

Chapter 576 Oregon University System, Oregon State University

DIVISION 1

PROCEDURAL RULES

576-001-0000	Notice of Proposed Rule
576-001-0005	Contents of Notice When a Public Hearing is Contemplated
576-001-0010	Contents of Notice When a Public Hearing is Not Contemplated
576-001-0015	General Rulemaking Requirements
576-001-0020	Postponing Intended Action
576-001-0030	Conduct of the Hearing
576-001-0040	Filing and Taking Effect of Rule
576-001-0045	Submission to Legislative Counsel
576-001-0050	Temporary Rules
576-001-0055	Petition to Promulgate, Amend, or Repeal Rule: Contents of Petition, Filing of Petition
576-001-0060	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

DIVISION 2

CONTESTED CASES AND OTHER HEARINGS

576-002-0000	Definitions
576-002-0015	Procedure for Informal Hearing
576-002-0017	Notice of Rights and Procedure in Contested Case Hearing
576-002-0030	Order When Grievant Fails to Appear
576-002-0035	Subpoena, Disposition
576-002-0060	Exclusion Appeals
576-002-0070	Non Contested Case Adjudicative Proceedings

DIVISION 3

FACULTY RECORDS RULE

576-003-0000	Definitions
576-003-0005	Limitation on Records to Be Maintained
576-003-0010	Restrictions on Soliciting or Accepting Confidential Information Relating to Employed Faculty
576-003-0020	Certain Information Not Required to Be Given by Faculty Members
576-003-0040	Locations and Custody of Faculty Records
576-003-0050	Release of and Access to Faculty Records
576-003-0060	Confidential Records — Restrictions on Release
576-003-0070	Access to Files by Faculty Members
576-003-0080	Entry into File of Comments, Explanations, and Rebuttals
576-003-0090	Retention of Evaluative Materials Concerning Candidates for Possible Employment
576-003-0100	Availability to Faculty Members of Objective Information Concerning Categories of Staff
576-003-0110	Availability of Faculty Records for Research Purposes
576-003-0120	Permanence, Duplication, and Disposal of Faculty Records

DIVISION 4

ACCESS TO PUBLIC INFORMATION

576-004-0000	Policy
576-004-0005	Authority to Deny
576-004-0010	Petition
576-004-0015	Response
576-004-0020	Fees

DIVISION 5

TIME, MANNER, AND PLACE RULE FOR SPEECH ACTIVITIES

576-005-0005	Purpose and Scope
--------------	-------------------

576-005-0010	Definitions
576-005-0015	Public Areas
576-005-0020	Access, Traffic, and University Business Not to Be Impeded
576-005-0025	Notification
576-005-0030	University Mail System
576-005-0032	Use of Tables, Carts, Booths, and Similar Structures
576-005-0041	Enforcement

DIVISION 10

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

576-010-0000	Fees and Charges
576-010-0006	Disbursement by Electronic Funds Transfer
576-010-0011	Collecting Accounts and Notes Receivable
576-010-0021	Revolving Charge Account Program
576-010-0031	Discounted Fee Program — Purpose
576-010-0036	Definitions
576-010-0041	Eligibility Criteria, Discount, Loss of Eligibility

DIVISION 12

KEY DEPOSITS

576-012-0000	Purpose and Scope
--------------	-------------------

DIVISION 15

STUDENT CONDUCT CODE

576-015-0005	Purpose
576-015-0010	Definitions
576-015-0020	Offenses Proscribed by the University
576-015-0021	Violations of the Student Conduct Code by Student Organizations
576-015-0025	Jurisdiction
576-015-0030	Sanctions
576-015-0035	Readmission After Suspension
576-015-0040	Record
576-015-0043	Notice
576-015-0045	Determination by the Director of Student Conduct and Community Standards
576-015-0050	Student Conduct and Community Standards (SCCS) Committee Hearing
576-015-0055	Hearing Officer(s) Contingency
576-015-0056	Emergency Action
576-015-0057	Notice of Decision and Rights of Victim
576-015-0060	Conduct Action Appeals

DIVISION 16

STUDENT FAMILY HOUSING

576-016-0000	Purpose
576-016-0010	Definitions
576-016-0020	Student Family Housing Eligibility
576-016-0030	Eligibility for Residence
576-016-0040	Residency Requirements
576-016-0050	Priorities
576-016-0060	Exceptions

DIVISION 17

STUDENT LIVING GROUPS

576-017-0005	General Housing Regulations
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DIVISION 20

STUDENT RECORDS RULE

576-020-0005	Basic Philosophy
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Chapter 576 Oregon University System, Oregon State University

576-020-0010	Definition of Terms
576-020-0015	Availability of Records
576-020-0020	Student Right to Waive Access
576-020-0025	Challenge to Content of Records and Administrative Hearing Process
576-020-0030	Non-Release to Third Parties
576-020-0035	Record of Access to Student Records
576-020-0040	Permanence, Duplication and Disposal of Student Records
576-020-0045	Period for Granting Access
576-020-0050	Subpoenas and Court Orders
576-020-0055	Health or Safety Emergencies
576-020-0060	Access to Records on Several Students
576-020-0065	Annual Publication of Institutional Rule

DIVISION 22

STUDENT APPEALS AND GRIEVANCES

576-022-0005	Purpose
576-022-0010	Student Academic Grievances
576-022-0020	Student Financial Aid Appeals
576-022-0025	Student Appeals in Matters of University-Owned Housing
576-022-0030	Student Activities and Organization Appeals
576-022-0035	Discipline Action Appeals
576-022-0045	Student Employment Appeals
576-022-0050	Other

DIVISION 23

ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

576-023-0005	Introduction and Purpose
576-023-0010	Prohibited Substances
576-023-0015	Safe Harbor for Self-Reporting
576-023-0020	Types of Drug Testing
576-023-0025	Testing Method
576-023-0030	Drug Education and Counseling Services
576-023-0035	Positive Test Results Sanctions
576-023-0040	Records Security

DIVISION 24

ARTICLES PROHIBITED IN CERTAIN ATHLETIC FACILITIES

576-024-0000	Prohibited Articles
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DIVISION 25

STUDENT HEALTH SERVICES AND INSURANCE

576-025-0005	Student Health Services
576-025-0020	Health Insurance Requirements for Non-Immigrant International Students and Their Dependents.

DIVISION 30

REGULATIONS GOVERNING THE USE OF MOTOR VEHICLES

576-030-0005	Authority to Establish Motor Vehicle Regulations
576-030-0010	Application of Motor Vehicle Laws of the State of Oregon and City of Corvallis
576-030-0015	Definitions
576-030-0020	Parking Permits
576-030-0025	Driver Responsibility
576-030-0035	Refunds
576-030-0040	Driving and Parking Regulations on Campus
576-030-0045	Parking Committee and Appeal Review Committee

576-030-0050	Penalties for Offenses
576-030-0055	Enforcement and Appeals
576-030-0060	Motorcycle and Motor Scooter Operation
576-030-0070	Skateboard, Skate and Non-motorized Scooter Regulations
576-030-0090	Bicycle Regulations

DIVISION 35

USE AND SAFETY RULES FOR TRAVEL IN STATE-OWNED OR CONTROLLED VEHICLES

576-035-0000	Purpose
576-035-0010	Definitions
576-035-0020	Uses by Faculty, Staff, and Students
576-035-0030	Students

DIVISION 40

POLICY ON SMOKING IN UNIVERSITY BUILDINGS

576-040-0010	Purpose
576-040-0012	Definition
576-040-0015	Areas in Which Smoking is Prohibited

DIVISION 45

ANIMAL CONTROL

576-045-0000	Purpose
576-045-0010	Definitions
576-045-0020	Regulation
576-045-0030	Sanctions

DIVISION 50

FACULTY GRIEVANCE PROCEDURE

576-050-0010	Purpose
576-050-0015	Definitions and Mail Requirement
576-050-0020	Informal Procedures
576-050-0025	Initiation of Formal Procedures
576-050-0030	Appeal to the Faculty Grievance Committee
576-050-0035	Decision by the Committee and Appeal to the President
576-050-0045	Effect of Time Limits
576-050-0050	Non-Retaliation
576-050-0055	Two-Year Review

DIVISION 56

MOTOR VEHICLE HISTORY CHECK FOR EMPLOYMENT AND SERVICE

576-056-0000	Purpose and Applicability
576-056-0010	Definitions
576-056-0020	Designation of Positions Requiring a Motor Vehicle History Check
576-056-0030	Notice to Subject Individuals
576-056-0040	Motor Vehicle History Check Process
576-056-0050	Determination of Fitness to Hold Position Based on Motor Vehicle History Check
576-056-0060	Refusal to Consent to a Motor Vehicle History Check
576-056-0070	Incomplete Fitness Determination
576-056-0080	Offer of Employment or Service
576-056-0090	Notice of Adverse Fitness Determination
576-056-0100	Appeal Process for Motor Vehicle History Check
576-056-0110	Restricted Access to and Maintenance of Motor Vehicle History Check Records
576-056-0120	Fees Associated with Obtaining a Motor Vehicle History Check
576-056-0130	Required Employee and Volunteer Notification to the University

Chapter 576 Oregon University System, Oregon State University

DIVISION 60

ALCOHOLIC BEVERAGE POLICY

576-060-0010	Purpose
576-060-0015	Definitions
576-060-0020	Use of Alcoholic Beverages on the Corvallis campus in connection with Oregon State University varsity football games
576-060-0025	Use of Alcoholic Beverages at LaSells Stewart Center, CH2M Hill Alumni Center, the Memorial Union, Agricultural Experiment Stations, and Memorial Union East
576-060-0031	Use of Alcoholic Beverages in the Stadium Complex
576-060-0035	Procedures and Requirements for Approval
576-060-0037	Use at Additional Locations
576-060-0038	Prohibition
576-060-0039	Enforcement
576-060-0040	Evaluation of Rules

DIVISION 65

WEAPONS AND DESTRUCTIVE DEVICES

576-065-0000	Definitions
576-065-0010	Prohibitions and Regulations
576-065-0020	Sanctions

DIVISION 80

LOG EXPORT RULES

576-080-0005	Definitions
576-080-0010	Criteria for Eligibility to Bid on University Log or Timber Purchase Contracts
576-080-0015	Prohibition Against Indirect Substitution
576-080-0020	Applicable State Timber
576-080-0025	Surplus Timber
576-080-0030	Reporting Requirements
576-080-0035	Purchaser Disqualification and Termination of Contracts
576-080-0040	Log Branding and Marking Requirements
576-080-0045	Enforcement

DIVISION 1

PROCEDURAL RULES

576-001-0000

Notice of Proposed Rule

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0005

Contents of Notice When a Public Hearing is Contemplated

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OSU 2, f. & ef. 2-3-77; OSU 2-1980, f. & ef. 10-31-80

576-001-0010

Contents of Notice When a Public Hearing is Not Contemplated

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0015

General Rulemaking Requirements

The University rulemaking notice must:

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0020

Postponing Intended Action

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0030

Conduct of the Hearing

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

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

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

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

(a) Statement of proponents;

(b) Statement of opponents; and then

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

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

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

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

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

year or, in the discretion of the University, returned to the witness offering the exhibit.

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0040

Filing and Taking Effect of Rule

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0045

Submission to Legislative Counsel

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0050

Temporary Rules

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-001-0055

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

(1) An interested person may petition the University to adopt, amend, or repeal a rule. The petition shall state the name and address of the petitioner and any other person known to the petitioner to be

interested in the rule. The petition shall be legible, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

(a) The rule petitioner requests the University to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted enclosed in brackets and proposed additions shown by boldface;

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

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

(2) The University:

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

(b) May schedule oral presentations;

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

Stat. Auth. ORS 183.341

Stats. Implemented: ORS 183.341 & 183.390

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

576-001-0060

Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between the University's employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(3) Nothing in this rule affects any confidentiality created by other law.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)-(j) of section (7) of this rule.

