

Chapter 577 Oregon University System, Portland State University

DIVISION 1

PROCEDURAL RULES

577-001-0005	Notice of Rulemaking
577-001-0010	Contents of Notice and Requests for Public Hearing
577-001-0020	Postponement of Proposed Action
577-001-0025	Conduct of Hearing
577-001-0035	Action of University
577-001-0040	Filing With Secretary of State
577-001-0041	Submission of Rule to Legislative Counsel
577-001-0045	Petitions Requesting Promulgation, Amendment, or Repeal of Rules
577-001-0050	Temporary Rules

Rules of Procedure for Contested Cases

577-001-0100	Contested Case Rule
577-001-0105	Applicability
577-001-0110	Hearing Board
577-001-0115	Preparation and Hearing of Contested Case
577-001-0120	Posthearing Procedure
577-001-0125	Discrimination Complaint Procedures for Employees

DIVISION 30

STUDENT RECORDS POLICY

577-030-0005	Purpose and General Policies
577-030-0010	Definitions
577-030-0015	Release of Personally Identifiable Information With Consent
577-030-0017	Release of Personally Identifiable Information Without Consent
577-030-0020	Release and Restriction of Directory Information
577-030-0022	Response to Subpoenas and Court Orders
577-030-0025	Location and Custody of Student Records
577-030-0030	Student Access to Records
577-030-0035	Student's Right to Challenge Information Contained in Education Records
577-030-0040	Waivers of Right to Access
577-030-0045	Files or Records Containing Letters of Appraisal
577-030-0050	Non-Release to Third Parties
577-030-0060	Record of Access to Student Records
577-030-0065	Permanence, Duplication, and Disposal of Student Records
577-030-0070	Notice to Students

DIVISION 31

STUDENT CONDUCT CODE

577-031-0125	General Policy
577-031-0130	Applicability
577-031-0131	Definitions
577-031-0132	General Statement of Authority
577-031-0133	Jurisdiction
577-031-0135	Proscribed Conduct by the State Board of Higher Education
577-031-0136	Proscribed Conduct by Portland State University
577-031-0137	Procedures for Complaints Against Recognized Student Organizations
577-031-0138	Procedures for Complaints Against Students in University Housing
577-031-0139	Procedures for Emergency Action
577-031-0140	Procedures for Complaints Against Individuals
577-031-0141	Procedures for Matters Involving Allegations of Sexual Offenses
577-031-0142	Procedures for Complaints of Academic Dishonesty
577-031-0143	Appeals
577-031-0144	Fees
577-031-0145	Sanctions

577-031-0146	Types of Sanctions for Recognized Student Organization or Group Conduct
577-031-0147	Records
577-031-0148	Interpretation and Revision

DIVISION 32

DISCRIMINATION

577-032-0010	Purpose
577-032-0020	Definitions
577-032-0030	Policy
577-032-0040	Informal Resolution of Grievances
577-032-0050	Duties of Grievance Counselor
577-032-0060	Duties of Compliance Officer
577-032-0070	Protection from Reprimand or Retaliation
577-032-0080	Appeal to the Chancellor

DIVISION 33

ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

577-033-0001	Introduction
577-033-0010	Testing Method
577-033-0020	Testing Protocol
577-033-0030	Specimen Collection and Role of Monitor
577-033-0040	Specimen Handling and Preliminary Testing
577-033-0050	Positive Test Results Sanctions
577-033-0060	Records Security

DIVISION 34

HEALTH INSURANCE REQUIREMENTS FOR NON-IMMIGRANT INTERNATIONAL STUDENTS

577-034-0001	Health Insurance Requirements for Non-Immigrant International Students and Their Dependents Living in the United States
--------------	---

DIVISION 40

FACULTY RECORDS

577-040-0005	General
577-040-0010	Information to Be Recorded
577-040-0015	Procedure for Recording Information for Faculty Personnel Records
577-040-0020	Use of Information Contained in Faculty Records
577-040-0025	Permanence, Duplication, and Disposal of Faculty Records

DIVISION 41

FACULTY CONDUCT CODE

577-041-0005	Standards of Faculty Conduct
--------------	------------------------------

Termination of Appointment and the Imposition of Other Sanctions for Cause

577-041-0010	Definitions
577-041-0015	Procedures for the Imposition of Sanctions
577-041-0020	Sanctions of Oral Warning or Reprimand
577-041-0025	Sanctions of Written Warning or Reprimand

Sanctions More Severe than Oral or Written Warning or Reprimand

577-041-0030	Screening Panel and Preparation of Formal Charges
577-041-0035	Temporary Suspension of Academic Staff Member
577-041-0040	Academic Staff Member's Request for a Formal Hearing
577-041-0045	Hearing Committee

577-041-0050	Conduct of Hearing
577-041-0055	Committee's Report
577-041-0060	Action by the President
577-041-0065	Review by the Board of Higher Education
577-041-0070	Board's Initiative in Bringing Investigation or Charges
577-041-0075	No Reprisals
577-041-0080	Personnel Record
577-041-0085	No Prejudice

DIVISION 42

FACULTY GRIEVANCE PROCEDURE

577-042-0005	Purpose and General Explanation
577-042-0006	Definitions
577-042-0010	General Provisions
577-042-0015	Presentation of Grievance
577-042-0020	Non-Retaliation
577-042-0025	University Faculty Grievance Panel and Faculty Peer Hearing Committee

DIVISION 50

CENTER FOR POPULATION RESEARCH AND CENSUS

577-050-0005	Authority
577-050-0010	Purpose
577-050-0015	County Estimates
577-050-0020	City Estimates

DIVISION 60

SCHEDULE OF FEES FOR GENERAL SERVICES AND OTHER CHARGES

577-060-0020	Schedule of Fines and Fees for General Services and Other Charges
--------------	---

DIVISION 70

PARKING RULES AND REGULATIONS

577-070-0005	Declaration of Purpose
577-070-0010	Use Restrictions
577-070-0015	Permits and Fees
577-070-0020	Replacement Permits
577-070-0025	Miscellaneous Regulations
577-070-0030	Vehicular Traffic Within Parking Structures and Lots
577-070-0035	Vehicle Immobilization, Towing, Booting and Boot/Tow Notices
577-070-0040	Pedestrian Traffic
577-070-0045	Violations and Penalties
577-070-0050	Abandoned or Inoperable Vehicles

DIVISION 71

USE OF BUILDINGS, GROUNDS, AND SERVICES

577-071-0005	Policy
577-071-0010	Definitions
577-071-0015	Use of University Facilities by Internal Users
577-071-0020	Use of University Facilities by External Users
577-071-0025	Fees for Using University Facilities
577-071-0030	Conditions of Use
577-071-0035	Appeals

DIVISION 72

BUSINESS AFFAIRS

577-072-0005	Collecting Accounts and Notes Receivable
577-072-0020	Revolving Charge Account Plan
577-072-0030	Disbursement by Electronic Funds Transfer

DIVISION 1

PROCEDURAL RULES

577-001-0005

Notice of Rulemaking

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

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date. Publication in the Bulletin may omit the information required by OAR 577-001-0010(1)(c)-(j).

(2) By mailing a copy of the notice to persons on the University's mailing list established pursuant to ORS 183.335(6) at least 28 days prior to the effective date. At a minimum, the mailing list shall include:

- (a) Associated Press;
 - (b) The Oregonian;
 - (c) Vanguard;
 - (d) Associated Students of Portland State University;
 - (e) Portland State University Faculty Association; and
 - (f) Labor organizations representing University faculty or staff.
- Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 3, f. & ef. 1-14-76; PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0010

Contents of Notice and Requests for Public Hearing

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

(a) A caption of not more than 15 words that reasonably identifies the subject matter of the University's intended action.

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

(c) If practicable, the text of the rule to be adopted, amended or repealed. If the text is not included in the notice, the notice shall state the manner in which a copy of the text may be obtained.

(d) A citation of the statute or other legal authority for the rule.

(e) A citation of the statute or other law the rule is intended to implement.

(f) A statement of the need for the rule and how the rule is intended to meet the need.

(g) 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.

(h) 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.

(i) If an advisory committee is not appointed pursuant to ORS 183.025(2), an explanation as to why no advisory committee was used to assist the University in drafting the rule.

(j) If the University plans to hold a public hearing:

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

(B) A designation of the person or governing body of the University to conduct the hearing.

(k) If the University does not plan to hold a public hearing:

(A) The time and manner in which data or views may be submitted in writing.

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

(C) The time and manner in which requests for a public hearing must be submitted.

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

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

Stat. Auth.: ORS 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0020

Postponement of Proposed Action

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

(2) Postponement of the proposed action shall be not less than 21 days or more than 90 days. In determining the length of postponement, the University shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the proposed action.

(3) This rule does not apply to adoption of temporary rules pursuant to ORS 183.335(5) and OAR 577-001-0050.

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335, & 183.341
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0025

Conduct of Hearing

(1) If a public hearing is held, it shall be conducted by a person designated by the President.

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

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

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

(4) The presiding officer may question or examine any witness making a statement at the hearing. At the discretion of the presiding officer, other persons may be permitted to examine witnesses.

(5) There shall be no rebuttal or additional statement 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.

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

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

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

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

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0035

Action of University

The University may adopt, amend, or repeal rules covered by the notice of proposed action at any time after the conclusion of the hearing or, if no hearing is held, on or after the date specified in the notice of proposed action.

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0040

Filing With Secretary of State

(1) The University shall file in the office of the Secretary of State a certified copy of each rule as adopted or amended and each notice of repeal.

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

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0041

Submission of Rule to Legislative Counsel

Within 10 days of filing an adopted or amended rule or notice of repeal with the Secretary of State, the University shall send a copy of the rule or notice of repeal to Legislative Counsel.

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.341
Hist.: PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0045

Petitions Requesting Promulgation, Amendment, or Repeal of Rules

(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 and proposed additions shown by a method that clearly indicates proposed deletions and additions;

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

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

(2) If the petitioner requests the amendment or repeal of an existing rule, the petition must also contain comments on:

(a) Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;

(b) The continued need for the existing rule;

(c) The complexity of the existing rule;

(d) The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and

(e) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the University adopted the rule.

(3) If a petition requests the amendment or repeal of a rule, before denying a petition, the University must invite public comment upon the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

(4) 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; and

(c) Shall, in writing, within 90 days after receipt of the petition, either deny the petition or initiate rulemaking proceedings.

Stat. Auth.: ORS 183 & 351
Stats. Implemented: ORS 183.335 & 183.390
Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0050

Temporary Rules

(1) The University may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that is practicable, to adopt or amend a rule without the notice otherwise required. In such a 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 author-

ity relied upon and bearing upon the adoption 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;

(c) Furnish copies of the temporary rule to the mailing list required by OAR 577-001-0005(1)(b); and

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

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

(3) Temporary rules may be effective for no longer than 180 days. They may not be renewed. The University may, however, adopt identical permanent rules with notice pursuant to division 1 of these Rules, and may give such notice contemporaneously with adoption of the temporary rule.

(4) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed with notice pursuant to division 1 of these Rules prior to the expiration of the temporary rule.

Stat. Auth.: ORS 183, & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

Rules of Procedure for Contested Cases

577-001-0100

Contested Case Rule

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.088

Hist.: PSU 15, f. & ef. 6-9-77; PSU 2-2005(Temp), f. & cert. ef. 7-7-05 thru 12-28-05; PSU 4-2005, f. & cert. ef. 12-15-05

577-001-0105

Applicability

These rules apply where the University:

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.088

Hist.: PSU 15, f. & ef. 6-9-77; PSU 2-2005(Temp), f. & cert. ef. 7-7-05 thru 12-28-05; PSU 4-2005, f. & cert. ef. 12-15-05

577-001-0110

Hearing Board

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

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

(a) Give notice of and hold hearings;

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

(c) Examine witnesses;

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.088

Hist.: PSU 15, f. & ef. 6-9-77; PSU 2-2005(Temp), f. & cert. ef. 7-7-05 thru 12-28-05; PSU 4-2005, f. & cert. ef. 12-15-05

577-001-0115

Preparation and Hearing of Contested Case

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

(a) A statement of the time and place of the hearing;

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

(c) Reference to the statutes or rules involved;

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

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

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

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

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

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

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

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

(b) Statement and evidence of responding party;

(c) Rebuttal evidence of complaining party;

(d) Closing arguments of complaining and responding parties.

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

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.088

Hist.: PSU 15, f. & ef. 6-9-77; PSU 2-2005(Temp), f. & cert. ef. 7-7-05 thru 12-28-05; PSU 4-2005, f. & cert. ef. 12-15-05

577-001-0120

Posthearing Procedure

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

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

(b) A summary of testimony heard;

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

(d) All other evidence received at the hearing;

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

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

(2) The documents listed above shall be transmitted to the President.

