

## Chapter 573 Oregon University System, Southern Oregon University

### DIVISION 1

#### PROCEDURAL RULES

573-001-0000	Notice of Proposed Rule
573-001-0010	Contents of Notice When a Public Hearing Is Contemplated
573-001-0015	Contents of Notice When a Public Hearing Is Not Contemplated
573-001-0020	General Rulemaking Requirements
573-001-0030	Postponing Intended Action
573-001-0040	Conduct of the Hearing
573-001-0050	Filing and Taking Effect of Rule
573-001-0055	Submission to Legislative Counsel
573-001-0060	Temporary Rules
573-001-0070	Petition to Promulgate, Amend, or Repeal Rule: Contents of Petition, Filing of Petition
573-001-0075	Availability of Public Records

### DIVISION 5

#### FACULTY GRIEVANCE PROCEDURES

573-005-0000	General Provisions
573-005-0015	Definitions
573-005-0025	Informal Procedures
573-005-0035	Initiation of Formal Procedure
573-005-0045	Hearing Committee Procedures
573-005-0055	Decision of the Hearing Committee
573-005-0065	Protection from Retaliation
573-005-0075	Unmet Deadlines

#### Procedures for Hearing a Charge Which May Lead to Termination or Other Sanction of a Faculty Member for Cause

573-005-0085	Procedures for Hearing Charges
573-005-0095	Definition of Cause
573-005-0105	Attempts at Resolution
573-005-0115	Initiation of Formal Proceedings

#### Faculty Complaints Against Other Faculty, Administrators, or Staff

573-005-0125	General Provision
573-005-0135	Informal Procedures
573-005-0145	Initiation of Formal Procedures
573-005-0155	Composition of Complaint Hearing Panels
573-005-0165	Hearing Procedures
573-005-0175	Decision of the Hearing Panel
573-005-0185	Protection from Retaliation
573-005-0195	Unmet Deadlines
573-005-0205	Review of Decision

#### Imposition and Review of Disciplinary Sanctions

573-005-0215	Removal of Administrative Personnel from Office
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### DIVISION 10

#### FACULTY RECORDS POLICY

573-010-0005	Purpose
573-010-0010	Limitation on Records to Be Maintained
573-010-0015	Definitions
573-010-0020	Certain Information Not Required to Be Given by Faculty Members
573-010-0025	Locations and Custody of Faculty Records
573-010-0030	Release and Access to Faculty Records
573-010-0035	Open Faculty Record Files
573-010-0040	Post-Employment Evaluative Materials
573-010-0045	Access to and Correction of Records
573-010-0050	Telephone Evaluations

573-010-0055	Classroom Evaluations
573-010-0060	Information on Categories of Staff
573-010-0065	Availability of Faculty Records for Research Purposes
573-010-0070	Permanence, Duplication, and Disposal of Faculty Records

### DIVISION 15

#### COLLECTING ACCOUNTS AND NOTES RECEIVABLE

573-015-0005	Collecting Accounts and Notes Receivable
573-015-0010	Southern Oregon State College Revolving Charge Account Plan

### DIVISION 25

#### STUDENT LIABILITY INSURANCE

573-025-0005	Student Liability Insurance
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### DIVISION 26

#### MEDICAL INSURANCE

573-026-0005	Medical Insurance Requirements for Non-Immigrant Foreign Students and Their Dependents
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### DIVISION 30

#### MODEL RULES OF PROCEDURE APPLICABLE TO CONTESTED CASES

573-030-0005	Contested Case Defined
573-030-0015	Entitlement to Contested Case Hearing
573-030-0025	Notice of Hearing
573-030-0026	Rights of Parties in Contested Cases
573-030-0030	Order When Party Fails to Appear
573-030-0035	Subpoena, Deposition
573-030-0040	Hearing
573-030-0045	Evidentiary Rules
573-030-0050	Proposed Orders on Contested Cases; Filing of Exceptions and Arguments
573-030-0051	Ex Parte Communications to the Institution
573-030-0052	Ex Parte Communications
573-030-0053	Ex Parte Communication Record
573-030-0055	Final Orders on Contested Cases: Notification
573-030-0060	When OAR 573-030-0005 through 573-030-0055 Do Not Apply
573-030-0065	Petitions for Reconsideration, Rehearing

### DIVISION 35

#### DISCRIMINATION

573-035-0005	Purpose
573-035-0010	Policy
573-035-0020	Definitions
573-035-0030	Informal Resolution of Grievances
573-035-0040	Duties of Grievance Officer
573-035-0050	Duties of Compliance Officer
573-035-0060	Report to the Chancellor
573-035-0070	Retaliation Prohibited
573-035-0080	Appeal to Chancellor

### DIVISION 40

#### SCHEDULE OF FEES

573-040-0005	Special Fees
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## Chapter 573 Oregon University System, Southern Oregon University

### DIVISION 42

#### FEES FOR THE COLLEGE COMMUNITY RECREATION PROGRAM

**573-042-0005** College Community Recreation Program Policies and Fees

### DIVISION 45

#### ANIMAL CONTROL

**573-045-0000** Purpose  
**573-045-0005** Definitions  
**573-045-0010** Regulation  
**573-045-0020** Sanctions

### DIVISION 50

#### REGULATIONS GOVERNING USE OF VEHICLES

**573-050-0005** Authority to Establish Motor Vehicle Regulations  
**573-050-0010** Application of Motor Vehicle Laws of the State of Oregon and the City of Ashland  
**573-050-0015** Definitions  
**573-050-0016** Service Vehicles, Delivery Vehicles, and Loading Zones  
**573-050-0020** Driver Responsibility  
**573-050-0025** Vehicle Permits, Parking Areas, Fee Schedule  
**573-050-0030** Driving and Parking Regulations on Campus  
**573-050-0035** Traffic Committee and Traffic Appeals Board  
**573-050-0040** Penalties for Offenses  
**573-050-0045** Enforcement and Appeals

### DIVISION 51

#### COMMERCIAL SPEECH AND ACTIVITIES (SOLICITATION)

**573-051-0005** Statement of Policy  
**573-051-0010** Definitions  
**573-051-0020** Commercial Solicitation, Commercial Transactions and Solicitation  
**573-051-0030** Permission to Engage in Solicitation  
**573-051-0040** Discipline for a Violation of Solicitation  
**573-051-0050** Private Sales and Campus Advertising

### DIVISION 55

#### POLICY ON SMOKING IN UNIVERSITY BUILDINGS AND ON UNIVERSITY OWNED PROPERTY

**573-055-0010** Purpose  
**573-055-0020** Areas in Which Smoking is Prohibited  
**573-055-0030** Vehicles  
**576-055-0040** Responsibility for Communication of the Policy  
**573-055-0050** Sanctions

### DIVISION 70

#### PROCEDURAL RULES

**573-070-0001** Housing Department and Housing Policy Committee  
**573-070-0004** Department of Residence Halls, Conference, Senior Programs, and Food Services Policies  
**573-070-0005** Freshman Live-In Requirement  
**573-070-0011** Residence Hall Room and Board Agreement  
**573-070-0012** Residence Hall Application/Room Reservation Fee  
**573-070-0013** Forfeiture of Residence Hall Application/Room Reservation Fee for Failure to Take Timely Occupancy

**573-070-0067** Student Housing and Residential Life Student Conduct Policies and Procedures  
**573-070-0068** Resident Hall Policy Implementation

### DIVISION 71

#### FAMILY HOUSING POLICIES

**573-071-0005** Family Housing Application Deposit  
**573-071-0010** Family Housing  
**573-071-0020** Qualifications for Family Housing  
**573-071-0040** Family Housing Office and Family Housing Advisory Committee

### DIVISION 75

#### CODE OF STUDENT CONDUCT RIGHTS AND RESPONSIBILITIES

##### Administration of Student Records

**573-075-0120** Maintenance of Records  
**573-075-0200** Delay in Granting Access  
**573-075-0230** Annual Publication of Institutional Policy  
**573-075-0240** Procedure for Student Access to Records  
**573-075-0250** Non-Release of Directory Information  
**573-075-0260** Questions and Inquiries Relating to Student Records

### DIVISION 76

#### CODE OF CONDUCT

**573-076-0000** Introduction  
**573-076-0010** Process Overview  
**573-076-0020** Jurisdiction  
**573-076-0030** Violation of Law and University Conduct Proceedings  
**573-076-0040** Oversight and Administration  
**573-076-0050** Conduct Officers and Conduct Boards  
**573-076-0060** Conduct Referrals and Hearing Procedures  
**573-076-0070** Sanctions  
**573-076-0080** Appeals  
**573-076-0090** Student Groups and Organizations  
**573-076-0100** Parent and Guardian Notification  
**573-076-0110** Disciplinary Files and Records  
**573-076-0120** Interpretation and Revision  
**573-076-0130** Prohibited Conduct

### DIVISION 80

#### STUDENT HEALTH CENTER

**573-080-0005** Population Served  
**573-080-0025** Funding

### DIVISION 95

#### ACADEMIC STANDARDS/GRADING GRIEVANCE POLICY

**573-095-0000** Purpose  
**573-095-0005** Academic Standards  
**573-095-0010** Regulation

### DIVISION 1

#### PROCEDURAL RULES

**573-001-0000**  
**Notice of Proposed Rule**

Prior to the adoption, amendment, or repeal of any rule, other than a temporary rule which shall be adopted in accordance with

ORS 183.335(5), Southern Oregon University shall give notice of the proposed adoption, amendment, or repeal:

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

(2) By mailing a copy of the Notice to certain legislators at least 49 days before the effective date of the rule. ORS 183.335(1)(d) and

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

- (a) The Medford Mail Tribune;
- (b) The Ashland Daily Tidings;
- (c) The Siskiyou;
- (d) SOU News Groups;
- (e) ASSOU President;
- (f) Legislator(s) sponsoring legislation per HB 2799.

Stat. Auth.: ORS 183.335 & 729, OL

Stats. Implemented: ORS 183, 351.070 & OAR 580-001-0005

Hist.: SOSC 1, f. & ef. 4-1-76; SOSC 6-1985, f. & ef. 6-12-85; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-001-0010

##### 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0015

##### 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 therefore.

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

(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 pur-

suant to ORS 183.335(7), and shall publish notice of the hearing in the bulletin referred to in ORS 183.360.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-001-0020

##### 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0030

##### 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 573-001-0050.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0040

##### 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 573-001-0005 or 573-001-0010, 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 pre-

siding 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0050

##### 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0055

##### 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0060

##### 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 573-001-0000(3).

(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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0070

##### 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.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-001-0075

##### Availability of Public Records

The public may review any Southern Oregon University documents that are designated public records. See ORS 192.005(5) for the definition of "public records". These documents are on file in University offices and may be reviewed during regular working hours. Copies of public records are available to the public upon request. The following charges will be made, payable in advance or when the materials are furnished:

(1) Copies of documents:

(a) \$1.00 per page (2.00 if printed front and back);

(2) Other materials such as computer tapes, microfilm, and microfiche copies, audio tape cassettes, computer services, etc., shall be provided at a fee reasonably calculated to reimburse the University for actual costs incurred in making records available to the public.

(3) When materials are not readily available, such as in the case of files in the archives, or require an inordinate length of time to assemble due to the scope of the request, an additional charge of \$10 per hour may be assessed to cover staff time required to make the information available.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 192, & 351.070

Hist.: SOSOC 1-1986, f. & ef. 5-5-86; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 5-2010, f. & cert. ef. 12-8-10

## DIVISION 5

### FACULTY GRIEVANCE PROCEDURES

#### 573-005-0005

##### General Provisions

According to OAR 580-021-0050, "grievance" means a complaint by an academic employee that the employee was wronged in connection with compensation, tenure, promotion, or other conditions of employment, or the employee's rights were denied as to reappointment:



(1) "Other conditions of employment" shall include, but are not necessarily limited to, violations of academic freedom, discriminatory employment practices, and laws, rules, policies, and procedures under which the institution operates.

(2) Procedures for hearing cases which may lead to termination or other sanctions for cause and also Oregon State Board of Higher Education review of sanctions are summarized in Section 7.400 of the Faculty Constitution and Bylaws and are found in OAR 580-021-0320 through 580-021-0470.

(3) A personal complaint by a faculty member against another faculty or staff member which does not allege a wrongdoing of the complainant through a personnel action is not subject to the procedures set out in this section. Refer to Section 7.500 of the Faculty Constitution and Bylaws.

(4) The procedures set out in this section are available to any faculty member as defined within the Faculty Constitution and Bylaws.

(5) The faculty member may not proceed with a grievance under this section if the grievant is seeking resolution of that same grievance in another forum.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

### 573-005-0015

#### Definitions

(1) "Days" shall mean calendar days unless otherwise specified.

(2) "Hearing Committee" shall mean a Faculty Senate Hearing Committee as provided in Section 1.225 of the Faculty Constitution and Bylaws.

(3) "Formal Grievance" shall mean a written statement including the information outlined below; the procedures of this section may not be invoked unless the grievance is presented in writing. These procedures are not intended to be used in the hearing of charges which may lead to disciplinary sanctions. Those procedures are outlined in Section 7.400 of the Faculty Constitution and Bylaws and also OAR 580-021-0320 ff.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

### 573-005-0025

#### Informal Procedures

(1) Prior to filing a formal grievance, a faculty member is encouraged to seek mediation of the grievance with the faculty member's dean, Vice President for Academic Affairs and Provost, or, in the case of discrimination, including sexual harassment, the appropriate administrative officer. The faculty member must have the initial discussion within ten days of receiving notice of a personnel action. If the administrator agrees to seek resolution, the administrator must provide the faculty member with a written report on the results of the mediation not more than 15 days after the initial discussion with the grievant unless the administrator and the grievant agree in writing to extend the time limit. In no case may the time limit be extended to more than 30 days after the initial discussion with the grievant.

(2) The appropriate administrative officer must be notified of any grievance alleging discrimination, including sexual harassment. That officer will identify the specific allegations, investigate each allegation of discrimination, and attempt to help the parties resolve the issue.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

### 573-005-0035

#### Initiation of Formal Procedure

(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 initiate the formal grievance by filing a formal grievance in writing with the chair of the Faculty Senate, who shall immediately notify the parties involved in the

grievance. If the grievant does not want the grievance heard by a Faculty Senate Hearing Committee, the grievant may file the grievance directly with the President, accompanied by a letter indicating that the grievant waives the right to a hearing before a Faculty Senate Hearing Committee. The grievance will then be heard by the President or a designee within 15 days of the grievance being filed with the President. The President will render a written decision within 30 days of the conclusion of the hearing following the provisions of OAR 573-005-0055(3).

(2) The formal grievance must be filed within ten days of the faculty member receiving notice of a personnel action. If the faculty member has sought informal resolution of the grievance within ten days of receiving notice of a personnel action, the formal grievance must be filed within ten days of receiving the written report from the administrator detailing the results of the mediation efforts.

(3) The formal grievance must be addressed to the chair of the Faculty Senate and must contain the grievant's name, address, and telephone number; the date and nature of the personnel action being appealed; the parties responsible for the personnel action; and the remedy requested.

(4) Once a formal grievance has been filed with the chair of the Faculty Senate, it may be withdrawn only with the written consent of the grievant and the parties named within the grievance.

(5) The chair of the Faculty Senate shall cause a Faculty Senate Hearing Committee to be formed, and the Hearing Committee shall meet within 15 days of the receipt of the grievance by the chair of the Faculty Senate.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

### 573-005-0045

#### Hearing Committee Procedures

(1) The Hearing Committee shall send to all parties a written notice of the time and place of the hearing at least seven days prior to the hearing.

(2) The grievant shall have the option to be present throughout the hearing. The grievant shall present the grievance first, followed by responses from the person or persons who are the object of the grievance. Thereafter the grievant shall have an opportunity to respond, and the Hearing Committee shall have the opportunity to question any party to the grievance.

(3) Each party shall have a right to call and examine witnesses and to introduce exhibits or other documents. The members of the Committee may question any witness and may call additional witnesses.

(4) Where the personnel action was based upon materials assembled as specified within the policies and procedures of the University, the Hearing Committee shall base their action upon those materials. Exception shall be made when the grievant argues that the materials:

(a) Were assembled in a manner contrary to University policy and procedures;

(b) Included or excluded materials contrary to University policy and procedures; and/or

(c) Were otherwise flawed due to a violation of University policy and procedures.

(5) The grievant may be accompanied by or represented at the hearing by another person of the grievant's choosing. The grievant will be responsible for any costs of representation except as allowed in ORS 30.285 ff.

(6) The chair of the Hearing Committee shall provide for a sound recording of the hearing which shall be filed with the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost will make such tapes available to parties of the grievance upon request.

(7) The hearing shall be open to the public at the option of the grievant to the extent allowed by law. However, deliberations of the Hearing Committee shall not be open to the public or the parties involved.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

**573-005-0055**

**Decision of the Hearing Committee**

(1) The Hearing Committee will render its decision in the form of a written recommendation to the President and will forward it to the chair of the Faculty Senate. The recommendation shall be based solely upon the evidence presented at the hearing.

(2) The chair of the Faculty Senate will forward the recommendation without comment to both the President and the grievant and will notify the Faculty Senate that the Hearing Committee has completed its work. The recommendation shall be forwarded to the President within 60 days of the receipt of the formal grievance by the chair of the Faculty Senate.