(6) Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation and the University have agreed in writing to the confidentiality of the mediation, and;

(b) The person agreeing to the confidentiality of the mediation on behalf of the University:

(A) Is neither a party to the dispute nor the mediator, and

(B) Is designated by the University to authorize confidentiality for the mediation, and

(C) Is at the same or higher level in the University than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the University, unless the University head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to confidentiality and inadmissibility:

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(j) The mediator may report the disposition of a mediation to the University at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The University or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the University so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the University, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the University will provide to all parties to the mediation and to the

mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.230(4)

Hist.: OSU 7-2011(Temp), f. & cert. ef. 9-22-11 thru 3-20-12; OSU 9-2011, f. & cert. ef. 12-27-11

DIVISION 2

CONTESTED CASES AND OTHER HEARINGS

576-002-0000

Definitions

As used pursuant to ORS 183.310(2):

(1) A “contested case” exists whenever:

(a) A University rule provides for a contested case hearing; or
(b) The University elects to grant a hearing in accordance with contested case requirements.

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

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

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

Stats. Implemented: ORS 183.341 & 351.088

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

576-002-0015

Procedure for Informal Hearing

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-002-0017

Notice of Rights and Procedure in Contested Case Hearing

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-002-0030

Order When Grievant Fails to Appear

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

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-002-0035

Subpoena, Deposition

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

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

576-002-0060

Exclusion Appeals

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

Stat. Auth.: ORS 351.070 & 351.088

Stats. Implemented: ORS 351.070 & 351.088

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

576-002-0070

Non Contested Case Adjudicative Proceedings

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

Stat. Auth.: ORS 351.070 & 351.088

Stats. Implemented: ORS 351.070 & 351.088

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

DIVISION 3

FACULTY RECORDS RULE

576-003-0000

Definitions

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0005

Limitation on Records to Be Maintained

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0010

Restrictions on Soliciting or Accepting Confidential Information Relating to Employed Faculty

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0020

Certain Information Not Required to Be Given by Faculty Members

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0040

Locations and Custody of Faculty Records

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0050

Release of and Access to Faculty Records

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

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

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

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

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0060

Confidential Records — Restrictions on Release

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0070

Access to Files by Faculty Members

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

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

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

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

(5) If Oregon State University solicits or accepts student survey evaluations of the classroom or laboratory performance of a faculty member, the survey evaluations shall be conducted anonymously. Reports tabulated from student evaluations shall be placed in the evaluation files defined in OAR 576-003-0040. Survey instruments from which evaluation data are obtained shall be delivered to the faculty member. No other evaluative material shall be accepted from students unless the students are first clearly informed that the faculty member will have access to such material and that the anonymity of the student cannot be preserved.

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0080

Entry into File of Comments, Explanations, and Rebuttals

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

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

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0090

Retention of Evaluative Materials Concerning Candidates for Possible Employment

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0100

Availability to Faculty Members of Objective Information Concerning Categories of Staff

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0110

Availability of Faculty Records for Research Purposes

Oregon State University may make information about the faculty member available for research purposes, but shall adequately

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

576-003-0120

Permanence, Duplication, and Disposal of Faculty Records

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

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

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

Stat. Auth.: ORS 351.065 & 351.070

Stats. Implemented: ORS 351.065

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

DIVISION 4

ACCESS TO PUBLIC INFORMATION

576-004-0000

Policy

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

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

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

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

Stat. Auth.: ORS 192.440 & 351.070

Stats. Implemented: ORS 192.440 & 351.070

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

576-004-0005

Authority to Deny

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

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

Stat. Auth.: ORS 192.430 & 351.070

Stats. Implemented: ORS 192.430 & 351.070 & 351

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

576-004-0010

Petition

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

Stat. Auth.: ORS 192.430 & 351.07

Stats. Implemented: ORS 192.430 & 351.070
Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96

576-004-0015

Response

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

Stat. Auth.: ORS 192.430 & 351.070
Stats. Implemented: ORS 192.430 & 351.070
Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

576-004-0020

Fees

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

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

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

Stat. Auth.: ORS 192.440 & 351.070
Stats. Implemented: ORS 192.440 & 351.070
Hist.: OSU 5-1980, f. & ef. 12-3-80; OSU 3-1996, f. & cert. ef. 6-21-96; OSU 2-2008, f. 6-27-08, cert. ef. 7-1-08

DIVISION 5

TIME, MANNER, AND PLACE RULES FOR SPEECH ACTIVITIES

576-005-0005

Purpose and Scope

(1) The University recognizes and supports the rights of free expression and speech. It is the purpose of these regulations to inform members of the University community and the public of the manner in which they may engage in constitutionally protected speech and expression at Oregon State University. It is the further intent to ensure the primary educational purpose of the University while promoting debate and the sharing of information.

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

(3) These regulations do not affect any rights which an employee organization, certified as the exclusive representative pursuant to ORS 243.650 and following, may have been granted pur-

suant to its collective bargaining agreement or Oregon Revised Statutes.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

576-005-0010

Definitions

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

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

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

(4) "University" means Oregon State University.

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

576-005-0015

Public Areas

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

- (a) Classroom buildings;
 - (b) Research and laboratory facilities and buildings;
 - (c) The Valley Library;
 - (d) Plageman Hall (Student Health Center);
 - (e) Any area or building designated for authorized access only.
- (2) Speech activities in residence halls and University-owned cooperative houses may be regulated by the Director of University Housing and Dining Services in consultation with appropriate student residence associations. Such regulations shall be content neutral.

Stat. Auth.: ORS 164.205(5) & 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

576-005-0020

Access, Traffic, and University Business Not to Be Impeded

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

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

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 5-1988, f. & cert. ef. 10-13-88; OSU 7-1996, f. & cert. ef. 8-23-96

576-005-0025

Notification

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

(2) The officials to be notified are:

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

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

(c) All other areas: the Chief Business Officer.
Stat. Auth.: ORS 164.205(5) & 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

576-005-0030

University Mail System

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 5-1988, f. & cert. ef. 10-13-88

576-005-0032

Use of Tables, Carts, Booths, and Similar Structures

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

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

(a) Recognized student organizations must report the activity to the university through an online process managed by the Student Events & Activities Center;

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

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

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

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

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

(b) Uses in conflict with any applicable OSU food service or catering policy.

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

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-1992, f. & cert. ef. 6-5-92; OSU 7-1996, f. & cert. ef. 8-23-96; OSU 3-2013, f. 6-7-13, cert. ef. 7-1-13

576-005-0041

Enforcement

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

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

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

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

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

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

Stats. Implemented: ORS 351.070
Hist.: OSU 3-1990, f. & cert. ef. 8-22-90; OSU 7-1996, f. & cert. ef. 8-23-96

DIVISION 10

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

576-010-0000

Fees and Charges

The University hereby adopts by reference a list of fees and charges for July 1, 2013–June 30, 2014. This List of Fees and Charges is available at the Oregon State University Valley Library, and is hereby incorporated by reference in the rule.

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

Stat. Auth.: ORS 351.070, 352.360 & OAR 580-040-0010
Stats. Implemented: ORS 351.070 & 352.360
Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01; OSU 6-2002, f. 6-5-02, cert. ef. 7-1-02; OSU 1-2003, f. 6-19-03, cert. ef. 7-1-03; OSU 1-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 1-2005, f. 6-13-05, cert. ef. 7-1-05; OSU 1-2006, f. 6-23-06, cert. ef. 7-1-06; OSU 1-2007, f. 6-18-07, cert. ef. 7-1-07; OSU 3-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 2-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 1-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 1-2011, f. 6-13-11, cert. ef. 7-1-11; OSU 8-2011, f. & cert. ef. 12-27-11; OSU 3-2012, f. 6-6-12, cert. ef. 7-1-12; OSU 7-2012, f. 12-24-12, cert. ef. 1-1-13; OSU 4-2013, f. 6-7-13, cert. ef. 7-1-13

576-010-0006

Disbursement by Electronic Funds Transfer

(1) The primary payment method to persons or entities doing business with Oregon State University will be electronic funds transfer (EFT), unless otherwise provided in this rule. EFT is defined as the movement of funds by non-paper means, usually through a payment system including, but not limited to, an automated clearing-house or the Federal Reserve's Fedwire system.

(2) Oregon State University will make EFT payments by direct deposit to a checking or savings account designated by the recipient, recorded in the Oregon State University financial system and located in a financial institution within the United States.

(3) Notwithstanding section (2), Oregon State University may make payments by check when the Director of Business Affairs or his/her designee determines that one of the following specific exceptions applies:

(a) The individual or entity does not have a bank account or is otherwise unable to receive payment by EFT;

(b) The individual or entity has special circumstances, which Oregon State University will review on an individual case basis and consider whether the issuance of a paper check would be in the best interests of Oregon State University; or

(c) Oregon State University determines that issuance of a paper check is in the best interests of the University.

(4) A request for exception from this rule must be made in writing and approved by the Director of Business Affairs or his/her designee.

(5) If an exception is granted pursuant to section (3)(b) of this rule, Oregon State University may 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 576-010-0000 and will be deducted from the amount of the payment.

(6) This rule does not apply to:

(a) Payments to Oregon State University employees for wages or other reimbursement of expenses that are related to the employment relationship;

(b) Payments to students that are related to their student status, including but not limited to stipends;

(c) Single payments less than \$500.00 that the Director of Business Affairs or his/her designee does not expect to be recurring;

(d) Payments that Oregon State University and the payee agree will be made by credit card or other non-check method.

Stat. Auth.: ORS 351 & 293.525

Stats. Implemented: ORS 351 & 293.525

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

576-010-0011

Collecting Accounts and Notes Receivable

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

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

(b) Denying or canceling registration;

(c) Withholding further account receivable privileges;

(d) Applying any non-exempt credits in favor of debtor to debt;

(e) With employee's approval, withholding wages;

(f) Adding collection costs as permitted by statutes and regulations, including, but not limited to: collection agency charges, reasonable attorney's fees including attorney fees on appeal, and court costs;

(g) Charging fees for sending a delinquent account or note receivable into collection;

(h) Sending regular billings and past due notices;

(i) Utilizing telephone inquiries;

(j) Sending letters of demand;

(k) Using "skip trace" information, to identify a debtor's location to direct communications regarding debt owed, as permitted by statutes and regulations;

(l) Utilizing offset procedures with other state agencies;

(m) Utilizing Department of Revenue as a collection agent, including utilization of the Department of Revenue Set Off Individual Liability program, which may result in a reduction of a debtor's tax refund by the amount owed the University;

(n) Utilizing various commercial collection agencies, by contract, as permitted by law;

(o) Instituting legal action as permitted by statutes and regulations;

(p) Using commercial credit reporting agencies by contract and as permitted (or required by law);

(q) Seeking collection on judgments as permitted by statutes and regulations;

(r) Requiring exit interview for borrowers under federal loan programs;

(s) Evicting debtors from residence halls or student family housing for nonpayment of room and/or board fees;

(t) Reducing debtor's financial aid proceeds by the amount of the debtor's accounts receivable debts in accordance with Federal Title IV regulations, before releasing any remaining financial aid to the debtor.

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

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

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

identifying the office initiating the charge. If an error is found, affected charges will be adjusted.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-010-0021

Revolving Charge Account Program

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-010-0031

Discounted Fee Program — Purpose

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

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

Stats. Implemented: ORS 351.070

Hist: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

576-010-0036

Definitions

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

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

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

(3) “Doctors of Veterinary Medicine” means graduates of American Veterinary Medical Association-recognized Colleges of Veterinary Medicine or veterinarians licensed to practice in Oregon.

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

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

(6) “Eligible Services” means services described in OAR 576-010-0041(3).

(7) “Hospital” means the Oregon State University Veterinary Teaching Hospital.

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

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

576-010-0041

Eligibility Criteria, Discount, Loss of Eligibility

(1) Participant Eligibility

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

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

(c) Graduates of the College and all Doctors of Veterinary Medicine are eligible for the alumni and veterinarian discount in subsection (4)(c) of this rule.

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

(2) Pet Eligibility.