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

(4) Proposed Order. If the decision reached by the President concerning disposition of the case is adverse to any party other than the University, the President shall serve upon all parties a proposed order, including findings of fact and conclusions of law, and shall afford to

each party adversely affected an opportunity to file exemptions and present argument to the President.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.088

Hist.: PSU 15, f. & ef. 6-9-77; PSU 1-1988(Temp), f. & cert. ef. 3-15-88; PSU 3-1988, f. & cert. ef. 6-16-88; PSU 2-2005(Temp), f. & cert. ef. 7-7-05 thru 12-28-05; PSU 4-2005, f. & cert. ef. 12-15-05

577-001-0125

Discrimination Complaint Procedures for Employees

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

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

(3) Definitions.

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

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

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

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

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

(4) Procedures.

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

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

(c) The Affirmative Action Office will acknowledge the receipt of the complaint in writing. This letter will inform the complainant of other internal resolution options including general grievance procedures for faculty, student employment grievances procedures, and grievance procedures and timelines contained in relevant collective bargaining agreements. This letter will also inform the complainant of his or her right to file a complaint with state and/or federal agencies. Copies of this letter will be sent to the respondent and cognizant executive officer of the university.

(d) The Affirmative Action Office will conduct an investigation of the complaint within 30 days. Should there be a need for additional time for investigation, the complainant will be notified of the extension.

At no time shall the investigation extend beyond 60 days from receipt of the complaint without agreement of both parties.

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

(5) Review by the President.

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

DIVISION 30

STUDENT RECORDS POLICY

577-030-0005

Purpose and General Policies

(1) Portland State University is required to comply with the federal Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended, and other federal and state laws governing access to and confidentiality of records and information pertaining to students. This policy is intended to inform students and others generally of their rights and guide the University in its management of student records and information.

(2) Only such records as are demonstrably and substantially relevant to the educational and related purposes of the University, division, or department shall be generated and maintained.

(3) No student shall be required to give (although the student may voluntarily provide) information as to the student's race, religion, sex, age, handicap, national origin, marital status, political affiliation, sexual orientation, gender identity, or personal values, except as specifically required by state or federal law, rules, or orders.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0010

Definitions

(1) "Act" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. sec. 1232g, as amended, its implementing regulations (particularly those found in 34 C.F.R. Part 99), and any other official guidance issued by the U.S. Department of Education.

(2) "Directory information" means a student's full name, address, telephone number, electronic mail addresses, dates of attendance, major or minor field of study, degrees and awards received, number of credits earned, participation in officially recognized activities and sports, weight and height of members of athletic teams, and the facts of enrollment, including whether the student is enrolled full-time or part-time;

(3)(a) "Education records" means records that are directly related to a student and that are maintained by the University or by a person acting for the University.

(b) To the extent set forth in the Act, "education records" do not include:

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

(B) Records of the Campus Public Safety Office;

(C) Records related to an employee of the University, unless the individual is in attendance at the University and is employed as a result of his or her status as a student;

(D) Treatment records concerning a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; or

(E) Records that only contain information about an individual after he or she is no longer a student at the University.

(4) "Legitimate educational interest" means a reasonable need to know information in the course of carrying out one's professional duties.

(5) "Personally identifiable information" means a student's name, the name of a student's parents or other family members, a student's address, a student's personal identifier such as Social Security number or student number, and other personal information or characteristics that would make a student's identity easily traceable.

(6) "School official" means a person employed by the University or in the chancellor's office of the Oregon University System; a person or entity, including a governmental entity, with whom the University or the Oregon University System has contracted; a person serving on the University's governing board; or a student serving on an official committee or assisting another school official in performing his or her duties.

(7) "Student" means anyone who is or has been registered at Portland State University. A person who is or has been registered in one component of the University and who has applied for admission to but has not been admitted or registered in another component of the University is not a student with respect to the component in which his or her application and registration are pending.

(8) "Unit Custodian of Student Records" means the head of each academic or administrative unit responsible for the education records within that unit.

(9) "University Custodian of Student Records" means the Vice Provost for Student Affairs or any other person officially delegated University-wide responsibility for education records by the University President.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & cf. 4-26-77; PSU 1-2002, f. & cert. ef. 10-22-02; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0015

Release of Personally Identifiable Information With Consent

Except as provided in the Act or other applicable law and OAR 577-030-0016, the University will not disclose personally identifiable information from a student's education records unless the student provides a signed and dated written consent which specifies the records that may be disclosed, states the purpose of the disclosure, and identifies the party or class of parties to whom the disclosure may be made.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & cf. 4-26-77; PSU 3-1981, f. & cf. 12-3-81; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0017

Release of Personally Identifiable Information Without Consent

The University may, in its discretion and to the extent permitted by the Act, disclose personally identifiable information from an education record without the student's consent if one of the following conditions is met:

(1) The disclosure is to a school official who has a legitimate educational interest.

(2) The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is to comply with a judicial order or lawfully issued subpoena as provided in OAR 577-030-0021.

(4) The disclosure is in connection with a health or safety emergency, if disclosure is necessary to protect the health or safety of the student or other person. In such an instance information may be disclosed only if the threat to health or safety is serious, if the information is needed to meet the emergency, and if time is critical in dealing with the emergency. These requirements are to be strictly construed.

(5) The disclosure is to an organization conducting legitimate educational research, testing, accreditation functions, granting financial aid, or improving instruction; provided, that such data does not permit identification of the student or parents to others and the information is to be destroyed when no longer needed to carry out its specified purpose(s).

(6) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions for the aid, or enforce the terms and conditions of the aid. As used in paragraph, "financial aid" means a payment of funds provided to a student (or a payment in kind of tangible or intangible property to a student) that is conditioned on a student's attendance at the University.

(7) The disclosure is of directory information, unless the student has requested in writing that directory information be kept confidential as provided in OAR 577-030-0020.

(8) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense.

(9) The disclosure is in connection with a disciplinary proceeding at the University and the University determines that (a) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and (b) the student has committed a violation of the institution's rules or policies with respect to the allegation made against him or her. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(10) The disclosure is otherwise in compliance with the Act or other applicable law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0020

Release and Restriction of Directory Information

(1) Upon request, the Office of Admission, Registration & Records and the Office of Institutional Research may disclose directory information.

(2) A student may request that his or her directory information not be released by submitting a Student Records Privacy Request form to the Office of Admission, Registration & Records. The restriction becomes effective as soon as is reasonably practicable and remains in effect until revoked in writing. Such a restriction may be placed or removed not more than once per academic term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & cf. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0022

Response to Subpoenas and Court Orders

(1) Except as provided in paragraph (2) of this rule, if a lawful issued subpoena or court order requires the production of an education record, the University shall immediately make a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action.

(2) If a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose requires the production of an education record and orders that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, then the University shall not notify the student. Any law enforcement subpoena or court order requiring that the existence of the subpoena or the information furnished in response to the subpoena be kept confidential shall be immediately sent to the University's Office of General Counsel for review prior to compliance.

(3) Subpoenas seeking education records are typically served on the Office of Admission, Registration & Records. The Office of Admission, Registration & Records shall be informed whenever the University or a University employee is served with a subpoena seeking education records.

(4) Questions regarding the validity of a subpoena or court order or the appropriate response thereto should be directed to the University's Office of General Counsel.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070; 20 USC 1232g
Hist.: PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0025**Location and Custody of Student Records**

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

(2) The Vice Provost for Student Affairs shall be the University Custodian of Student records.

(3) The Office of Admission, Registration & Records is the initial point of contact for questions related to these rules.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0030**Student Access to Records**

(1) Except as provided in paragraph (3) of this rule, a student may inspect and review, with the appropriate record custodian or in his or her absence a staff member of the office or department that maintains the record, any education records that pertain to the student. Access to records shall be provided as soon as practicable, but not later than 45 days following the request.

(2) If circumstances effectively prevent a student from exercising the right to inspect and review his or her education records, the student may make a written request for a copy of the records. Copies shall be provided as soon as practicable, but not later than 45 days following the request. The student may be charged a fee for the copying at the prevailing University rate for photocopy services.

(3) The following records are not available to students:

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

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

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

(d) Financial records of the student's parents or guardians, unless they have given written consent to the student seeking the records.

(e) Confidential appraisals, evaluations or recommendations placed in an education record prior to January 1, 1975, if the appraisals, evaluations or recommendations continue to be used only for their original purpose.

(f) Confidential appraisals, evaluations or recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access and which relate to the student's admission to an educational institution, application for employment, or recommendation for or receipt of an honor or other form of recognition.

(g) Records of the Campus Public Safety Office which are created and maintained for law enforcement purposes and which are not otherwise available to the public.

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0035**Student's Right to Challenge Information Contained in Education Records**

(1) If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation

of the student's rights of privacy, he or she may ask the unit custodian of the student record or the university custodian of student records, whichever custodian is in possession of the record, to amend the record. Such a request shall be submitted to the appropriate record custodian in writing and shall include at a minimum the following:

(a) If available, a copy of the record the student is seeking to amend;

(b) The specific amendment sought;

(c) The reasons why the student is seeking the amendment; and

(d) All evidence the student wishes the University to consider.

(2) The University shall decide whether to amend the record within a reasonable time after it receives the request. If the University decides not to amend the record as requested, it will inform the student of its decision and of his or her right to a hearing.

(3) A hearing requested by the student will be informal but must meet the requirements of the federal Family Educational Rights and Privacy Act of 1974 as amended and 34 CFR 99.22. The hearing must be held within a reasonable period of time after the University has received the request for the hearing. The student must be given notice of the date, time and place reasonably in advance of the hearing. The hearing must be conducted by a person who does not have a direct interest in the outcome of the hearing. The student shall be provided with a full and fair opportunity to present evidence relevant to the student's request to amend the record. The student may, at his or her own request, be assisted at the hearing by one or more individuals of his or her own choice, including an attorney. The University shall make its decision in writing within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

(4) If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the eligible student of the amendment in writing. If the University decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the University's decision, or both. Any such statement will be maintained with the contested part of the record for as long as the record is maintained and disclosed whenever the relevant portion of the record is disclosed.

Stat. Auth.: ORS 351.070 & 352
Stats. Implemented: ORS 351.070
Hist.: PSU 14, f. & ef. 4-26-77; PSU 4-2007(Temp) f. 12-26-07, cert. ef. 1-1-08 thru 6-27-08; PSU 4-2008, f. 5-14-08, cert. ef. 5-16-08

577-030-0040**Waivers of Right to Access**

(1) A person applying for admission, or a student, may voluntarily waive the right of access to confidential letters of appraisal, evaluation or recommendation regarding admission, employment, or the receipt of an honor or honorary recognition. A person providing a waiver is entitled, upon request, to be notified of the names of all persons providing confidential appraisals, evaluations or recommendations. Such waivers must be in writing, signed by the student, and submitted to the Office of Admission, Registration & Records.

(2) Under no circumstances can a student be compelled to waive his or her right to access education records.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

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

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

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

(a) Unless a waiver from the student, as provided in OAR 577-030-0040, is on file, letters of appraisal, evaluation or recommenda-

tion solicited with an assurance to the writer of confidentiality, or if the writer claims confidentiality, shall be returned to the writer. The return letter to the writer shall inform the writer that the document is open to review by the student under the Act. If the writer is willing to resubmit the letter under that condition, the writer is asked to return the letter.

(b) Letters of appraisal, evaluation or recommendation which were not solicited with an assurance of confidentiality nor which claim confidentiality shall be open for review by the applicant or student involved, unless a waiver from the student, as provided in OAR 577-030-0040, is on file.

(3) University application instructions and appraisal forms shall inform writers and applicants or students of student rights of access to letters of appraisal, evaluation or recommendation under this section.

(4) Where a student exercises a waiver in accordance with OAR 577-030-0040 and requests that letters of appraisal, evaluation or recommendation be sent to graduate or professional schools for admission purposes, the student does not have the right to designate which letters are to be sent.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0050

Non-Release to Third Parties

All copies of educational records released pursuant to these rules shall include a statement advising the recipient of the limitations on redisclosure contained in the Act.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0060

Record of Access to Student Records

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

- (1) The disclosure is made to the student;
- (2) The disclosure is made pursuant to the student's written consent. The written consent must be kept as a permanent part of the student's record;
- (3) The disclosure is made to University officials with a legitimate educational interest;
- (4) The disclosure consists of directory information not restricted by the student;
- (5) The disclosure is made to other officials as permitted by OAR 577-030-0015; or
- (6) The disclosure is as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0065

Permanence, Duplication, and Disposal of Student Records

(1) Individual education records shall be maintained only for the minimum period of time required to serve the official functions of the office generating and maintaining them. The records shall then be disposed of in a manner designed to assure confidentiality.

(2) The permanent retention of education records shall be limited to records that the president or the State Archivist determine to be of long-range value to the student or the University.

(3) Duplication of permanent education records shall be minimized. Duplicate permanent records shall be destroyed in accordance with this rule.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0070

Notice to Students

At least annually, the University shall provide notice to students of their rights under the Act in a manner reasonably likely to inform students of such rights. The notice shall comply with the applicable provisions of the Act.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

DIVISION 31

STUDENT CONDUCT CODE

577-031-0125

General Policy

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

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

(3) The procedures of this Code consider each case individually and without prejudice.