(3) The President shall review the recommendation and render a written decision within 30 days notifying the grievant and the chair of the Faculty Senate of the decision. The President may interview any person concerning the grievance to supplement the record of the hearing, provided that the decision lists each person so interviewed and includes a written synopsis of the contents of each interview. In addition, the President may review any documents, provided that the decision shall identify any such documents that were not a part of the record of the hearing. The grievant shall be informed of such additional information obtained by the President in preparing the decision and shall be given seven days to provide any comment or response prior to the President rendering a decision. If the President rejects or modifies the recommendations of the Hearing Committee, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**573-005-0065**

**Protection from Retaliation**

A faculty member 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 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

**573-005-0075**

**Unmet Deadlines**

Should the Faculty Senate not meet the deadlines provided in this section, the grievant may file the grievance directly with the President. Should the President not meet the deadlines provided herein, the grievant may file the grievance with the Chancellor.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**Procedure for Hearing a Charge Which May Lead to Termination or Other Sanction of a Faculty Member for Cause**

**573-005-0085**

**Procedures for Hearing Charges**

Procedures for hearing charges which may lead to termination or other sanction of a faculty member for cause are outlined in OAR 580-021-0320 ff. These procedures are to be used whenever "there is probable cause to impose a sanction or sanctions more severe than an oral or written warning or reprimand" (OAR 580-021-0330).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**573-005-0095**

**Definition of Cause**

"Cause" includes conviction of a felony or a crime of moral turpitude during the period of employment by the department, committing an act of proscribed conduct as defined in OAR 580-022-0045, failure to perform responsibilities, evidence of incompetence, gross inefficiency, default of academic integrity in teaching, research, or scholarship, intentional or habitual neglect of duty, and failure to perform adequately for medical reasons.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**573-005-0105**

**Attempts at Resolution**

Procedures for formal proceedings are only to be invoked after the President has been unable to make a satisfactory resolution of the matter through informal means.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**573-005-0115**

**Initiation of Formal Proceedings**

The President is to initiate formal proceedings by the preparation of formal charges against the faculty member as described in OAR 580-021-0330. The following are provided for in OAR 580-021:

(1) Rules for the temporary suspension of a faculty member (OAR 580-021-0335).

(2) Faculty member's request for a formal hearing on charges (OAR 580-021-0340).

(3) Constitution and formation of the Hearing Committee (OAR 580-021-0345).

(4) Conduct of the hearing (OAR 580-021-0350).

(5) Report by the Committee (OAR 580-021-0355).

(6) Action by the President (OAR 580-021-0360).

(7) Date of termination (OAR 580-021-0365).

(8) Procedure to obtain review by the Board (OAR 580-021-0370).

(9) Effect on personnel record of investigations which do not result in formal charges or which have not resulted in oral or written warning or reprimand (OAR 580-021-0385).

(10) Subpoenas (OAR 580-021-0410).

(11) Powers of hearing officers (OAR 580-021-0425).

(12) Who may appear (OAR 580-021-0430).

(13) Evidence (OAR 580-021-0455).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**Faculty Complaints Against Other Faculty, Administrators, or Staff**

**573-005-0125**

**General Provisions**

These procedures are to be used whenever a faculty member has a complaint against another faculty member, administrator, or staff person which is not covered in any other section of the Faculty Constitution and Bylaws or the Oregon Administrative Rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

**573-005-0135**

**Informal Procedures**

(1) Parties to a disagreement must first seek mediation of the disagreement with the supervisor or supervisors of the parties involved. The supervisor(s) must provide both parties to the complaint with a written report on the results of the mediation not more than 15 days after the initial discussion with the complainant unless the administrator or either party to the complaint requests in writing to extend the time limit. In no case may the time limit be extended to more than 30 days after the initial discussion with the complainant.

(2) Should the complaint not be resolved to the satisfaction of any party to the complaint at this level, then the complaint may be taken to the next-higher administrative level for rehearing. This process may continue up through the President, except in situations when the complaint is against the President, in which case the complaint shall be filed with the Chancellor of the Oregon State Board of Higher Education.

(3) All complaints alleging unlawful discrimination, including sexual harassment, must be filed with the appropriate administrative

officer. That officer will identify the specific allegations, investigate each allegation of discrimination, and attempt to help the parties resolve the issue.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

#### 573-005-0145

##### Initiation of Formal Procedures

(1) If a complaint is not resolved to the satisfaction of the complainant at the informal stage, the complainant may initiate the formal complaint by filing it in writing with the Vice President for Academic Affairs and Provost, who shall immediately notify the parties involved in the complaint. The complaint shall then be heard by a Complaint Hearing Panel empowered by the Vice President for Academic Affairs and Provost within 15 days of the filing of the complaint. The Complaint Hearing Panel shall render a written decision within 30 days of the conclusion of the hearing:

(a) Complaints against the Vice President for Academic Affairs and Provost shall be filed with the President and shall follow the same procedures outlined below, substituting President for Vice President for Academic Affairs and Provost;

(b) Complaints against the President shall be filed with the Chancellor and shall follow the same procedures outlined below, substituting Chancellor for Vice President for Academic Affairs and Provost.

(2) The formal complaint must be addressed to the Vice President for Academic Affairs and Provost and contain the complainant's name, address, and telephone number; the date and nature of the complaint; the parties involved; and the action requested.

(3) Once a formal complaint has been filed with the Vice President for Academic Affairs and Provost, it may be withdrawn only with the written consent of the complainant and the parties named within the complaint.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-005-0155

##### Composition of Complaint Hearing Panels

(1) The Vice President for Academic Affairs and Provost shall appoint a Complaint Hearing Panel to hear the complaint.

(2) Complaint Hearing Panels to hear faculty-faculty and faculty-administrator complaints shall be composed as follows: Three faculty members, at least one from the home department of the complainant, and two administrators, at least one from the school of the complainant.

(3) Complaint Hearing Panels to hear faculty-staff complaints shall include two faculty members (at least one from the department of the faculty member), one administrator, and two staff members (one from the department of the faculty member and one from the department of the staff person).

(4) Each disputant shall have the right to challenge an unlimited number of Committee members for cause. Any challenge for cause shall be referred to the Vice President for Academic Affairs and Provost or his designee for disposition.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-005-0165

##### Hearing Procedures

(1) The Complaint Hearing Panel shall send to all parties a written notice of the time and place of the hearing at least seven days prior to the hearing.

(2) The complainant shall have the option to be present throughout the hearing.

(3) The complainant shall present the complaint first, followed by responses from the person or persons who are the object of the complaint. Both parties shall have full rights of rebuttal. The Complaint Hearing Panel shall have the opportunity to question any party to the complaint.

(4) Each party shall have the right to call and examine witnesses and to introduce exhibits or other documents. The members of the Panel may question any witness and may call additional witnesses.

(5) The complainant may be accompanied by or represented at the hearing by another person of the complainant's choosing. The cost of legal counsel shall be borne by those individuals soliciting such help, except as provided for in ORS 30.285.

(6) The chair of the Complaint Hearing Panel shall provide for a sound recording of the hearing which shall be filed with the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost shall make such tapes available to all parties of the complaint upon request.

(7) The hearing shall be open to the public at the option of the complainant to the extent allowed by law. However, deliberations of the Complaint Hearing Panel shall not be open to the public or parties involved.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 30.285, 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-005-0175

##### Decision of the Hearing Panel

(1) The Complaint Hearing Panel shall render its decision in the form of a written recommendation to the Vice President for Academic Affairs and Provost within 60 days of the empowerment of the Panel. The recommendation shall be based solely upon the evidence presented at the hearing. The Complaint Hearing Panel shall also forward a copy of its decision to each party of the complaint.

(2) The Vice President for Academic Affairs and Provost shall review the recommendation and render a written decision within 30 days. Each party to the complaint shall be provided a written copy of the decision. Before rendering a decision, the Vice President for Academic Affairs and Provost may interview any person concerning the complaint in order to supplement the record of the hearing, provided that the decision lists each person so interviewed and includes a written synopsis of the contents of each interview. In addition, the Vice President for Academic Affairs and Provost may review pertinent documents, provided that the decision shall identify any such documents that were not a part of the record of the hearing. The complainant shall be informed of such additional information obtained by the Vice President for Academic Affairs and Provost in preparing the decision and shall be given seven days to provide any comment or response prior to the Vice President for Academic Affairs and Provost rendering a decision. If the Vice President for Academic Affairs and Provost rejects or modifies the recommendation of the Complaint Hearing Panel, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-005-0185

##### Protection from Retaliation

A faculty member filing a complaint in good faith or otherwise participating in any of the actions authorized under these complaint 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 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-005-0195

##### Unmet Deadlines

Should the Vice President for Academic Affairs and Provost not meet the deadlines provided in this section, the complainant may file the complaint directly with the President. Should the President not meet the deadlines provided herein, the complainant may file the complaint with the Chancellor.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98



573-005-0205

**Review of Decision**

(1) Should any member to the complaint disagree with the decision of the Vice President for Academic Affairs and Provost, he/she may request the chair of the Faculty Senate to convene a Faculty Senate Hearing Committee. The purpose of the Hearing Committee is not to rehear the entire case, but to examine the materials presented and the procedures followed in arriving at the decision. Possible reasons for recommending a reversal of a decision would be overlooked evidence, misplaced emphasis on evidence, and bias in the procedures for evidence collection or conducting the hearing.

(2) The request for a Faculty Senate hearing must include a copy of the decision and the basis for requesting the review.

(3) Procedure for formal review by Faculty Senate Hearing Committee:

(a) At least seven days prior to the review, the Hearing Committee shall notify all parties in writing of the time and place of the review;

(b) The faculty member shall have the option to be present throughout the review;

(c) The faculty member shall present evidence and call witnesses first, followed by the Vice President for Academic Affairs and Provost. Thereafter, both parties shall have the opportunity for rebuttal;

(d) The review shall, at the option of the faculty member and to the extent allowed by law, be open to the public. However, deliberations of the Hearing Committee shall not be open to the public or the parties involved;

(e) The Hearing Committee will render a written recommendation to the President, forwarding it through the chair of the Faculty Senate. The recommendation shall be based solely upon the evidence presented at the review;

(f) The chair of the Faculty Senate will forward the recommendation without comment to both the President and the faculty member, and will notify the Faculty Senate that the Hearing Committee has completed its work. The recommendation shall be forwarded to the President within 60 days of the receipt of the formal request for review by the chair of the Faculty Senate;

(g) The President shall review the recommendation and render a written decision within 30 days, notifying the faculty member and the chair of the Faculty Senate of the decision. The President may interview any person concerning the review to supplement the record of the review, provided that the decision lists each person so interviewed. In addition, the President may review any pertinent documents, so long as such documents are identified in the President's written decision. The faculty member shall be informed of such additional information obtained by the President in preparing the decision and shall be given seven days to provide any comment or response prior to the President rendering a decision. If the President rejects or modifies the recommendations of the Hearing Committee, the reasons shall be stated in the decision.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98

**Imposition and Review of Disciplinary Sanctions**

573-005-0215

**Removal of Administrative Personnel from Office**

If it should appear that an administrative officer does not have the support and confidence of those within the administrative unit to such an extent that its operation is jeopardized, a formal written request for the removal of the officer may be submitted to the Faculty Senate by two-thirds of the members of the unit involved. The request will be considered by the Senate and sent with the Senate's recommendation to the proper authority.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-021

Hist.: SOSC 1-1994, f. & cert. ef. 5-11-94

DIVISION 10

**FACULTY RECORDS POLICY**

573-010-0005

**Purpose**

The Oregon Legislature and the Board of Higher Education have recognized by law the importance of maintaining the faculty member's right to privacy in an educational environment. Southern Oregon University is now bound by law to carry out such policy. This policy is promulgated in accordance with ORS 351.065 and the Administrative Rules of the Oregon State Board of Higher Education. The Administrative Rules of OSBHE and the ORS shall control in the event of any conflict with the SOU Faculty Records policy.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0010

**Limitation on Records to Be Maintained**

Acting through its various divisions and departments, Southern Oregon University may maintain only such records as are demonstrably and substantially relevant to the educational, administrative, and research purposes of this institution.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

573-010-0015

**Definitions**

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

(2) "Records of Academic Achievement" are reports of credits earned toward a degree or in post-doctoral work and/or certificate(s), diploma(s), license(s), degree(s) received and dates thereof.

(3) "Directory Information" is that information generally needed in locating a named faculty member, including information readily found in published documents.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76

573-010-0020

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

No faculty member shall be required to give — although the faculty member may voluntarily provide — information as to race, religion, sex, national origin, marital status, political affiliation or preferences, except as required by state statute, federal law, or valid federal rules, regulations, or orders. In those instances in which the faculty member is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of the right to decline to respond. Except as the faculty member makes the foregoing information available, or except as required by state or federal law, rule, or regulation, there shall be no designation in faculty personnel record files as to the faculty member's race, religion, sex, marital status, national origin, political affiliation, or preferences.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76



**573-010-0025**

**Locations and Custody of Faculty Records**

(1) The number of files relating to the evaluation of a faculty member shall be limited to three. One file of personal records relating to evaluation of the faculty member shall be kept by each of the following: President, Vice President for Academic Affairs and Provost, and the appropriate academic dean or division or department in which the faculty member is employed. Faculty records pertaining to matters other than evaluation shall not be limited to the three files designated above.

(2) All records containing personal information about faculty members shall be kept in secured files.

(3) The head of each academic or administrative unit maintaining faculty records shall be responsible for maintaining the confidentiality and security of all faculty records within that unit in accordance with the provisions of these regulations.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**573-010-0030**

**Release and Access to Faculty Records**

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

(a) Directory information: the faculty member's full name, campus address and telephone number, home address, birthday (as distinguished from birthdate) and such other information as is readily found in published documents such as institutional directories and catalogs;

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

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

(2) All other information contained in faculty records is considered confidential and may not be released to any person or agency without the faculty member's written consent. Exceptions to this policy are limited to the following:

(a) Records of a faculty member are available to University personnel who have a demonstrably legitimate need to review them in order to fulfill their official, professional responsibility with regard to the faculty member;

(b) Upon receipt of a subpoena or other court order or process seeking access to faculty records, the recipient unit head must take reasonable efforts to notify the faculty member (including sending a registered or certified letter to the address of record) and must notify the President or his designated representative prior to any institutional responses. The latter will determine whether or not appropriate University personnel should appear in court to test the validity of the subpoena or court order or process;

(c) The University President or his designated representative may release personal information contained in faculty records only when he determines that there is a clear and present danger to the safety of the faculty member or others and/or property and that disclosure of relevant personal information about the faculty member is essential in order to avoid or substantially minimize the danger. (The basis for such determination shall be provided to the faculty member in writing.) No such disclosure shall violate any evidentiary or testimonial privilege accorded by law.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**573-010-0035**

**Open Faculty Record Files**

No regulation, rule, or order promulgated pursuant to this section shall deny to a faculty member full access to the member's personnel file or personal records kept by the board or its institutions, schools, or departments, except as follows:

(1) Letters and other information submitted in confidence to the board or its institutions, schools, or departments prior to July 1, 1975,

shall be maintained in the files designated. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available except that portions of the text which would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by Section 5 of ORS 351.065.

(2) Confidential letters and other information submitted to or solicited after July 1, 1975, by the board or its institutions, schools or departments prior to the employment of a prospective employee are exempt from the provisions of this section. However, if a prospective employee is employed by the board or its institutions, schools, or departments, the confidential pre-employment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential pre-employment letters and other pre-employment information shall be protected. The full text shall be made available, except that portions of the text which would serve to identify the contributor shall be excised and retained in a file other than the three designated in Section 5 of ORS 351.065.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76

**573-010-0040**

**Post-Employment Evaluative Materials**

After July 1, 1975, the board, its institutions, schools, or departments when evaluating its employed faculty members shall not solicit nor 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.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76

**573-010-0045**

**Access to and Correction of Records**

(1) The personal file shall be only open to the faculty member and to those officials of the institution who have demonstrable need of such access in fulfilling their official professional duties.

(2) All evaluative materials or other records originated or utilized by the president, deans, or department heads, or by personnel review committees at the department, division, or University level in reviewing a faculty member, shall be available upon a single request to the Vice President for Academic Affairs and Provost, to the subject faculty member at a reasonable place and time. A faculty member may make copies of materials in the files.

(3) Each faculty member shall be given a copy of his or her periodic regular written evaluation made by the administrative officer (department or divisional head or dean of the unit in those instances in which the dean is the evaluating administrator). The evaluation given to the faculty member shall contain or have attached to it a statement informing the faculty member that he or she may discuss the evaluative statement with the evaluating administrator. A copy of the evaluative statement, duly signed by the faculty member signifying that he or she has been given a copy thereof, shall be placed in the faculty member's personal record file.

(4) A faculty member shall be entitled to submit, for placement in the three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material which the member believes might be of assistance in the evaluation process.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**573-010-0050**

**Telephone Evaluations**

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

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76

**573-010-0055**

**Classroom Evaluations**

Classroom survey evaluation by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in the department or division files. All survey instruments used to obtain evaluation data shall be returned to the faculty members.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76

**573-010-0060**

**Information on Categories of Staff**

A faculty member who feels he has been adversely affected by personnel action or lack thereof may request from the Vice President for Academic Affairs and Provost objective or quantitative information contained in the files which are limited as to access concerning the personnel actions affecting categories of faculty members. The request shall be granted where such actions appear to have relevance to the case of the faculty member making the request for information. Evaluative statements concerning individual faculty members shall not be released except with the consent of the faculty members concerned. The request for information shall be in writing containing a summary of the adverse decision, statement of need for the information, and the specific information requested.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**573-010-0065**

**Availability of Faculty Records for Research Purposes**

Information about academic staff members for research purposes may be provided, contingent upon the existence of adequate provisions to conceal from the person(s) doing the research, the identity of the individual academic staff members whose personal data or information are being included in the research. If the confidentiality of faculty personal records would be jeopardized in any way by the release of information for research purposes, the written consent of the academic staff member must be obtained prior to the release of information. All such requests for information must be submitted to the Vice President for Academic Affairs and Provost.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**573-010-0070**

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

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

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

(3) Duplication of permanent faculty records shall be kept to a minimum. (A log shall be kept in each file of every duplication of faculty records.) Such duplicated permanent records as are made shall be destroyed in the same manner as temporary records, as provided for in section (4) of this rule.

(4) All duplicate copies of permanent faculty records and all temporary faculty records shall be maintained for a minimum period of three years after a faculty member departs from the University. Such records shall thereafter be destroyed as soon as they are no longer needed and may not be retained in any event for more than seven (7) years after a faculty member's appointment is terminated by the University.