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

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

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

(4) Discounts

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

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

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

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

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

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

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10; OSU 3-2011, f. & cert. ef. 6-13-11

DIVISION 12

KEY DEPOSITS

576-012-0000

Purpose and Scope

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

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

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

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

Stat. Auth.: ORS 351.070 & 293.445

Stats. Implemented: ORS 351.070 & 293.445

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

DIVISION 15

STUDENT CONDUCT CODE

576-015-0005

Purpose

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0010

Definitions

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

(2) A “Student Organization” includes any group of students living or acting together, or electing officers, or assessing dues or fees

for their mutual benefit, or which has registered with the University, or is affiliated with an academic unit.

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0020

Offenses Proscribed by the University

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

(1) Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally-owned or controlled property. Disruptive behavior may include but is not limited to the following, where it has the effect of obstructing or disrupting the University activities listed above:

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

(b) Making loud or distracting noises;

(c) Arriving late or leaving early;

(d) Persisting in speaking without being recognized;

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

(2) Academic or Scholarly Dishonesty:

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

(b) It includes:

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

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

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

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

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

own, or working jointly on a project and then submitting it as one's own.

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

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

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

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

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

(c) Compelling ingestion of any substance;

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

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

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

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

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

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

(j) Intentionally creating work or labor for another;

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

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

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

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

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

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

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

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

(11) Rape, sexual assault, or unwanted sexual contact of any kind, and the threat of such contact, are prohibited, as is any physical abuse. Sexual contact shall be considered "unwanted" or with-

out consent if no clear consent is freely given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or otherwise without the physical or mental capacity to consent. If sexual contact is inflicted on someone who is intoxicated or impaired in the exercise of their judgment by alcohol or drugs, it may be considered without consent.

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

(13) Invasion of another's privacy, where that person has a reasonable expectation of privacy, including but not limited to the use of electronic devices to make an unauthorized audio or video recording of any person while on University owned or controlled property without his or her prior knowledge, or without his or her effective consent, when such a recording is of information or of images taken from or of a person at a time and place where she or he has a reasonable expectation of privacy and where the recording is reasonably likely to cause injury or distress.

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1996, f. & cert. ef. 6-21-96; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 4-1999, f. & cert. ef. 7-17-99; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11; OSU 1-2012(Temp), f. & cert. ef. 3-30-12 thru 6-30-12; OSU 2-2012, f. & cert. ef. 5-9-12

576-015-0021

Violations of the Student Conduct Code by Student Organizations

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

(1) When a potential Organization Violation of the Student Conduct Code occurs, SCCS may review the incident to determine the

appropriate process for resolution. Generally, the University will expect a Student Organization to hold itself accountable for the acts of its members when those acts are related to the Student Organization's activities.

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0025

Jurisdiction

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0030

Sanctions

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

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

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

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

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

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

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

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

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

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

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

(11) Conduct Suspension:

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

(b) Suspension:

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

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

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

(12) Expulsion: Permanent Conduct Suspension.

(13) Degree Revocation.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0035

Readmission After Suspension

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0040

Record

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0043

Notice

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0045

Determination by the Director of Student Conduct and Community Standards

(1) If the Student or Student Organization elects to have the case heard by the Director of SCCS or designee, the Student/Student Organization will be informed of the evidence of the violation(s) and will be given an opportunity to explain the behavior. The Student/Student Organization may bring any third party advisor to any meetings so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization will be expected to speak for him/herself or themselves at all times.

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0050

Student Conduct and Community Standards (SCCS) Committee Hearing

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

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

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

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

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

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

(7) Members of the Committee may ask questions of any person present during the hearing and the chairperson will invite questions and comments from the accused Student/Student Organization

and the victim-claimant if present. The chairperson may also invite questions or comments from advisors or others present. If the chairperson decides an essential person or piece of information is missing, the chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11

576-015-0055

Hearing Officer(s) Contingency

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0056

Emergency Action

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

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

(a) Immediate Suspension from the University;

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

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

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

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

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

(4) The preliminary hearing shall take place within two business days of the Emergency Action. At this hearing the accused Student shall have a full opportunity to demonstrate to the Director of SCCS that none of the conditions specified in section (1) of this rule apply.

As with other proceedings, the accused Student may be accompanied by an advisor, but must speak for him/herself at all times.

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0057

Notice of Decision and Rights of Victim

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-015-0060

Conduct Action Appeals

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

DIVISION 16

STUDENT FAMILY HOUSING

576-016-0000

Purpose

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0010

Definitions

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0020

Student Family Housing Eligibility

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

(a) Be admitted to the University;

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0030

Eligibility for Residence

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0040

Residency Requirements

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

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

(3) A tenant's eligibility to live in student family housing shall end thirty days after the end of the month in which the tenant com-

pletes his or her undergraduate or graduate academic program at the University.

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0050

Priorities

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-016-0060

Exceptions

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

DIVISION 17

STUDENT LIVING GROUPS

576-017-0005

General Housing Regulations

(1) University policies and administrative rules, including the University Housing and Dining Services Policy Guide, University Housing and Dining Services Room and Dining Contract, and any

applicable Student Conduct rules or policies, apply to all residential students or residents who live in UHDS facilities, including residence halls, cooperative houses, or student family housing, regardless of the length of that residency.

(2) All students who live in residence halls, cooperative houses, or student family housing must be regularly enrolled students at Oregon State University, or be residents under contractual agreement to reside in University housing.

(3) University Housing and Dining Services provides services to Oregon State University students living in University housing facilities and is authorized to enforce any relevant policies or administrative rules regarding such facilities.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 2-1991, f. & cert. ef. 3-6-91; OSU 3-1994, f. 6-29-94, cert. ef. 7-1-94; OSU 1-1997, f. & cert. ef. 4-21-97; OSU 5-1998, f. & cert. ef. 6-24-98; OSU 5-2011, f. & cert. ef. 6-13-11

DIVISION 20

STUDENT RECORDS RULE

576-020-0005

Basic Philosophy

Oregon State University shall generate and maintain only such student records as are demonstrably and substantially relevant to the educational and related purposes of the University, its colleges, schools, or divisions or departments. The University has responsibility to preserve the confidentiality of such records and to protect the individual student's privacy. Public access to personal student records shall be restricted according to provisions of the federal **Family Educational Rights and Privacy Act**, ORS 351.065, and division 13 of the Oregon State Board of Higher Education Administrative Rules. This rule is a detailed statement of the implementation of this philosophy and of federal and state law. The following general rules shall be observed by all persons dealing with students' records:

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0010

Definition of Terms

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0015

Availability of Records

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

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

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

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

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

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

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

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

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

(b) Officials of schools to which the student seeks or intends to enroll. In such cases, the student shall be notified of the transfer of records, and, if the student desires, shall receive a copy of the record sent and have the opportunity for a hearing to challenge the record’s contents;

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0020

Student Right to Waive Access

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0025

Challenge to Content of Records and Administrative Hearing Process

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

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

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

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

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

(d) The University shall give the student a full and fair opportunity to present evidence relevant to the educational records at issue. The student may, at his or her own expense, be assisted or represented by one or more persons of his or her choice, including an attorney.

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

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

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

(a) Amend the record accordingly; and

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0030

Non-Release to Third Parties

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0035

Record of Access to Student Records

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0040

Permanence, Duplication, and Disposal of Student Records

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0045

Period for Granting Access

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0050

Subpoenas and Court Orders

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0055

Health or Safety Emergencies

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-020-0060

Access to Records on Several Students

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

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

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

576-020-0065

Annual Publication of Institutional Rule

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

(1) The right of access to educational records;

(2) The types of educational records being maintained directly relating to students;

(3) The institutional policy for reviewing records;

(4) The student's right to copies of certain educational records;

(5) The student's right to have the meaning of entries in personal educational records explained;

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

(7) The categories of information designated as directory information and the student's right to prevent disclosure of directory information; and

(8) The student's right to file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of these rules and the **Family Educational Rights and Privacy Act of 1974**, as amended.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

DIVISION 22

STUDENT APPEALS AND GRIEVANCES

576-022-0005

Purpose

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0010

Student Academic Grievances

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

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

(a) To the class instructor;

(b) To the department head or chairperson;

(c) To the grievance committee of the college if the college maintains such a committee;

(d) To the dean of the college;

(e) To the Provost and Executive Vice President or designee.

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

(a) The class instructor;

(b) The department head or chairperson;

(c) The dean of college in which the course is offered;

(d) The Provost and Executive Vice President or designee.

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0020

Student Financial Aid Appeals

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

(1) To the Director of Financial Aid;

(2) To the Scholarship Committee when a scholarship or grant is involved;

(3) To the Financial Aid Committee;

(4) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0025

Student Appeals in Matters of University-Owned Housing

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

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

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

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

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

(b) To the Vice Provost for Student Affairs.

(3) Breaking the housing contract is appealed:

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

(b) To the Contract Appeals Committee;

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0030

Student Activities and Organization Appeals

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

(1) To the student organization making the decision;

(2) To the appropriate board(s), committee(s), or organization(s)

having policy-making jurisdiction over that organization;

(3) To the Vice Provost for Student Affairs.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0035

Discipline Action Appeals

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0045

Student Employment Appeals

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

(a) To the immediate supervisor;

(b) To the unit director or manager;

(c) To the department head;

(d) To the Vice Provost for Student Affairs.

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

- (a) To the immediate supervisor;
- (b) To the department chairperson;
- (c) To the dean of the college or director of the division.

(3) Student employees may also appeal employment grievances of harassment or of alleged discrimination based on sex, religion, race, color, age, national origin, marital status, sexual orientation, veteran status, or disability to the Affirmative Action Office, 500 Kerr Administration Building, 737-3556.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-022-0050

Other

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

DIVISION 23

ATHLETIC DEPARTMENT SUBSTANCE USE AND DRUG TESTING

576-023-0005

Introduction and Purpose

(1) The University will not tolerate or condone the use of illegal drugs and substances, and there is no place in the University's athletics program for substance abuse or the use of NCAA-banned performance enhancing drugs. The University's drug-free athletics policy described herein furthers the University's interests in ensuring the safety of its student athletes and those who compete against them, maintaining a fair competing field and educating students about the development of a healthy and responsible lifestyle in college and throughout life.

(2) The University's drug-free athletics program includes not only random and individualized drug testing, but also educational programs, substance abuse evaluation, treatment and disciplinary measures.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0010

Prohibited Substances

The University prohibits student-athletes from using any of the following substances, which may be detected in the University's drug testing:

- (1) Alcohol

(a) Alcohol is a mood altering substance and poses specific threats to student-athletes in training and competing. The University thus prohibits its student-athletes from having alcohol in their bloodstream during trainings, practices, competitions, and events sponsored by OSU, even if they are over the age of twenty-one (21) and can drink legally in this state. Alcohol use is illegal in the state of Oregon for anyone under the age of twenty-one (21), and student athletes under the age of 21 are prohibited from consuming alcohol at any time.

(b) Additionally, criminal convictions of alcohol related offenses involving the abuse of alcohol, such as DUI, public intoxication and assaults while under the influence of alcohol will be treated as a positive test under these rules.

(2) Illicit Substances. Illicit Substances are those that are illegal for the individual student-athlete to ingest, including but not limited to narcotic pain medications that have not been prescribed and

street drugs like heroin, methamphetamines, cocaine, marijuana, and T.H.C. or "ecstasy."

- (3) Performance Enhancing Drugs

(a) Performance Enhancing Drugs give student-athletes unfair advantages and are a form of cheating. The use of such drugs also poses significant health and safety risks for the student athlete using them and those in competition with them. For purposes of these rules, the term "Performance Enhancing Drugs," shall mean all substances banned by the NCAA (see list at www.ncaa.org/sports_sciences/drugtesting), but shall not include Alcohol and Illicit Substances, which are dealt with separately herein.

(b) The NCAA list of banned drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or www.ncaa.org/sports_sciences/drugtesting for the current list. The term "related compounds" comprises substances that are included in the class by their pharmacological action and/or chemical structure. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example on the NCAA's list.