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

(5) This Code becomes effective on September 28, 2009 and supersedes all other previous student conduct codes.

Stat. Auth.: ORS 351.070
Stats. Implemented:
Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0130

Applicability

(1) This Code applies to any Student as defined in OAR 577-031-0131(17)

(2) This Code applies to any Recognized Student Organization as defined in OAR 577-031-0131(13) or other groups of Students.

Stat. Auth.: ORS 351
Stats. Implemented:
Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0131

Definitions

(1) The "Code" is this Code of Student Conduct and Responsibility, OAR chapter 577, division 31.

(2) A "Complainant" is any person submitting a written complaint to DOS alleging that a student(s), Recognized Student Organization or group has engaged in conduct proscribed by this Code.

(3) A "Complaint" is a Campus Public Safety Office Incident Report, Portland Police Bureau Report, Dean of Students Conduct Complaint Form, or Residence Life Incident Report.

(4) A "Conduct Record" includes, but is not limited to, incident reports, final reports, notification of allegation, disciplinary reports, informal discussion notes, formal hearing records and recommendations, decision statements, appeal records and decision, and related documentation and correspondence that may be covered by OAR 166-475-0110(38).

(5) A "Course Instructor" is any person employed by the University to conduct classroom activities or who has an official instructional function with the University.

(6) A “Day” is any business day in which the University is open. It does not include weekends, federal and state holidays or days in which the University is not open for business.

(7) The “Dean of Students” or “Dean” or “DOS” is the University Official holding this title. Any action required to be performed by the Dean under this Code may be performed by his or her designee.

(8) “Effective Consent” is a voluntary, non-coerced and mutually understandable communication indicating a willingness to participate in a particular act.

(9) A “Hearing Officer” is a University Official designated to adjudicate cases by the Senior Conduct Officer.

(10) A “Mental or physical impairment” is an impairment that causes a person to be unable to understand the situation, understand the consequences of his/her choices, or to express his/her desires. This may include, but is not limited to, being intoxicated, being under the influence of drugs, being unconscious, or other cognitive impairment.

(11) A “Mental Disorder” is a diagnosable mental disease or disorder that limits a person’s ability to make a knowing or voluntary decision.

(12) “Mental Incapacitation” is a condition that renders a person incapable of determining his or her own conduct at the time of the alleged offense because of the influence of a controlled or other intoxicating substance.

(13) A “Recognized Student Organization” is a group of five or more eligible students who have formed around a defined mission or purpose and who have been officially recognized by Student Activities and Leadership Programs or Campus Recreation.

(14) A “Respondent” is a Student who is alleged to have engaged in conduct proscribed by the Code.

(15) The “Senior Conduct Officer” is the University Official charged with the responsibility of administering the Code. Any action required to be performed under this Code by the Senior Conduct Officer may be performed by his or her designee.

(16) The “Student Conduct Committee” (the “Committee”) is composed of faculty and staff appointed by the Faculty Senate of the University and students appointed by the President of the Associated Students of Portland State University.

(17) A “Student” is a person who: (a) is enrolled as a student and/or registered for one or more credit hours; (b) is enrolled in a special non-credit program approved by the University; or (c) was enrolled as a student within the last six months. A person who satisfies (a), (b), or (c) above is considered a “Student” for purposes of the Code as of the date that the person first submitted an application for admission, financial aid or any other service provided by the University that requires student status.

(18) A “University Official” is any person performing assigned administrative or professional responsibilities on behalf of the University.

(19) The “University Premises” are all lands, buildings, facilities, and other property owned, in the possession of, used, or controlled by the University.

(20) A “University Sponsored Activity” is any program or event hosted by a department, program, organization, or individual representing the University. Such activities include, but are not limited to, field trips, athletic events, education abroad, University exchange programs, and student organization-hosted programs or events.

(21) The “University” is Portland State University, or any part, program, department, or division within Portland State University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 1-2006, f. & cert. ef. 3-10-06; PSU 3-2006, f. & cert. ef. 7-21-06; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0132

General Statement of Authority

(1) The Senior Conduct Officer will maintain overall responsibility for developing and implementing policies for the administration of the Code and procedural rules for the conduct of hearings that are consistent with provisions of the Code and applicable law.

(2) The Senior Conduct Officer will review all complaints received by the Office of the Dean of Students, determine if they are reasonable, and assign them to the appropriate hearing body or University Official for adjudication.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0133

Jurisdiction

(1) The provisions of OAR 577-031-0135 and 577-031-0136 apply to all students and activities on University Premises; during any University Sponsored Activity regardless of location; and to off-campus conduct that has a rational nexus to the University and/or the pursuit of its objectives or that poses a potential threat to the University or any person associated with the University or substantially impacts any person’s ability to continue their University-related pursuits. Questions regarding jurisdiction will be resolved by the Senior Conduct Officer.

(2) Students participating in co-admission programs between Portland State University and other institutions will be accountable to conduct standards at Portland State University regardless of the standards applicable at the other institution and whether the other institution is or is not pursuing charges.

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0135

Proscribed Conduct by the State Board of Higher Education

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

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

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

(3) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on University-owned or -controlled property, unless expressly authorized by law, Board or PSU rules (for purposes of this section, absence of criminal penalties shall not be considered express authorization).

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 3-1994, f. & cert. ef. 10-26-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0136

Proscribed Conduct by Portland State University

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

(1) Academic dishonesty. Academic dishonesty is the act of knowingly or intentionally seeking to claim credit for the work or effort of another person or participation in such acts. This includes, but is not limited to: (a) cheating, (b) fraud, (c) plagiarism, such as word for word copying, using borrowed words or phrases from original text into new patterns without attribution, or paraphrasing another writer's ideas; (d) The buying or selling of all or any portion of course assignments and research papers; (e) Performing academic assignments (including tests and examinations) for other persons; (f) Unauthorized disclosure or receipt of academic information; (g) Falsification of research data; and (h) Unauthorized collaboration.

(2) Academic negligence. Academic negligence is unknowingly or unintentionally claiming credit for the work or effort of another person.

(3) Furnishing false or misleading information to the University, including but not limited to knowingly failing to provide required information to the University or misrepresenting a person's identity to a Course Instructor or University Official.

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

(5) Behavior that constitutes a possible threat to the health or safety of self or others.

(6) Stalking. Stalking is repeatedly contacting another person without a legitimate purpose when: (a) The contacting person knows or should know that the contact is unwanted by the other person; and (b) It is reasonable for the person in that situation to have been alarmed or coerced by the contact. As used in this subsection, "contacting" includes but is not limited to coming into the visual or physical presence of the other person; following another person; or sending written, electronic or telephonic communication of any form to the other person, personally or through a third party.

(7) Harassment. Harassment is a course of conduct directed at a specific individual or individuals that causes or is intended to cause significant emotional distress and serves no legitimate purpose.

(8) Sexual harassment. Sexual harassment is unwanted or unwelcome sexual advances or requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(a) Submission or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University Sponsored Activity;

(b) Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive educational or working environment.

(9) Sexual misconduct. Sexual misconduct is sexual conduct, or the threat of such conduct, that is predatory in nature and that a reasonable person in the circumstances would consider offensive or likely to be harmful to others. Sexual misconduct may include, but is not limited to, the exposure of one's sexual organs or the display of sexual behavior.

(10) Sexual assault. Sexual assault is defined as unwanted sexual contact of any kind or threat of such contact or attempt to engage in such conduct. Sexual contact includes vaginal, oral or anal sex, touching the intimate parts of another person, or causing a person to touch the intimate parts of another person. Sexual conduct is "unwanted" if no Effective Consent is given or if the student knew or should have known that the person was incapable of giving Effective Consent by reason of mental or physical impairment, mental disorder, or mental incapacitation.

(11) Tampering with the election of any student, Recognized Student Organization or group.

(12) Hazing. Hazing is conduct which subjects a person to bodily danger, or physical, mental, or emotional harm, or to the likelihood

of bodily danger or physical, mental, or emotional harm, or requiring, authorizing or permitting that the person be subjected to such conduct or act, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group or organization. The real or alleged participation in, consent to, or acquiescence in such conduct by a person subjected to hazing does not relieve an individual or group from responsibility for violating the Code.

(13) Violation of the University Alcohol and Other Drugs Policy or possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University Premises or at University sponsored or supervised activities.

(14) Smoking in unauthorized areas.

(15) Public indecency, such as exposing the intimate parts while in a public place or a place visible from a public place.

(16) Failure to comply with a University Official's requests. Students and Recognized Student Organizations and groups are expected to comply with and respond appropriately to the lawful requests of University Officials made in the performance of their duties.

(17) Engaging in conduct that is contrary to any federal or state law or city or local ordinance when such violation interferes with, or is detrimental to, the mission of the University or interferes with other students' legitimate educational activities and interests. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the law and this Code without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. Determinations made or sanctions imposed under this Code are not subject to change merely because criminal charges arising out of the same facts are dismissed, reduced, or resolved in favor of or against an individual.

(18) Violation of any University rule, policy or Internal Management Directive (IMD), including but not limited to: Standards of Residence, PSU Housing Handbook, University Housing Office contracts, University Key Policy, and the University Computer and Acceptable Use Policy.

(19) Conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the University would constitute a danger to health, personal safety, or property.

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

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

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

(b) Knowingly initiating any conduct proceedings without cause;

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0137

Procedures for Complaints Against Recognized Student Organizations

(1) Complaints submitted to the Office of the Dean of Students (DOS) against a Recognized Student Organization may be referred to a Hearing Officer of the department or unit to which the group is most closely affiliated. The Hearing Officer will follow the procedures of the department or unit to which the complaint is referred.

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

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0138

Procedures for Complaints Against Students in University Housing

(1) Complaints alleging only a violation of the Housing Handbook will generally be heard by a Hearing Officer within Residence Life.

(2) The Hearing Officer will follow the procedures outlined in the Housing Handbook.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0139

Procedures for Emergency Action

(1) If the Dean of Students determines that a Student presents a significant risk of substantial harm to the health or safety of the Student or others, then the Dean may take such emergency action as is necessary to address the risk. Emergency action may include, but is not limited to:

(a) Immediate suspension of the Student;

(b) Exclusion from University Premises or any portion thereof;

(c) Loss of any of the privileges of being a Student;

(d) Mandating completion by the Student of an assessment by a qualified professional and compliance with the recommendations of the professional; or

(e) Any other action determined by the Dean to be reasonable due to the circumstances.

(2) All incidents in which emergency action is taken will be forwarded to the Senior Conduct Officer and follow the procedures outlined in OAR 577-031-0140. The emergency action will remain in effect until a final decision has been made about the Respondent. All incidents in which emergency action has been taken will be adjudicated as quickly as possible.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0140

Procedures for Complaints Against Individuals

(1) Any person may submit a written complaint to DOS alleging that a student(s) or Recognized Student Organization or group has engaged in conduct proscribed by this Code. Any charge should be submitted as soon as possible after the event takes place, preferably within fourteen days of the event. The process cannot begin until the written complaint has been received.

(2) The Senior Conduct Officer will review all complaints received by the Office of the Dean of Students to determine if the complaint is reasonable. If the Senior Conduct Officer determines that there are not reasonable grounds for the complaint, the complaint will be dismissed and no record will be kept. If there are reasonable grounds for the complaint the process will proceed as outlined below.

(3) Within a reasonable time from the receipt of a complaint, the Senior Conduct Officer will send written notice to the Respondent(s) (with reference to the specific section of this Code allegedly violated). This notice will advise the Respondent of the allegations and request a meeting to investigate the matter. If the Respondent fails to attend the initial meeting, the complaint will be adjudicated and the Respondent will be sent written notice of the outcome.

(4) During the initial meeting, the Senior Conduct Officer will review the complaint with the Respondent and determine which hearing body will hear the complaint.

(5) If the Senior Conduct Officer hears the case, the Respondent will be given an opportunity to explain the alleged behavior and will be informed of the information supporting the charge. All hearings are closed and information presented and supporting documents are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(a) If the Respondent fails to attend the meeting, the Senior Conduct Officer will decide the matter in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of his/her choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for him or her self at all times and may

only use the advisor for consultation or support. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Office of the Dean of Students at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent has the opportunity to offer information on his or her behalf and to review and respond to all information presented.

(d) The Senior Conduct Officer may ask questions of any person present during the hearing. The Senior Conduct Officer may invite questions and comments from advisors or others present.

(e) If the Senior Conduct Officer decides an essential person or piece of information is missing, the Senior Conduct Officer may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) The Senior Conduct Officer will determine, based upon a preponderance of the evidence (which means whether something is "more likely than not"), whether a Code violation exists. Once that determination is made, the Senior Conduct Officer will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the Appeal Process.