Stat. Auth.: ORS 351.070

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

Hist: SOSC 2, f. & ef. 7-12-76; SOU 1-1998, f. & cert. ef. 4-23-98

**DIVISION 15**

**COLLECTING ACCOUNTS AND NOTES RECEIVABLE**

**573-015-0005**

**Collecting Accounts and Notes Receivable**

(1) As directed by Oregon State Board of Higher Education Administrative Rule OAR 580-041-0010(1), the Department of Business Services at Southern Oregon University exercises diligence in collecting accounts and notes receivable due it by following, as appropriate, these remedies:

(a) Withholds transcript service, placement service and other applicable campus services;

(b) Denies or cancels registration;

(c) Withholds further account receivable privileges;

(d) With employee's approval, withholds wages;

(e) Applies any non-exempt credits in favor of debtor to debt;

(f) Adds penalties, interest, and collection costs as permitted by law;

(g) Sends regular billings and past due notices;

(h) Utilizes telephone inquiries;

(i) Sends letter of demand;

(j) Uses "skip trace" information as permitted by law;

(k) Utilizes offset procedures with other state agencies;

(l) Utilizes Department of Revenue as a collection agent;

(m) Utilizes various commercial collection agencies, by contract, as permitted by law;

(n) Institutes legal action as permitted by law;

(o) Uses commercial credit reporting agencies by contract and as permitted (or required by law);

(p) Seeks collection on judgments as permitted by law.

(2) The Director of Business Services, Southern Oregon University, may waive any of the above remedies only in those circumstances which serve the best interests of the institution, the state, or the federal government, or where required by state or federal statutes. (The discharge of debt through bankruptcy prevents the taking of any further action to collect.)

(3) The procedures are in conformity with the requirements of federal and state laws and regulations and were formally adopted as a rule after public hearing under the Administrative Procedure Act.

(4) The Southern Oregon University Department of Business Services will grant hearings to any individual requesting information or expressing concern about the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing are available at the Department of Business Services.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 1-1979, f. & ef. 6-20-79; SOSC 5-1985, f. & ef. 6-3-85; SOU 1-1998, f. & cert. ef. 4-23-98

**573-015-0010**

**Southern Oregon State College Revolving Charge Account Plan**

(1) Southern Oregon University adopts the Revolving Charge Account program as permitted by OAR 580-040-0041, as amended.

(2) The following are eligible to participate in the Revolving Charge Account program:

(a) Students enrolled at Southern Oregon University;

(b) Any person who incurs charges, fines, or penalties at Southern Oregon University, including, but not limited to library fines, parking tickets, facilities rental charges, program user charges, and lease agreements.

(3) The terms and conditions of the program are set out in the document entitled "Southern Oregon University Revolving Charge Account Plan," the most recent of which is hereby adopted by reference as a permanent rule and is available on file in the Department of Business Services.

(4) Participants in the program shall sign an agreement to abide by the terms and conditions of the program, except for debts arising from fines, penalties, and the like.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 1-1979, f. & ef. 6-20-79; SOSC 5-1985, f. & ef. 6-3-85; SOSC 4-1990(Temp), f. & cert. ef. 12-14-90; SOSC 2-1991, f. & cert. ef. 5-30-91; SOSC 2-1992, f. & cert. ef. 6-22-92; SOU 1-1998, f. & cert. ef. 4-23-98

## DIVISION 25

### STUDENT LIABILITY INSURANCE

#### 573-025-0005

##### Student Liability Insurance

(1) Students enrolled in health related academic coursework which involves patient care shall be required to carry liability insurance. The coverage shall be carried either as part of a group insurance plan or by an independent policy, depending on the academic program in which the student is enrolled.

(2) All students enrolled in health related academic coursework which involves patient care shall be required to pay a fee determined by the insurance premium, toward the cost of a group liability insurance policy, which includes the cost for naming the University as an additional insured on the student's policy and other costs required by the insurance carrier. The list of specified courses and the actual premium fee charged for any academic year is available in the Class Schedule and from Business Services. Students shall be required to make payment each academic year at registration during the first term enrolled for that academic year. The insurance policy shall have a minimum limit of \$1,000,000 for each claim with an aggregate minimum limit of \$1,000,000 per year.

(3) Pre-Physical Therapy, Occupational Therapy Students, Athletic Training Students, and Experiential Learning Students: All students enrolled in selected practicum, internship, capstone, or other experiential learning courses requiring liability coverage shall be required to pay a fee determined by the insurance premium, toward the cost of a group liability insurance policy, which includes the cost for naming the University as an additional insured on the student's policy and other costs required by the insurance carrier. The list of specified courses and the actual premium fee charged for any academic year is available in the Class Schedule and from Business Services. The insurance policy shall have a minimum limit of \$1,000,000 for each claim with an aggregate minimum limit of \$1,000,000 per year.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 6-1979, f. & ef. 9-27-79; SOSC 1-1980, f. & ef. 3-5-80; SOSC 3-1983, f. & ef. 5-9-83; SOSC 3-1992, f. & cert. ef. 9-28-92; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01

## DIVISION 26

### MEDICAL INSURANCE

#### 573-026-0005

##### Medical Insurance Requirements for Non-Immigrant Foreign Students and Their Dependents

(1) To assist the University in complying with federal regulations, nonimmigrant foreign students admitted and enrolled at Southern Oregon University must demonstrate their ability to meet their financial responsibilities in full. These responsibilities include the provision by nonimmigrant foreign students for medical care for themselves and dependent family members while in the United States.

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

(3) The medical insurance policy carried by each nonimmigrant foreign student must provide coverage with the maximum dollar limits at least comparable to the one offered through the University. The policy may be underwritten by a foreign insurance carrier, but it must be payable in the United States for medical expenses incurred in the United States.

(4) Such insurance policy must be in force continuously during the student's enrollment at SOU, commencing during the registration period of the student's first term at the University. Students are required to provide a 30-day notice to the University Director of Business Services if their insurance is cancelled or materially changed.

(5) Nonimmigrant foreign students must provide proof of adequate insurance coverage acceptable to the Foreign Student Office and the Business Office before they are permitted to register for classes. Documentation of such comparable coverage is to be provided by completing the "Foreign Student Medical Insurance Certification" form and receiving an authorized waiver. The form and waiver authorization will be available at the site of registration and in the Foreign Student Office. Documentation must indicate in English the insurance company's name and address for billing purposes, policy number, the effective dates of the policy, a list of persons covered by the policy, and a certification that the coverage limits meet the established minimums.

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

(7) Nonimmigrant foreign students may contest the factual premise underlying any decision to deny a comparable insurance waiver and any subsequent restriction allowed under section (6) of this rule by presenting their documentation and arguments before the Vice President of Student Affairs or that person's designee.

(8) Pending the resolution of any dispute over a decision under this administrative rule, the student shall be permitted to register, and shall, in the event of an adverse decision compelling withdrawal from the University subsequent to registration, be guaranteed a refund of any tuition paid for the term in which withdrawal takes place.

(9) New nonimmigrant foreign students shall be notified in writing of these requirements by the Admissions Office with their letter of admittance. Returning nonimmigrant foreign students shall be notified in writing of these requirements by the Foreign Students Office.

(10) Foreign institution exchange agreements, foreign study agreements, and foreign visitation program agreements executed with SOU shall include a requirement that the sponsoring institution or organization is responsible for ensuring that its foreign participants are covered by medical insurance as required in sections (3) and (4) of this rule.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & 351.072

Hist.: SOSC 5-1988(Temp), f. & cert. ef. 12-5-88; SOSC 1-1989, f. & cert. ef. 2-16-89; SOU 1-1998, f. & cert. ef. 4-23-98

## DIVISION 30

### MODEL RULES OF PROCEDURE APPLICABLE TO CONTESTED CASES

#### 573-030-0005

##### Contested Case Defined

(1) A contested case exists whenever:

(a) A constitutional provision or institutional enabling act requires a hearing upon the action; or

(b) The institution has discretion to suspend or revoke a right or privilege of a person; or

(c) There is a proceeding in which the institution by rule or order provides for a hearing, in accordance with contested case requirements.

(2) "Contested case" does not include proceedings in which an institution decision rests solely on the results of a test.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98



**573-030-0015**

**Entitlement to Contested Case Hearing**

(1) A person is entitled to a contested case hearing whenever a contested case exists as defined in OAR 573-030-0005.

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

(a) Any optional hearing method defined by Administrative Rule has been selected as the method of resolving the conflict;

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

**573-030-0025**

**Notice of Hearing**

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

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

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

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

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

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

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

(2) The notice shall be served personally or by registered or certified mail sent to the address of the grievant as shown on the records of this institution.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

**573-030-0026**

**Rights of Parties in Contested Cases**

(1) The written or oral information required to be given under ORS 183.413(2) before commencement of a contested case hearing shall include:

(a) If a party is not represented by an attorney, a general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence;

(b) Whether a record will be made of the proceedings and the manner of making the record and its availability to the parties;

(c) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the agency;

(d) Whether an attorney will represent the institution in matters to be heard and whether the parties ordinarily and customarily are represented by an attorney;

(e) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the institution, whether the person presiding at the hearing is or is not an employee, officer or other representative of the institution and whether that person has the authority to make a final independent determination;

(f) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights;

(g) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evi-

dence should be brought to the attention of the institution and the hearing reopened;

(h) Whether there exists an opportunity after the hearing and prior to the final determination or order of the institution to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing;

(i) A description of the appeal process from the determination or order of the agency.

(2) The information required in section (1) may be given in writing or orally before the commencement of the hearing.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80; SOU 1-2001, f. & cert. ef. 4-4-01

**573-030-0030**

**Order When Party Fails to Appear**

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

**573-030-0035**

**Subpoena, Deposition**

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

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

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

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

(b) A showing of materiality of the testimony;

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

(4) If the institution issues an order for the taking of a deposition and the witness resides in this state and is unwilling to appear, the institution may issue a subpoena as provided in section (1) requiring his appearance before the officer taking the deposition.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

**573-030-0040**

**Hearing**

(1) The hearing shall be conducted by and shall be under the control of the hearing officer. The hearing officer may be the President of the institution or the President's designee.

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

(a) Statement and evidence of this institution in support of its action;

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

(c) Rebuttal testimony.

(3) The hearing officer and the affected parties and this institution or their attorneys shall have the right to question or examine or cross-examine any witness.

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

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

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

(7) The burden of presenting evidence to support a fact or position rests on the proponent of the fact or position.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80; SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-030-0045

##### Evidentiary Rules

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

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

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

(4) Any time ten days or more before a hearing, any party may serve on an opposing party a copy of any affidavit, certificate or other document the party proposes to introduce in evidence. Unless the opposing party requests cross-examination of the affiant, certificate preparer, or other document preparer or custodian, more than 5 days prior to the hearing, the affidavit or certificate may be offered and received with the same effect as oral testimony.

(5) If the opposing party requests cross-examination of the affiant, certificate preparer, or other document preparer or custodian as provided in section (4) and the opposing party is informed more than five days prior to the hearing, that the person will not be able to appear for cross-examination, the affidavit, certificate or other document may be received in evidence, provided the agency or hearings officer determines that:

(a) The contents of the affidavit, certificate or other document is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and

(b) The party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0050

##### Proposed Orders on Contested Cases; Filing of Exceptions and Arguments

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0051

##### Ex Parte Communications to the Institution

(1) The institution shall place on record a statement of the substances of any written or oral ex parte communications on a fact in issue made to the institution during its review of a contested case.

(2) The institution shall give notice to all parties of ex parte communications. The notice shall include:

(a) The substance of the communication if oral; if in writing a copy of the communication;

(b) Whether or not the institution will consider the ex parte communication in considering the case.

(3) If the institution gives notice that the ex parte communication will be considered in deciding the case, the agency at its discretion shall:

(a) Set a date when the other parties may rebut the substance of the ex parte communication in writing; or

(b) Schedule a hearing for the limited purposes of receiving evidence relating to the ex parte communication.

(4) If an agency schedules a hearing, it may remand the matter to a hearing officer.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0052

##### Ex Parte Communications

(1) The officer presiding at the hearing shall place on the record a statement of the substances of any written or oral ex parte communications or a fact in issue made to the officer during the pendency of the proceeding.

(2) The presiding officer shall give notice to all parties of ex parte communications. The notice shall include:

(a) The substance of the communication if oral; if in writing a copy of the communication;

(b) Whether or not the officer will consider the ex parte communication in making a recommendation to the institution or in deciding the case.

(3) If the presiding officer gives notice that the ex parte communication will be considered in making a recommendation to the institution or in deciding the case, the officer shall either:

(a) Set a date when the other parties may rebut the substance of the ex parte communication in writing; or

(b) Schedule a hearing for the limited purposes of receiving evidence relating to the ex parte communication.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0053

##### Ex Parte Communication Record

If an ex parte communication is made to the institution or a presiding officer as described in OAR 573-030-0051 and 573-030-0052 the record shall include:

(1) The ex parte communication if in writing;

(2) A statement of the substance of the ex parte communication if oral;

(3) The institution's or presiding officer's notice to the parties of the ex parte communication;

(4) Rebuttal Documents; and

(5) If a hearing is held the evidence, exhibits and transcripts of the proceedings.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0055

##### Final Orders on Contested Cases: Notification

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

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

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

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

(d) Order — The action taken by this institution as the result of the findings of fact and conclusions of law.

(2) The final order may include an opinion explaining the reasons and rationale adopted by the agency in arriving at the conclusions supporting its action.

(3) Parties to contested cases and their attorneys of record shall be served a copy of the final order and any accompanying findings and conclusions.

(4) The final order shall include a citation of the statute under which the order may be appealed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

#### 573-030-0060

##### When OAR 573-030-0005 through 573-030-0055 Do Not Apply

OAR 573-030-0005 through 573-030-0055 do not apply to procedures for imposition of sanctions on an academic staff member.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8, f. & ef. 12-9-76; SOSC 8-1980, f. & ef. 11-19-80

#### 530-030-0065

##### Petitions for Reconsideration, Rehearing

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

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

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

(4) The institution may grant a rehearing petition if sufficient reason therefor is made to appear. The rehearing may be limited by the institution to specific matters. If a rehearing is held an amended order shall be entered.

(5) If the institution does not act on the petition within the 60th day following the date the petition was filed, the petition shall be deemed denied.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183, 351.070 & OAR 580-021

Hist.: SOSC 8-1980, f. & ef. 11-19-80

## DIVISION 35

## DISCRIMINATION

#### 573-035-0005

##### Purpose

These rules state the policy of Southern Oregon University prohibiting discrimination in its education programs, services, facilities and activities. These rules do not apply to claims of discrimination in employment, promotion, tenure, or termination of employment of classified or unclassified employees. These rules do apply to student workers.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.

Hist.: SOSC 9-1980, f. & ef. 11-19-80; SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 2-2000, f. & cert. ef. 6-9-00

#### 573-035-0010

##### Policy

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.

Hist.: SOSC 9-1980, f. & ef. 11-19-80; SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-2000, f. & cert. ef. 6-9-00

#### 573-035-0020

##### Definitions

For the purposes of OAR 573-035-0005 through 573-035-0080, the following definitions shall be used:

(1) Compliance Officer means the Associate Provost or other person designated by the Vice President for Academic Affairs and Provost or the President of the University.

(2) Grievance Officer means the chief student affairs officer or other person designated by the Vice President for Student Affairs or by the President.

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

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

(a) Submission to the advances, request or conduct is made either explicitly or implicitly a term or condition of employment or participation in an academic program or activity;

(b) Submission or rejection of the advances, request or conduct is used as a basis or condition for employment or academic decisions affecting the student; or

(c) Such conduct unreasonably interferes with the work or academic performance of the student because it creates an intimidating, hostile or offensive work or academic environment for the student who is the object of the advance, request, or conduct, and a reasonable person in that student's position would have been similarly affected.

(5) Other Prohibited Harassment means verbal or physical conduct by an individual based on age, disability, national origin, race, color, marital status, religion, or sexual orientation, which creates an intimidating, hostile or offensive working or academic environment that interferes with a second individual's work or academic performance and a reasonable person in that same situation would have been similarly affected.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.

Hist.: SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2005, f. & cert. ef. 4-11-05

#### 573-035-0030

##### Informal Resolution of Grievances

A complainant under this Division is encouraged to attempt to resolve the complaint with the involved individual either directly or with the assistance of the Grievance Officer. Any member of the faculty or staff who receives information from a person indicating grounds for a discrimination complaint is urged to refer the person to the Grievance Officer.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.

Hist.: SOU 2-2000, f. & cert. ef. 6-9-00

#### 573-035-0040

##### Duties of Grievance Officer

(1) Informal Resolution of Grievances: The Grievance Officer helps complainants formulate and follow up complaints of alleged prohibited discrimination. The Grievance Officer may assist in conciliation and informal resolution of the grievance, if informal resolution appears possible and is desired by the complainant.

(2) Formal Complaints: If the complainant does not wish to pursue the complaint informally or attempted informal resolution is unsatisfactory, the grievant may submit the complaint in writing to the Compliance Officer. The Grievance Officer may assist the complainant in this process. Formal complaints must set out the specific facts of the complaint, including complainant's suggested resolution of the matter, and be signed by the complainant. The



complainant's signature constitutes personal verification that the complaint is accurate and complete.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.  
 Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2008, f. & cert. ef. 3-14-08

### **573-035-0050**

#### **Duties of Compliance Officer**

(1) Receipt of Complaints: A complainant, either individually or through the Grievance Officer, pursues a formal complaint by submitting a written, signed complaint to the Compliance Officer. The Compliance Officer retains the original complaint and delivers copies of it to the President, the Chancellor of the Oregon University System and any individual respondents named in the complaint. To be considered a complaint must be submitted to the Compliance Officer within 180 days from the date of noncompliance, or 365 days from the date of noncompliance if the complaint alleges Sexual Harassment or Other Prohibited Harassment as defined by OAR 573-035-0020(3)(b) or (c).

(2) Investigation of Complaints: The Compliance Officer investigates the matters alleged in the complaint. Within 30 days of receiving the signed, written complaint, the President will provide a written decision based upon actions recommended by the Compliance Officer. The 30-day period for completion of the investigation may be extended for up to 30 additional days, upon application to the Chancellor.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.  
 Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-2000 f. & cert. ef. 6-9-00

### **573-035-0060**

#### **Report to the Chancellor**

The President, or the Compliance Officer at the direction of the President, sends to the Chancellor and to the complainant a report of the investigation.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.  
 Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 2-2000, f. & cert. ef. 6-9-00

### **573-035-0070**

#### **Retaliation Prohibited**

No complainant or participant in any of the actions authorized under these administrative rules shall be subject to reprimand or retaliatory action by the University or its employees for their participation in those actions.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.  
 Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-2000, f. & cert. ef. 6-9-00

### **573-035-0080**

#### **Appeal to Chancellor**

The complainant may appeal to the Chancellor in the manner and for the reasons provided in OAR 580-015-0105 to 580-015-0155.