(c) Many nutritional/dietary supplements contain NCAA-banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry, and the purity and safety of nutritional/dietary supplements cannot be guaranteed. Impure supplements may lead to a positive drug test. The use of these types of supplements is at the student-athlete's own risk. Student-athletes should contact their team physician, athletic trainer or sports nutritionist for further information.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0015

Safe Harbor for Self-Reporting

(1) Any student-athlete may refer himself/herself for evaluation or counseling by contacting a coach, athletic trainer, team physician and/or psychologist for athletics. The University will not share this self-report with anyone who does not have a need to know, and no OSU team or administrative sanctions will be imposed upon the student-athlete who has made a personal decision to seek professional assistance (prior to notification of a scheduled drug test or prior to testing positive).

(2) The benefits available under this section cannot be utilized by a student-athlete as a means of simply avoiding sanctions of a positive drug test, so this safe harbor cannot be claimed after an athlete is notified of an impending drug test.

(3) The athlete claiming this safe harbor may still be temporarily medically ineligible during the time period that he/she is deemed by the team physician unfit to continue participation safely.

(4) This safe harbor provision does not prevent the NCAA from testing student-athletes and student-athletes will remain subject to those sanctions imposed by the NCAA in the event of a positive NCAA drug test.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0020

Types of Drug Testing

(1) The University engages in two kinds of drug-testing of student-athletes: tests initiated on the basis of individualized reasonable suspicion of prohibited substance use and random tests.

- (2) Reasonable suspicion testing.

(a) "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 prohibited drugs specified in OAR 576-023-0010.

(b) Such belief may be engendered by, among other things, direct observation by coaches, trainers, team physician, or other appropriate personnel 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 absen-

teeism. This includes but is not limited to observed possession of drugs, drug paraphernalia or substances appearing to be prohibited, arrest or conviction related to the possession or transfer of prohibited substances, or observed abnormal appearance or behavior that is known to indicate potential drug or alcohol use. Examples of such appearance or behavior may include, but are not limited to: decline in academic or athletic performance, missing classes or appointments, falling asleep in class, significant weight change, lethargy, agitation or nervousness, short temper, acts of violence or loss of friendships.

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

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

(e) Such belief may also be engendered by a previous positive test under these procedures within the preceding twelve months or by a previous positive test over twelve months old if in combination with factors described in (2)(a)–(c).

(3) Random drug testing. All student-athletes are subject to unannounced random drug testing throughout the entire year, including summer sessions. Student-athletes will be selected for testing using a random number system run by a computer program. Little or no notice may be given for a forthcoming test. Every student-athlete shall be subject to every random test administered under these rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0025

Testing Method

(1) The method adopted by the Athletic Department for testing for drug use shall be through an independent Substance Abuse and Mental Health Services Administration (SAMSHA) approved laboratory analysis of urine or oral fluid 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 accordance with generally accepted standards in the industry. All samples will be collected as split specimens, such that each tested student will have a Sample A bottle and a Sample B bottle of specimens for testing. These procedures for specimen collection and monitoring will be provided to the student athlete prior to collection. Coaches shall not be involved in the specimen collection process.

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

(3) A student-athlete need not be given prior notice that a urine sample will be collected. A student-athlete who refuses to provide a urine sample during the test process or within four hours of the designated time shall be deemed to have tested positive for the drugs in question unless a legitimate medical cause exists which prevents them from producing urine. If unable to provide a sample, an oral fluid specimen may be offered with a follow up urine test performed the following day.

(4) Sample B Testing

(a) Any student-athlete who tests positive under sample A testing will be given the option to request the Sample B bottle to be tested. In connection with Sample B testing, the student-athlete will

be responsible for the cost of: (1) testing, (2) transfer of the specimen from the initial laboratory to a second SAMSHA approved laboratory and (3) any costs associated with the handling of Sample B.

(b) The student-athlete must request the Sample B testing within 3 days (72 hours) of being notified that the Sample A bottle tested positive. The request must be submitted in writing by the student-athlete to the Director of Sports Medicine. If requested, the Director of Sports Medicine will authorize Sample B bottle to be sent from the storage at the initial SAMSHA approved laboratory to another SAMSHA approved laboratory and Sample B testing. OSU may initiate temporary sanctions and corrective measures while awaiting results of the Sample B test.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0030

Drug Education and Counseling Services

The Athletic Department administration shall provide a program of drug information and counseling referral for student-athletes in concert with campus and community resources.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0035

Positive Test Results Sanctions

(1) All positive test results are considered cumulative for the entire University career of the student-athlete.

(2) Any follow-up drug test will be considered a “positive” test if it indicates a spike in the amount of the illicit or banned substance or additional use of any substance prohibited by these rules.

(3) Any student who refuses to sign the consent form, refuses to provide a test specimen, refuses to show up for the drug test, or tampers with the validity of the specimen or test will be considered to have a positive test result for the suspected substance under these rules.

(4) Alcohol and Illicit Substances. If the student-athlete tests positive for the use of prohibited Alcohol or Illicit Substances, the sanctions will be as follows:

(a) First Positive Test Result — Prohibited Alcohol and Illicit Substances

(A) The Director of Athletics, the Team Physician and Head Coach will be informed by the Director of Sports Medicine in writing of a positive test. The student-athlete will be notified in writing of the positive test by the Director of Sports Medicine.

(B) The team physician will coordinate an additional evaluation by a substance abuse counselor approved by the Department of Athletics.

(C) The substance abuse counselor will recommend to the Director of Sports Medicine a plan for treatment and education. The team physician, head coach and athletic trainer may also submit reports regarding recommended education or remediation plans to the Director of Sports Medicine.

(D) The Director of Sports Medicine will determine a management plan for the student-athlete after evaluating any reports that may be submitted by the counselor, physician, head coach and athletic trainer. The student-athlete may also be temporarily medically ineligible if he/she is deemed unfit by the team physician to continue participation safely.

(E) The student athlete will have a reduction of playing time equivalent to 10% of the competitive season for the student athlete’s sport.

(F) The student-athlete must participate in and complete the Substance Abuse educational program provided by the University’s Student Health Services. Failure to initiate the process within 2 weeks of notification indicates failure to comply and will be grounds for suspension from participation in University intercollegiate sports.

(G) The student-athlete will still be subject to reasonable suspicion and random testing throughout his or her career at the University.

(H) Re-instatement of full playing time privileges will occur following a negative follow-up drug test at the end of the suspension period and upon approval by the Director of Sports Medicine.

(b) Second Positive Test Result — Prohibited Alcohol and Illicit Substances

(A) The Director of Athletics, the team physician, and head coach will be informed by the Director of Sports Medicine in writing of a second positive test. The student-athlete will be notified in writing of the second positive test by the Director of Sports Medicine.

(B) The team physician will coordinate an additional evaluation by a substance abuse counselor approved by the Department of Athletics.

(C) The substance abuse counselor will recommend to the Director of Sports Medicine a plan for treatment and education. The team physician, head coach and athletic trainer may also submit reports regarding recommended education or remediation plans to the Director of Sports Medicine.

(D) The Director of Sports Medicine will determine a management plan for the student-athlete after evaluating the reports of the counselor, physician, head coach and athletic trainer.

(E) The student-athlete must participate in and complete the Substance Abuse educational program provided by the University's Student Health Services. Failure to initiate the process within 2 weeks of notification indicates failure to comply and will be grounds for suspension from participation in University intercollegiate sports.

(F) The student-athlete will still be subject to reasonable suspicion and random testing throughout his or her career at the University.

(G) The student-athlete will have his or her playing time reduced by 50% of the competitive season.

(H) The athlete may also be temporarily medically ineligible if he/she is deemed unfit by the team physician to continue participation safely.

(I) Re-instatement of full playing time privileges will occur following a negative follow-up drug test at the end of the suspension period and upon approval by the Director of Sports Medicine.

(c) Third Positive Test Result — Prohibited Alcohol and Illicit Substances. A third positive test result shall automatically cause the student-athlete to have immediate and permanent dismissal from any team on which the student-athlete participates. All athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(d) Selling or Providing Illegal Drugs. Any student-athlete convicted of selling or providing an illegal drug to another person is subject to immediate and permanent dismissal from any team on which the student-athlete participates, as well as the termination of any athletic financial aid to the extent permitted under NCAA rules.

(e) Failure to Follow Treatment Plan. Failure of the student-athlete to comply with a treatment or management plan mandated under these rules will result in immediate suspension from all practices, games and athletic department functions until the Director of Sports Medicine determines sustained compliance with the plan. If the Director of Sports Medicine determines that the student-athlete is still not complying with the plan after one competitive season for the sport, the student-athlete will be immediately dismissed from the team and all athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(f) Performance Enhancing Drugs — If the student-athlete tests positive for the use of Performance Enhancing Drugs, the sanctions will be as follows:

(A) First Positive Test Result — Performance Enhancing Drugs. A student-athlete who tests positive for the use of Performance Enhancing Drugs is ineligible to represent the University in intercollegiate competition during the time period starting with the date of the positive drug test and ending one calendar year later. In addition, the Director of Sports Medicine will determine a management plan for the student-athlete which will include education or counseling.

(B) Second Positive Test Result — Performance Enhancing Drugs. A student-athlete who tests positive for the use of Performance Enhancing Drugs a second time shall be declared permanently ineligible to represent the University in intercollegiate competition. The student shall be immediately and permanently dismissed from the team and all athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(5) A student-athlete who loses a grant-in-aid under these rules may appeal that decision under University procedures regarding non-renewal of financial aid.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 10-1991, f. & cert. ef. 11-13-91; OSU 5-1995, f. & cert. ef. 12-13-95; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

576-023-0040

Records Security

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

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

(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.

(4) The University will treat test results as confidential student records to be disclosed only to those OSU employees with a need to know.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90; OSU 4-2001, f. & cert. ef. 4-25-01; OSU 5-2012, f. & cert. ef. 7-31-12

DIVISION 24

ARTICLES PROHIBITED IN CERTAIN ATHLETIC FACILITIES

576-024-0000

Prohibited Articles

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

(a) Glass containers of any kind;

(b) Metal cans;

(c) Weapons, and destructive devices, as provided in OAR 576-065-0000 to 576-065-0020;

(d) Fireworks, explosives or explosive devices, inflammables, and artificial noisemakers as provided in the rules of the Pacific 12 Conference, available in the OSU Department of Intercollegiate Athletics;

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

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

(g) Signs on sticks or poles;

(h) Umbrellas.

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

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

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

(c) Megaphones used by cheerleaders;

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1993, f. & cert. ef. 6-4-93; OSU 7-2001(Temp), f. & cert. ef. 9-28-01 thru 3-26-02; OSU 3-2002, f. & cert. ef. 2-25-02; OSU 6-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 1-2012(Temp), f. & cert. ef. 3-30-12 thru 6-30-12; OSU 2-2012, f. & cert. ef. 5-9-12

DIVISION 25

STUDENT HEALTH SERVICES AND INSURANCE

576-025-0005

Student Health Services

The Student Health Service (Plageman Hall) provides student health services in accordance with the rules of the Oregon State

System of Higher Education, OAR 580-011-0005. Charges for services are itemized in the University's fee rule, 576-010-0000.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

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

576-025-0020

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

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

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

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

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

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

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

(b) Documentation of such coverage must indicate in English the insurance company's name and address for billing purposes, policy number, the coverage terms of the policy, the effective dates of the policy, and any exclusions, the names of the individuals covered by the policy, and the maximum amount of coverage per accident and illness and/or in terms of cumulative benefits.

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

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

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

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070
Hist.: OSU 6-1980, f. & ef. 12-3-80; OSU 5-1994, f. & cert. ef. 6-30-94; OSU 3-2003, f. 6-19-03, cert. ef. 9-18-03

DIVISION 30

REGULATIONS GOVERNING THE USE OF MOTOR VEHICLES

576-030-0005

Authority to Establish Motor Vehicle Regulations

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

Stat. Auth.: ORS 352.360
Stats. Implemented: ORS 352.360
Hist.: OSU 1-1978, f. & ef. 10-16-78

576-030-0010

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

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

Stat. Auth.: ORS 351.070 & 352.360
Stats. Implemented: ORS 351.070 & 352.360
Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92

576-030-0015

Definitions

For the purpose of these rules:

(1) "Golf Cart" means a motor vehicle that:

- (a) Has not less than three wheels in contact with the ground;
- (b) Has an unloaded weight less than 1,300 pounds;
- (c) Is designed to be and is operated at not more than 15 miles

per hour; and

(d) Is designed to carry golf equipment and not more than two persons, including the driver.