(6) If the Student Conduct Committee (the Committee) hears the case, the Committee Chairperson facilitates the hearing procedures and has voting power in the case of a tie. The Senior Conduct Officer serves as an ex-officio consultant and ensures administrative support of the process. All Committee hearings are closed and information presented and supporting documents are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(a) If the Respondent fails to attend the meeting, the Committee will proceed with the hearing in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of his/her choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for him or her self at all times and may only use the advisor for consultation or support. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Office of the Dean of Students at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent has the opportunity to offer information on his or her behalf and to review and respond to all information presented.

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

(e) After the Chairperson has determined that all the necessary information has been presented and questions answered, the Committee goes into executive session and all persons are excused. The Committee is to determine, based on a preponderance of evidence (which means whether something is "more likely than not"), whether a Code violation exists, and, if so, what sanctions are to be imposed. Once that determination is made, the Committee will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the Appeal Process.

(7) The hearing process will make an effort to consider the rights and needs of the Complainant in decisions related to sanctions such as restitution.

(8) Appeals of the decision of the Senior Conduct Officer or of the Committee must follow the process outlined in OAR 577-031-0144. If no appeal is filed, sanctions will take effect upon expiration of the time period allocated for appeal. If an appeal is filed, the imposition of sanctions are stayed pending resolution of the appeal.

(9) Except as limited by the Dean pursuant to OAR 577-031-0139, the Respondent is entitled to all rights and privileges of a student in good standing pending resolution of the matter.

Stat. Auth.: ORS 351
 Stats. Implemented:
 Hist.: PSU 1-1982, f. & cert. ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 2-1988(Temp), f. & cert. ef. 3-15-88; PSU 4-1988, f. & cert. ef. 6-16-88; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 1-2007, f. & cert. ef. 1-5-07; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0141

Procedures for Matters Involving Allegations of Sexual Offenses

As required by the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092(f), if a Complaint alleges facts that would, if proven, constitute a sex offense for purposes of the Cleary Act, then:

(1) The Complainant may be present during the proceedings (including any appeal) and is entitled to the same opportunities as provided to the Respondent to have other present during the proceedings; and

(2) The Complainant is to be informed of the final determination with respect to the alleged offense and any sanction imposed against the Respondent.

Stat. Auth.: ORS 351
 Stats. Implemented: ORS 351.070
 Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0142

Procedures for Complaints of Academic Dishonesty

(1) Course Instructors have the primary responsibility and purview to respond to academic dishonesty with students enrolled in their respective courses. Course Instructors may issue a zero or a failing grade for the assignment for which the dishonesty was found. Course Instructors may not issue a failing grade for the course unless a failing grade on the assignment in question results in a failing grade for the course, per the syllabus. Instructors may not disenroll a student from a course.

(2) Departments, programs, colleges, or schools may also address academic dishonesty in accordance with their respective policies and procedures. These entities are limited to the following academic sanctions:

(a) Issuing a zero or a failing grade for the assignment for which the dishonesty was found; or

(b) Suspension or Expulsion from the department, program, college or school per the process proscribed by the respective entity.

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

(4) If the complaint is submitted by anyone other than the Course Instructor, the complaint is also referred to the Course Instructor in which the alleged academic dishonesty occurred.

(5) Faculty submitting a complaint alleging academic dishonesty will be notified of the outcome of this complaint upon request.

Stat. Auth.: ORS 351
 Stats. Implemented: ORS 351.070
 Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0143

Appeals

(1) Appeals from the decision of the Senior Conduct Officer or the Committee shall be made to the Vice Provost for Student Affairs, whose decision is final.

(2) Appeals must be in writing and filed with the Vice Provost for Student Affairs within ten (10) working days following the date of the letter notifying the Respondent of the outcome of the hearing.

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

(4) During the appeal hearing, the Respondent may bring up to two (2) third party advisors of his/her choice as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for himself or herself at the hearing. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Vice Provost of Student Affairs at least 24 hours prior to the scheduled meeting if his or her

attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(5) The Vice Provost of Student Affairs may dismiss the appeal if the Respondent fails to appear at the appeal hearing.

(6) During the appeal hearing:

(a) The Senior Conduct Officer or the Chair of the Committee will have the opportunity to offer information and to review and respond to all information presented.

(b) The Respondent will have the opportunity to offer information and to review and respond to all information presented.

(c) The Vice Provost of Student Affairs may ask questions of any person present during the hearing. The Vice Provost of Student Affairs may invite questions and comments from advisors or others present. No person other than the Vice Provost for Student Affairs may ask questions of persons present at the hearing.

(d) If the Vice Provost of Student Affairs decides an essential person or piece of information is missing, the Vice Provost of Student Affairs may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(7) After the Vice Provost of Student Affairs has determined that all the necessary information has been presented and questions answered, the appeal hearing will be closed. The Vice Provost of Student Affairs will determine, based on a preponderance of evidence, whether or not the appeal is warranted, and, if so, what subsequent actions may be appropriate.

(8) The Vice Provost of Student Affairs' decision will be in writing to the student with copies to the Senior Conduct Officer and/or Chair of the Committee.

(9) Pending resolution of an appeal, the student is entitled to all rights and privileges of a student in good standing except as provided in OAR 577-031-0139.

Stat. Auth.: ORS 351
 Stats. Implemented: ORS 351.070
 Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0144

Fees

(1) A Student or Recognized Student Organization or group that has been determined to have violated the Code will be assessed a fee as provided in this rule. In incidents involving more than one violation, a fee will be assessed for the highest level offense only.

(2) The amount of the fee will be determined by the nature of the offense, as follows:

(a) For a Low Level Offense, the first violation will result in a \$10 fee, a second violation of the same or similar nature will result in a \$20 fee, and the fee will increase by an additional \$10 for each subsequent violation of the same or similar nature.

(b) For a Mid Level Offense, the first violation will result in a \$20 fee, a second violation of the same or similar nature will result in a \$40 fee, and the fee will increase by an additional \$20 for each subsequent violation of the same or similar nature.

(c) For a High Level Offense, the first violation will result in a \$75 fee, a second violation of the same or similar nature will result in a \$100 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(d) For a Drug or Alcohol Offense, the first violation will result in a \$50 fee, a second violation of the same or similar nature will result in a \$75 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(3) The following definitions apply to this rule:

(A) A "Low Level Offense" is any of the following:

(A) any violation of the Housing Handbook that is not a High Level Offense or a Drug or Alcohol Offense, unless the offense endangered the health or safety of the Student or others,

(B) Academic Negligence; or

(C) A violation based solely on the use of University computer resources that is alleged to have violated intellectual property rights.

(b) A "Mid Level Offense" is any offense that is not a Low Level Offense, High Level Offense or Drug or Alcohol Offense.

(c) A "High Level Offense" is any of the following:

(A) Any offense that involved firearms or weapons;

(B) Any offense that resulted in physical injury to another;

(C) Sexual Misconduct;

(D) Sexual Assault;

(E) Hazing; or

(F) Any offense in which the sanction imposed includes suspension, expulsion or negative notation on transcript.

(d) A "Drug or Alcohol Offense" is any offense, that is not a High Level Offense, that included the use or possession of drugs or alcohol in violation of the Code.

(4) The Senior Conduct Officer may waive the imposition of a fee in unique and compelling circumstances.

(5) All fees will be assessed to the University account of the responsible Student or Recognized Student Organization or group.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0145

Sanctions

Students or student groups and organizations whose behavior violates this Code may be subject to one or more sanctions, including, but not limited to:

(1) Mediation. Participation in a facilitated discussion with the Complainant.

(2) Assessments. Completion of an evaluation(s) and following the recommendations of a qualified professional for treatment and/or education.

(3) Restitution. Those responsible may be required to make monetary restitution, return any stolen or misappropriated property, or provide services to the University or a member of the University community in accordance with the nature of the violation and in an amount not to exceed the actual expenses, damages, or losses incurred.

(4) Educational Assignment. Complete specific assignments or render a designated number of hours of specified service to the University or the community.

(5) Reprimand. Written notice that the conduct in which the student(s) engaged is inconsistent with the requirements of the Code and that the student is reprimanded for that conduct. Such notice will also indicate that future violations of the Code may result in the imposition of additional sanctions.

(6) Disciplinary Probation. Constitutes a period of time during which additional violations of the Code will result in sanctions of increased severity. Upon expiration of the period of probation and fulfillment of other sanctions imposed, if any, the student's disciplinary probation will be lifted.

(7) Social Probation. Establishes a fixed period of time, not less than one term, in which a student/organization may not be permitted to represent the University or participate in any University, extracurricular, athletic, or other activities. The specifics of the social probation will vary based upon the violation and the individual student's/organization's circumstances. For example, a student may be restricted and allowed to participate only in activities directly related to academic pursuits and only be permitted to enter buildings necessary for the completion of academic requirements. Students/organizations on social probation may be restricted from attending or purchasing tickets for certain events sponsored by the University including, but not limited to, athletic events, concerts, SALP programs, intramurals, off-campus trips, etc.

(8) No Contact. An order of "no contact" with another student, faculty member, staff or University Official. In this case, students may be required to organize their on-campus activities in order to avoid contact with designated individuals.

(9) Registration Hold. Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.

(10) Exclusion from the University Premises or any portion thereof.

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

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

(b) The conditions of suspension take effect immediately after the student has been informed of the decision and the time limit for an

appeal has expired. If an appeal is filed, the imposition of the suspension will be stayed until the conclusion of the appeal process. If the pending conduct hearing or appeal may result in suspension, award of the academic degree sought will be postponed pending the outcome of the hearing.

(c) Upon expiration of the period of suspension the student must submit in writing to the Senior Conduct Officer a request for the suspension to be lifted. The request should include a description of the student's activities since the suspension went into effect. If the Senior Conduct Officer certifies that all the terms of the suspension have been met and the suspension lifted, the student may register for courses through the regular process, contingent on the completion and/or satisfaction of all sanctions and satisfaction of general admission and registration requirements.

(d) A notation of "Disciplinary Suspension" is entered on the student's transcript for the duration of the suspension. After the suspension period is complete and all other conditions, if any, have been satisfied, the Senior Conduct Officer will notify the Registrar's Office to lift the Registration Hold, and the notation will be removed from the transcript.

(12) Negative Notation on Transcript. Entry of information onto the student's permanent academic record regarding his or her violation of the Code and subsequent sanction. The entry may be permanent or temporary. If the notation is temporary, after the expiration of the period of time specified, the notation will be removed upon written request by the student to DOS. If the notation is permanent, "Permanent Negative Notation" on transcript will remain on the Respondent's transcript indefinitely.

(13) Expulsion. Permanent suspension from the University. A permanent notation is entered on the transcript: "Permanently expelled for [conduct or academic dishonesty] effective [date]".

(14) Degree Revocation. A former student may have his/her degree revoked if the student is found to have engaged in conduct leading to a degree that, if known at the time the degree was awarded, would have made the student unqualified for the program or degree.

Stat. Auth.: OR 351

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0146

Types of Sanctions for Recognized Student Organization or Group Conduct

A Recognized Student Organization or group is subject to the appropriate disciplinary sanctions outlined in OAR 577-031-0145, including the temporary or permanent suspension of the organization or group's official University recognition.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0147

Records

(1) All complaints involve the creation of a conduct record for the student or organization or group alleged to have violated the Code. These records are confidential and accessible only to the Respondent and appropriate University Officials and other entities as required by law.

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

(3) A Suspension will be noted in a student's general academic record maintained by the Office of Admissions, Records and Registration by means of a notation, which indicates the reason for the action until the Suspension is lifted.

(4) All files and records are kept in accordance with OAR 166-475-0110(38).

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

577-031-0148

Interpretation and Revision

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

(2) The Code should be reviewed every five years or as needed.
Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09

DIVISION 32

DISCRIMINATION

577-032-0010

Purpose

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

Stat. Auth.: ORS 659 & 351
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78

577-032-0020

Definitions

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351 & 659
Stats. Implemented:
Hist.: PSU 2-19798, f. & cert. ef. 5-19-78; PSU 3-1994, f. & cert. ef. 10-26-94

577-032-0030

Policy

No person shall be subjected to prohibited discrimination in any of Portland State University's education programs or services, school or interschool activities. Those include but are not limited to admis-

sions, recruitment, access to course offerings, counseling, use of facilities, financial assistance, employment assistance, health and insurance benefits and services, and athletics.

Stat. Auth.: ORS 659 & 351
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78

577-032-0040

Informal Resolution of Grievances

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

Stat. Auth.: ORS 659 & 351
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78

577-032-0050

Duties of Grievance Counselor

(1) Informal Resolution of Grievances: In most discrimination matters the Grievance Counselor is the first person contacted by the complainant. If conciliation and informal resolution of the grievance appear possible, the Grievance Counselor should offer to assist in settlement of the matter.