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-015; Title VI and Title VII of the Civil Rights Act; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Equal Pay Act; Executive Order 11246; Age Discrimination Act of 1975.  
 Hist.: SOSC 1-1993, f. & cert. ef. 2-19-93; SOU 2-2000, f. & cert. ef. 6-9-00

## **DIVISION 40**

### **SCHEDULE OF FEES**

#### **573-040-0005**

##### **Special Fees**

The Special Fees for certain courses and general services approved by Southern Oregon University are hereby adopted by reference.

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

Stat. Auth.: ORS 351.070  
 Stats. Implemented: ORS 351.070 & OAR 580-040-0010  
 Hist.: SOSC 4, f. & ef. 9-2-76; SOSC 10, f. & ef. 5-9-77; SOSC 6-1978, f. & ef. 6-2-77; SOSC 8-1978, f. & ef. 12-15-78; SOSC 2-1979, f. & ef. 6-20-79; SOSC 4-1980, f. & ef. 5-20-80; SOSC 4-1980, f. & ef. 5-20-80; SOSC 2-1981, f. & ef. 6-2-81; SOSC 3-1982, f. & ef. 7-1-82; SOSC 4-1983, f. & ef. 5-26-83; SOSC 1-1984, f. & ef. 6-20-84; SOSC 4-1985, f. & ef. 6-3-85; SOSC 9-1985, f. & ef. 12-17-85; SOSC 2-1986, f. & ef. 5-30-86; SOSC 1-1987, f. & ef. 6-5-87; SOSC 4-1987, f. & ef. 9-4-87; SOSC 1-1988, f. & cert. ef. 5-19-88; SOSC 2-1988(Temp), f. & cert. ef. 9-2-88; SOSC 4-1988, f. & cert. ef. 11-23-88; SOSC 3-1989, f. & cert. ef. 6-1-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 3-1991, f. & cert. ef. 5-30-91; SOSC 1-1992, f. & cert. ef. 6-3-92; SOSC 3-1993, f. & cert. ef. 5-21-93; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOSC 1-1996, f. & cert. ef. 6-5-96; SOU 1-1997, f. & cert. ef. 5-20-97; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-1999, f. & cert. ef. 5-7-99; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2002, f. & cert. ef. 4-11-02; SOU 1-2003, f. & cert. ef. 4-16-03; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 1-2005, f. & cert. ef. 4-11-05; SOU 1-2006, f. & cert. ef. 3-31-06; SOU 1-2007, f. & cert. ef. 4-25-07; SOU 4-2008, f. 4-9-08, cert. ef. 4-15-08; SOU 1-2009, f. 6-4-09, cert. ef. 6-15-09; SOU 4-2010, f. & cert. ef. 7-12-10; SOU 1-2011, f. & cert. ef. 6-13-11

## **DIVISION 42**

### **FEES FOR THE COLLEGE COMMUNITY RECREATION PROGRAM**

#### **573-042-0005**

##### **College Community Recreation Program Policies and Fees**

(1) Physical education facilities at Southern Oregon University may be used for the College Community Recreation Program. Such usage is on a space-available basis after the needs of academic programs and student activities have been met. Questions regarding scheduling of the facilities shall be directed to the Community Recreation Director. The following fees pertain to usage by employees and students and their family members and guests as well as the general public.

(2) Policies Governing Facilities Use:

(a) Community Memberships:

(A) Memberships may be used by paying members only and are not transferable;

(B) Membership identification cards are required for the use of all facilities;

(C) Memberships entitle the members to the use of all facilities when they are scheduled for Community Recreation use. Facilities include pool, racquetball courts, track, gym, lockers and showers, fields, and sauna.

(b) All individuals using Health/PE facilities will be required to show identification:

(A) SOU student body card;

(B) Faculty/staff card;

(C) Community Recreation pass.

(c) Student, faculty, and staff passes will be honored through summer session. Community recreation passes will be honored through the term of purchase, or for the year of purchase;

(d) The facility schedule is subject to change;

(e) Facilities users will be responsible for payment of costs for repair or replacement due to damage of facility or equipment during rental time beyond normal wear and tear.

(3) Fee Schedule:

(a) SOU Students:

(A) Facilities for which there is no charge include gyms, lockers and showers, track, fields;

(B) \$20.00 fee per term per person or \$35.00 fee per year per person for the pool and racquetball courts;

- (C) \$3.00 fee per visit per person for the pool;
- (D) \$3.00 fee per visit per person for the racquetball courts.
- (b) SOU Faculty and Staff:

(A) Facilities for which there is no charge include gyms, lockers and showers, track, fields;

(B) Emeritus and adjunct faculty receive faculty/staff rates. Part-time faculty below .50 FTE do not receive faculty/staff rates;

(C) \$25.00 fee per term per person to use the pool and racquetball courts

(D) \$65.00 fee per year per person to use the pool and racquetball courts;

(E) \$3.00 fee per visit per person for the pool and \$3.00 fee per visit per person for the racquetball courts.

(c) Immediate family members of SOU students, faculty, and staff (i.e., spouse, son, or daughter) will pay same fees as the students, faculty, and staff;

(d) Community Members:

(A) Facilities include gyms, lockers and showers, track, fields, racquetball courts, pool;

(B) \$35.00 fee per term per person for use of swimming pool and all community recreation facilities except racquetball courts;

(C) \$35.00 fee per term per person for use of racquetball courts and all community recreation facilities except swimming pool.

(D) \$3.00 fee per visit per person for use of swimming pool and all community recreation facilities except racquetball courts.

(E) Charges for group use for extended periods will be negotiated considering the number of participants, equipment used, frequency of use, and any lifeguard requirement;

(F) \$3.00 fee per visit per person for use of racquetball courts and all community recreation facilities except swimming pool;

(G) You must sign up and make a reservation to play racquetball.

(e) Alumni (must be active member of SOU Alumni Association):

(A) \$30.00 fee per term per person for use of swimming pool and all community recreation facilities except racquetball courts;

(B) \$30.00 fee per term per person for use of racquetball courts and all community recreation facilities except swimming pool.

(C) \$3.00 fee per visit per person for use of swimming pool and all community recreation facilities except racquetball courts;

(D) \$3.00 fee per visit per person for use of racquetball courts and all community recreation facilities except swimming pool.

(f) For rental of activity areas, refer to "Basic Rental Rates" available from Community Recreation Director at 552-6273.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist: SOSC 1-1985, f. & ef. 1-16-85; SOSC 1-1991, f. & cert. ef. 1-25-91; SOSC 5-1991, f. & cert. ef. 9-20-91; SOSC 4-1993, f. & cert. ef. 6-22-93; SOSC 3-1994, f. & cert. ef. 7-29-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2004, f. & cert. ef. 4-5-04

## DIVISION 45

### ANIMAL CONTROL

#### 573-045-0000

##### Purpose

Southern Oregon University adopts these rules to control nuisance animals on campus.

Stat. Auth.: ORS 167.310 - 167.350 & 351.070

Stats. Implemented: ORS 167.310 - 167.350 & 351.070

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-045-0005

##### Definitions

(1) Animal means any nonhuman mammal, bird, reptile, amphibian. Exceptions:

(a) Assistance animals trained to assist persons with disabilities.

(b) Animals used for authorized research and education.

(c) Fish.

(2) Leashed means any strap, chain, rope, or similar device held by a person capable of controlling the animal or fastened to an immovable object with a device of shorter length than five feet.

Stat. Auth.: ORS 167.310 - 167.350 & 351.070

Stats. Implemented: ORS 167.310 - 167.350 & 351.070

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-045-0010

##### Regulation

(1) To protect public health and safety, the University does not permit animals in its buildings.

(2) A person shall not bring an animal onto University owned or controlled property unless the animal is leashed.

(3) Unleashed or unlicensed animals are not permitted on University owned or controlled property. The Security and Safety Office will call a control agency to remove and impound any unleashed or unlicensed animals.

(4) Animals may not be left unattended within 25' of the entryway to any structure and within 5' of any paved walkway on Southern Oregon University property.

(5) Persons who bring dogs to campus are responsible for abiding by ORS 609.095. The Security and Safety Office will call a control agency to remove and impound any animal found in violation of ORS 609.095.

Stat. Auth.: ORS 167.310 - 167.350, 351.070, 609.095 & 609.090

Stats. Implemented: ORS 167.310 - 167.350, 351.070, 609.095 & 609.090

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-045-0020

##### Sanctions

Any person who violates this rule is subject to:

(1) ORS 609.090.

(2) Order to leave the premises.

(3) Arrest for criminal trespass for persons who fail to comply with an order to leave or remain off the premises or property owned or controlled by the University.

(4) Disciplinary action if an SOU student or employee.

Stat. Auth.: ORS 167.310 - 167.350, 351.070, 609.095 & 609.090

Stats. Implemented: ORS 167.310 - 167.350, 351.070, 609.095 & 609.090

Hist.: SOU 1-2001, f. & cert. ef. 4-4-01

## DIVISION 50

### PARKING REGULATIONS

#### 573-050-0005

##### Authority to Establish Motor Vehicle Regulations

Authority to establish regulations governing the use of motor vehicles on the Southern Oregon University (SOU) campus for visitors, faculty, staff, and students is derived from ORS 352.360 and action of the Oregon University System pursuant to such statute. The regulations as herein published have been approved by the Office of the Chancellor and filed with the Secretary of State in accordance with provisions of ORS 183.310 to 183.500. Strict enforcement of these regulations is necessary to minimize congestion, maintain safety on campus streets, enhance security, and maximize the use of existing parking facilities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2011, f. & cert. ef. 6-13-11

#### 573-050-0010

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

All motor vehicle laws of the State of Oregon and City of Ashland, including specifically, but not by way of limitation, ORS Chapters 810, 811, 814, 815, and 816, together with amendments hereafter adopted, are applicable and enforceable on the campus of Southern Oregon University to the same extent as if this campus and its streets were public highways.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1990, f. & cert. ef. 5-31-90; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2007, f. & cert. ef. 7-23-07

**573-050-0015**

**Definitions**

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

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

(3) The word “permit” as used in these regulations includes all the following:

- (a) Faculty/Staff decal;
- (b) Student Commuter decal;
- (c) Residence Hall decal;
- (d) Motorcycle and Scooter decal;
- (e) Carpool decal;
- (f) Temporary Substitute permit;
- (g) Weekly Parking permit;
- (h) Guest Parking permit;
- (i) Service Vehicle permit;
- (j) Daily Parking permit.

(4) A “decal” is the permanent permit affixed to a vehicle.

(5) The word “permit” means a valid decal or permit as recognized by the Parking Department.

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 5-1987, f. & ef. 9-8-87; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-2011, f. & cert. ef. 6-13-11

**573-050-0016**

**Service Vehicles, Delivery Vehicles, and Loading Zones**

(1) Loading Zones:

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

(b) Metered and signed loading zones are limited to 30-minute occupancy;

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

(2) Loading Docks:

(a) Loading docks are reserved for delivery vehicles;

(b) Under special circumstances, a private vehicle may be issued special use permission at Campus Public Safety;

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

(3) Service Vehicles Spaces:

(a) Spaces are reserved for service vehicles;

(b) Under special circumstances, a private vehicle may be issued special use permission at Campus Public Safety.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOU 2-2011, f. & cert. ef. 6-13-11

**573-050-0020**

**Driver Responsibility**

(1) All persons operating vehicles on campus are responsible for knowing and adhering to the regulations herein. All parking and vehicle operating regulations are enforced 24 hours per day unless posted otherwise. All vehicles driven or parked on SOU property shall be legally licensed and operated by a legally licensed driver. The

license must be displayed upon request of Campus Public Safety Officers.

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

(3) Persons whose vehicles have broken down on the campus must immediately notify Parking Services. Major mechanical repairs to vehicles on the campus are prohibited. Abandoned or junked vehicles remaining on the campus more than 72 hours will be removed at the owner's expense. Unlicensed vehicles parked on the campus will be considered abandoned and subject to removal at the owner's expense. Unlicensed vehicles include those with expired vehicle registration.

(4) Southern Oregon University assumes no liability for personal injuries or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

(5) Vehicles involved in driving safety violations may have their vehicle permits to park on campus revoked by Parking Services Enforcement Director. Revocations may be appealed through the Traffic Appeals Board process.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2011, f. & cert. ef. 6-13-11

**573-050-0025**

**Vehicle Permits, Parking Areas and Fee Schedule**

(1) All vehicles parked on the University campus are required to display a valid SOU permit when the posted signs require a permit. Faculty/Staff lots are posted yellow; Student Commuter lots are posted green; Resident Student lots are posted red. Parking Services can be contacted for the location where other types of permits may be obtained. Failure to display a permit may result in the issuance of a parking citation. Permits may be purchased during normal office hours at the Enrollment Services Center (ESC) located in Britt Hall. All permits are valid for the current academic year only, unless otherwise designated by Parking Services at the time of issuance; there are no open-ended permits. Permit is defined as any Parking Services sanctioned or issued permit. Examples include: decal, hangtag, guest, special, metered, temporary, courtesy\*, media, or other placard or device issued or developed by Parking Services as needed to facilitate parking of vehicles on Southern Oregon University property. \*(A courtesy permit refers to a Retiree, VIP, or a Volunteer.) Any misuse of these parking permits may cause them to be revoked.

(2) Parking permits and faculty/staff hangtags are serialized for use on specific vehicle(s) with a license plate designated by the purchaser at the time of purchase. Permits (decals) must be affixed outside to left-rear bumper, left-rear body, left-rear window, or rear-side window behind driver of the vehicle where visible. The adhesive on the back of the permit must be the attaching mechanism. Hangtags are to be hung from the rear-view mirror; serialized numbers facing out. Parking Services (at the Enrollment Services Center in Britt Hall) must be informed of changes in vehicles; re-registering the hangtags to the appropriate vehicle(s). If a vehicle is disposed of, the permit must be removed and returned to Parking Services.

(3) Parking permits may be purchased for the time period designated on the decals; generally the academic year. The academic year begins and ends in September. Parking permits purchased during the winter, spring, or summer terms are at a proportionately reduced rate.

(4) Faculty/Staff parking permits (or hangtags) will be sold to classified employees, graduate assistants, temporary employees who are half-time or more, and faculty. Faculty/staff employees working .50 FTE or less will be eligible for a permit at a reduced rate of one-half the cost of the permit. Hangtags are issued for a three-year period. Faculty/staff hangtags are considered the first permit. They are not to be sold as a second permit. Vehicles displaying a Faculty/Staff permit (or hangtag) are authorized to park in designated Faculty/Staff (yellow) parking areas.



(5) Student Commuter parking permits will be sold to students who live off campus and wish to bring vehicles on campus. Vehicles displaying a Student Commuter permit are authorized to park in designated Student Commuter (green) parking areas only.

(6) Residence Hall parking permits will be sold to students living in campus residence halls. Vehicles displaying a Residence Hall permit are authorized to park in designated Residence Hall (red) parking areas only.

(7) Second parking permits may be purchased for an additional vehicle if more than one vehicle will be brought to campus. The purchaser must also be the registered owner of the vehicle. Only one permit (the original or second permit) is valid in permit-required lots at a time. If both first and second permits of one person are parked in permit-required lots at the same time, both vehicles will be cited for improper permits. A second permit may not be purchased for a car if the first permit is for a vehicle used in a Residence Hall Parking area, a motorcycle, moped, or scooter.

(8) A replacement permit may be obtained for a damaged, unreadable permit or for a replacement vehicle. The replacement vehicle must be registered to the same owner as the original vehicle. The permit which is being replaced will be considered void and should be returned to Parking Services (at the Enrollment Services Center in Britt Hall) upon purchase of a replacement permit.

(9) Guest permits are available at Parking Services and departmental offices. Guest permits are issued for one day only. Guest permits may not be used in timed or visitor pay meter lots. Guest permits will not be valid if issued to University employees, faculty, students, buses, or vehicles displaying a valid parking permit. Guest permits will not be valid and a citation may be issued for failure to display permit if any of the following information is illegible or omitted:

- (a) Both license number and make or color of vehicle;
- (b) Date that permit is valid;
- (c) Name and telephone extension of departmental personnel issuing the permit.

(10) Carpool parking permits will be sold for the entire school year only if the carpool meets the following criteria:

(a) The carpool must contain at least two individuals with cars, but no more than six.

(b) No more than one vehicle from the carpool is allowed on campus at a particular time. They may not purchase a second permit. However, replacement permits are available if requirements as stated in the regulations for replacement permits are met.

(11) Temporary replacement vehicles for a vehicle with a permit may be brought on campus after obtaining a Substitute Vehicle parking permit from Parking Services. This permit is used for temporary situations of short duration (30 days or less).

(12) Special permits may be approved by Parking Services on an as-needed basis.

(13) Weekly or Daily permits, for those persons who use the campus parking facilities only intermittently, may be purchased at Parking Services (at the Enrollment Services Center in Britt Hall) or may be available in departments that have purchased them for use in special programs or events on campus.

(14) Courtesy (purple), parking permits are available to personnel retiring with ten years of service or more. Courtesy (purple), permits are valid for all retirees only, not to be used by family or friends. Volunteer board members, designated governmental officials, media representatives, and such others as deemed necessary by the President will have dated and numbered VIP hangtags to facilitate their interaction with the institution. Media representatives will receive dated and numbered hangtags.

(15) Vendor or Volunteer permits may be obtained through Parking Services.

(a) Commercial permits will be sold to commercial vendors, including vending machine, video game, outside maintenance, travel, office supply, and food vendor companies, and contractors' employees. Companies or departments can purchase a long-term permit for six months or a year. Short-term permits are available for one day or one month. Companies or departments will be billed for the permits by Parking Services.