(2) "Moped" means a vehicle, including any bicycle equipped with a power source, other than an electric assisted bicycle as defined in ORS 801.258 or a motor assisted scooter as defined in ORS 801.348, that complies with all of the following:

- (a) It is designed to be operated on the ground upon wheels.
- (b) It has a seat or saddle for use of the rider.
- (c) It is designed to travel with not more than three wheels in contact with the ground.

(d) It is equipped with an independent power source that:

(A) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and

(B) If the power source is a combustion engine, has a piston or rotor displacement of 35.01 to 50 cubic centimeters regardless of the number of chambers in the power source.

(e) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.

(3) "Motor scooter" means a vehicle that:

- (a) Is designed to be operated on the ground with not more than three wheels;
- (b) Has handlebars and a foot support or seat for the operator's use;
- (c) Can be propelled by motor or human propulsion; and

(d) Is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hour on level ground and:

(A) If the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of the number of chambers in the power source; or

(B) If the power source is electric, has a power output of not more than 1,000 watts.

(4) "Motorcycle" means any self-propelled vehicle other than a moped or farm tractor that:

(a) Has a seat or saddle for use of the rider;

(b) Is designed to be operated on the ground upon wheels; and

(c) Is designed to travel with not more than three wheels in contact with the ground.

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

(6) "Parking space" means any space marked by painted lines and curbs, and not marked as a "No Parking" area.

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

(8) "Trailer" means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

(a) Balance trailers.

(b) Bus trailers.

(c) Commercial bus trailers.

(d) Farm trailers.

(e) Pole trailers.

(f) Semitrailers.

(g) Travel trailers.

(h) Truck trailers.

(i) Self-supporting trailers.

(j) Special use trailers.

(9) "Vehicle" means any type of motor-powered or alternative-powered conveyance including, but not limited to, automobiles, trucks, Motorcycles, Motor scooters, and Mopeds

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 6-1999, f. & cert. ef. 6-17-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0020

Parking Permits

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

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

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

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

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

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

(7) Emeritus Parking Permits may be purchased by emeritus and retired OSU employees. Annual Emeritus Parking Permits expire on September 30, unless otherwise specified. Term Emeritus Parking Permits expire on the last day of the academic term for which they were issued.

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

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

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

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

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

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

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

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

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

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

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

College, School, Department, or other approved organizations must be properly displayed in Vehicles. OSU Faculty, Staff, Emeritus, or Students must display a valid OSU Parking Permit in addition to the reserved space Parking Permit when utilizing reserved spaces.

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

(20) ADA Visitor Parking Permits will be issued only to OSU visitors (non-students and non-employees) who are displaying valid, DMV-issued ADA placards. This Parking Permit allows for three (3) hours of free parking in all Student/Visitor, Staff/Faculty, and ADA parking areas.

(21) As used on Signage, a "compact vehicle" means small Vehicle that does not exceed 5'6" by 15'6".

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0025

Driver Responsibility

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

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

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

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

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

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

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

576-030-0035

Refunds

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

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

576-030-0040

Driving and Parking Regulations on Campus

(1) Anyone operating a Vehicle on campus shall observe Signage, speed limits, barricades, bicycle lanes, crosswalks, stop signs,

and all other traffic signs and regulations and shall drive in a safe and prudent manner. The speed limit on campus is 15 MPH unless Signage directs otherwise. Driving or parking Vehicles on sidewalks, lawns, and other areas not designated for driving or parking is prohibited.

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

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

(4) All vehicles parked on OSU property are required to observe posted parking and traffic signs.

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

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

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

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

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

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

(11) Reserved, service and timed parking areas are enforced at all times unless otherwise posted or as provided in these rules.

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

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

(14) Parking Spaces are marked by painted lines and curbs. Any area not specifically marked is a "No Parking" area.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0045

Parking Committee and Appeal Review Committee

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

(2) Any appropriate matter presented to the Parking Committee will be considered to determine what action, if any, is required.

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

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 6-1999, f. & cert. ef. 6-17-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0050

Penalties for Offenses

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

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

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

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

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

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

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

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

(h) Living in Vehicles.

(i) Parking in posted fire lanes.

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

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

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

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

(b) Revoke campus parking privileges;

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

Booted Vehicles are subject to tow after ten (10) days.

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 5-1996, f. & cert. ef. 6-21-96; OSU 2-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 6-2009, f. & cert. ef. 10-15-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0055

Enforcement and Appeals

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

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

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

(4) After the appeal is filed, the case will be scheduled for review by the appropriate Appeal Review Committee as described in 576-030-0045. Student Appeal Court findings may be appealed

by the student to the Appeal Review Committee. All judgments rendered by the Appeal Review Committee are final and not subject to further appeal.

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0060

Motorcycle and Motor Scooter Operation

(1) Parking areas for motorcycles, Motor scooters, and Mopeds are specifically designated by Signage.

(2) Motorcycles, Motor scooters, and Mopeds may not park in any areas prohibited for other motorized Vehicles including side-walks, bicycle parking areas, bicycle lanes, or pedestrian areas.

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

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 1-1978, f. & ef. 10-16-78; OSU 3-1987, f. & ef. 6-11-87; OSU 2-1990, f. 6-15-90, cert. ef. 10-1-90; OSU 7-1991, f. 6-3-91, cert. ef. 10-1-91; OSU 6-1993, f. 6-9-93, cert. ef. 10-1-93; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0070

Skateboard, Skate and Non-motorized Scooter Regulations

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

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

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

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

(5) Skateboards, skates and non-motorized scooter users shall yield the right-of-way to pedestrians, Vehicles and bicycles while in the roadway, and emergency Vehicles.

(6) Skateboard, skate and non-motorized scooter users shall obey all stop and yield signs.

(7) Skateboards, skates and non-motorized scooters shall not be used on that portion of Jefferson Street commonly known as Library Hill (immediately south of Valley Library).

(8) Skateboard, skate and non-motorized scooter users shall not perform acrobatics or other stunts when using skateboards, non-motorized scooters or while wearing skates.

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

(10) Any person who violates this rule is subject to:

(a) Issuance of a University Citation and a fine of \$50.00;

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

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

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

(12) Parents and guardians of minors and adult operators, including students, staff and faculty, are responsible for damage to

University buildings or property by their skateboards, skates or non-motorized scooters and for payment of any fines.

(13) The Vice President for Finance and Administration, the Vice Provost for Student Affairs, Department of Public Safety Manager, Manager of Environmental Health and Safety, Director of Facilities Services, Director of University Housing and Dining Services, Director of Conferences and Special Events, the Director of the Memorial Union and Educational Activities, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and this rule.

Stat. Auth.: ORS 164.205(5), 351.070 & 352.360

Stats. Implemented: ORS 164.205(5), 351.070 & 352.360

Hist.: OSU 1-1987, f. & ef. 4-21-87; OSU 5-1990, f. 9-7-90, cert. ef. 9-15-90; OSU 3-1993, f. & cert. ef. 5-7-93; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 2-1999(Temp), f. & cert. ef. 4-14-99 thru 9-30-99; OSU 7-1999, f. & cert. ef. 9-9-99; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 4-2012, f. 6-6-12, cert. ef. 7-1-12

576-030-0090

Bicycle Regulations

(1) Bicycles must be operated in a safe manner and be equipped in accordance with applicable state laws and city ordinances. Bicyclists shall maintain a safe speed and shall obey all applicable Signage and state, city, and campus laws and regulations regarding bicycle use.

(2) Bicycles must be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A bicycle or its rider must be equipped with lighting equipment that must be used during hours of darkness and during limited visibility conditions. The lighting equipment required includes:

(a) A white light attached to the front of the bicycle, visible from a distance of at least 500 feet; and

(b) A red reflector or lighting device or material attached to the rear of the bicycle, visible from a distance of at least 600 feet.

(4) Bicycles must not be operated on sidewalks or other walkways unless Signage indicates otherwise.

(5) Bicyclists involved in collisions shall call the Department of Public Safety for assistance. All involved individuals shall remain at the collision site until released by the attending officer. When a collision results in an injury, a written accident report must be submitted to OSU's Department of Public Safety by the individuals involved.

(6) Bicycles may be parked, stored, or left on campus only in areas so designated by bicycle racks, Signage or storage. All bicycles, regardless of owner, must be maintained in working order while parked on campus. Bicycles parked at bicycle racks at or near academic or research buildings longer than five days will be considered abandoned and will be impounded.

(7) Bicycles users may be cited for:

(a) Improper or unsafe operation of a bicycle including failing to obey a traffic control device, having more persons on a bicycle than it is designed to hold, riding encumbered, and riding faster than the posted speed limit;

(b) Use of improper or inadequate equipment including no bicycle headlight, no rear reflector or lighting device, and no bicycle helmet for riders under 16 years of age;

(c) Being parked in a way that creates a hazard including blocking the bicycle or traffic lane, blocking access to any stairway, ramp or doorway, and blocking access to any handrail or other device used to aid entry to a building or structure;

(d) Being parked in a way that hinders the use of a bicycle parking device by other bicyclists;

(e) Being parked in buildings except in designated bike rooms;

(f) Any other violations of these regulations or applicable state law and city ordinances.

(8) The fine for any such citation is set out in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000. Campus citations may be appealed by written statement to the appropriate forum.

(9) Bicycles may be impounded by OSU's Department of Public Safety if they are left in a place that creates a safety hazard or if they appear to be non functional or abandoned. A notice of impoundment will be sent to the registered bike owner, if known, within 24

hours. Bicycles may be claimed from OSU's Department of Public Safety by identifying the bicycle and paying the citation fine and impoundment fee to TAPS. OSU's Department of Public Safety will not be liable for the cost of repair or replacement of a securing device damaged when removing and impounding a bicycle.

(10) All bicycles that are operated, parked, or stored on campus by students, staff, or faculty may be registered with OSU's Department of Public Safety.

(11) Registrants and owners are responsible for parking violations involving their bicycles on campus.

(12) Bike lockers are available for rent on an annual or term basis at fees established in OSU's List of Fees and Charges, pursuant to OAR 576-010-0000

Stat. Auth.: ORS 351.070 & 352.360

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 4-1987, f. & ef. 6-11-87; OSU 3-1992, f. 6-5-92, cert. ef. 10-1-92; OSU 2-1994, f. & cert. ef. 6-8-94; OSU 3-1995, f. & cert. ef. 6-20-95; OSU 3-2009, f. 6-16-09, cert. ef. 7-1-09

DIVISION 35

USE AND SAFETY RULES FOR TRAVEL IN STATE-OWNED OR CONTROLLED VEHICLES

576-035-0000

Purpose

Oregon State University adopts these rules to govern use of vehicles on official university business by faculty, staff, and students.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92

576-035-0010

Definitions

(1) "Vehicle" means cars, vans, trucks, and buses.

(2) "State-owned Vehicle" means a vehicle which is owned by or registered in the name of the State of Oregon, Oregon State University, or any of its departments.

(3) "Hired Vehicle" means a vehicle which is leased, hired, or rented by the State, Oregon State University, or any of its departments.

(4) "State Business" means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of Oregon State University.

(5) "Faculty and Staff" means personnel on the university payroll and volunteers who are registered with the Business Affairs Office.

(6) "Student" means a person currently enrolled/registered at OSU.

(7) "Officially Sanctioned Program" means any program undertaken to further the instructional, research, or service missions of Oregon State University or designed to promote the cultural and physical development of students. Such programs include but are not limited to:

(a) Academic department programs;

(b) Co-curricular programs;

(c) Intramural, recreational sports, club sports, and intercollegiate athletic programs;

(d) Any student programs or activities identified by the Vice Provost for Student Affairs or designee. Examples of such activities include, but are not limited to, student government, student housing activities, and activities sponsored by student organizations that are consistent with the university's mission.