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

Stat. Auth.: ORS 659 & 351
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78

577-032-0060

Duties of Compliance Officer

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

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

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

Stat. Auth.: ORS 351 & 659
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78; PSU 3-1994, f. & cert. ef. 10-26-94

577-032-0070

Protection from Reprimand or Retaliation

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

Stat. Auth.: ORS 659 & 351

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

577-032-0080

Appeal to the Chancellor

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

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

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

Stat. Auth.: ORS 659 & 351
Stats. Implemented:
Hist.: PSU 2-1978, f. & ef. 5-19-78

DIVISION 33

**ATHLETIC DEPARTMENT SUBSTANCE USE
AND DRUG TESTING**

577-033-0001

Introduction

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

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

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

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

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

from the law enforcement source that results of a potential test will not be used by law enforcement to prosecute or revoke parole;

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

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

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

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

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

577-033-0010

Testing Method

(1) The standard method adopted by Athletic Department for testing for drug use shall be through laboratory analysis of urine samples provided by student-athletes. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Athletic Department administration in compliance with the protocol described in OAR 577-033-0030, Specimen Collection and Role of Monitor.

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

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

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

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

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

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

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

577-033-0020

Testing Protocol

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

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

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

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

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

577-033-0030

Specimen Collection and Role of Monitor

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

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

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

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

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

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

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

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

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

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

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

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

577-033-0040

Specimen Handling and Preliminary Testing

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

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

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

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

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

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

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

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

577-033-0050

Positive Test Results Sanctions

(1) The team physician, athletic director, and the head coach alone shall review a positive test result and shall, bearing in mind the type of tested-for drug(s) used, the recency of use, the medical, safety and performance-enhancing effects of its use, formulate a treatment/behavior modification program for the student-athlete. Such program shall include but is not limited to, abstinence of further use and periodic retesting and may include counseling, physical therapy, reduced playing time and withholding from contact drills, scrimmages, competition, or reduction of athletic grant-in-aid.

(2) If repeated positive tests or admission reveal continuing use of tested-for drugs on two occasions beyond the initial positive test, the student-athlete shall be expelled from the team and shall lose all athletic grant-in-aid support beginning with the next academic term. If the student-athlete declines three times to provide a sample, or if the student-athlete is involved in any combination of positive tests or declinations totaling three, he or she shall similarly be expelled from the team and lose all athletic grant-in aid support. The student-athlete shall first be offered a contested-case hearing under OAR 577-001-0100 et seq.

(3) If a student-athlete refuses to provide a urine sample during the test process or within four hours of the designation time, the student-athlete shall be deemed to be in violation of these rules and shall be withheld from contact-drills, scrimmages and game competition for the next three weeks of the competition season(s) starting immediately. Except in instances of individualized reasonable suspicions of steroid use or a prior positive test within twelve months, the student-athlete shall not be tested following such refusal and withholding on the basis of the original reason for individualized reasonable suspicion.

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

577-033-0060

Records Security

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

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, state or federal law enforcement officials. Nor are those administering the tests acting as, for, or on behalf of the Office of Student Affairs.

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

court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

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

DIVISION 34

HEALTH INSURANCE REQUIREMENTS FOR NON-IMMIGRANT INTERNATIONAL STUDENTS

577-034-0001

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

(1) In order to assist the University in complying with federal regulations, and to ensure the quality of the educational and cultural experience of non-immigrant international students, such students must demonstrate their ability to meet their financial responsibilities in full. These responsibilities include the provision by non-immigrant international students of medical care for themselves and dependent family members in the United States. As used in this rule, “non-immigrant international student” means a student holding F-1 or J-1 immigration status whose Certificate of Eligibility (Form I-20/DS-2019) has been issued by the University.

(2) As used in this rule, “PSU Plan” means the PSU Student Insurance Plan, including the mandatory International Student Insurance Plans, available through the University for non-immigrant international students.

(3) All non-immigrant international students enrolled part- or full-time at the University shall provide health insurance coverage for themselves and their dependent family members in the United States. Non-immigrant international students may fulfill this requirement by enrolling themselves and their dependent family members in the PSU Plan, or by securing a comparable insurance waiver under section (5) of this rule, by the Add/Drop date posted by the University for the first term of enrollment.

(4) Charges for enrollment of non-immigrant international students in the PSU Plan will automatically be billed to such students’ University accounts unless they have secured a comparable insurance waiver under section (5) of this rule. Non-immigrant international students who are enrolled for spring term will automatically be billed and enrolled for both spring and summer term, unless proof can be provided that following spring graduation the individual will depart the United States.

(5) Non-immigrant international students who meet certain eligibility criteria as defined by the University and who do not wish to participate in the PSU Plan shall fill out the on-line waiver form with the broker for the PSU Plan by the Add/Drop date posted by the University for the first term of enrollment or by the Add/Drop date for Fall term posted by the University for continuing students. A Comparable Coverage insurance waiver may be granted only when the student is covered by an alternative policy, plan or contract that provides Comparable Coverage:

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

(b) The broker for the PSU Plan may check the documentation of Comparable Coverage. Documentation of such coverage must indicate in English the insurance company’s name and address for billing purposes, policy number, the coverage terms of the policy, the effective dates of the policy, and any exclusions, the names of the individuals covered by the policy, and the maximum amount of coverage per accident and illness and/or in terms of cumulative benefits;

(c) In all cases proof of continuous coverage is required during the non-immigrant international student’s program of study, including vacation periods, temporary leaves and summer term; and

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

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

(7) New non-immigrant international students shall be notified in writing of these requirements by the Admissions Office by the inclusion of an information sheet with the admissions letter and adding the insurance fee for the PSU Plan to the school expense list on the Certificate of Eligibility (Form I-20/DS-2019). Returning non-immigrant international students shall be notified in writing of these requirements by the Office of International Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 4-1992, f. & cert. ef. 7-21-92; Renumbered from 577-030-0080, PSU 3-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 7-2008, f. & cert. ef. 9-15-08; PSU 3-2011, f. & cert. ef. 9-29-11

DIVISION 40

FACULTY RECORDS

577-040-0005

General

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

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented: OAR 580-042-0700

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

577-040-0010

Information to Be Recorded

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

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

(2) Professional membership activity;

- (3) Student advising and counseling;
- (4) Professional activities external to the University including awards, recognition, research activities, travel;
- (5) Teaching assignment, workload, publications, exhibitions, and other professional performance;
- (6) Personnel data including promotions, tenure, leaves, retirement credits;
- (7) Quality of teaching including departmental summaries of students' evaluations, research and service to the University;
- (8) General performance including, but not limited to, discipline, counseling, and other behavioral records.

Stat. Auth.: ORS 351
Stats. Implemented: OAR 580-042-0700
Hist: PSU 5, f. & ef. 4-6-76

577-040-0015

Procedure for Recording Information for Faculty Personnel Records

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

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

Stat. Auth.: ORS 351
Stats. Implemented: OAR 580-042-0700
Hist: PSU 5, f. & ef. 4-6-76

577-040-0020

Use of Information Contained in Faculty Records

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

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

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

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

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

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

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

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

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

(b) A copy of each written evaluation of the faculty member, containing or having attached to it a statement that the member may discuss the evaluation with the evaluating official, shall be given the member. A copy of the evaluation signed, by the member signifying receipt,

shall be placed in the member's evaluation file. The faculty member may enter into the evaluation file such comments, explanations, or rebuttals as desired. There shall be attached to each copy of the evaluation retained by the University, school, college, or department a copy of such comments, explanations, or rebuttals;

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

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

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

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

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

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

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

Stat. Auth.: ORS 351
Stats. Implemented: OAR 580-042-0700
Hist: PSU 5, f. & ef. 4-6-76

577-040-0025

Permanence, Duplication, and Disposal of Faculty Records

(1) The individual faculty member's records shall be maintained only during the time that he is employed by the University and for one

year after his employment is terminated. Thereafter, the faculty member's file shall be transferred to the office of the President or his delegate where it shall be determined whether any part of the file should be permanently retained. Only such records as are determined to be of long range value to the faculty member, to the University, or to the public shall be retained.

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

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

Stat. Auth.: ORS 351
Stats. Implemented: OAR 580-042-0700
Hist: PSU 5, f. & ef. 4-6-76

DIVISION 41

FACULTY CONDUCT CODE

577-041-0005

Standards of Faculty Conduct

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

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

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

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

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

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

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

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

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

Termination of Appointment and the Imposition of Other Sanctions for Cause

577-041-0010

Definitions

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

(1) The term "academic staff member" as used in this Division 41 shall include all staff members of the University having academic rank (graduate rank or faculty rank) as defined in OAR 580-040-0040 of the Administrative Rules, e.g., graduate teaching assistant, graduate research assistant, graduate fellow, instructor, senior instructor, research assistant, research associate, lecturer, senior lecturer, assistant professor, associate professor, and professor, whether the type of service be teaching, research, administration, or other service; provided, however, that the procedures of this division 41 for the imposition of sanctions shall not be applicable to the president of the University. Complaints alleging that the President of the University has engaged in conduct such as to warrant the imposition of sanctions for cause as set forth in this 577-041-0010 shall be forwarded to the Chancellor of the Department of Higher Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

577-041-0015

Procedures for the Imposition of Sanctions

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

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

577-041-0020

Sanctions of Oral Warning or Reprimand

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

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

577-041-0025

Sanctions of Written Warning or Reprimand

If, in the judgment of the administrative officer to whom the complaint has been referred, the preponderance of the evidence supports the complaint against the academic staff member, he may determine that the imposition of a sanction of written warning or reprimand is warranted. If so, he shall promptly inform the academic staff member in writing of his decision to impose such sanction and of his reasons therefor, and such notification shall be delivered to the academic staff member in person or sent by certified mail to his last known address. Within ten days, or such longer period as may be approved by the administrative officer upon showing by the academic staff member that he was unable to respond within ten days, after the personal delivery or mailing by certified mail of such notification to him, the academic staff member shall state in writing to the administrative officer whether he desires a review, by a special *ad hoc* Warning and Reprimand

Committee consisting of at least three members and chosen in a manner to be determined by the faculty Senate, of the decision to impose a sanction of written warning or reprimand. If the academic staff member does not request such review, the sanction shall become effective at the end of the ten-day or approved longer period. But if the academic staff member does request a review by the Warning and Reprimand Committee, that committee shall promptly review the matter and, in accordance with the preponderance of the evidence, recommend, by agreement of at least a majority of its members, to the President whether a sanction of written warning or reprimand should be imposed. If the President determines that such sanction shall be imposed, he shall promptly give the academic staff member written notice of his decision and of his reasons therefor.

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

Sanctions More Severe than Oral or Written Warning or Reprimand

577-041-0030

Screening Panel and Preparation of Formal Charges

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

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

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

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

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

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

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

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

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

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

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

(7) If the Screening Panel determines that there is not probable cause to impose sanctions more severe than oral or written warning or reprimand, and recommends that there should not be further proceedings before a hearing committee, and the President disagrees with this determination, he may order preparation of formal statement of

the charges. If the President orders preparation of a formal statement of the charges, the procedure followed shall be as set forth in OAR 577-041-0030, except that the Screening Panel shall be bypassed. Within ten days after the President's decision to require a hearing, or after preparation of the amended statement of charges, a copy of the statement of charges shall be delivered to the academic staff member in person or sent by certified mail to his last known address.

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

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

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

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

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

577-041-0035

Temporary Suspension of Academic Staff Member

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

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

577-041-0040

Academic Staff Member's Request for a Formal Hearing

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

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

577-041-0045

Hearing Committee

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

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

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

577-041-0050

Conduct of Hearing

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

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

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

(4) The academic staff member shall have the right to appear, and to participate in the hearing and to present relevant evidence to the committee, and he may be represented by counsel with or without the presence of the academic staff member. If an academic staff member who has requested a formal hearing fails to appear at the time set for the hearing, and no explanation acceptable to the committee has been given, the committee shall proceed with the hearing without the presence of the academic staff member. The academic staff member and the administration shall have the right to confront and cross-examine all witnesses. The administration shall issue subpoenas for the attendance of witnesses upon request of the hearing committee on good cause being shown, including a showing of relevance and reasonable scope, by the academic staff member. The academic staff member and the administration shall be given a reasonable opportunity to submit rebuttal testimony or other evidence. At the conclusion of the testimony, the committee shall permit each side a reasonable time, not to exceed two hours, to submit an oral or written summation. When the committee is satisfied that all pertinent and available evidence has been

received, and that all summations intended to be offered have been presented, the hearing will be adjourned. When the committee is satisfied that all pertinent and available evidence has been received, and that such summations as it deems appropriate have been presented, the hearing will be adjourned. The committee will then go into executive session for the purpose of deliberation.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

577-041-0055

Committee's Report

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-041-0060

Action by the President

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-041-0065

Review by the Board of Higher Education

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

(a) A copy of the charges in the case and of the academic staff member's written statement, if any, in answer thereto;

(b) The verbatim record of the hearing, and any exhibits;

(c) The committee's findings and recommendations; and

(d) A copy of the notice of the President's decision, including his findings of fact and conclusions of law.

(2) The Board may:

(a) Review the case on record only;

(b) Return the case to the University for the receipt of further evidence or testimony;

(c) Conduct such hearings as it deems proper for its review;

(d) Refer the matter to a committee of Board members for consideration, including possible hearings, and recommendations; or

(e) Refer the matter to a hearing officer for hearings and recommendation. The Board shall make such determination of the case, pursuant to the Administrative Rules (OAR chapter 580), as it deems just.