(b) Volunteer parking permits will be sold to departments for use by volunteers. Departments can purchase long-term permits for one year, short-term permits for less than one month or term-by-term. These permits will be billed by Parking Services to the issuing department. Volunteer permits are not valid if issued to current University employees, faculty or students.

(16) Disabled parking is in accordance with ORS 811.602, 811.605, 811.606, 811.607, and 811.615. Only vehicles displaying a disabled placard or license plate issued and registered at the Motor Vehicles Division (as designated in Rule 573-050-0020) will be allowed to park in spaces posted for use by disabled persons. These vehicles must also display an SOU permit or meter permit unless otherwise posted.

(a) Temporary placards are issued by the Motor Vehicle Division for persons with qualifying temporary disabilities (as provided by ORS 811.606 and 811.640). The requirements for parking on campus apply for all disabled parking listed above.

(b) Vehicles with an appropriate disabled placard or license plate and SOU permit may park in any lot or space without incurring citations, except where the lot or space is designated for parking limited to 60 minutes or less in a parking space reserved for other vehicles, or visitor-pay meter lots.

(17) Refunds will be given for student/staff parking permits for unused academic terms, except summer term. No refunds will be given for year permits that are not used summer term. Refunds will be given upon return of the permit or fragments thereof showing the permit numbers and expiration date. Refund schedules are on file at ESC.

(18) Vehicles displaying valid permits are not guaranteed a parking space on the campus.

(19) Vehicles displaying valid permits are not exempt from timed parking restrictions. Vehicles may park in a timed space or in a metered parking space but must comply with the time limits or metered fee payment of the specific space.

(20) Mopeds, scooters, & motorcycles must have a motorcycle permit and be parked in a motorcycle parking space. If a motorcycle has a full price vehicle parking permit they may park in a vehicle space that corresponds with the color of the permit. Motorcycles may park in timed spaces that are open to the public. Mopeds, scooters, and motorcycles parked in bicycle racks and on the campus grounds will be cited for improper parking. Vehicles parked inside University buildings will be towed at the owner's expense.

(21) If a faculty/staff hangtag is the first legal permit, and a motorcycle is the second vehicle, a decal may be purchased at second decal rate.

(22) If, during the process of issuing a parking citation, the driver of the violating vehicle drives away from the scene, thus preventing the issuing agent from placing the citation on the vehicle, the citation will be entered into the parking system as if it had been placed on the vehicle. When a driver leaves the scene during the issuing process, this will be considered "constructive notice" of the citation.

(23) Vehicles parked facing in the direction against one-way arrows will be cited for improper parking. Vehicles parked on the side of street opposing direction of usual traffic flow will be cited for improper parking.

(24) Vehicles using parking lots marked "Visitor Pay Parking" are required to display the serialized meter permit purchased at each lot of this type. Failure to display the meter permit in plain view on the left side of the vehicle's dashboard will result in a citation for failure to display a permit. There is no grace period to obtain change for the permit machine.

(25) Government Vehicles not assigned a permanent parking space may only be parked for a period of 24 hours in Faculty/Staff or Student parking spaces unless permission has been obtained from Parking Services. Vehicles may be liable for enforcement action for non-compliance.

(26) Buses may park where directed by Parking Services.

(27) Fee Schedule:

(a) Carpool, sold for entire school year only: \$82 each pool.

(b) Faculty and staff decal for first-registered vehicle: Fall term through summer term: \$125.

(c) Faculty/staff hangtags are issued for a three-year period: \$375.

(A) This fee is for a one-time purchase.

(B) Payroll deduction is available, plus applicable increases in permit fees.

(d) Student Commuter and Residence Hall decal for first-registered vehicle for only Fall term through summer term: \$118.

(e) Motorcycles, mopeds, and scooters, one vehicle only:

(A) Fall term through summer term: \$48.

(B) If motorcycles park in auto spaces, the fee is commensurate with full fee for the area.

(f) Second Vehicle permit: \$26.

(A) Second permits will be sold only to Faculty/Staff and Commuter permit holders. Red permit holders may not purchase a second permit.

(B) One second permit is allowed for each full-price (first-registered vehicle) permit purchased.

(C) Replacement permits can be obtained only in accordance with OAR 573-050-0025(8).

(g) Replacement permits or hangtags: \$26.

(h) Lost/stolen permits: \$21.

(i) Departmental Reserved Parking spaces (nonrefundable): \$100 over and above price for regular parking permit and a \$50 fee for each subsequent sign-change after a sign is posted.

(j) Commercial permit, each vehicle:

(A) Long-term, twelve months: \$164.

(B) Long-term, six months: \$97.

(C) Short-term, one month: \$26.

(D) Short-term, daily: \$9.

(k) Weekly parking permits: \$26 per week (available at Housing, and Parking Services).

(l) Daily parking permits: \$9 per day (available at Housing, and Parking Services).

(m) Department Daily Guest Pass booklets: \$40.

(n) Evening and weekend parking in designated lots: \$1.

(o) Visitor pay parking in specified lots: \$1 per hour (lot 12, and lot 29; in lot 1, pay \$0.25 per hour). Lots 27, 30, 32, are \$1.00 per visit after 6 p.m. and weekends.

(p) Volunteer permit:

(A) Volunteer, each vehicle, long-term, one year: \$6.

(B) Volunteer, each vehicle, short-term, less than one month: \$1.

(q) Handling charges:

(A) Deducting fines from payroll check: \$6.

(B) Out-of-state Department of Motor Vehicles research fee: \$6.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 1-1983, f. & ef. 1-3-83; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 3-2010, f. & cert. ef. 6-8-10; SOU 2-2011, f. & cert. ef. 6-13-11

### 573-050-0030

#### Driving and Parking Regulations on Campus

The Vice President for Administration and Finance, in consultation with the Transportation Planning and Parking Committee (TPPC), will designate parking areas on campus.

(1) Anyone operating a vehicle on campus will observe posted speed limits, barricades, bicycle lanes, crosswalks, and stop signs and will drive in a safe and prudent manner. The speed limit on campus is 15 MPH. Driving or parking vehicles, bicycles, motorcycles, mopeds, scooters, or motorized bicycles on sidewalks, lawns, and other areas not designated for driving, parking, or public thoroughfare is prohibited.

(2) Regulations may change from time to time. In the event of conflict between traffic signs or markings and printed regulations, the signs or markings will prevail.

(3) Vehicles shall be parked within indicated parking areas only. All lots will have permit requirements suspended during institution holidays except disabled, yellow zones, pay lots, reserved parking spaces, and restricted areas, which are enforced at all times. "Holidays" refers to the following observed state holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the Friday following Thanksgiving, and Christmas Day.

(4) Residence Hall (red) parking areas and pay lots are enforced 24 hours a day except for holidays as specified in the previous paragraph.

(5) Persons, departments, or schools sponsoring University-hosted or community events must contact the Parking Services event coordinator online or contact Parking Services (at the Enrollment Service Center in Britt Hall) to arrange for parking and fee payment as appropriate. Unless otherwise arranged, participants will be restricted to Lot 1 during the academic school year. Event is defined as any activity occurring on Southern Oregon University property in which the sponsors or attendees pay a fee, collectively utilize more than 5 permit area spaces, or requires services from Parking Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 2-1994, f. & cert. ef. 6-10-94; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07

### 573-050-0035

#### Transportation Planning and Parking Committee and Traffic Appeals Board

(1) The Transportation Planning and Parking Committee (TPPC), is established to advise on policies, procedures, and programs which address the transportation needs of students, faculty, staff, and visitors who access the Ashland campus, including routes and parking within the campus. Further, the committee makes recommendations creating or modifying traffic and parking policies and assists in the equitable, effective, and economic regulation of vehicle use on campus. Included in these duties is the adjudication of second appeals for parking citations and consideration of petitions for reserved parking. The committee will be convened as necessary to serve as the institution's Vehicle Accident Review Board.

(2) The TPPC will include three faculty or unclassified members identified through the Administrative Committee appointment procedure, three student members recommended by the Student Senate, and three classified staff members identified through the Administrative Committee appointment procedure. All members are subject to final confirmation by the President or the President's designee. A minimum of three members at a meeting shall constitute a quorum. Final authority for traffic parking policies will rest with the President or the President's designee.

(3) Each member of the TPPC will be appointed for the period of three years. Terms of office will be staggered to provide continuity.

(4) The Director of Campus Public Safety, being responsible for the enforcement of these regulations, will be an ex officio (nonvoting) member of the TPPC. In this capacity, the Director of Campus Public Safety will serve as an Advisor concerning traffic problems on the campus and the fiscal impact of present and proposed parking policies. The Director will make recommendations on needed improvement or changes required in this program to ensure the parking program maintains its mandated self-supporting fiscal status.

(5) The Traffic Appeals Board (TAB) is established to provide an expedient method of handling appeals for citations issued by Southern Oregon University. The TAB is the first level of appeal concerning traffic and parking citations on the campus.

(6) The TAB will consist of three faculty or unclassified members identified through the Administrative Committee appointment

procedure, three student members recommended by the Student Senate, and three classified staff members identified through the Administrative Committee appointment procedure. All members are subject to confirmation by the President or the President's designee. Decisions of the TAB shall reflect the majority vote of those members present.

(7) Each member of the TAB will be appointed for a period of three years. Terms of office will be staggered.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 3-1993, f. & cert. ef. 5-21-93; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07

### 573-050-0040

#### Penalties for Offenses

Multiple violations may be cited for a single incident:

- (1) Failure to display valid permit: Fine \$30.
- (2) Fraudulent display of permit: Fine \$85.
- (3) Permit not affixed: Fine \$25.
- (4) Improper permit: Fine \$20.
- (5) Parking in disabled space: Maximum fine \$ 450.
- (6) Overtime parking: Fine \$25.
- (7) Blocking wheel chair ramp: Fine \$100.
- (8) Improper parking: Fine \$30.
- (9) Parking in reserved space: Fine \$75.
- (10) Blocking traffic: Fine \$50.
- (11) Boot vehicle: Fine \$25.
- (12) Abandoning a vehicle: Fine \$100.
- (13) A vehicle may be towed off campus property and impounded at the owner's expense (including additional fines) under the following circumstances:
  - (a) Any vehicle is causing imminent danger to people or University property;
  - (b) Any vehicle is without a valid yellow, green, or red parking permit and has records of \$100 or more in unpaid citations (may be towed or booted);
  - (c) Any vehicle is left parked or standing in an area not normally used for parking, including parking on a sidewalk or on grass;
  - (d) Any vehicle is improperly parked in a disabled space;
  - (e) Any vehicle is blocking traffic, another vehicle, any door or fire exit, access to any trash container, fire lane, crosswalk, driveway, or it poses any other safety hazard (may also be cited for blocking traffic);
  - (f) Any vehicle is determined to be abandoned on University property.
- (14) Vehicles in timed parking areas may be cited when their time parked exceeds the posted time limit. The vehicle may be cited again after double the posted time limit is exceeded.

**EXAMPLE:** In a 30-minute parking area, a vehicle may be cited after 30 minutes; again after a total of 90 minutes (including the first 30 minutes); again after 150 minutes and so forth. Timed parking is defined as "limited duration" meaning one time parking per timed lot during a 24 hour period. Re-parking in the same lot constitutes continuous parking and the vehicle will be cited.

(15) Vehicles parked in permit-required parking areas may be cited every eight hours, not to exceed three citations every 24 hours.

(16) Other violations not defined by (1)–(15) above. \$50.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 2-2011, f. & cert. ef. 6-13-11

### 573-050-0045

#### Enforcement and Appeals

(1) Campus regulations are in effect 24 hours a day, seven days a week, except when parking permits are not required (as stated in OAR 573-050-0030).

(2) Tow-away zones will be enforced 24 hours a day, seven days a week.

(3) All penalties prescribed in OAR 573-050-0040 will be administratively enforced by Southern Oregon University. Violators will receive a parking citation of offense, together with the scheduled fine for said violation, in accordance with the penalties set forth in OAR 573-050-0040.

(4) After receipt of a parking citation, the individual must, within seven calendar days of the date of the citation, file a request for a hearing before the TAB or pay the appropriate fine.

(5) Any University personnel or students issuing a Guest permit may contact Parking Services (at the Enrollment Services Center in Britt Hall) to transfer responsibility for citations received by their guests to themselves. This in no way implies the fine will be suspended, only that the guest will not be billed or pursued to pay the fine. The University personnel or students will be responsible and have all avenues of appeal available as if the citation were issued to them personally.

(6) Any person wishing to take a case before the TAB must prepare a Petition for Appeal of Traffic Violation for a hearing indicating why the citation should be adjudicated. The petition form, available from Parking Services, must be completed and returned to the office within seven calendar days of the citation date.

(7) A person appealing the citation may appear before the TAB to present his/her case. If the appellant does not wish to appear in person, for reasons he/she may specify, the written appeal will be reviewed by the TAB, which shall render judgment. The appellant shall be notified by mail or email of the decision of the TAB.

(8) The party appealing the citation may have legal counsel to present his/her case to the TAB.

(9) In adjudicating appeals, the TAB shall have full authority to do the following:

- (a) Dismiss the violations;
- (b) Find the individual not guilty of the charges of the citation;
- (c) Find the individual guilty of the violation and either impose the fine stipulated in these rules or impose a lesser fine;
- (d) Enter a finding of guilty without imposing any fine; issue a reprimand or warning; or impose a fine.

(10) The decision of the TAB may be appealed in writing to the Transportation Planning and Parking Committee (TPPC) by obtaining, completing, and filing a second appeal form with Parking Services within ten calendar days following the decision of the TAB. Parking Services will also have an opportunity to submit a written statement concerning the issuance of the citation.

(11) Once the TAB makes the decision on an appeal for a parking citation, the appellant will have ten calendar days from the decision date to appeal the TAB decision further via the TPPC. After a decision has been made on the second appeal, the appellant has ten calendar days to pay any amount owed before it is charged to his/her account.

(12) The student's right to register for classes may be denied if any fines owing under these regulations remain unpaid.

(13) A student who fails to pay the University for any outstanding fine will have the fine charged to his/her account. Non-students who fail to pay any outstanding fines may be subjected to University collection policies and practices of up to and including assignment to an outside collection agency.

(14) Students leaving or graduating from the University will continue to be responsible for parking fines owed to the University, as long as such fines can be identified as belonging to the student(s) responsible.

(15) A faculty or staff member who fails to pay the University for any outstanding parking fines may have the fine deducted from his/her payroll check 30 days after written notice of the outstanding fines.



(16) Vehicles having outstanding parking fines may be denied issuance of a replacement or new parking decal.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 3-1993, f. & cert. ef. 5-21-93; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 1-2005, f. & cert. ef. 4-11-05; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 5-2008, f. 6-4-08, cert. ef. 6-5-08; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 3-2010, f. & cert. ef. 6-8-10

## DIVISION 51

### COMMERCIAL SPEECH AND ACTIVITIES (SOLICITATION)

#### 573-051-0005

##### Statement of Policy

Southern Oregon University recognizes the right of its students to familiarize themselves with divergent points of view and to associate with whomever they choose. The University further recognizes the right of members of the public to enter upon the campus of the University and, while there, to engage in lawful and peaceful activities. It is the belief of the administration of the University that encouragement of these rights will lead to a broader, richer education for its students. Rights do not exist without responsibilities, however. The University has an obligation to provide a safe, private, scholastic environment in which its students may pursue their studies without interference. To insure that both the rights and the responsibilities are satisfied as fully as possible, the University has adopted the following rules designed to balance public access to the campus and protection of its educational environment.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-051-0010

##### Definitions

As used in this rule the following definitions apply:

(1) "Sale," "Selling," or "Purchasing" mean an activity which creates an obligation to transfer property or services for a valuable consideration.

(2) "Commercial Solicitation" means any direct and personal communication in the course of trade or business reasonably intended to result in a sale.

(3) "Solicitation" means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."

(4) "Private Sale" means occasional selling between persons who are campus students or employees.

(5) "Commercial Transaction" means selling or purchasing or both selling and purchasing by any person in the course of employment, or in the carrying on of, a trade or business.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

#### 573-051-0020

##### Commercial Solicitation, Commercial Transactions and Solicitation

(1) To qualify for family housing an applicant must be a student at the University

(2) If the resident's student status or family status changes so that the resident is no longer eligible for family housing tenancy, the University will terminate tenancy by providing the tenant with 30 days' written notice of the intent to do so.

(3) Priority for family housing space is first given to students who are married with or without dependent children, and to students

who are single parents with dependent children. Priority for family housing to all other students is as follows:

(a) First priority is to pregnant women with medical verification;

(b) Second priority is to graduate students;

(c) Third priority is to all other students.

(4) Prior to signing the Family Housing Agreement, the University shall require the applicant to provide proof eligibility, including but not limited to, marriage certificates, custody papers, and/or children's birth certificates.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80; SOSC 11-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98

#### 573-051-0030

##### Permission to Engage in Solicitation

Any person granted permission under OAR 573-051-0020 to engage in commercial solicitation, commercial transactions, or solicitation must abide by anytime, place and manner restrictions which may be imposed as a condition to the grant of such permission.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

#### 573-051-0040

##### Discipline for Violation of Solicitation

Persons who violate the provisions of OAR 573-051-0010 through 573-051-0030 shall be disciplined as follows:

(1) Members of the campus community shall be disciplined in accordance with the procedure which is appropriate to that person's status as a student, faculty member, administrator, employee, or other category.

(2) Nonmembers of the campus community shall be prohibited from entering upon the campus for a period of one year.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80

#### 573-051-0050

##### Private Sales and Campus Advertising

(1) Nothing in this division shall affect private sales.