Stat. Auth.: ORS 283.310, 351.070 & 351.277

Stats. Implemented: ORS 283.310, 351.070 & 351.277

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

576-035-0020

Uses by Faculty, Staff, and Students

(1) Vehicles must be operated within the laws, rules and regulations of the State of Oregon and the policies and procedures of OSU, as found in the **OSU Motor Pool Handbook**, the **OSU Safety Procedures Handbook** and the **Motor Pool Information Policies**

and **Procedures Publication**, all available at the OSU Motor Pool Office. State-owned vehicles are for state business only and may not be used for any private purpose except as specifically authorized by State Department of Administrative Services regulations.

(2) Drivers of state-owned vehicles, or hired vehicles must certify that they:

(a) Possess a driver's license valid in Oregon;

(b) Have not committed a "major traffic offense," as defined in ORS 153.500 and enumerated in the OSU's **Safety Procedures Handbook**, within the past 36 months, as certified by a check of DMV records;

(c) Have satisfactory driving experience with the type of vehicle being used.

(3) Drivers of state-owned or hired vehicles shall:

(a) Ensure that all passengers have an operable seat belt;

(b) Prior to a trip, evaluate the route, weather conditions and other circumstances to determine which additional safety equipment such as a flashlight, ice scraper, first aid kit, emergency instructions, tire chains, etc. are necessary;

(c) File itineraries, to include destinations and anticipated departure and return times, with the Motor Pool;

(d) Provide for a relief driver if travelling continuously for over four hours and carrying passengers;

(e) Make rest stops every two hours on long trips where practical.

(4) The use charge for state-owned vehicles must be paid from an appropriate state account.

(5) Non-state employees and non-students riding in state-owned vehicles may do so only when authorized by a university department head.

(6) Use of state vehicles for home-to-office travel is not authorized and shall be considered vehicle misuse.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

576-035-0030

Students

Students shall have access to university Motor Pool services and state-owned vehicles subject to the following general guidelines:

(1) Student use of Motor Pool vehicles is authorized only for events or activities directly related to an officially sanctioned program.

(2) Student organization use of state vehicles is restricted to student organizations receiving student fee program funds collected by the university student fee funding procedure.

(3) Students participating in student fee funded programs under the auspices of the Memorial Union and Student Activities or the Recreational Sports Program must present an authorized purchase order to the Motor Pool before obtaining vehicle access.

(4) If a student is not an OSU employee, he/she must present a student driver authorization form from the department or unit head before obtaining a Motor Pool vehicle.

Stat. Auth.: ORS 283.310, 351.070 & 351.277

Stats. Implemented: ORS 283.310, 351.070 & 351.277

Hist.: OSU 4-1992, f. & cert. ef. 6-5-92; OSU 7-1994, f. & cert. ef. 10-11-94

DIVISION 40

POLICY ON SMOKING IN UNIVERSITY BUILDINGS

576-040-0010

Purpose

It is the policy of Oregon State University (the "University") that students, faculty, staff, consultants, contractors and visitors are entitled to and will be provided smoke-free areas in which to study, work, teach, conduct research, transact business, and otherwise participate in University activities.

Stat. Auth.: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Stats. Implemented: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 10-2011, f. & cert. ef. 12-27-11

576-040-0012

Definition

(1) "Smoking" means inhaling or exhaling smoke from, or burning or carrying, any lighted Smoking Instrument, or using an electronic cigarette or device intended to simulate smoking.

(2) "Smoking Instrument" means a cigar, cigarette, pipe, electronic cigarette or other device intended to simulate smoking.

(3) "Corvallis Campus" means the entire area within the boundary of the University's Corvallis campus, as illustrated at <http://oregonstate.edu/smokefree/map>, as well as all other University-owned property within Benton County that is marked with signage indicating a no-smoking environment.

(4) "Enclosed University facilities" means all University-owned space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways that extend from the floor to the ceiling.

(5) "Service Line" means any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

Stat. Auth.: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Stats. Implemented: ORS 243.345, 243.350, 351.070 & 433.835 - 433.850

Hist.: OSU 8-1998, f. & cert. ef. 8-24-98; OSU 10-2011, f. & cert. ef. 12-27-11

576-040-0015

Areas in Which Smoking is Prohibited

Smoking or carrying any lighted Smoking Instrument is prohibited:

(1) Within Enclosed University Facilities, including but not limited to offices, reception areas, laboratories, lavatories, classrooms, stairwells, hallways, lobbies, meeting rooms, gymnasiums, elevators, and storage rooms; and

(2) In any indoor or outdoor space on the Corvallis Campus, including but not limited to parking lots, grounds, rooftops, athletic facilities, entrances and exit ways;

(3) Within all vehicles on Corvallis Campus;

(4) With the exception of Corvallis Campus, within ten (10 feet of any entrance, window, or ventilation system of any Enclosed University Facility where smoking is prohibited or of any Service Line that extends out of doors; and

(5) Within any University Motor Pool vehicle.

Stat. Auth.: ORS 243.345, 243.350 & 351.070

Stats. Implemented: ORS 243.345, 243.350 & 351.070

Hist.: OSU 3-1988(Temp), f. 7-12-88, cert. ef. 7-15-88; OSU 6-1988, f. & cert. ef. 11-9-88; OSU 11-1991, f. & cert. ef. 11-13-91; OSU 8-1998, f. & cert. ef. 8-24-98; OSU 10-2011, f. & cert. ef. 12-27-11

DIVISION 45

ANIMAL CONTROL

576-045-0000

Purpose

Oregon State University adopts these rules to control animals on campus.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95

576-045-0010

Definitions

(1) "Animal" means any bird, reptile or mammal kept as a pet.

(2) "Leash" means any rope, strap, chain or similar device not exceeding six feet in length, held in the hand of a person capable of controlling the animal to which it is attached.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-9

576-045-0020

Regulation

(1) The City of Corvallis animal control ordinance, Corvallis Municipal Code 5.03.050, together with any adopted amendments,

is applicable and enforceable on university owned and controlled property within the City.

(2) No person shall bring an animal onto university owned or controlled property and leave it unattended for any length of time.

(3) No person shall attach any animal by the use of any leash or other device to any tree, pole, fence, sign, building, fire hydrant, vehicle or other object on university owned or controlled property.

(4) No person shall confine or attach an animal within or to a motor vehicle either leashed, tied or loose in such a way that the animal can extend beyond that vehicle.

(5) Animals are not allowed on university owned or controlled property unless on a leash and under the control of a person capable of controlling the animal.

(6) No person shall bring an animal onto university owned or controlled property unless it has a current license.

(7) Animals are not permitted in university owned or controlled buildings.

(8) Exceptions:

(a) Assistance animals trained to assist a physically impaired person in one or more daily life activities, including but not limited to Guide Dogs for the Blind, Companion Dogs for the Deaf, Canine Companions for Independence (including those dogs in training), or those associated with a comparable nationally recognized organization;

(b) Animals under guidance and control of university staff for the purpose of research or other academic endeavors.

(c) Pets of professional and teaching faculty who live in residential facilities operated by University Housing and Dining Services (UHDS), when authorized in advance by UHDS under criteria established by UHDS. Such criteria shall address health and safety concerns and the suitability of the animal for living in a residence hall setting.

Stat.. Auth.: ORS 346.685 & 351.070

Stats. Implemented: ORS 346.685 & 351.070

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97; OSU 2-2005, f. & cert. ef. 12-16-05

576-045-0030

Sanctions

(1) Any person who violates this rule is subject to:

(a) Issuance of a University Notification by a Public Safety Officer;

(b) An order to leave the premises and remove the animal from property owned or controlled by the university by a person in charge of university property;

(c) Disciplinary action, if a student or university employee.

(2) Animals found on university or controlled property in violation of OAR 576-045-0020 will be impounded and taken to the Human Society if the owner cannot be readily located.

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

(4) The Vice President for Finance and Administration, Director of Facilities Services, Manager of Environmental and Public Safety, Security Services Manager, Public Safety Officers, Director of Student Housing and Residence Programs and their designees, have the authority of "persons in charge" of university property for purposes of ORS 164.205 and this rule.

Stat. Auth.: ORS 351.070 & 164.205

Stats. Implemented: ORS 351.070 & 164.205

Hist.: OSU 7-1995, f. & cert. ef. 12-13-95; OSU 7-1997, f. & cert. ef. 6-16-97

DIVISION 50

FACULTY GRIEVANCE PROCEDURE

576-050-0010

Purpose

(1) The University encourages the resolution of grievances through informal means and discussion in keeping with the collegial atmosphere of a university. The University is also committed to a for-

mal procedure for consideration of grievances that are not resolved through informal processes.

(2) The procedure set out in this rule is available to any unclassified employee with faculty rank as defined in this rule and in the rules of the State Board of Higher Education.

(3) This grievance procedure may be used to hear any complaint by a faculty member that he or she was wronged in connection with compensation, tenure, promotion or other conditions of employment, or that his or her rights were denied as to reappointment. "Other conditions of employment" shall include, but not be limited to, violations of academic freedom, nondiscriminatory employment practices and discriminatory employment practices including sexual harassment, and laws, rules, policies and procedures under which the institution of higher education employing the academic employee operates. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to this grievance procedure.

(4) The University may elect not to proceed with a grievance if the grievant also seeks resolution in another forum.

(5) If the grievance concerns a matter to which contested case procedures apply, the grievant may elect to use the procedures in OAR 576-002-0020 to 576-002-0055.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

576-050-0015

Definitions and Mail Requirement

(1) "Days" as used in this rule shall mean calendar days.

(2) "Presentation of the Grievance" as used in OAR 580-021-0050 means receipt of the grievance by the dean, director or unit executive officer as specified in 576-050-0025.

(3) "Faculty Mediator" is an employee with faculty rank chosen by the Faculty Senate Executive Committee. Emeritus faculty shall be eligible to serve as the Faculty Mediator.

(4) "Faculty Grievance Committee" is a committee of five academic employees with faculty rank chosen by the Faculty Senate Executive Committee and charged with the responsibility for hearing faculty grievances in accordance with these procedures. Any person with faculty rank may submit nominations to the Executive Committee for consideration. The Executive Committee shall choose at least one female and one minority member. Three members shall constitute a quorum. The Executive Committee of the Senate shall select a Chair.

(5) "Faculty Rank" means faculty ranks as defined in the rules of the State Board of Higher Education and includes faculty without rank but with professional title.

(6) All appeals, decisions, or recommendations referred to in this rule shall be sent by U.S. Mail or University campus mail.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 8-2012, f. 12-24-12, cert. ef. 1-1-13

576-050-0020

Informal Procedures

(1) Prior to filing a formal grievance a faculty member is encouraged to discuss the grievance with his or her supervisor (or dean, director, unit executive officer or Affirmative Action Director). The immediate supervisor shall respond to the grievant within fifteen (15) days.

(2) The Affirmative Action Office must be notified of any grievance alleging discrimination, including sexual harassment. The Affirmative Action Director, if so requested by the grievant, will investigate any grievance alleging discrimination and attempt to help the parties resolve the issue.

(3) The faculty member or the Chair of the Grievance Committee, with the faculty member's concurrence, may request the Faculty Mediator to review and attempt to resolve all other grievances, including those the Affirmative Action Director determines not to be valid claims of discrimination.

(4) The Mediator may meet with the grievant and take what action he or she considers appropriate in attempting to resolve the grievance, including interviewing or consulting other persons. The Mediator and all parties to the grievance shall keep the mediation process confidential to the extent possible under law. Statements made in mediation shall not be admissible in a grievance hearing.

(5) Nothing in this rule shall require a faculty member to use informal grievance procedures before filing a formal written grievance, provided that a faculty member must notify the Affirmative Action Office of all claims of unlawful discrimination, including sexual harassment, before filing a written complaint.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 5-1991, f. & cert. ef. 3-6-91; OSU 11-1996, f. & cert. ef. 8-23-96

576-050-0025

Initiation of Formal Procedures

(1) If a grievance is not resolved to the satisfaction of the grievant at the informal stage, or if the grievant chooses to bypass the informal stage, the grievant may file a formal written grievance. A grievance shall be filed with the dean, director, or executive officer in charge of the administrative unit, except:

(a) Where the grievant is a department chair in which case the grievance shall be filed with the Provost and Executive Vice President; or

(b) Where the grievant alleges sexual harassment against the person in charge of the administrative unit, in which case the grievance shall be filed with the next higher administrator.

