Pacific Lum- ber Inspection Bureau Export R or N list clear grades, sawn on four sides, not to exceed 12 inches (nominal) in thickness;

(c) Lumber, construction timbers, or cants for remanufacture, that do not meet the grades referred to in subsection (b) of this sec- tion and are sawn on four sides, with wane less than 1/4 of any face, not exceeding 8-3/4 inches in thickness;

- (d) Chips, pulp, or pulp products;
  - (e) Veneer or plywood;
  - (f) Poles, posts, or piling cut or treated with preservatives for use as such;
  - (g) Shakes or shingles;
  - (h) Pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp;
  - (i) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips;
  - (j) Firewood cut in pieces 48 inches or less in length.
- [Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070  
 Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0010

##### Criteria for Eligibility to Bid on University Log or Timber Purchase Contracts

(1) In addition to all other requirements of law, any person submitting a bid for the purchase of University logs or timber must certify, in a form and manner specified by the University that:

(a) The person will not export directly or indirectly unprocessed University logs or timber; and

(b) The person:

(A) Has not exported directly or indirectly unprocessed logs or timber originating from private lands in Oregon since September 10, 1990, except to meet contractual obligations made prior to September 10, 1990 and that those contractual obligations will be completed on or before September 1, 1991; or

(B) Has not unless exempted by section (2) of this rule, exported unprocessed timber from private lands in Oregon for a period not less than 24 months prior to the date of submission of the bid.

(c) The person will not sell, transfer, exchange or otherwise convey unprocessed University logs or timber to any other person without obtaining a certification from the person that meets the requirements of OAR 576-080-0030.

(2) The University may waive the 24 month requirement contained in paragraph (1)(b)(B) of this rule if:

(a) Prior to September 1, 1991 the person certifies to the University they will cease exporting unprocessed timber originating from private lands in Oregon no later than one-year from the date of said certification; and

(b) They cease all exporting of unprocessed timber originating from private lands in Oregon within the one-year period stated in the certification; and

(c) If the person ceases exporting activities as stated in their certification, the person will then become eligible to submit a bid for the purchase of University logs or timber provided they complete the certification required by section (2) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0015

##### Prohibition Against Indirect Substitution

In addition to all other requirements of law, no person who is prohibited from purchasing timber directly from the University may purchase University logs or timber from any other person. Acquisitions of Western Red Cedar which are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibition contained in this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0020

##### Applicable State Timber

All unprocessed logs or timber, as defined in OAR 576-080-0005, which originate from University lands are prohibited from export.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0025

##### Surplus Timber

The prohibitions against export contained in OAR 576-080-0005 to 576-080-0045 shall not apply to specific quantities of grades and species of unprocessed logs or timber originating from University lands which the United States Secretary of Agriculture or Interior has determined by rule to be surplus to the needs of timber manufacturing facilities in the United States.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0030

##### Reporting Requirements

(1) Before the University will issue final acceptance of logs or timber purchase contract requirements, a purchaser of University logs or timber must:

(a) Notify the University of the initial delivery destination of all logs or timber purchased under that contract. Notification will be made in a form and manner prescribed by the University;

(b) Prior to selling, trading, exchanging, or otherwise conveying University logs or timber to any other person, the purchaser of University logs or timber shall obtain a certification of the person's eligibility to purchase University logs or timber, and their intent to comply with the terms and conditions contained in this section. Certification will be made in a form and manner as prescribed by the University and shall be forwarded to the University upon completion of the transaction. Obtaining certification shall not relieve the purchaser's responsibility to provide the University with an accounting of the delivery destination of that timber.

(2) Any performance bond required by a University log or timber purchase contract may be retained by the University until satisfactory notification of University log or timber delivery destination has been received by the University.

(3) Failure to provide the Dean with a final accounting of the delivery destination of OSU logs will be considered a violation of these export regulations. Violators will be subject to the penalties contained in OAR 576-080-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

#### 576-080-0035

##### Purchaser Disqualification and Termination of Contracts

(1) The University shall keep a record of any person who violates the requirements of OAR 576-080-0005 to 576-080-0040.

(2) A person whose name appears on the record for violations as stated in section (1) of this rule, and who again violates the requirements of OAR 576-080-0005 to 576-080-0040 shall be disqualified from bidding on or purchasing University logs or timber for a period of five years following the date of the violation. Any appeals of disqualification shall be handled as provided in ORS 279.045.

(3) The University may case operations on and/or terminate any University log or timber purchase contract entered into with a person who has violated the requirements of OAR 576-080-0005 to 576-080-0040, and assess damages according to the following formula:

$D = (OSV + AC) - (PR + RSV)$

where:

(a) D = Damages and Expenses;

(b) OSV = Original Sale Value of logs or timber contained in the purchase. The original sale value shall be adjusted to reflect estimated overruns or underruns on recovery sales;

(c) AC = Administrative Costs. These costs include both the field and office costs required for the preparation of the defaulted logs or timber for resale. These costs also include rehabilitation or regeneration delay costs, legal service costs, interest, and other costs allowed by law;

(d) PR = Payments Received;

(e) RSV = Remaining Sale Value. The value of the remaining logs or timber shall be determined using the University's estimate of remaining volume, multiplied by the dollar values stated in the contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

**576-080-0040**

**Log Branding and Marking Requirements**

(1) All University logs or timber originating from University log or timber sales shall be branded with an assigned and registered brand before removal from the sale area. Unless prevented by the size or condition of the wood, one end of all logs originating from University log or timber sales shall be hammer branded and painted with a paint type and color determined by the University.

(2) If properly marked University logs or timber are subdivided into smaller pieces for any other purpose than immediate processing, each piece must be branded with a brand specifically used for this purpose and signifying the unprocessed logs or timber are University logs or timber ineligible for export. The University's export restriction branding hammers can be obtained from the University, at cost, upon request.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

**576-080-0045**

**Enforcement**

Any investigation of suspected violations of these rules and/or surveillance of unprocessed timber in transit and at port facilities may be conducted by the University, or contracted by the University to other state or federal agencies. Any alleged violations of the export prohibition provisions of this section will be referred by the University to the appropriate federal or state agency for prosecution or other legal action.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91