(2) Nothing in this division shall affect advertising in campus newspapers or on campus radio or television stations.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1980, f. & ef. 4-10-80; SOU 1-2001, f. & cert. ef. 4-4-01

## DIVISION 55

### POLICY ON SMOKING IN UNIVERSITY BUILDINGS AND ON UNIVERSITY OWNED PROPERTY

#### 573-055-0010

##### Purpose

It is the policy of Southern Oregon University that students, employees, 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 351.070 & 433.835 - 433.850

Stats. Implemented: ORS 351.070 & 433.835 - 433.850

Hist.: SOU 2-2002, f. & cert. ef. 6-28-02

#### 573-055-0020

##### 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 less than fifteen (15) feet, of any entrance or air intake of any enclosed area where smoking is prohibited; or

(b) In any other area where a smoking prohibition is posted.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOU 2-2002, f. & cert. ef. 6-28-02

#### 573-055-0030

##### Vehicles

Smoking in University-owned or State-owned vehicles is prohibited.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOU 2-2002, f. & cert. ef. 6-28-02

#### 576-055-0040

##### 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 are responsible for reporting violations of this policy by university department head.

(3) Building managers are responsible for reporting violations of this policy by students to the Office of Student Affairs.

(4) Building managers are responsible for reporting visitors who refuse to comply with this policy to the Security and Safety Office. Either the director of security or designee is included among those persons "in charge" of campus property for purposes of ORS 164.205(5).

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOU 2-2002, f. & cert. ef. 6-28-02

#### 573-055-0050

##### Sanctions

The university reserves the right to impose reasonable sanctions including disciplinary actions, consistent with applicable provisions of state law and regulations, applicable collective bargaining agreements, and applicable university and OSBHE administrative rules, upon university employees and students who violate this policy.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOU 2-2002, f. & cert. ef. 6-28-02

## DIVISION 70

### RESIDENCE HALLS

#### 573-070-0001

##### Housing Department and Housing Policy Committee

(1) The Housing Department shall establish additional housing policies, procedures and practices that may not conflict with these administrative rules.

(2) A Housing Policy Committee shall be created to advise the Housing Department regarding policies, procedures and administration of housing operations, including Residential Life, Conference Services, Senior Programs, and Food Services. It shall be a standing administrative advisory committee of the University whose membership shall consist of students, faculty and staff from the University, appointed through the appropriate administrative advisory committee procedures:

(a) Four members of this committee shall be students, three of whom must be residence hall students;

(b) Four members of this committee shall be faculty and three members of this committee shall be classified staff;

(c) The director of housing and residential life shall be an ex officio, nonvoting member of the committee;

(d) Additional nonvoting members of the committee may include the director of residential life, housing office manager, director of food services, director of senior programs, and/or the conference coordinator;

(e) The chairperson of the committee shall be elected from within the membership of the committee;

(3) The Housing Policy Committee, or appropriate sub-committee (see 573-070-0004), may provide advice in the following areas:

(a) Contractual matters, housing rates and fees, and policy and procedure formulation and implementation related to housing, residential life, food services, senior programs, and conferences;

(b) Hear appeals of financial charges imposed upon residents by the Housing Office. Appeals will be processed and administered by the Housing Office;

(c) Hear appeals regarding exceptions to policies and procedures based upon unusual circumstances.

(4) A quorum shall be necessary for the transaction of business. A quorum is defined as a simple majority of the committee or sub-committee members.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-070-0004

##### Department of Residence Halls, Conference, Senior Programs, and Food Services Policies

All departmental policies for residence halls, conferences, senior programs, and food services shall be maintained in appropriate policy documents in the Housing Office. Copies of these policy documents shall be made available upon request. Policies shall be developed and/or revised in the following manner:

(1) A sub-committee of the Housing Policy Committee may be appointed by the Chairperson to work on specific policy revisions or hear specific appeal cases:

(a) The department director or his/her designee shall chair the committee;

(b) Committee members shall include the following:

(A) The committee Chairperson;

(B) A departmental representative from one of the following areas appointed by the Housing Director:

(i) Residence halls;

(ii) Conferences;

(iii) Senior Programs;

(iv) Food Services;

(C) A minimum of two students from the Housing Policy Committee;

(D) At least one classified staff member and one faculty member from the Housing Policy Committee.

(2) The Chairperson of the committee shall convene the committee on an as-needed basis for policy review and/or revision.

(3) Recommendations of the Housing Policy Sub-committee shall be forwarded to the Housing Policy Committee for review and recommendation.

(4) The recommendations of the Housing Policy Committee shall be forwarded to the department director for review and implementation.

(5) Those policies needing approval from the appropriate dean or the president shall be forwarded by the director to the appropriate dean or the president.

Stat. Auth.: ORS 351.070  
Stats. Implemented: ORS 351.070  
Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-070-0005

##### Freshman Live-In Requirement

Single freshmen students who enroll at Southern Oregon University within one year of high school graduation must live in the residence halls unless they are living with parents, legal guardians, or have notarized written parent or guardian approval to live off campus.

Stat. Auth.: ORS 351 & 352  
Stats. Implemented: ORS 351.070  
Hist.: SOSC 12, f. & ef. 8-26-77; SOSC 3-1979, f. 8-8-79, ef. 9-1-79; SOSC 6-1980(Temp), f. & ef. 9-23-80; SOSC 10-1980, f. & ef. 11-19-80; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-2006, f. & cert. ef. 6-1-06

**573-070-0011**

**Residence Hall Room and Board Agreement**

(1) Each applicant for residence hall accommodations shall be required to sign a Room and Board Agreement before occupying a room. The Room and Board Agreement specifies all contractual obligations for resident students. All rules and regulations in the Room and Board Agreement are binding.

(2) Copies of the current Room and Board Agreement will be available in the Student Housing Office.

(3) If a student is evicted from, moves from, or otherwise leaves a residence hall, but does not withdraw from the institution, the student is assessed a per day fee for the remaining days of the agreement period.

(4) If a student changes rooms anytime during the contract period, the student will be assessed a \$10.00 moving fee for each move not to exceed \$50.00.

(5) If a student fails to follow procedures when completing a room change, the student is subject to a \$20.00 improper moving fee not to exceed \$50.00.

(6) With an approved petition a student may be released from his or her Residence Hall Room and Board Agreement without the per day penalty. The main criteria used in approving such a petition are as follows:

(a) Health reasons, verified by a licensed physician, preferably local, who is acceptable to the Housing Policy Committee;

(b) Student teaching or academic programs requiring the student to live in another community;

(c) If a student is a non-freshman and finds a suitable replacement to take over the agreement, i.e., someone not required by University policies to live in residence halls and someone who has not previously contacted the Housing Office;

(d) Being dropped from SOU for academic reasons.

(e) Officially withdrawing effective the current academic term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 6-1980(Temp), f. & ef. 9-23-80; SOSC 10-1980, f. & ef. 11-19-80; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 3-2002, f. & cert. ef. 12-30-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2006, f. & cert. ef. 6-1-06

**573-070-0012**

**Residence Hall Application/Room Reservation Fee**

Students applying for residence hall accommodations shall be required to complete the Residence Hall Application form and submit it to the Housing Office accompanied by a \$50 nonrefundable application/room reservation fee. When the student moves into the residence hall, one half of the application/reservation fee will be retained as an application fee and the remaining one half will be applied to the student's room and board charges. Residence hall space is assigned on a first-come, first-served basis, based upon the date that the \$50 application fee is received by the Housing Office.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1993, f. & cert. ef. 2-19-93

**573-070-0013**

**Forfeiture of Residence Hall Application/Room Reservation Fee for Failure to Take Timely Occupancy**

If a student fails to take occupancy the date the residence halls opens for the academic term for which they have reserved a residence hall space, the \$50 application/room reservation fee will be forfeited and their application will be cancelled. If a student fails to qualify for admission, the entire application/room reservation fee will be refunded.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1993, f. & cert. ef. 2-19-93

**573-070-0067**

**Student Housing and Residential Life Student Conduct Policies and Procedures**

(1) All student housing rules and regulations, as well as judicial policies and procedures governing student conduct in and around the residence halls, shall be published in the following documents:

(a) The Southern Oregon University Residence Hall Handbook;  
(b) Residence hall rules and regulations may also be published in the Southern Oregon University Student Handbook.

(2) Copies of the Residence Hall Handbook and the Student Handbook shall be made available upon request.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

**573-070-0068**

**Resident Hall Policy Implementation**

(1) All agencies affected by any change in policy shall be notified of any and all policy changes no less than ten working days before the changes are implemented:

(2) In the case of a policy change that would affect the student population of the residence halls, the students shall be informed and the policy change implemented in the following manner:

(a) Notice of the policy change shall be sent to the following agencies:

(A) The Housing and Residential Life Office;

(B) The office of the Student Advocate.

(b) During the first week of the academic term in which the policy change is to be implemented, notice of the policy change shall be posted in each of the residence halls and announced during residence hall meetings.

(c) After being properly announced, a copy of the changed policy shall be made available from the Housing Office and the Hall Directors to any student who requests it.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

**DIVISION 71**

**FAMILY HOUSING POLICIES**

**573-071-0005**

**Family Housing Application Deposit**

All students who apply for Southern Oregon University family housing shall be charged a non-refundable application fee. Monthly rental rates; security deposits, charges for late payment of rent; cleaning fees; and other miscellaneous fees, fines, and penalties are published annually as a subsection of Schedule of Fees OAR 573-040-0005. The Family Housing Office shall have discretion to waive any fees based upon unusual circumstances.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 2-1990, f. & cert. ef. 2-13-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2003, f. & cert. ef. 4-16-03

**573-071-0010**

**Family Housing**

The following words and phrases mean:

(1) "Family Housing" — All housing and/or apartments operated by Southern Oregon University which are rented specifically and only to those who qualify under these rules to rent such houses or apartments, and all grounds and buildings used by tenants and/or the Family Housing Office for the operation and administration of family housing rental units and programs.

(2) "Family" — A legally married couple; or a legally married couple with a dependent child/children; or an unmarried person with legal custody of a dependent child/children; or a couple as defined by the Family Housing "Couples Affidavit."

(3) "Student" — A person who has applied for admission to Southern Oregon University, and at the time he/she takes possession of the housing unit has been officially admitted to the University; who registers for and completes a minimum of eight academic credit hours each academic term; who meets the minimum qualifications for satisfactory academic progress as stated in the current University



ty Catalogue; and who is enrolled in three of four academic terms each calendar year, one of which must be fall term.

(4) "Graduate Student" — A person who has applied for admission to a graduate program or the 5th year teaching certification program at Southern Oregon University, and at the time he/she takes possession of the housing unit has been officially admitted to the University; who is making satisfactory progress toward being admitted into a specific graduate program; who registers for and completes a minimum of eight academic credit hours each academic term; who meets the minimum qualifications for satisfactory academic progress as stated in the current University Catalogue; and who is enrolled in three of four academic terms each calendar year, one of which must be fall term.

(5) Check-outs:

(a) Twenty-four hours prior to check-out, a student has the right to schedule a pre-check-out for assessment of cleaning fees and damages;

(b) Students have the option at check-out time to request two student members of the Advisory Committee be present.

(6) Maintenance. Students may request a yearly maintenance inspection of their rental unit with a list of damage charges.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-071-0020

##### Qualifications for Family Housing

(1) To qualify for family housing an applicant must be a student at the University, or a University faculty or staff member assigned to designated units that will be subject to property taxes to be paid by the tenant.

(2) If the resident's student status or family status changes so that the resident is no longer eligible for family housing tenancy, the University will terminate tenancy by providing the tenant with 30 days' written notice of the intent to do so.

(3) Household Composition and Qualification:

(a) First priority for family housing space is given to students with children, to students who are single parents with custody of minor children, to non-custodial parents with an established parenting plan. The spouse and/or child(ren) must reside with the student applicant at least 90 days in the year. Summer only visitation is not considered a year-round need. Verification of regular residency by the child(ren) may be required.

(b) Second priority is given to couples without children. A "couple" is defined as two individuals of the opposite or same gender who live together in an intimate, long-term relationship of indefinite duration with an exclusive mutual commitment in which partners share the necessities of life and agree to be financially responsible for each other's welfare, including living expenses.

(c) A couple must satisfy the following conditions:

(A) Share the common necessities of life;

(B) Be at least eighteen years of age;

(C) Are not related by blood closer than would ban marriage in the State of Oregon;

(D) Are each other's sole partner and intend to remain so indefinitely; neither is legally married to another person;

(E) Must sign a "Couple's Affidavit" and place it on file in the Family Housing Office.

(d) A couple must meet at least one of the following conditions:

(A) Be registered with a national, state, or city agency in another part of the world and provide a valid certificate of domestic partnership or marriage license;

(B) Have joint ownership of a motor vehicle that can be proven with the vehicle's registration certificate;

(C) Participate in joint banking and have bank statements to prove that you hold either a joint checking, savings, investment, or credit card account;

(D) Have a current lease for a residence or have had within the past three years such as a lease which identified both partners as tenants;

(E) Both partners possess a legal and valid trust or will that names the other partner as the main benefactor.

(4) No more than two adults may reside in each family housing rental premises without written permission from the Family Housing Office.

(5) A limited number of single students may qualify for a studio or apartment on a space available basis. Selection priority for single students is in the following descending order:

(a) Students who have lived in SOU residence halls a minimum of five terms;

(b) Graduate students;

(c) Senior;

(d) Junior;

(e) Sophomore;

(f) Freshman.

(6) Prior to signing the Family Housing Agreement, the University shall require the applicant to provide proof eligibility, including but not limited to, marriage certificates, custody papers, and/or children's birth certificates.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01

#### 573-071-0040

##### Family Housing Office and Family Housing Advisory Committee

(1) The Family Housing Office shall establish additional family housing policies, procedures and practices that may not conflict with these administrative rules.

(2) A Family Housing Advisory Committee shall be created to advise the Family Housing Office regarding policies, procedures and administration of family housing operations. It shall be a standing administrative advisory committee of the University whose membership shall consist of faculty, staff and students from the University, appointed through the appropriate administrative advisory committee procedures:

(a) At least five members of this committee shall be students, four of whom must be residents of family housing rental units;

(b) The Associate Director of Family Housing shall be an ex officio, nonvoting member of the committee;

(c) The chairperson of the committee shall be elected from within the membership of the committee.

(3) The Family Housing Advisory Committee shall provide advice in the following areas:

(a) Family housing policy and procedure formulation and implementation;

(b) Hear appeals of financial charges imposed upon residents by the Family Housing Office. Appeals will be administered by the Family Housing Office following the appropriate appeals procedures and using the appropriate appeals forms;

(c) Hear appeals regarding exceptions to policies and procedures based upon unusual circumstances.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1994, f. & cert. ef. 7-29-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01

## DIVISION 75

### CODE OF STUDENT CONDUCT RIGHTS AND RESPONSIBILITIES

#### Administration of Student Records

#### 573-075-0120

##### Maintenance of Records

The following rules will be observed by all persons dealing with student records:

(1) Only such student records as are demonstrably relevant to the educational and related purposes of the institution, division, or department will be generated and maintained. Institutional officials

generating or maintaining such student records will annually review the continued relevancy of such records and will destroy all such records, which are no longer demonstrably needed, unless a student has requested access to said records or the State Archivist has directed their retention;

(2) Institutional officials generating or maintaining duplicate copies of student records (whether permanent or temporary) will review them in the same manner as designated above;

(3) No student is required to give, though the student may voluntarily provide, information as to race, religion, political affiliation or preference, or personal values of the student except as required by state statute, federal law, or valid federal rules, regulations, or orders;

(4) Student records will be kept in locations central to the institution, division, or department by which they are maintained, with the custody thereof assigned in writing to designated personnel specifically charged with maintaining the confidentiality of the records and will circulate a written statement of policy regarding the handling of such records to the personnel so designated;

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

(6) The permanent retention of student records is limited to those which the institutional executive will determine to be of long-range value to the individual student or the institution;

(7) Student records, both originals and duplicate copies, will be disposed of in such a manner as to protect their confidentiality.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ. & Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-075-0200

##### Delay in Granting Access

A maximum delay of forty-five (45) days is authorized in granting access to education records involving students. (HEW regulations require that requests for access to, or copies of, student records must be acted on within forty-five (45) days.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ., Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2009, f. 8-5-09 cert. ef. 8-14-09

#### 573-075-0230

##### Annual Publication of Institutional Policy

The Custodian of Student Records shall annually give notice to students and to the parents of dependent students of the following:

(1) Their right of access to education records;

(2) The types of education records and information directly relating to students being maintained;

(3) The name and position of the official responsible for the maintenance of each type of record, the person(s) having access to these records, and the reason for their having access;

(4) The institutional policy for reviewing and expunging these records;

(5) The right of the student to copies of certain records, for a reasonable charge;

(6) The right of the student to have the meaning of entries in personal education records explained;

(7) The procedures for challenging the content of education records and for inserting a denial or correction of disputed data;

(8) The categories of information designated as directory information, and which of these categories the student may opt not to have released.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ., Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-075-0240

##### Procedure for Student Access to Records

(1) If there is any doubt as to the identity of the person requesting access to education records, positive identification must be secured from the applicant.

(2) If the applicant can produce legal identification, the student can obtain access under the conditions noted in OAR 573-075-0140.

A note must be made on the record if a request was made for copies of the document and what response was made to the request.

(3) If the applicant cannot produce legal identification, verification of the previous student status of the applicant must be obtained from the Registrar. Once verification has been made, access will be granted under the same conditions as those for current students.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ., Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-075-0250

##### Non-Release of Directory Information

(1) A student may opt in writing to keep confidential all "Directory Information" as defined in OAR 573-075-0130(4).

(2) Exclusion of any one of the above items in OAR 573-075-0130(4) will exclude all items. This option can be made by filing a written, dated, and signed request at the Registrar's Office.

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ., Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04

#### 573-075-0260

##### Questions and Inquiries Relating to Student Records

(1) This statement on the administration of student records provides students at Southern Oregon University the rights under Section 438 of the **General Education Provisions Act**, as amended (added by **Section 513 of Public Law 93-380** as amended by Section 2 of **Public Law 93-568**), and the regulations thereunder. All questions and inquiries regarding the policy and copies of the policy may be directed and obtained in the Office of Student Affairs. Students have the right to file complaints with the Department of Health, Education and Welfare concerning any alleged failure of the University to comply with the regulations of sections 438 and 439 of the Act and its supporting regulations.