(3) If the Board sustains the decision to impose a sanction or sanctions upon the academic staff member, the sanction or sanctions shall be effective at the date originally named by the President, or such later date as determined by the Board.

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-041-0070

Board's Initiative in Bringing Investigation or Charges

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-041-0075

No Reprisals

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-041-0080

Personnel Record

No notation shall be made in the personnel record of an academic staff member of any investigation which has not resulted in formal charges being brought against him under this division, or which has not resulted in the imposition of a sanction of oral or written warning

or reprimand in accordance with the procedures provided for in OAR 577-041-0015, 577-041-0020, and 577-041-0025.

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

577-041-0085

No Prejudice

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

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

DIVISION 42

FACULTY GRIEVANCE PROCEDURE

577-042-0005

Purpose and General Explanation

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

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

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

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

577-042-0006

Definitions

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

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

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

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

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

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

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

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

the obligations of the Department head as required by this grievance procedure.

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

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

577-042-0010

General Provisions

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

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

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

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

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

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

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

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

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

577-042-0015

Presentation of Grievance

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

(2) Oral presentation of a grievance:

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

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

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

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

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

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

(3) Written presentation of a grievance:

(a) Step one: Dean's review.

(A) If the grievant is not satisfied with the decision of the department chair and desires to proceed further, the grievant shall, within five days of being notified of the department chair's decision, present the grievance in writing to the Dean on the form attached as **Appendix 1**;

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

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

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

(b) Step two: Peer hearing.

(A) If the grievant is not satisfied with the Dean's decision and desires to proceed further, the grievant shall, within five days of receipt of the Dean's written decision, file a request for a hearing with the chairperson of the University Faculty Grievance Panel, using the form attached as **Appendix 2**;

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

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

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

(E) Procedure for the conduct of peer hearings:

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

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

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

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

(v) The chairperson of the Hearing Committee shall preside at such hearings and over the deliberations of the Committee. The chair-

person shall have authority to rule upon questions of admissibility of evidence and exclude evidence which is irrelevant, untrustworthy, and unduly repetitious;

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

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

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

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

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

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

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

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

(d) Step four: Review by President.

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

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-042-0020

Non-Retaliation

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

577-042-0025

University Faculty Grievance Panel and Faculty Peer Hearing Committee

(1) Membership:

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

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

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

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

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

(2) Faculty Peer Hearing Committee:

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

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

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented:

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

DIVISION 50

CENTER FOR POPULATION RESEARCH AND CENSUS

577-050-0005

Authority

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

Stat. Auth.: ORS 190

Stats. Implemented:

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

577-050-0010

Purpose

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

Stat. Auth.: ORS 190

Stats. Implemented:

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

577-050-0015

County Estimates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Enumeration or Survey: At any time during the first or second review period, the county may request that the CPRC conduct a complete enumeration or a sample survey of housing units and number of permanent residents to determine the population of the county. The enumeration or survey is performed at the cost of the requesting entity. If the census or survey is conducted before March 1 of the year following the December 15th certification, this population count is certified to the Secretary of State and to the Federal Bureau of the Census,

and it is retroactive to December 31st of the estimate year. The CPRC determination is final. A census or survey is recognized as a final figure of the county's population by both state and federal governments.

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

577-050-0020
City Estimates

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

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

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

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

(a) Housing Data:

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

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

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

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

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

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

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

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

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

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

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

DIVISION 60

SCHEDULE OF FEES FOR GENERAL SERVICES AND OTHER CHARGES

577-060-0020

Schedule of Fines and Fees for General Services and Other Charges

The Schedule of Fines and Fees for General Services and Other Charges for the 2011–2012 Fiscal Year are hereby adopted by reference by Portland State University.

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 352.360
Hist.: PSU 16(Temp), f. 8-24-77, ef. 9-1-77; PSU 18, f. & ef. 10-4-77; PSU 19(Temp), f. & ef. 10-11-77; PSU 20, f. & ef. 11-18-77; PSU 3-1978(Temp), f. 6-19-78, ef. 7-1-78; PSU 7-1978, f. & ef. 9-5-78; PSU 1-1979, f. & ef. 9-17-79; PSU 3-1980, f. & ef. 9-4-80; PSU 2-1981, f. & ef. 9-10-81; PSU 3-1982, f. & ef. 9-3-82; PSU 1-1983, f. & ef. 2-8-83; PSU 2-1983, f. 6-22-83, ef. 7-1-83; PSU 1-1984, f. 6-8-84, ef. 7-1-84; PSU 1-1985, f. 6-26-85, f. 7-1-85; PSU 1-1986, f. 6-25-86, ef. 7-1-86; PSU 1-1987, f. 6-19-87, ef. 7-1-87; PSU 3-1987(Temp), f. & ef. 8-11-87; PSU 5-1987, f. & ef. 10-27-87; PSU 5-1988, f. & cert. ef. 7-18-88; PSU 7-1988(Temp), f. & cert. ef. 11-29-88; PSU 3-1989, f. & cert. ef. 7-26-89; PSU 5-1990, f. & cert. ef. 7-5-90; PSU 2-1991(Temp), f. & cert. ef. 6-28-91; PSU 3-1991, f. & cert. ef. 8-7-91; PSU 4-1991(Temp), f. & cert. ef. 12-4-91; PSU 1-1992, f. & cert. ef. 1-17-92; PSU 2-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1993, f. & cert. ef. 6-11-93; PSU 2-1993(Temp), f. & cert. ef. 7-13-93; PSU 3-1993(Temp), f. & cert. ef. 7-30-93; PSU 4-1994, f. & cert. ef. 11-3-94; PSU 1-1995, f. & cert. ef. 8-9-95; PSU 1-1996(Temp), f. 1-18-96, cert. ef. 3-1-96; PSU 3-1996, f. & cert. ef. 6-27-96; PSU 1-1997, f. & cert. ef. 8-1-97; PSU 4-1998, f. & cert. ef. 9-17-98; PSU 4-1999, f. & cert. ef. 8-11-99; PSU 2-2000, f. & cert. ef. 8-1-00; PSU 1-2001, f. & cert. ef. 8-14-01; PSU 2-2003, f. 6-27-03, cert. ef. 7-1-03; PSU 4-2003(Temp), f. & cert. ef. 11-18-03 thru 5-14-04; PSU 1-2004, f. & cert. ef. 8-20-04; PSU 1-2005(Temp), f. & cert. ef. 7-15-05 thru 12-28-05; PSU 3-2005, f. & cert. ef. 12-13-05; PSU 2-2006, f. & cert. ef. 6-30-06; PSU 5-2006(Temp), f. & cert. ef. 8-30-06 thru 1-31-07; Administrative correction, 2-16-07; PSU 3-2007, f. & cert. ef. 7-5-07; PSU 5-2008(Temp), f. 6-13-08, cert. ef. 7-1-08 thru 12-26-08; Administrative correction 1-23-09; PSU 1-2009(Temp), f. & cert. ef. 5-14-09 thru 11-10-09; PSU 2-2009, f. 7-15-09, cert. ef. 8-1-09; PSU 6-2009(Temp), f. & cert. ef. 8-24-09 thru 11-1-09; Administrative correction 11-19-09; PSU 1-2010(Temp), f. 4-5-10, cert. ef. 7-1-10 thru 11-1-10; PSU 2-2010, f. 6-16-10, cert. ef. 8-1-10; PSU 1-2011(Temp), f. 6-10-11, cert. ef. 7-1-11 thru 12-28-11; PSU 2-2011, f. & cert. ef. 9-21-11; PSU 4-2011, f. & cert. ef. 11-10-11

DIVISION 70

PARKING RULES AND REGULATIONS

577-070-0005

Declaration of Purpose

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

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

(3) Portland State University, through the President and other administrative officers designated by him or her, is hereby authorized to place these rules and regulations into effect and to provide for the enforcement thereof through the hiring, appointment and management of university employees.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0010

Use Restrictions

The parking structures and parking lots owned or leased by PSU are for the use of faculty, staff, students, tenants, guests and visitors of the State System of Higher Education; parking by all persons is subject to availability of parking spaces and the policies as established by the administration of Portland State University. All persons who park in University-owned or leased parking lots, structures, street access areas, other no parking zones, or all other campus areas must obtain and display a valid PSU parking permit for the space or area where the vehicle is parked. Vehicles cited for failure to display such permits are subject to penalties as assessed by the University. PSU reserves the right to enforce all campus areas at all times.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0015

Permits and Fees

(1) Permits: Valid PSU parking permits are required to park in any non-assigned parking space in University parking facilities during days and times designated at the facility, except on legal holidays when the University is closed. To be eligible for a permit lasting more than seven (7) calendar days, applicants must provide PSU Transportation and Parking Services (TAPS) with their vehicle license number (or VIN# in lieu), make, color and year of the vehicle(s) on which the permit(s) will be displayed. Applicants registering vehicles with TAPS may be required to provide proof of registration or leasing of the vehicle by Applicant, or member's of Applicants' immediate family. Professors emeriti may receive, upon written confirmation from the Office of Academic Affairs, a complimentary parking permit. Student applicants desiring PSU parking permits must meet the housing and credit requirements designated by TAPS for the parking permit which they are purchasing. All permit holders must maintain their eligibility requirements throughout the term or surrender their permit for applicable permit exchange and, if applicable, monetary adjustment within ten (10) calendar days of becoming ineligible for the permit, whether or not notice was provided to the student. Failure to surrender the permit will result in the permit being deemed invalid, and vehicles displaying the permit will be subject to parking citations for misuse of permit. Applicants may be required to pay for all outstanding fines, prior to purchasing a permit.

(2) PSU parking permits are valid only when purchased from or approved by PSU TAPS. Permits are to be displayed in a manner prescribed by TAPS. Permits which are static cling or stickers are to be adhered inside of vehicle, on the lower left rear window or driver's front left side window. Motorcycle permits are to be displayed in a conspicuous place. Hangtag permits are to be hung on rear view mirror facing toward front windshield, and clearly visible through the windshield or taped to the lower left rear window.

(3) Except in the case of carpool and reserved space permits, only one physical permit is issued.

(4) Institutional University accounts may not be charged for permits or spaces issued to PSU paid employees or PSU students, but may be charged for permits or spaces for guests or volunteers not paid by the university or for PSU owned or leased vehicles.

(5) The following types of parking permits have additional restrictions:

(a) Reserved Space permits allow authorized vehicles or users to park from 6:00 a.m. to 6:00 p.m., Monday through Saturday in their assigned reserved space, unless otherwise posted.

(b) Carpool permits allow one vehicle at any time from a carpool registered with TAPS to park in one of the preferred carpool parking spaces on campus. If the carpool spaces are full, carpool permit holders may park in non-assigned, general permit parking spaces. A carpool shall be defined as two (2) or more University staff, faculty, or full-time students, who have compatible schedules, allowing the individuals to ride together a minimum of three (3) days per week. Individuals who carpool must come into the Transportation and Parking Services office together to sign a carpool agreement and receive their carpool permit.

(c) Motorcycle permits allow motorcycles, power scooters and mopeds to be parked at any time in areas designated as "Motorcycle Parking". This excludes spaces identified as bicycle parking or pedestrian areas.

(d) Guest and Event parking permits may be made available if the issuance of the guest and event parking permit does not displace a University permit holder who has purchased permits under section one (1) of OAR 577-070-0015. Special event parking requires a PSU parking permit designed and/or approved by TAPS. Parking availability will be the decision of the Manager of Transportation and Parking Services, or designated staff. Some events will require written agreement with regard to permit distribution, fees, and related considerations.

(e) Student Housing permits are available to those individuals with proof of on campus student residency, and may require registration at the University for at least one (1) credit hour.

(f) Tenant parking permits are provided at the discretion of the Manager of Transportation and Parking Services or designated employee or through the tenant's lease terms.

(g) Service, Contractor and Loading Zone permits are available to individuals and companies working on PSU campus and allow vehicles to park in any non-assigned parking space in non-restricted lots or designated areas. Parking in reserved spaces, restricted lots or no parking areas must be approved by the Manager or designated employee of TAPS. Permits arranged through PSU Facilities and Planning require appropriate project accounting codes identified at the time the permit is issued and submitted to TAPS.

(h) Departmental Service permits may be requested by departments at no charge to be used by faculty and staff parking permit holders for loading and unloading in no parking zones for up to 30 minutes.

(6) Commercial Delivery vehicles may use any designated loading zone for the time allowed in that space noted through signage, while conducting business with the University without a permit.

(7) Lost and Stolen permits:

(a) Permits, which are lost or stolen, must be reported immediately to TAPS. Permits will be replaced (see rule 577-070-0020) only if the person to whom the permit was originally issued signs a lost/stolen permit form. In order for the stolen permit fee to be waived, a report must first be filed with the Campus Public Safety Office stating that permit was stolen on PSU owned or leased property.