(2) The grievant shall file a copy of the written grievance with the Legal Advisor in the Office of the President. The formal grievance must be filed within sixty (60) days of the time the faculty member knew or by reasonable diligence should have known of the acts which gave rise to the grievance. Therefore, discussion or mediation at the informal stage should be initiated as soon as possible. The University shall extend the sixty (60) day filing requirement if the grievant is pursuing the complaint at the informal level and it appears that additional time would be beneficial in resolving the grievance. Extension by the University shall be in writing by the Legal Advisor.

(3) The written grievance must contain the grievant's name and address, the date and nature of the act or omission which gave rise to the grievance, any rule, policy or procedure alleged to have been violated or misapplied, and the remedy requested by the grievant.

(4) The dean, director, unit executive officer, or the respective designee shall send a written decision to the grievant within twenty (20) days of receipt of the grievance.

(5) If the sole basis of the grievance is a claim of an unlawful discriminatory employment practice or practices, the grievant may waive in writing the right to file a formal grievance under this rule and may elect instead to file a formal complaint of discrimination with the Office of Affirmative Action and Equal Opportunity. If the grievant elects to file with the Office of Affirmative Action and Equal Opportunity, the grievant shall be entitled to that office's procedures and shall have no further rights to the procedures set forth in this division 50.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 3-2005, f. & cert. ef. 12-16-05

576-050-0030

Appeal to the Faculty Grievance Committee

(1) If the decision of the dean, director, or unit executive officer is not satisfactory to the grievant, the grievant may file a written appeal with the Faculty Grievance Committee within ten (10) days of receipt of the written decision, stating why the response at the previous level is deficient. This step is optional with the grievant. The grievant may bypass the Committee and file the appeal directly with the President.

(2)(a) The Committee shall send to the grievant a written notice of the time and place of the hearing at least seven (7) days prior to the hearing;

(b) At the Committee hearing the faculty member shall present his or her case first, followed by the person or persons who are the object of the grievance. Thereafter the faculty member shall have an opportunity to respond;

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

(d) If the grievant so chooses he or she may be accompanied by or represented at the hearing by any other person;

(e) Either party may provide for and obtain a sound recording of the hearing;

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96

576-050-0035

Decision by the Committee and Appeal to the President

(1) The Committee's decision shall be made in the form of a written recommendation to the President. It shall be based only upon evidence presented at the hearing. The recommendation shall include a description of the complaint, the evidence the Committee collected, and its conclusions and recommendations for disposition of the case. The recommendations shall be sent to the grievant, to the President and to the dean, director or executive officer in charge of the unit out of which the grievance arose within sixty (60) days of receipt of the appeal to the Committee.

(2) The President or his or her designee shall review the decision of the Committee and the President shall deliver a written decision to the grievant, to the Grievance Committee and to the dean, director or executive officer in charge of the unit out of which the grievance arose within thirty (30) days of receipt of the Committee's recommendation. Prior to issuing a decision the President, or designee, may interview any person concerning the grievance to supplement the record whether or not the person testified at the hearing, provided that the decision shall list each person so interviewed. In addition the President or designee may review any documents, provided that the decision shall identify any such documents that were not introduced at the Committee hearing. The grievant shall be informed of any additional information obtained by the President and given seven (7) days to respond. If the President rejects or modifies the recommendations of the Committee, the reasons shall be stated in the decision.

(3) If the grievant chooses to appeal the decision of the dean, director, or unit executive officer directly to the President, the President shall proceed to review the matter and reach a decision as set out in section (2) of this rule, provided that all persons interviewed and all documents reviewed must be identified in the decision. The President shall issue a decision within thirty (30) days of receipt of the grievant's appeal.

(4) The decision of the President shall be final except as provided in OAR 576-050-0035(5).

(5) If the grievance is directed at the President as the immediate supervisor of the grievant or at the President in his or her administrative capacity (as contrasted to appellate capacity), the grievant may appeal to the Chancellor of the Oregon University System as provided in OAR 580-021-0050(10).

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 1-1989(Temp), f. 2-9-89, cert. ef. 2-10-89; OSU 2-1989, f. & cert. ef. 5-30-89; OSU 11-1996, f. & cert. ef. 8-23-96; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02; OSU 4-2002, f. & cert. ef. 2-25-02

576-050-0045

Effect of Time Limits

If the University fails to respond within the time limits at any step in this grievance process, the grievant may appeal to the next step.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

576-050-0050

Non Retaliation

An individual filing a grievance in good faith or otherwise participating in any of the actions authorized under these grievance rules shall not be subject to retaliatory action of any kind by any employee of the University, the Oregon University System, or the State Board of Higher Education.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88; OSU 8-2001(Temp), f. 9-27-01, cert. ef. 9-28-01 thur 3-27-02; OSU 4-2002, f. & cert. ef. 2-25-02

576-050-0055

Two-Year Review

Not later than two years from the adoption of these rules, the Provost and Faculty Senate Executive Committee shall jointly appoint a faculty committee to review the effectiveness of this grievance procedure and to recommend any changes.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 1-1988, f. 5-16-88, cert. ef. 6-1-88

DIVISION 55

CRIMINAL HISTORY CHECKS FOR EMPLOYMENT AND SERVICE

576-055-0000

Purpose and Applicability

(1) Oregon State University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University. To meet these objectives, the University may require a criminal history check as a condition prior to any applicant, employee, or volunteer providing services in a critical or security-sensitive position.

(2) A criminal history check may be required of a person currently serving as an employee or volunteer if he or she seeks appointment to position that is designated as a critical or security-sensitive position, or if OAR 576-055-0160 applies.

(3) Criminal history checks for employment and services purposes are limited to position categories identified herein.

Stat. Auth: ORS 181.534, 352.012 & OAR 580-023-0106 et seq.

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0010

Definitions

(1) "Criminal history check" means the review of any and all criminal records containing any information collected and stored in a state or county repository or the criminal records repository of the Federal Bureau of Investigation.

(2) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilt, a plea of guilty, or a plea of nolo contendere (no contest).

(3) "Fingerprint-based criminal history check" means a criminal history check using a subject individual's fingerprints for a critical or security-sensitive designated position as described in OAR 576-055-0020(1)(a) through (g).

(4) "Non-fingerprint-based criminal history check" means a criminal history check using a subject individual's personally identifiable information, excluding fingerprints, for a critical or security-sensitive designated position as described in OAR 576-055-0020(a) through (h).

(5) "Subject individual" means a person currently serving as an employee or volunteer, or a person who seeks appointment as an employee or volunteer, to a position that is designated as critical or security-sensitive.

(6) "Youth Program" means an activity or event specifically directed to children 17 years of age or younger. Youth Programs include activities and events directed towards achieving goals of

youth development, academic enrichment, recreation, or enrollment in postsecondary education. Such activities and events may be conducted on- or off-campus by University faculty, staff and approved volunteers.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0020**Critical or Security-Sensitive Designated Positions**

The categories of critical or security-sensitive designated positions for which the University may conduct criminal history checks include those in which the person:

(1) Has direct access to persons under 18 years of age or to student residence facilities because the person's work duties require the person to be present in the residence facility;

(2) Is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(3) Has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(4) Has access to property where hazardous materials and other items controlled by state or federal laws or regulations are located;

(5) Has access to laboratories, nuclear facilities or utility plants to which access is restricted in order to protect the health or safety of the public;

(6) Has fiscal, financial aid, payroll or purchasing responsibilities as one of the person's primary responsibilities;

(7) Has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information; or

(8) Has access to or responsibility for the care, safety and security of animals.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0030**Designation of Critical and Security-Sensitive Positions**

The Assistant Vice President for Human Resources will designate positions requiring a criminal history check using the criteria described in OAR 576-055-0020 of this policy and in consultation with the hiring supervisor. The designation will be applied based on a position-by-position review of specific job duties and requirements.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0040**Notice to Subject Individuals**

All solicitations, application forms, and announcements for positions designated as critical or security-sensitive will include a statement notifying potential applicants of the intent to request consent to conduct a criminal history check and the fact that such consent will be required for employment or service consideration.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0050**Criminal History Check Process**

(1) Oregon State University may conduct, or request that the Oregon State Police conduct, a criminal records check, when:

(a) An individual meets the definition of "subject individual"; or

(b) A criminal records check is required by federal law or regulation, by state law or administrative rule, or by contract or written agreement.

(2) Oregon State University may require the subject individual to provide personally identifiable information such as names, current

and former addresses, social security number, date of birth, a completed disclosure notice and authorization for background investigation form, and fingerprints.

(3) A fingerprint-based criminal history check may be necessary to verify identity of the subject individual and his or her criminal history; when a subject individual elects not to disclose his or her social security number; or when it may be necessary to obtain nationwide criminal records through the Federal Bureau of Investigation if the subject individual has lived outside the state of Oregon in the last seven (7) years. Except as specifically noted otherwise, fingerprint-based criminal history check results are subject to the same rules and procedures outlined for criminal history check results herein.

(4) A non-fingerprint-based criminal history check may be conducted for critical and security sensitive positions as identified in OAR 576-055-0020(1)(a) through (h). A fingerprint-based criminal history check may be conducted only for critical and security sensitive positions as identified 576-055-0020(1)(a) through (g).

(5) A non-fingerprint-based criminal history check may be conducted every two years following date of hire, initial service date, or position assignment for an employee or volunteer providing service in a University-sponsored Youth Program or more frequently pursuant to 576-055-0160. A fingerprint-based criminal history check may be conducted in these follow-up checks if subsection (3) of this rule applies.

(6) The University may elect to waive the criminal history check requirement for a subject individual if, as a pre-requisite to providing service or participating in a program, the subject individual is required to submit to a criminal history check and meet a fitness determination as required and conducted by a state or federal agency. The Assistant Vice President for Human Resources is responsible for determining if the state or federal agency's criminal history check meets the University's requirement for critical or security-sensitive designated positions. If not, the subject individual may be subject to a criminal history check conducted by the University.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0060**Determination of Fitness to Hold Position Based on Criminal History Check**

(1) A criminal history check is intended to verify that the subject individual does not have criminal convictions related to position responsibilities that would make the individual unfit to perform the responsibilities of the position.

(2) The Assistant Vice President for Human Resources will review the criminal history check information in determining the subject individual's fitness to hold the position. The existence of a criminal history will not automatically preclude a subject individual from employment or service with the University. In making the fitness determination, the Assistant Vice President for Human Resources must consider the following:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment that indicate the making of a false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's proposed employment or service position;

(d) Intervening circumstances relevant to the responsibilities or circumstances of the position including but not limited to: the passage of time since the commission of the crime, the age of the subject individual at the time of the crime, the likelihood of a repetition of offenses or of the commission of another crime, the subsequent commission of another relevant crime, whether the conviction was set aside and the legal effect of setting aside the conviction, a recommendation of an employer and a recommendation of a criminal justice system representative.

(3) Crimes relevant to determining the subject individual's fitness:

(a) All felonies;

(b) All Class A misdemeanors;

(c) Class B misdemeanors of the following kind: unsworn falsification; disorderly conduct; harassment; telephonic harassment; carrying a concealed weapon; animal abuse; animal neglect; animal abandonment; distribution of a controlled substance to a minor; and falsifying drug test results;

(d) Any United States Military crime or international crime;

(e) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this subsection (3) pursuant to ORS 161.405, 161.435, or 161.450; and

(f) Any crime based on criminal liability for conduct of another pursuant to ORS 161.155, when the underlying crime is listed in this subsection (3).

(4) The Assistant Vice President for Human Resources shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the conviction.

(5) A determination of fitness is considered a minimum qualification of a critical or security-sensitive position. However, a positive determination of fitness on the basis of a criminal records check does not guarantee the subject individual a position as an employee or volunteer.

(6) A subject individual who misrepresents or provides misleading or false information, or withholds information as part of the criminal history check process, will be disqualified from further consideration. If misleading or false information is discovered after an individual has been appointed, the individual may be disciplined, up to and including termination of employment or service appointment, or rescinding of tenure appointment, pursuant to University policy and governing rules.