(2) The University annually shall inform the students of their rights under this policy by publishing the rules contained herein, or the substance thereof, in the Student Handbook, or in the time schedule of classes. In any instance where the provisions of institutional policy regarding student records are determined by legal counsel to be inconsistent with the requirements, limitations, or restrictions of 20 U.S.C. 1232g, the Custodian of Student Records is empowered to waive the provision in question and to administer this policy consistent with 20 U.S.C. 1232g and its implementing regulations.

(3) If federal or state authorities amend current legislative directives on student records during the academic year, the Custodian of Student Records will make such amendments known to the students via *The Siskiyou*.

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

Stat. Auth.: ORS 315

Stats. Implemented: ORS 351.070, OAR 580-013 & Family Educ., Privacy Act  
Hist.: SOU 1-2004, f. & cert. ef. 4-5-04

## DIVISION 76

### CODE OF CONDUCT

#### 573-076-0000

##### Introduction

(1) Participation as a member of the Southern Oregon University community entails respect for oneself and all other members of the campus community. All students, upon matriculation, agree that every other member of the campus community is to be respected as a colleague committed to the pursuit of knowledge and self-understanding. To misuse or abuse that mutual respect is to threaten the entire academic enterprise.

(2) Behaviors that impede others' ability to engage in their work and lives at the University and/or that are self-destructive have no place. The student code of conduct, prohibited conduct, and all of the University's policies are designed to guide students by providing clear descriptions of problematic behaviors and the responses that can be expected should they occur.

(3) Civility is the hallmark of this community. Hostility in any form has no place in open and honest learning. These ideals operate

within the balance between freedom of expression and freedom from threats to safety, both physical and emotional.

(4) Acceptance of admission to Southern Oregon University implies your acceptance of the University's rules and regulations, and compliance with them. All University rules and policies have been crafted to balance freedom and responsibility and to provide standards for the orderly operation of this educational community.

(5) Conduct occurs in the context of a community of scholars dedicated to personal and academic excellence. Joining this community obligates each member to observe the following principles:

- (a) Mutual respect
- (b) Personal and academic integrity
- (c) Civil discourse
- (d) Responsible decision making

(6) Most members of the SOU community act in a mature manner consistent with the benchmarks of mutual respect, civil discourse, appreciation of differences, and responsible choices. However, it is necessary to protect the many from the few who may choose to act in an irresponsible manner. This is one of the main reasons the University has a code of conduct and a comprehensive set of policies and regulations.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### 573-076-0010

#### Process Overview

(1) Regarding the practical matter of reviewing incidents of student misconduct, this code outlines the procedures to be followed by the University. Any allegations of misconduct must involve violations of listed rules and the University must follow written procedures. These procedures include:

(a) Written notice of what rule(s) have allegedly been violated, in sufficient detail to allow a response.

(b) An opportunity to address the issue(s) before a designated University staff member or hearing board.

(c) A timely, written decision based on the greater weight of the information presented.

(d) An opportunity to appeal based on alleged deviation from the written procedures.

(2) The Code of Conduct should be read broadly. It does not define all prohibited conduct in exhaustive terms.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### 573-076-0020

#### Jurisdiction

(1) Generally, University jurisdiction and discipline shall be limited to student conduct which occurs on University premises or which threatens the University community and/or the pursuit of its objectives (the term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, and/or University sponsored or controlled events). University jurisdiction and discipline may also apply to student conduct which occurs off-campus if such conduct causes concern for the University and/or the University community.

(2) Participants on overseas and off-campus programs are expected to act in accordance with University rules and regulations but assume added responsibility to the group and to the laws and regulations of the host country.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### 573-076-0030

#### Violation of Law and University Conduct Proceedings

(1) In cases where criminal charges are filed against a student for actions that are also violations of University policy, the University is responsible for hearing allegations of policy violations regardless of and separate from any other proceedings. Student conduct

hearings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

(2) When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also a violation of University policy, the University may advise off-campus authorities of the existence of this Code and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### 573-076-0040

#### Oversight and Administration

(1) When it appears that a student has violated one or more University policies, the University intervenes with a process designed to resolve the issue and ensure that future problems do not arise. The Office of the Dean of Students coordinates the procedures associated with response to student conduct issues. The responsibilities of the office include:

(a) Receipt of information about alleged policy violations (typically from Campus Public Safety reports, Residence Hall incident reports, and/or reports from other students)

(b) Determination of the policies that appear to have been violated.

(c) Interviewing and advising parties involved in student conduct proceedings.

(d) Training and advising conduct officers and conduct boards.

(e) Conducting hearings.

(f) Reviewing the decisions of conduct boards.

(g) Maintenance of all student conduct records.

(h) Development of procedures for conflict resolution.

(i) Monitoring of educational sanctions.

(j) Collection and dissemination of research and analysis concerning student conduct.

(2) The Dean of Students or designee determines who will hear each allegation of student misconduct.

(3) The Dean of Students may designate an arbiter for disputes within the student community which do not involve a violation of University policy. All parties must agree to arbitration, and to be bound by the decision with no opportunity to appeal.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### 573-076-0050

#### Conduct Officers and Conduct Boards

Hearings or other proceedings outlined in this Code may be held before the following individuals or boards.

(1) Dean of Students and/or Designee — in matters of alleged violations of University policy, the Dean or designee will contact the student in writing regarding the allegation(s) and how the matter is to be resolved.

(2) Peer Review Board (consisting of students appointed by the Dean of Students or Designee and approved by the ASSOU Senate) — in matters of alleged conduct violations, the PRB may hear allegations of misconduct at the joint discretion of the Dean of Students and the PRB Chair. The PRB also may act as a mediating body for disputes between students that fall outside of the scope of this Code.

(3) University Review Boards (consisting of at least one student, one faculty member, and one staff member) may be appointed by the Dean of Students or designee to hear alleged policy violations under the following circumstances:

(a) When alleged violations involve faculty and/or staff members as victims

(b) When other boards are unable to obtain a quorum or are unable to hear a case,

(c) At the discretion of the Dean of Students or designee.



(4) The Academic Honor Board consists of three students (approved by the ASSOU Student Senate) and three faculty members (approved by the Provost), and the Dean of Students or designee, who serves as a non-voting Board advisor. The Academic Honor Board serves these purposes:

(a) To hear all cases of alleged academic dishonesty, including alleged violations of provisions regarding the responsible use of academic technology.

(b) To advise and consult with academic and administrative officers in interpreting and articulating academic integrity standards, policies, and procedures.

(c) To recommend sanctions to the Dean of Students or designee as noted in this Code.

(5) The Sexual Misconduct Review Board is composed of specially trained administrators and staff, three of whom will be selected to hear a case involving an alleged violation of this code, or those outlined in the Sexual Harassment Policy.

(6) At the discretion of the Dean of Students or designee, cases involving assault, intimidation, or other matters posing an immediate threat to the campus community, may be handled by the Dean of Students or designee, independent of conduct board action.

(7) Student members of any conduct board who are charged with any violation of this Code or with a criminal offense may be suspended from their conduct positions by the Dean of Students or designee until a final resolution of the situation is obtained. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Dean of Students or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### **573-076-0060**

#### **Conduct Referrals and Hearing Procedures**

(1) Any person may refer a student or a student group or organization suspected of violating University policy to the Dean of Students' Office. Persons making such referrals are required to provide information pertinent to the situation and will normally be expected to provide an incident report and written statement, and/or appear at a hearing as the complainant. The hearing format for resolution will be selected at the discretion of the Dean of Students or designee.

(2) The Dean of Students or designee may conduct an investigation (or request conduct of an investigation by other University officials) to determine if the allegations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean of Students or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Dean of Students or designee will proceed with a hearing.

(3) All allegations of misconduct are presented to the accused student in written form. The notification includes the date, location, and description of the prohibited conduct relevant to the alleged violation. A time is set for a hearing, not less than three (3) calendar days and not more than fifteen (15) calendar days after the student has been notified. Minimum and maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students or designee based on the academic calendar or at the written request of the accused student.

(4) Hearings are conducted according to the following guidelines:

(a) Hearings are conducted in private, unless both the accused student(s) and the complainant(s) agree to an open hearing.

(b) Admission of any person to the hearing is at the discretion of the conduct officer or conduct board chair.

(c) In hearings involving more than one accused student, the chair of the conduct board may permit the hearings concerning each student to be conducted separately.

(d) The complainant and the accused may be accompanied by advisors. The complainant and/or the accused is responsible for presenting his or her own information. Comments from advisors may be requested from the conduct officer or conduct board chair.

(e) The complainant, the accused, and the conduct officer/board have the privilege of presenting witnesses, subject to questioning by the conduct officer/board.

(f) Pertinent records, exhibits, and written statements may be accepted for consideration by a conduct officer/board at the discretion of the conduct officer or conduct board chair.

(g) All procedural questions are subject to the final decision of the Board Chair.

(h) After the hearing, the accused student is dismissed and the conduct officer or board (by majority vote) determines whether the student is responsible for each alleged policy violation.

(i) The conduct officer/board's determination is made on the basis of whether it is "more likely than not" that the accused student violated the policy(ies).

(j) Not more than ten (10) working days following the hearing, the accused student is notified in writing of the decision and its rationale, including any sanction(s) imposed, and the opportunity to appeal the decision.

(k) There is a record of all hearings before a hearing board, consisting of an audio recording and all written documentation including notes taken during the hearing. The record is the property of the University and is maintained in the Office of the Dean of Students.

(l) Except in the case of a student accused of violating the "failure to comply with directives" policy by not appearing before a conduct board or University official, no student may be found to have violated the policy(ies) in question solely because the student failed to appear. In all hearings, the information in support of the allegations is presented and considered. Final decisions are based on the information available.

(5) Principles governing Honor Board decisions of alleged academic misconduct are as follows:

(a) Academic penalties (grades) are imposed only by faculty members (course instructor).

(b) Because academic dishonesty is a policy violation, disciplinary penalties (probation, suspension, or dismissal) may be imposed only by the Dean of Students or designee, upon recommendation from the Academic Honor Board, or when the Board cannot meet, upon recommendation from the faculty member.

(6) Sexual Misconduct Review Board hearings are conducted in accordance with guidelines established in the Sexual Conduct Policy.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### **573-076-0070**

#### **Sanctions**

(1) A disciplinary sanction is an educational tool designed to send a clear message regarding violation of University policy. Sanctions relate to the nature of the violation, with stronger sanctions imposed for more aggravated or repeated misconduct. Sanctions of probation, suspension, and dismissal require the approval of the Dean of Students.

(2) The following sanctions may be imposed when a student is found responsible for policy violation(s):

(a) Warning: A notice in writing to the student that the student is violating or has violated University policy.

(b) Loss of Privileges: Denial of specified privileges for a designated period of time.

(c) Fines: Previously established and published fines may be charged to a student's account.

(d) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Discretionary Sanctions: Work assignments, research, apology letters, service to the University, or other related discretionary assignments.

(f) Educational classes to be paid by fee assessed to violator. Fee may be paid directly or through community restitution.

(g) Conditional Disciplinary Probation: A written reprimand which places the student's participation in University activities in a provisional status. Probation may exclude the student from partici-

pation in co-curricular activities in which the student represents the University (e.g. varsity athletics and club sports, elected student office, debate, musical and dramatic groups). Probation may include mandatory counseling and includes the probability of more severe disciplinary sanctions if the student further violates University regulation(s) during the probationary period.

(h) Residence Hall Suspension: Separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Because the University maintains a one year residency requirement, a residence hall suspension may result in a suspension from the University, if the student has not completed the one year residency requirement. Conditions for readmission may be specified. The student may be issued a written trespass notice from one or more residence halls for the duration of the suspension.

(i) Residence Hall Expulsion: Permanent separation of the student from the residence halls. The student will be issued a written trespass notice from all residence halls at the time of the expulsion.

(j) Eviction from University Housing: Removal from any University owned or operated housing other than the residence halls (see 8 & 9 above). The student will be issued a written trespass notice from all University housing at the time of the eviction.

(k) Unconditional Probation: Immediate invocation of University suspension if additional violation(s) of University policies occur during a specified period of time. Unconditional Probation also includes the provisions of a disciplinary probation.

(l) University Suspension: Separation of the student from the University for a specific period of time after which the student is eligible to return. Conditions for readmission may be specified. At the discretion of the Dean of Students or designee, a University trespass order is in effect for the period of the suspension. A suspension may be deferred to the end of a term at the discretion of the Dean of Students or designee.

(m) University Dismissal: Permanent separation of the student from the University.

(3) The following sanctions may be imposed upon groups or organizations:

(a) Those sanctions listed above.

(b) Deactivation — Loss of all privileges, including University recognition, for a specified period of time.

(4) Interim Suspension — In certain circumstances, the Dean of Students or designee may impose a University or residence hall suspension prior to the hearing.

(a) Interim suspension may be imposed only:

(A) to ensure the safety and well being of members of the University community or preservation of University property and/or;

(B) to ensure the student's own physical or emotional safety and well being and/or;

(C) if the student poses a definite threat of disruption of or interference with the normal operations of the University.

(b) During the interim suspension, the student is denied access to the campus (including classes) and all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.

(5) More than one of the sanctions listed above may be imposed for any single violation.

(6) Other than University dismissal, disciplinary sanctions are not made part of the student's permanent academic record, but are part of the student's confidential disciplinary record.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### **573-076-0080**

#### **Appeals**

(1) A decision may be appealed within ten (10) working days of the date of the sanction letter to the Dean of Students or designee. Such appeals must be in writing and must be delivered to the Dean of Students or designee. Appeals of decisions reached by the Dean of Students are to be directed to the Vice President for Student Affairs.

(2) An appeal is limited to one or more of the following purposes:

(a) To determine whether the original hearing was conducted fairly in light of the allegations and information presented and in conformity with the procedures outlined in this Code.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether the facts were sufficient to establish that a violation of University policy occurred under the "more likely than not" standard.

(c) To determine whether the sanction(s) imposed were appropriate for the violation(s) which the student was found to have committed.

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

(3) If an appeal is granted, this written decision will be communicated to the original conduct officer/ board for action, if appropriate.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

### **573-076-0090**

#### **Student Groups and Organizations**

(1) Student groups and organizations may be charged with violations of University policy.

(2) A student group or organization and its officers may be held collectively or individually responsible when violations of policy by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.

(3) The student officers or leaders or any identifiable spokespersons for a student group or organization may be directed by the Dean of Students or designee to take action to prevent or end violations by the group or organization. Failure to make reasonable efforts to comply with the Dean's directive shall be considered a violation of University policy, both by the officers, leaders, or spokespersons for the group or organization and by the group or organization itself.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### **573-076-0100**

#### **Parent and Guardian Notification**

(1) A fundamental goal of the University is to support students' independence and maturity, in part by encouraging them to assume responsibility for their own educational and personal matters. The University also encourages students and parents or guardians to communicate directly, regularly, and openly with each other about issues of mutual concern.

(2) Under laws and policies that govern the privacy rights of students, Southern Oregon University has the authority and reserves the right to contact parents or guardians of dependent students about a variety of serious matters and the parents or guardians of all students in certain emergencies regarding imminent serious injury or life or death situations. Parental or guardian notification may occur under the following circumstances:

(a) Hospital visits for alcohol poisoning or drug overdose;

(b) Behavior or circumstances which put the student at an imminent safety risk;

(c) Serious mental health concerns.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### **573-076-0110**

#### **Disciplinary Files and Records**

(1) The formal hearing process prompts creation of a disciplinary file in the Office of the Dean of Students. The file contains information related to the incident as well as the following:

(a) Any written statements from earlier documents bearing the name of the student violator which have been maintained at the residence hall level.

(b) Copies of letters regarding prior disciplinary matters.

- (c) Any subsequent correspondence related to the case.
- (d) Materials related to sanctions.
- (e) Other reports at the discretion of the Dean of Students or designee.

(2) Accused students involved in disciplinary processes may review the contents of this confidential file (to the extent that the materials therein do not compromise the confidentiality of other students, faculty or staff), and may contest in writing anything in the file.

(3) Disciplinary records of students will be destroyed pursuant to the Oregon University System retention schedule governing institutional records. Prior access is granted to students who have requested access before the records are destroyed, and the State Archivist is empowered to order the retention of some categories of records.

(4) Student conduct files are maintained permanently in the event of dismissal.

(5) Student conduct records of students who have not yet responded to allegations will remain active. Once they have responded, the records are retained in accordance with the procedures above.

(6) Student conduct records may be voided by the Dean of Students or designee for good cause, upon written petition of the student. Factors to be considered in review of such petitions include:

- (a) The present demeanor of the student;
- (b) The conduct of the student subsequent to the violation;
- (c) The length of time between the violation and the request;
- (d) The nature of the violation and the severity of any damage, injury, or harm resulting from it.

(7) Disciplinary files are treated as "education records" under the provisions of the Family Education Rights and Privacy Act (FERPA) and may be viewed only by those who "need to know" such information in the conduct of their official duties, as determined by the Dean of Students or designee. Otherwise, content of the file may be released to others only with consent of the student whose name is on the file.

(8) A maximum delay of forty-five (45) days is authorized in granting access to education records involving students.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### 573-076-0120

#### Interpretation and Revision

(1) Any question of interpretation regarding this Code and University Policy must be referred to the Dean of Students or designee for final determination.

(2) This Code and University policies are reviewed annually under the direction of the Dean of Students or designee, who consults with students, faculty, and staff as appropriate.

(3) Changes to the Code recommended through this consultative process are subject to approval by the Executive Council of the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09

### 573-076-0130

#### Prohibited Conduct

##### (1) Academic Misconduct

(a) Acts of academic misconduct involve the use or attempted use of any method that enables a student to misrepresent the quality or integrity of his or her academic work and are prohibited.

(b) Academic misconduct with respect to examinations includes but is not limited to copying from the work of another, allowing another student to copy from one's own work, unauthorized use of crib notes during exam time, arranging for another person to substitute in taking an examination, or giving or receiving unauthorized information prior to or during the examination.

(c) Academic misconduct with respect to written or other types of assignments includes but is not limited to:

(A) Failure to acknowledge the ideas or words of another that have been intentionally taken from any published or unpublished source;

(B) Placing one's name on papers, reports, or other documents that are the work of another individual;

(C) Flagrant misuse of the assistance provided by another in the process of completing academic work;

(D) Submission of the same paper or project for separate courses without prior authorization by faculty members;

(E) Fabrication, alteration, or other manipulation of data; or

(F) Knowingly aiding in or inciting the academic dishonesty of another.