(b) Any car appearing on campus with a permit listed as lost or stolen with TAPS may be booted or towed immediately upon discovery, and will be subject to fines listed in rule 577-060-0020(002). Possession of a lost or stolen permit could be grounds for criminal charges and, if applicable, University disciplinary action. Drivers of cars bearing a stolen or lost permit will also be charged for the entire value of the permit from the date that it was originally designated as stolen or lost.

(8) Forged or Altered permits: Drivers of cars bearing forged or altered permits are subject to fines listed in 577-060-0020(002). The car may be booted or towed immediately upon discovery, and the remaining permit value may, at the discretion of PSU TAPS, be forfeited. Drivers of vehicles bearing a forged permit will also be charged for the entire cost of the permit, without proration, from the date that its original copy was issued.

(9) Application for Refund of Fees: Unused portions of parking permits valid for longer than one day may be submitted to TAPS for a pro-rated refund. Permits must be removed from the vehicle and returned to TAPS. Refunds are computed from the day after the permit is returned. Refunds for term and academic year permits will not be issued during the last two weeks of the academic term and refunds

for monthly or annual permits will not be issued during the last fifteen (15) days of the month for that month. Monthly charges for Faculty/Staff permits not returned after employment termination will continue to be billed to the registered permit holder until the permit is returned or reported lost or stolen.

Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented: ORS 352.360
Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 3-1983, f. 6-22-83, ef. 7-1-83; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 2-1985, f. 6-26-85, ef. 7-1-85; PSU 2-1986, f. 7-28-86, ef. 9-1-86; PSU 2-1987, f. 6-19-87, ef. 9-1-87; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 2-1996, f. & cert. ef. 5-1-96; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0020 Replacement Permits

A replacement parking permit may be obtained when a permit is lost, stolen or damaged at the replacement fee cost listed in OAR 577-060-0020(002) after completing and signing a lost/stolen permit form. In the event a permit is stolen on PSU campus, a stolen permit report must be filed with the Campus Public Safety Office before a replacement permit may be issued.

Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented: ORS 352.360
Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0025 Miscellaneous Regulations

(1) No driver of a vehicle shall stop or park a vehicle at a time or in a place not authorized by a permit issued under these regulations.

(2) Other vehicles: motorcycles, scooters, mopeds and bicycles may be parked only in those areas specifically designated for their use. Bicycles may be parked without charge in unenclosed areas where the University has placed suitable racks. Bicycles parked in any area designated for vehicle parking, chained to signposts, stairwells, trees or other structures not designed for bicycle parking are subject to being removed at the owner's expense and will be retained by PSU, if not picked up by the bicycle owner, for fourteen (14) calendar days at which time it will be deemed forfeited and become the property of PSU. Bicycles are only allowed in campus buildings if being taken to a designated indoor bicycle parking facility or to one's office or cubicle if approved by Transportation and Parking Services and the applicable dean, vice president or director within FADM. No motorized vehicles are allowed to park in bicycle areas.

(3) No permit holder is allowed to use his/her vehicle, while on PSU property, for the purpose of temporary or permanent residence. Vehicle maintenance and repair may not be done in parking areas or any other campus areas without the approval of Transportation and Parking Services.

(4) Loading Zones are for the specific use of loading and unloading only, and vehicles parked in loading zones that are not being used for this purpose are subject to citations listed in OAR 577-060-0020(002).

(5) State Vehicles (E-Plates) owned or assigned to the University may park in any non-assigned, general permit parking space at the current faculty/staff rates; other State Vehicles wishing to park in PSU owned or leased areas, including all other government vehicles i.e., cities, municipalities, counties, or federal government, will be required to obtain a permit in accordance with established fees under 577-060-0020(002).

(6) Police and fire vehicles and ambulances may park on campus for official business at PSU at no cost. Vehicles whose operator is at Portland State University for any other purpose will be required to obtain a permit in accordance with established fees under 577-060-0020(002).

(7) No permit holder is allowed to use PSU property for the purpose of storing an inoperable vehicle. Vehicles in this condition may be towed at the owners expense.

Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented: ORS 352.360
Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0030 Vehicular Traffic Within Parking Structures and Lots

(1) Unless otherwise posted, the speed limit within the parking structures and lots and any other PSU areas shall be 10 miles per hour.

(2) Traffic within the parking structures or lots is limited to movement into and out of parking spaces and from parking spaces to an exit. All vehicles will follow the indicated direction of traffic flow, including traffic on the University-controlled street access areas. Vehicles in violation are subject to the fines listed under OAR 577-060-0020(002) and may be subject to forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle on PSU owned, leased or managed property may result in the violator's vehicle being towed and/or elimination of all parking privileges.

Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented:
Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1985, f. 6-26-85, ef. 7-1-85; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 3-1992, f. & cert. ef. 6-15-92; PSU 2-1994, f. 10-14-94, cert. ef. 1-1-95; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0035 Vehicle Immobilization, Towing, Booting and Boot/Tow Notices

(1) Booting, Towing and Impoundment: Release of a booted, towed or impounded vehicle will be made upon payment (cash, credit card or check with the exception of after hours transactions limited to cash or checks at the discretion of the Campus Public Safety Office) of all outstanding fines with TAPS, after proof of ownership is substantiated. In the case of a vehicle being booted or towed for displaying a forged, altered or stolen permit, the permit must be given to TAPS before the vehicle is released.

(2) Boot/Tow Notice Violation: A vehicle having three or more outstanding parking citations is subject to a Boot/Tow Notice Violation. If payments of all outstanding citations are made with TAPS office within (7) seven calendar days of receiving a Boot/Tow Notice Violation, the penalty for the Boot/Tow Notice Violation will be waived.

(3) Vehicles parked anywhere on University property may be booted or towed at the owner's expense without notice, under the following conditions:

(a) Parking in an area designated as a fire-lane (yellow or red curbing and/or signed) or tow-a-way zone.

(b) Blocking traffic or obstructing the normal flow of traffic.

(c) For fire or safety reasons.

(d) Abandoned vehicles — Abandoned or junked vehicles remaining on University property more than 24 hours will be removed. Unlicensed vehicles (to include those with obscured VIN numbers) parked on University property will be considered as abandoned and subject to removal upon discovery or booted until ownership and information is verified.

(e) Vehicles bearing forged, altered or stolen permits.

(f) Parking in a reserved space, Disabled space, or restricted area without an appropriate permit.

(g) Vehicles equipped with alarms that do not cease emitting intermittent or constant sound after an aggregate time of 3 minutes within any 15-minute period.

(h) Vehicles parked in pedestrian or no parking zones without a permit for that location.

(i) Vehicles with an outstanding, expired tow notice violation.
Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented: ORS 352.360
Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-

1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92; PSU 2-1995, f. & cert. ef. 12-12-95; PSU 4-1996, f. & cert. ef. 10-8-96; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0040

Pedestrian Traffic

(1) Right of Way: Pedestrian traffic shall have the right of way over vehicular traffic in any place in the parking structures, parking lots, or in any of the University-controlled street areas, including the Park Blocks.

(2) Trespassing: Trespassing in the parking structures or any of the University-controlled parking lots or street areas may be subject to arrest for criminal trespass under ORS 164.243 and 164.245.

(3) Skateboard and Skate Regulations: Skateboards, roller blades, roller skates, in-line skates, skateskis or similar devices are prohibited in the parking structures and parking lots under the control of the University. Exception to this rule may be made by the Vice President of Finance and Administration, or designee for University-sponsored and supervised classes, programs and events.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0045

Violations and Penalties

(1) Fines. Fines for violation of regulations are set forth in OAR 577-060-0020(002). Citation payments must be made to TAPS.

(2) Enforcement of Penalties:

(a) All disputed violations may be appealed within fourteen (14) calendar days of the date of the citation by completion of a PSU Citation Petition Form which will be decided upon by a PSU citation appeals officer. Decisions made by appeals officers may be disputed by completing a PSU Traffic Appeals Board Petition and will be reviewed by the Traffic Appeals Board. Disputes to the Traffic Appeals Board may be conducted in writing or in person at scheduled Traffic Appeals Board meetings. Any further dispute of decisions on waivers may be appealed in writing to the Director or Associate Director within Finance and Administration at Portland State University who directly oversees Transportation and Parking Services within fourteen (14) calendar days of the postmark of notification by the Traffic Appeals Board.

(b) The Director or Associate Director will also provide an opportunity for a hearing if requested by the appealing party. Such hearing will be conducted without formal rules of evidence, and will provide an opportunity for presentation of circumstances surrounding the issuance of the citation(s). Decisions by the Director or Associate Director, after the hearing will be in writing, but need not contain specific findings of fact and conclusions of law.

(c) The ruling on the appeal to the Director or Associate Director shall be final.

(d) Failure to adhere to the timelines laid out above will result in dismissal of petition.

(3) Nonpayment of Fines:

(a) A student who fails to tender payment to the University for any parking citations received, or fails to request a waiver in a timely manner as specified in rule 577-070-0045 on or before the date specified in the parking citation may have their transcripts withheld, a registration hold placed on their student account or may be denied graduation if any fines or fees under these regulations are unpaid.

(b) Unpaid parking citations that have been unpaid for at least three (3) months may be sent to the responsible party's university Accounts Receivable account or an outside collection agency at the discretion of TAPS.

(4) Forfeiture of Parking Privileges:

(a) Drivers of vehicles bearing forged, altered or stolen permits, drivers who are verbally or physically abusive to TAPS or other PSU personnel, persons who cause damage to TAPS property, or drivers who have had their vehicle booted or towed three (3) or more times

in one year may be denied parking privileges for a period determined by the Manager of Transportation and Parking. Drivers will be booted and/or towed for not adhering to their revocation of parking privileges.

(b) Six or more violations resulting in non-payment of citations in a one year period may be cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within on PSU owned, leased or managed areas, may result in the violator's vehicle being towed or booted.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 352.360

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. & ef. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 2-1984, f. 6-8-84, ef. 7-1-84; PSU 2-1986, f. 7-28-86, ef. 9-1-86; PSU 2-1987, f. 6-19-87, ef. 9-1-87; PSU 4-1989(Temp), f. & cert. ef. 10-10-89; PSU 1-1990, f. & cert. ef. 1-22-90; PSU 6-1990(Temp), f. 8-17-90, cert. ef. 9-1-90; PSU 7-1990(Temp), f. 11-14-90, cert. ef. 12-26-90; PSU 8-1990, f. 12-11-90, cert. ef. 12-26-90; PSU 3-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1998, f. & cert. ef. 7-16-98; PSU 1-2000, f. 5-10-00, cert. ef. 6-19-00; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

577-070-0050

Abandoned or Inoperable Vehicles

(1) Abandoned vehicles. Abandoned or junked vehicles remaining on University property more than 24 hours, will be removed at the owner's expense, in accordance with ORS Chapter 819. Unlicensed (to include those with obscured VIN numbers) vehicles parked on University property will be considered as abandoned and subject to removal upon discovery.

(2) Inoperable vehicles. Vehicles which have broken down on University property and which cannot be removed must be reported at once to TAPS or Campus Public Safety Office. Inoperable vehicles must be removed from the campus within 24 hours, or will be subject to removal at the owner's expense. Mechanical repairs to disabled private vehicles on University property is prohibited.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6(Temp), f. & ef. 8-13-76; PSU 9, f. & ef. 11-2-76; PSU 5-1978, f. 7-18-78; PSU 2-1979, f. & ef. 9-17-79; PSU 1-1980, f. 7-30-80, ef. 8-1-80; PSU 1-1981, f. 7-28-81, ef. 8-1-81; PSU 2-1982, f. 7-30-82, ef. 8-1-82; PSU 6-1988, f. 9-6-88, cert. ef. 9-1-88; PSU 1-2003, f. 6-25-03, cert. ef. 7-1-03; PSU 2-2007, f. & cert. ef. 1-5-07; PSU 4-2009, f. 8-13-09, cert. ef. 9-15-09

DIVISION 71

USE OF BUILDINGS, GROUNDS, AND SERVICES

577-071-0005

Policy

Use of University facilities shall at all times be consistent with the University's three primary purposes: instruction, research, and public service. However, the University shall retain the right of determining which activities are consistent with its primary purposes.

All persons or groups using University facilities shall conform to the requirements of these rules and other University policies, as well as applicable Administrative Rules of the Oregon State Board of Higher Education and city, county, state, and federal ordinances and statutes.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

577-071-0010

Definitions

(1) "University" means Portland State University.

(2) "Buildings" mean buildings or structures or portions thereof, owned or leased by the University. It includes buildings or structures owned by the State of Oregon or the State Board of Higher Education, operated by or through the University, and included within the approved campus boundaries.

(3) "Facilities" means University owned or operated buildings, equipment, or property, including grounds, and University services where applicable.

(4) "Services" means services preformed by the University for students, staff, faculty, and the public in connection with instruction, research, and public service. It includes, but is not limited to, com-

puting, duplicating, telephone, addressing, food service, gym suit service, scheduling, and janitorial services.

(5) "Grounds" means all real property, other than buildings, owned or controlled by the University.

(6) "South Park Block" means that portion of the City of Portland's South Park Blocks bounded on the east and west by S.W. Park Avenue, on the north by S.W. Montgomery Street and on the south by S.W. Harrison Street.

(7) "Internal Users" means:

(a) Academic or administrative departments or units of the University or interinstitutional groups composed of official representatives of PSU and other institutions within OSSHE;

(b) Student organizations, including those formally sanctioned by academic units of the University, registered through the Office of the Vice President for Student Affairs;

(c) Faculty and staff of the University, active or retired; and

(d) University alumni activities recognized by the Office of Alumni Relations.

(8) "External Users" means:

(a) Educational institutions or organizations, other than the University;

(b) City, county, state, and federal agencies, and tax-supported organizations such as school districts;

(c) Civic and community organizations whose activities are consistent with the purposes of the University; or

(d) Private organizations, political organizations, or individuals whose activities are consistent with the purposes of the University.

(9) The Office of the Registrar is the scheduling office for instructional activities in all University facilities under the jurisdiction of the Office of Academic Affairs. Individual academic departments are responsible for scheduling in all instructional facilities under the jurisdiction of the individual academic departments and as authorized by the Office of Academic Affairs.

(10) The University Scheduling Office is the scheduling office for Smith Memorial Center, the Performing Arts Center, and for non-instructional activities in all University buildings except the Health and Physical Education Building.

(11) The Office of the Dean of the School of Health and Physical Education is the scheduling office for HPE programs and athletic events in the Health and Physical Education Building.

(12) "Public Areas" means University facilities which are, by their physical nature, function, custom or usage, generally open to the public.

(13) "Non-Public Areas" means University facilities, including classrooms; laboratories; gymnasias; physical education exercise rooms; research areas; child day care facilities; offices assigned to faculty, administrative or staff personnel; conference rooms; seminar rooms; lounges; storage areas; parking structures; or other similar areas, which are generally not open to the general public.

(14) "Person-in-Charge" means an employee of the University, or appropriate person, authorized by the University to administer or direct an activity of the University.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78; PSU 4-1983, f. 6-22-83, ef. 7-1-83

577-071-0015

Use of University Facilities by Internal Users

(1) Use of University facilities by internal users shall be arranged through the appropriate scheduling office. Requests for use of University facilities by internal users shall be made in accordance with established procedures. When there are conflicting requests for space, a determination will be made by the scheduling office concerning which users will be authorized use of space. Such determination will be made based upon the "priority of use" guidelines established by the scheduling office and approved by the President, or the President's designee.

(2) Use of the South Park Block by internal users shall be scheduled through the Smith Memorial Center Scheduling Office and approved by the Vice President for Student Affairs.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

577-071-0020

Use of University Facilities by External Users

(1) Any use of University facilities by an external user must be approved by the President of the University or by the President's designee. External users shall follow the same procedures for requesting space as are required of internal users.

(2) Use of the South Park Block by external users shall be scheduled through the Park Bureau of the City of Portland.

(3) The University shall not make University facilities available to the following external users and activities:

(a) Private, personal, or commercial interests operated primarily for profit, except as provided for in the Administrative Rules of the Oregon State Board of Higher Education;

(b) Sales, solicitation, advertising, or promotional activities; and

(c) Political campaigning by or for candidates who have filed for public office, or for ballot measures.

(4) Exceptions to this rule may be granted by the President or by the President's designee when the external group is sponsored by an internal user or when the purposes of the external users are found to be consistent with the purposes of the University. All external users must also comply with other portions of these Administrative Rules.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

577-071-0025

Fees for Using University Facilities

The University Scheduling Office shall establish a fee schedule, subject to the approval of the President, or the President's designee. Schedules shall be adopted in accordance with the Administrative Procedures Act. In cases of extreme hardship or other unusual circumstances, fees or a portion thereof, may be waived. All requests for fee waivers shall be submitted to the President, or the President's designee, who shall make the final determination.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

577-071-0030

Conditions of Use

(1) University faculty administrative and staff personnel, and University students are permitted access to public areas, and, when engaged in a University authorized or assigned activity, to non-public areas.

(2) Members of the general public who are not University employees or students are permitted access to the public areas of the University, provided such access is consistent with the provisions of OAR 577-071-0005.

(3) Members of the general public who are not University employees or students are prohibited from use of non-public University facilities except upon the authorization of the person-in-charge.

(4) University employees and students, and members of the general public are prohibited from bringing animals into University facilities, excluding grounds; exempted from this prohibition are University employees and students, and members of the general public:

(a) Who are legally handicapped, and whose handicap requires the assistance of a dog; or

(b) Are engaged in an authorized University instructional, research or public service activity requiring the presence of animals in University facilities.

(5) University faculty, administrative and staff personnel, University students, and members of the general public are expressly prohibited from consuming food or beverages of any kind whatsoever in any University classroom or laboratory, except as authorized in writing by the appropriate vice president. Exempted from this prohibition are facilities within Smith Memorial Center under the scheduling jurisdiction of the University Scheduling Office.

(6) Smoking is expressly prohibited in any University classroom or laboratory.

(7) The dispensing or consumption of alcoholic beverages is expressly prohibited in any University facility, except as authorized under the provisions of the University's Internal Management Directive 5.500.

(8) The University reserves the right to impose such requirements on the use of University facilities as it may deem necessary, and

reserves the right to reassign or substitute facilities as available and when the University deems such reassignment or substitution is in the best interests of the University.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78; PSU 4-1983, f. 6-22-83, ef. 7-1-83

577-071-0035

Appeals

Internal or External Users who are denied use of University facilities for whatever reason may appeal the denial to the President or the President's designee, who shall make a final determination.

Stat. Auth.: ORS 351 & 352

Stats. Implemented:

Hist.: PSU 6-1978, f. & ef. 8-1-78

DIVISION 72

BUSINESS AFFAIRS

577-072-0005

Collecting Accounts and Notes Receivable

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

(a) Withholds a student's diploma, transcript, or other instruments of degree confirmation-verification, when:

(A) The student has an outstanding accounts receivable or notes receivable balance; or

(B) The student has failed to complete a required exit interview (exit interviews are necessary to have students sign repayment agreements, obtain forwarding addresses and to gather other data needed when a student leaves an institution); or

(C) The student has not made arrangements to pay the balance due or complete an exit interview; and in addition to paragraph (A), (B), or (C) of this subsection;

(D) The student has notice that the balance is due, or an exit interview is required; and that the student's diploma, transcript or other instrument of degree confirmation/verification may be withheld.

(b) Denies or cancels registration;

(c) Withholds further account receivable privileges;

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

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

(f) Adds penalties and interest as allowed by statutes and regulations;

(g) Utilizes telephone inquiries;

(h) Sends letter of demand;

(i) Uses "skip trace" information as allowed by statutes;

(j) Utilizes offset procedures with other state agencies;

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

(l) Institutes legal action as permitted by statutes and regulations;

(m) Seeks collection on judgments as permitted by statutes;

(n) Reporting to credit bureaus as necessary.

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

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

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

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-1979, f. & ef. 9-17-79; PSU 5-1989, f. & cert. ef. 12-18-89

577-072-0020

Revolving Charge Account Plan

(1) Terms and Conditions:

(a) Eligibility. Any person, organization or agency that incurs charges, fines, or penalties at Portland State University is eligible to participate in the Revolving Charge Account Plan.

(b) Required Payments. Students must pay all past due amounts and a minimum payment of one-third of the current term's tuition and fees on or before the designated due date each term. The unpaid balance is subject to the terms and conditions of the Revolving Charge Account Plan. The option to pay the unpaid balance in full always exists. Specified payment dates are listed in the Schedule of Classes. Portland State University may deny use of the minimum payment privileges to persons who do not have a good credit history with Portland State University or have been in default on student loans.

(c) Interest Charges. Portland State University charges interest on account balances not paid within the grace period.

(A) Interest will be charged at an annual interest rate of 12 percent (.0003288 daily rate).

(B) Portland State University Computes the interest charge on an account by applying the daily rate, multiplied by the number of days since the previous billing date, to the "previous billed balance" remaining on the account on the billing date. Interest charges are calculated and applied monthly.

(d) Penalties. Portland State University will impose penalties on delinquent accounts as follows.

(A) Registration will be denied.

(B) The extension of credit, provision of services, transcripts, and diplomas will be withheld.

(C) Telephone services will be disconnected or denied when past due accounts relate to telecommunication charges.

(D) In-house collection costs will be assessed.

(E) Accounts will be referred to the Oregon Department of Revenue and/or outside collection agencies, and/or the Oregon Department of Justice.

(F) Accounts will be referred to the Oregon Department of Revenue for state tax refund offset.

(G) The status of the account will be reported to credit reporting bureaus.

(e) Collection Costs. Accounts referred to collection will be assessed all costs and charges incurred in the collection of any amount unpaid when due, including, but not limited to, Oregon Department of Revenue charges, collection agency charges, reasonable attorney's fees, including attorney fees on appeal, and court costs.

(f) Address Updates. Until all outstanding account balances are paid in full, the student is solely responsible for immediately notifying the Office of the Registrar of any change in address or name.

(g)(A) Repayment Through Financial Aid. It is the policy of Portland State University to use any financial aid, including but not limited to, Stafford, SLS or Perkins Loan Proceeds to pay in full all accounts receivable debts and other current term charges BEFORE releasing any remaining financial aid to the recipient. Students wishing to decline the automatic crediting of Title IV aid to prior terms' unpaid institutional charges or to current charges other than tuition and mandatory fees must communicate their declination in writing to the Accounts Receivable Department in the Office of Business Affairs no less than 21 days before the first day of classes for the new term.

(B) Students wishing to decline the automatic crediting of Title IV aid to a prior term's unpaid institutional charges or to current charges other than tuition, mandatory fees, and room and board, must communicate their declination in writing to the Accounts Receivable Department of the Office of Business Affairs no less than 21 days before the first day of classes for the new term.

(h) Billing rights Summary. In case of errors or questions, a student may challenge a charge within 60 days after the first billing statement on which the suspected error or problem appeared, by directing his/her inquiry to the office initiating the charge. If an error occurred, affected charges will be adjusted.

(i) Notification of Changes. Portland State University may amend these Terms and Conditions without securing a new agreement. Portland State University will notify student of any changes in interest, charges or fees in advance of the change. The option to pay in full always exists. If unpaid, student is bound by the changes.

(2) Definitions:

(a) Student: Any person who is currently or has in the past been enrolled at Portland State University.

(b) Due Date: Date set by Portland State University for payment, as specified on the billing statement or other form of notification such as the Schedule of Classes.

(c) Future Balance: Amounts shown on the account which are due at a future date not in the current billing cycle.

(d) Grace Period: The time period between posting charges to an account and the date on which interest accrual begins.

(e) Outstanding Balance: Total amount of account balances at any given time.

(f) Past Due: Amounts are considered "past due" when not paid by the due date, and are subject to interest and penalties.

(g) Previous Billed Balance: the total of past due amounts, including fees, charges, prior interest and penalties, less payments and credits received to date. The "previous billed balance" does not include any new charges added to the account since the last billing or to charges assigned future due dates.

(h) Delinquent Account: Any account on which the required payments have not been received.

Stat. Authority: ORS 351.070 & OAR 580-040-0041

Stats. Implemented: OAR 580-040-0041

Hist.: PSU 1-1999(Temp), f. & cert. ef. 4-21-99 thru 10-1-99; PSU 6-1999, f. 9-15-99, cert. ef. 10-2-99

577-072-0030

Disbursement by Electronic Funds Transfer

(1) It is the policy of Portland State University that the primary payment method to persons or entities doing business with the University be by electronic fund transfer (EFT). All such payments by the University shall be by EFT unless otherwise provided in this rule.

(2) EFT payments will be made by direct deposit to a checking or savings account that is located in a financial institution in the United States.

(3) Notwithstanding section (2), the University will disburse payments by check when one of the following specific exceptions apply:

(a) The individual or entity presents satisfactory evidence to the University that the individual or entity does not have a bank account or is otherwise unable to receive payment by EFT; or

(b) The individual or entity presents satisfactory evidence of special circumstances, which the University will review on a case by case basis and will consider based on whether the issuance of a paper check would be in the best interests of the University; or

(c) The University otherwise determines that issuance of a paper check is in the best interests of the University.

(4) A request for exception must be made in writing.

(5) If an exception is granted pursuant to section 3(b) of this rule, the University will assess a fee for issuance of a paper check in order to recover the costs associated with such issuance. The fee shall be established pursuant to OAR 577-060-0020 and will be deducted from the amount of the payment.

(6) This rule does not apply to:

(a) Payments to employees, such as wages or the reimbursement of expenses that are related to the employment relationship;

(b) Payments to students that are related to their student status, including stipends;

(c) Single payments less than \$100 that are not expected to be recurring;

(d) Payments that the University and the other party agree will be made by credit card or other non-check method.

Stat. Auth.: ORS 293.525, 351

Stats. Implemented: ORS 293.525

Hist.: PSU 5-2009, f. 8-13-09, cert. ef. 1-1-10