(d) Academic dishonesty with respect to intellectual property includes but is not limited to theft, alteration, or destruction of the academic work of other members of the community, or of the educational resources, materials, or official documents of the University and is prohibited.

(2) Deliberate Acts of Dishonesty. In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to:

(a) Furnishing false and/or misleading information to any University or community official, faculty member, administrative office, or conduct body;

(b) Forgery, alteration, and/or misuse of any University record, document, or instrument of identification;

(c) Bribery and/or coercion;

(d) Fraud and/or other misrepresentation.

##### (3) Animal Control

(a) The following animal-related behavior is prohibited:

(A) Inhumane or cruel treatment of animals on University premises;

(B) Bringing any animal inside a University Building, with the exception of guide or service animals approved by Disabled Student Services, or by special permission of the Dean of Students;

(C) Leaving an animal unattended on University premises, even when tethered;

(D) Leaving an animal in a closed vehicle on University premises.

(b) Additionally, resident students may not own or care for pets, other than fish in approved aquaria, in campus residence halls.

##### (4) Controlled Substances

(a) The unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution, or dispensing of alcohol or other drugs on University property or as part of any University activity is prohibited.

(b) Use, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, except as expressly permitted by law, is prohibited.

(c) Use and/or possession of prescription drugs prescribed to another is prohibited.

(d) The service of alcohol to and/or consumption by any person who is under the age of 21 or is intoxicated is prohibited.

(e) Public intoxication at any age is prohibited.

(f) Intoxication to the point of incapacitation at any age is prohibited.

(g) Common source containers of alcohol, such as kegs, are prohibited on campus except with prior written permission from the Vice President for Student Affairs.

(h) Alcohol and other drugs may not be consumed in the course of any class, laboratory, or other activity at which attendance is required as part of a student's course or degree requirements.

(5) Disorderly Conduct. Loud, aggressive, profane, abusive, drunken, and/or other behavior which disrupts or obstructs the orderly functioning of the University or disturbs the peace and/or comfort of person(s) on campus, on University owned or controlled property, or at University sponsored or supervised functions is prohibited. Exhibiting behavior that creates a concern for harm to self or others, or behavior that suggests a serious problem which is detrimental to the University and University community is prohibited.

(6) Disruption, Obstruction, or Interference. Engaging in, or inciting others to engage in the disruption, obstruction, and/or interference with of any of the following is prohibited:

(a) University student conduct proceedings;

(b) Educational activities in classrooms (both physical and online), lecture halls, campus library, laboratories, computer laboratories, theatres, or any other place where education and teaching activities take place;



(c) Classroom expectations. Disruption, obstruction, or interference includes classroom behavior, which, in the judgment of the instructor, impedes other students' opportunity to learn and/or which interferes with class objectives. This provision includes University classes held on and off Southern Oregon University premises, including distance learning and online courses.

(d) Operations of Campus Public Safety, fire, police, emergency services, and/or residential life staff;

(e) Interference with campus safety instruments;

(f) Any student's ability to study, learn, and/or complete academic requirements including, but not limited to: destroying, preventing, and/or limiting access to information or records;

(g) Intentionally interfering with the freedom of expression of others on University premises or at University sponsored activities;

(h) University activities, including its public service functions, whether on- or off-campus, and other non-University activities which occur on University premises.

(7) Failure to Comply

(a) Failure to comply with University regulations, state and/or federal laws, and/or the directives of University and/or community officials while acting in their duties is prohibited.

(b) Failure to comply with the conditions of the Residential Life Housing Contract is prohibited.

(c) Failure to comply with University student conduct proceedings, including rules governing hearings procedures and sanctions imposed by University student conduct officials is prohibited.

(8) Gambling. Illegal gambling or wagering on University premises, or at any official function sponsored by the University is prohibited.

(9) Harassment, Discrimination, or other Abusive Behavior

(a) Physical or written/verbal abuse, threats, intimidation, harassment, coercion, or other conduct directed at a specific person, which threatens the health and safety of any person or seriously alarms or intimidates another person is prohibited.

(b) Written abuse, intimidation, or harassment through the use of Internet peer-networking sites, weblogs, or other online media which is open to the public is prohibited.

(c) Remarks, actions, or gestures which have the purpose or effect of creating an intimidating, hostile, and/or offensive working, campus living, and/or academic experience due to a race, color, sex, religion, age, marital status, national origin, gender identity or expression, the presence of any physical or sensory disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law is prohibited.

(d) University Statement on Hate and Bias-motivated language: The University appreciates the complexity of defining language and actions that are not acceptable in a community which values freedom of expression. All members of the SOU community must be free to hold views that others may find distressing or offensive. However, freedom of expression does not include the right to intentionally and maliciously aggravate, intimidate, ridicule, or humiliate another person.

(10) Hazing. Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization is prohibited.

(11) Interference with Community Standards. Verbal or physical threats and/or intimidation of a person participating in a student conduct proceeding in any capacity is prohibited. Influencing or attempting to influence another person to commit an abuse of community standards is prohibited. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding is prohibited. Failure to comply with the sanction(s) imposed under the Code is prohibited.

(12) Misuse of Emergency Equipment and Procedures

(a) Tampering with, damage of, or intentional misuse of emergency devices or blocking of fire exits or other means of impeding traffic is prohibited.

(b) Use of fire escapes, ground level fire doors, fire hoses, extinguishers, and/or alarm equipment in non-emergency situations is prohibited.

(c) Failure to comply with fire drill procedures or emergency building evacuation is prohibited.

(d) Initiating a false report or warning, or the threat of fire, explosion, false fire alarm, or other emergency is prohibited.

(13) Weapons & Destructive, Chemical, and/or Incendiary Devices

(a) On-campus use, possession, storage (unless authorized), or manufacture of the following is prohibited:

(A) Firearms or other devices capable of casting a projectile;

(B) Any weapon, device, instrument, material, or substance which is designed to, or may by use, inflict injury upon another person;

(C) Explosives, bombs, or other incendiary or destructive devices;

(D) Fireworks of any kind.

(b) Attempting, committing, or aiding the intentional commission of an act which results in a fire being ignited which causes damage, or is intended to cause damage, to the property of the University, to the property of another individual, or to personal property is prohibited.

(14) Noise. Activities in violation of established quiet hours in residence halls and academic buildings or which violate local, state or federal noise ordinances is prohibited.

(15) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions is prohibited.

(16) Sexual Misconduct. Sexual Misconduct is defined as any sexual contact or sexual behavior that is non-consensual and/or inflicted upon someone who is incapacitated, and/or forced, and is prohibited. Additionally, Sexual Exploitation, and Sexual Harassment are prohibited. Definitions, as outlined by the Oregon University System, are as follows:

(a) Sexual Contact means the touching of the genitalia, anus, buttocks, breasts or mouth, as well as, any contact for the purpose of sexual gratification.

(b) Sexual Behavior means any action, short of sexual contact, done for purposes of sexual gratification, and may include but is not limited to voyeurism, exposing, masturbation, frottage, and audio/video recording.

(c) Non-consensual is the absence of shared sexual permission. Shared sexual permission is clear, voluntary, non-coerced and clearly indicates a willingness to participate in sexual contact/behavior, whether through affirmative verbal responses or non-verbal communication unmistakable in meaning and given by an adult (age 18 or older). Shared sexual permission to one form of sexual contact/behavior does not operate as permission to any other or the same form of sexual contact/behavior.

(d) Incapacitation is a mental or physical condition that renders a person unable to grant consent. Incapacitation may be a state or condition resulting from the use of alcohol or other drugs, or lack of sleep, sleep, and unconsciousness. Incapacitation may also be the result of a cognitive impairment, such as a developmental disability, brain injury, or mental illness.

(e) Force includes but is not limited to physical force, violence, abuse, threat of force (direct or implied), intimidation, extortion, harassment, coercion, fraud, duress or pressure.

(f) Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive advantage of another in a sexual or intimate context, for his/her own advantage or benefit, or to benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual misconduct. Sexual exploitation includes permitting or facilitating non-consensual viewing, taking of photographs, videotaping, or audio taping of sexual or intimate activity, knowingly inflicting another person with HIV or other sexually transmitted infection, inducing incapacitation of another person with the intent to facilitate sexual misconduct against that person, and/or compelling prostitution.

(g) Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when:

(A) Submission to such conduct is made a term or condition of employment or academic advancement (explicitly or implicitly).

(B) Submission or rejection to such conduct is used as a basis for employment or academic advancement decisions, or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or learning environment; or creating an intimidating, hostile or offensive work, academic, residential living, or any University-related environment.

(17) Smoking. Smoking is prohibited:

(a) In any University building;

(b) Within 25 feet of any University building;

(c) In any University vehicle;

(d) In any other designated areas.

(18) Stalking. Stalking is a pattern of repeated harassment by unwanted attention and/or contact, and is prohibited. Stalking includes, but is not limited to:

(a) Following or lying in wait for the victim

(b) Repeated unwanted, intrusive, and frightening contact from the perpetrator by phone, mail, email, etc.

(c) Damaging the victims property

(d) Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets

(e) Repeatedly sending the victim unwanted gifts.

(f) Harassment through the Internet, known as "cyberstalking," "online stalking," or "Internet stalking."

(g) Securing personal information about the victim by accessing public records, using Internet search devices, hiring private investigators, contacting friends, family, work, or neighbors, going through the victim's garbage, following the victim, etc.

(19) Theft. Attempted or actual theft and/or damage to University property or property of students, other members of the University, or others legitimately using College property is prohibited.

(20) Vandalism or Unauthorized Use of Property. Unauthorized use and/or abuse of University property is prohibited. Such acts may include, but are not limited to:

(a) Alteration, duplication, and/or misuse of keys, University documents, or identification;

(b) Unauthorized entry into, or use of, University premises or equipment, including but not limited to camping, building a fire, or use of an unauthorized heating, cooking or electrical device.

(c) Damage, vandalism, misuse, or theft of University property, or the property of another person, group, or agency;

(e) Graffiti, which is defined as intentionally defacing public and/or private property, regardless of the purpose;

(f) Littering, which is defined as throwing, discarding, placing, or depositing items in University buildings or on University grounds, except in receptacles provided for such purposes.

(21) Unwelcome Use of Electronic Devices. Unwanted communication with another person using computers, email, cell phones, or any other digital device is prohibited. Abuse, misuse, and/or theft of computer data, equipment, and/or software, including unauthorized file-sharing and distribution of electronic materials is also prohibited.

(22) Violation of Local, State, or Federal Laws. Violation of local, state, or federal laws on or off University premises that may be reasonably expected to have a negative impact on the University or members of the University community in any form is prohibited.

(23) Violent, Threatening, Coercive, or Abusive Conduct. Examples of prohibited violence and abusive behavior include, but are not limited to, the following:

(a) Slapping, punching, or otherwise physically attacking a person;

(b) A direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress;

(c) Brandishing a weapon or an object which appears to be a weapon in a threatening manner;

(d) Intimidating, threatening, or directing abusive language toward another person;

(e) Intentionally damaging University property and/or the property of a member of the SOU community or a visitor;

(f) Committing acts motivated by and/or related to racial or sexual harassment or domestic violence;

(g) Retaliation and/or harassment against a person making a report in good faith.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11

## DIVISION 80

### STUDENT HEALTH CENTER

#### 573-080-0005

##### Population Served

(1) General: The Student Health and Wellness Center (SHWC) exists primarily to provide primary medical care, limited counseling and health education services for the registered students of Southern Oregon University. Such care is available only during those hours the SHWC is open, and may be limited by clinical scope of practice and available resources. The provision of all services must be free of discrimination with regard to age, handicap, national origin, race, marital status, religion, gender or sexual orientation.

(2) Population served:

(a) Registered students who pay a health fee in advance each term at registration. The fee, which is subject to change from year to year, is adopted by the Oregon State Board of Higher Education;

(b) Provision of services to non-registered SOU students is dependent upon available resources including but not limited to staffing, space, and scheduling so as not to compromise quality and availability of service for registered students. At a minimum, full cost reimbursement for such services will be charged unless prior arrangement for compensation has been determined by the SHWC Director with a sponsoring program. A record of such services shall be maintained;

(c) Non-registered students (auditor status) are not eligible for regular services rendered by the Health Center;

(d) Any non-enrolled student who was enrolled the previous term and will be enrolled the subsequent term is eligible for services provided the health fee is paid for that term.

(3) Emergency Care: Persons in need of emergency care or first-aid, other than those eligible for regular SHWC care as outlined above, who present themselves or are brought to the SHWC or to a SHWC First Aid Station at SOU events, may receive initial medical assessment, emergent or first aid care and triage to community based resources. Such care is available only during those hours the SHWC is normally open, and when the First Aid Station is staffed. Persons receiving care may be charged for the full the cost of services and supplies.

(4) Disaster Care: In the event of a community wide disaster or mass casualty incident, the SHWC may serve as treatment and triage site for injured persons that may not have otherwise been eligible for care, and that are in need of medical care outside the normal scope of services available at the SHWC.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070, 351.590, 689.605 & OAR 580-011-0005

Hist.: SOSC 2-1978, f. & ef. 1-3-78; SOSC 7-1978, f. & ef. 8-23-78; SOSC 5-1979, f. & ef. 9-19-79; SOSC 2-1982, f. & ef. 4-15-82; SOSC 2-1983, f. & ef. 4-22-83; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2007, f. & cert. ef. 6-4-07

#### 573-080-0025

##### Funding

The Student Health Center is funded by fees paid by the population served. In general, there are two types of fees paid:

(1) A health service fee paid each term by full or part-time registered SOU students.

(2) Fees charged for specific visits, supplies and services, including but not limited to laboratory tests, x-rays, prescriptions,

mental health services, or procedures. The charges for these items may vary dependent upon acquisition costs and will be made available upon request.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070, 351.590, 689.605 & OAR 580-011-0005

Hist.: SOSC 2-1978, f. & ef. 1-3-78; SOSC 5-1979, f. & ef. 9-19-79; SOSC 7-1980, f. & ef. 11-19-80; SOSC 2-1982, f. & ef. 4-15-82; SOSC 1-1994, f. & cert. ef. 5-11-94; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04

## DIVISION 95

### ACADEMIC STANDARDS/GRADING GRIEVANCE POLICY

#### 573-095-0000

##### Purpose

Southern Oregon University adopts this rule to administer grading grievances.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 1-2005, f. & cert. ef. 4-11-05

#### 573-095-0005

##### Academic Standards

(1) The maintenance of academic standards is a joint responsibility of the students and the faculty at Southern Oregon University. Freedom to teach and freedom to learn are dependent upon individual and collective conduct to permit the pursuit and exchange of knowledge and opinion. Faculty have the responsibility to create an atmosphere in which students may display their knowledge. This atmosphere includes an orderly testing room and sufficient safeguards to inhibit dishonesty. Students have the responsibility to rely on their own knowledge and resources in the evaluation process.

(a) Academic dishonesty is defined as cheating, plagiarism, or otherwise obtaining grades under false pretenses;

(b) Plagiarism is defined as knowingly submitting the language, ideas, thoughts, or work of another author as one's original work, or allowing one's work to be used in this fashion;

(c) Cheating is defined as:

(A) Using unauthorized information during an examination verbally, visually, or by unauthorized notes, books and other materials;

(B) Obtaining or providing information concerning an examination in advance of that examination;

(C) Taking an examination for another student or arranging to have someone else take an examination for you;

(D) Altering or changing:

(i) Test answers after that test has been submitted for grading;

(ii) Grades after the grades have been awarded; or

(iii) Other academic records, after those records have become official.

(d) Procedures: The faculty member who suspects a student of academic dishonesty should confront the student with the accusation. In the event that the student disputes the allegation of academic dishonesty, then the incident should always be referred to the chief academic affairs officer or designee. The academic decision should then be deferred pending finding on the allegation. If the student admits

to the misconduct, then one or more of the following sanctions will be imposed by the instructor.

(A) Academic:

(i) Administratively withdraw the student from class. This action must have the approval of the chief academic affairs officer or designee and is subject to appeal through Grievance Procedures in OAR chapter 573, division 30, "Model Rules of Procedure Applicable to Contested Cases";

(ii) Award a failing mark on the test or paper; or

(iii) Require the student to take another test or resubmit the paper;

(iv) The academic sanctions described above may be employed alone, or in concert with disciplinary procedures. Refer to "Proscribed Conduct" rule OAR 573-075-0040(2)(a).

(B) Disciplinary: The faculty member may refer the incident to the chief student affairs officer or designee where the disciplinary process will be followed to determine what, if any, disciplinary sanction is appropriate;

(C) Faculty will notify the chief student affairs officer or designee of academic action taken so a record can be maintained.

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#### 573-095-0010

##### Regulation

(1) To provide a process whereby a student may grieve the process for determining a grade.

(2) Students may attempt an informal resolution to a grading grievance. The student shall follow whatever procedure has been established by the school that sponsored the class.

(3) If a student chooses not to resolve the dispute informally, or if attempted informal resolution is unsatisfactory, the student may file a grading grievance with the Academic Appeals Committee (AAC). The grievance must be in writing and may include supporting documentation such as the class syllabus.

(4) The AAC shall consist of 5 members, at least 3 of whom shall be the teaching faculty. These members will come from the existing Academic Standards Committee. One member may be a student and will be appointed by the Dean of Students.

(5) The AAC will convene a meeting and invite the student and the instructor. Each side will have a chance to present their side.

(6) The AAC will consider the written grievance, the statements made by both parties and any other related information to reach a decision.

(7) The student may grieve the process used to arrive at a grade, but may not grieve the grade itself. The AAC will not determine if a grade is justified by the quality of the work submitted by the student. Rather, the AAC will determine whether the process used to determine the grade was flawed.

(8) The AAC will render a decision within 10 days of the grievance meeting. Their decision is final.

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Stats. Implemented: ORS 351.070

Hist.: SOU 1-2005, f. & cert. ef. 4-11-05; SOU 3-2008, f. & cert. ef. 3-14-08