(7) An open criminal case may preclude a final candidate from eligibility for employment or service depending on the relevancy of the charge(s) to the job responsibilities. The Assistant Vice President for Human Resources is responsible for determining relevance in these situations.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0070

Refusal to Consent to Criminal History Check

Refusal to consent shall cause the University to deny the subject individual employment or service as a volunteer, and current employees who refuse to consent may be disciplined, up to and including termination consistent with other University rules, policies or collective bargaining agreements. A subject individual may not appeal a termination of candidacy due to refusal to consent to a criminal history check.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0080

Incomplete Fitness Determination

(1) The University will close a fitness determination as incomplete when:

(a) The person no longer meets the definition of a "subject individual";

(b) The subject individual does not provide information or materials under OAR 576-055-0050;

(c) The University cannot locate or contact the subject individual;

(d) The University determines that the individual is not eligible or qualified for employment or service for a reason unrelated to the fitness determination process; or

(e) The position is no longer open.

(2) A subject individual does not have the right to a hearing pursuant to OAR 580-023-0146 to challenge the closing of an incomplete fitness determination.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0090

Offer of Employment or Service

Appointment of an applicant, current employee or volunteer to a position designated as critical or security-sensitive is contingent on the University's determination of fitness based on the criminal history check. No subject individual for a critical or security-sensitive position will commence employment or service until the criminal history check process has been completed and a satisfactory determination of fitness to hold the position has been made unless an exception has been approved by the President, in consultation with the Assistant Vice President for Human Resources.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0100

Notice of Pre-Adverse Fitness Determination

Before making an adverse fitness determination, a subject individual will be provided notice by the University either by electronic or certified mail to the address provided by the subject individual. The notice will include a copy of the individual's criminal history check report and a summary of his or her rights under the federal Fair Credit Reporting Act.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0110

Notice of Adverse Fitness Determination

A subject individual who has been determined not to be fit based at least in part on information contained in a criminal history check will be notified by certified mail to the most current address provided by the subject individual. The notification will provide information regarding the individual's appeal rights and rights under the federal Fair Credit Reporting Act.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0120

Appeal Process for Fingerprint-Based Criminal History Check

(1) A subject individual may appeal an adverse fitness determination based on a fingerprint-based criminal history check.

(2) The appeal process for a subject individual who is not currently employed by the University will be conducted pursuant to the contested case process set forth in OAR 580-023-0146.

(3) A subject individual who is currently employed by the University and who is determined not to be fit for a position on the basis of information obtained as the result of a fingerprint-based criminal records check may appeal the determination through the contested case process set forth in OAR 580-023-0146 or applicable personnel rules, policies and collective bargaining provisions. An individual's decision to appeal a determination through personnel rules, policies or collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process.

(4) The subject individual may not use the appeal process to challenge the accuracy, completeness or lawfulness of the information provided to the University by the Oregon State Police, the Federal Bureau of Investigation, agencies reporting to either of these organizations, or consumer reporting agency(s) engaged by the University for the purposes of providing background information. Such challenges are to be made to the reporting agencies themselves.

(5) The only remedy available to the subject individual under the appeal process is a determination that the applicant is fit. Under no circumstances will the University be required to place a subject individual in any position or be required to accept the individual's services in any capacity.

(6) Appealing a fitness determination or challenging criminal offender information with the reporting agency will not cause delay or postponement of the University's hiring process or decisions regarding employment or service to the institution.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0130**Appeal Process for Non-Fingerprint-Based Criminal History Check**

(1) A subject individual who is currently employed by the University and who is determined not to be fit for a position on the basis of information obtained as the result of a non-fingerprint-based criminal records check may appeal the determination through applicable personnel rules, policies and collective bargaining provisions.

(2) A subject individual who is not currently employed by the University and who is determined not to be fit for a position on the basis of information obtained as the result of a non-fingerprint-based criminal records check may appeal the determination by writing a letter within fourteen (14) days to the Assistant Vice President for Human Resources stating the reasons for appeal.

(3) The subject individual may not use the appeal process to challenge the accuracy, completeness or lawfulness of the information provided to the University by the Oregon State Police, the Federal Bureau of Investigation, agencies reporting to either of these organizations, or consumer reporting agency(s) engaged by the University for the purposes of providing background information. Such challenges are to be made to the reporting agencies themselves.

(4) The only remedy available to the subject individual under the appeal process is a determination that the applicant is fit. Under no circumstances will the University be required to place a subject individual in any position or be required to accept the individual's services in any capacity.

(5) Appealing a fitness determination or challenging criminal offender information with the reporting agency will not cause delay or postponement of the University's hiring process or decisions regarding employment or service to the institution.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0140**Restricted Access to and Maintenance of Criminal History Records**

(1) Access to information obtained in the criminal records check is restricted. The University restricts access to and dissemination of that information to only those University employees with a demonstrated and legitimate need to know the information. Criminal history record files will be maintained in the Office of Human Resources or the Department of Public Safety.

(2) Supervisors and other University employees will generally not be provided information regarding a subject individual's criminal history check and will be informed only that the subject individual either has a satisfactory or unsatisfactory fitness determination. Criminal history information will only be disclosed to a hiring supervisor or other University employees where the Assistant Vice President for Human Resources believes that person has a demonstrated and legitimate need to know the information and he/she specifically approves the disclosure.

(3) Criminal history records will be retained in accordance with OAR 166-475-0095(17).

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0150**Fees Associated with Conducting Criminal History Check**

The University hiring or service department is responsible for fees associated with conducting a criminal history check.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

576-055-0160**Required Employee and Volunteer Notification to the University of Convictions**

(1) A criminal history check and determination of fitness will only be required of a current employee or volunteer in his or her posi-

tion if required by the following: law; rule; regulation; ordinance; applicable court or agency legal or regulatory opinion; grant, as required in writing by a funding or regulatory entity; if necessary to confirm crimes taking place while the current employee is serving in a critical or security sensitive position pursuant to OAR 576-055-0160(2) or (3) below; as permitted by 576-055-0050 to provide service in a University-sponsored Youth Program; or, as required by the assignment of new duties that causes the employee's position to be designated as critical or security-sensitive. Fitness determinations and employment or volunteer service decisions based thereon will be made consistent with this Division and any other applicable University rules, policies or collective bargaining agreements.

(2) All employees and volunteers whose position descriptions have been designated as critical or security sensitive are required to notify the Assistant Vice President or Associate Director of the Office of Human Resources if they are convicted of a crime relevant to determination of fitness as identified in OAR 576-055-0060 while serving in these positions. If the Assistant Vice President of Human Resources determines that the conviction is pertinent to the employee or volunteer's fitness to carry out the duties or functions of his or her position, the University may require the employee or volunteer to consent to a criminal history check. The results of this check will be handled pursuant to the remaining sections of this Division and other applicable University rules and policies. If the University makes an adverse fitness determination, the employee or volunteer will be removed from the position where consistent with other University rules, policies or collective bargaining agreements.

(3) Failure to report relevant crimes and convictions pursuant to this Section may result in disciplinary action, up to and including termination. If the University receives a report of a relevant conviction that is disputed by the employee, the University may require a criminal history check to confirm the report. The Assistant Vice President for Human Resources, or his/her designee, will take all such matters under advisement with University General Counsel.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 1-2013, f. & cert. ef. 1-16-13

DIVISION 56**MOTOR VEHICLE HISTORY CHECK FOR EMPLOYMENT AND SERVICE****576-056-0000****Purpose and Applicability**

(1) Oregon State University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University. To meet these objectives, the University may require a motor vehicle history records check as a condition prior to an employee or volunteer providing services in a position that requires operation of a motor vehicle as an essential function. All categories of unclassified employees, classified employees, graduate assistants, student employees, volunteers, and job applicants may be subject to this check if their position requires operation of a motor vehicle. Hiring practices associated with motor vehicle history checks are to be conducted in a manner that supports the University's commitment to non-discrimination in hiring practices.

(2) A motor vehicle history check may be required of a person currently serving as an employee or volunteer if he or she seeks appointment to a position that requires operation of a motor vehicle as an essential function, or if OAR 576-055-0130 applies.

Stat. Auth: ORS 181.534 & 352.012
Stats. Implemented: ORS 181.534 & 352.012
Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0010**Definitions**

(1) "Motor vehicle history check" is the review of any and all records containing any information collected and stored in a state or county repository as identified in OAR 576-035-0020 or applicable

state rules or laws if records are collected or stored outside the State of Oregon.

(2) “Subject individual” means a person from whom the University may require motor vehicle history records as a condition to provide service as an employee or volunteer. Subject individuals may include persons currently serving as an employee or volunteer, or persons who seek appointment as an employee or volunteer, to a position that is designated as requiring driving as an essential function of the position.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0020**Designation of Positions Requiring a Motor Vehicle History Check**

The President or his/her designee will designate positions, in consultation with the hiring supervisor, that require driving as an essential function in the position description and, therefore, require a motor vehicle history check using the criteria described in OAR 576-035-0020. The designation will be applied based on a review of specific motor vehicle-related job duties and requirements.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0030**Notice to Subject Individuals**

All solicitations, application forms, and announcements for positions designated as requiring a motor vehicle records check will include a statement notifying potential applicants of the intent to request consent to conduct a motor vehicle history check and the fact that such consent will be required for employment or service consideration.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0040**Motor Vehicle History Check Process**

(1) Oregon State University may request that an applicant, employee or volunteer provide a current motor vehicle history when:

(a) The individual meets the definition of “subject individual”; or

(b) Required by federal law or regulation, by state law or administrative rules, or by contract or written agreement.

(2) Oregon State University may require the subject individual to provide personally identifiable information such as names, current and former addresses, date of birth, and driver’s license number.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0050**Determination of Fitness to Hold Position Based on Motor Vehicle History Check**

(1) A motor vehicle history check is intended to verify that the subject individual meets minimum driver requirements and voluntary and compulsory driver standards as identified in OAR 576-035-0020 and has not forfeited bail or been convicted for any of the following, or reasonably similar, unacceptable driving violations, as certified by the motor vehicle history check. The listed periods begin at the later date of violation, forfeiture, or conviction.

(a) A major traffic offense in the last 24 months. This includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, and others;

(b) Felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months;

(c) More than three moving traffic violations in the last 12 months;

(d) A careless driving conviction in the last 12 months; or

(e) A Class A moving traffic infraction in the last 12 months.

(2) The President or his/her designee will review the motor vehicle history check information in determining if the subject individual is fit to hold the position.

(3) A determination of fitness is considered a minimum qualification of a position requiring a motor vehicle history check. However, a positive determination on the basis of a motor vehicle history check does not guarantee the individual a position as an employee or volunteer.

(4) A subject individual who misrepresents or provides misleading or false information, or withholds information as part of the motor vehicle history check process, will be disqualified from further consideration. If misleading or false information is discovered after an individual has been appointed, the individual may be disciplined, up to and including termination of employment or service appointment, or rescinding of tenure appointment, pursuant to University policy and governing rules.

(5) An open motor vehicle offense or charge may preclude a final candidate from eligibility for employment or service depending on the relevancy of the charges(s) to the job responsibilities. The President or his/her designee is responsible for determining relevance in these situations, in consultation with University General Counsel.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0060**Refusal to Consent to a Motor Vehicle History Check**

Refusal to consent shall cause the University to deny the subject individual employment or service as a volunteer. A subject individual may not appeal a termination of candidacy due to refusal to consent to a motor vehicle history check.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0070**Incomplete Fitness Determination**

The University will close a fitness determination as incomplete when:

(1) The person no longer meets the definition of a “subject individual”;

(2) The subject individual does not provide information or materials under OAR 576-056-0050;

(3) The University cannot locate or contact the subject individual;

(4) The University determines that the individual is not eligible or qualified for the position of employee or volunteer for a reason unrelated to the fitness determination process; or

(5) The position is no longer open.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0080**Offer of Employment or Service**

Appointment of an applicant, current employee or volunteer to a position requiring a motor vehicle records check is contingent on the University’s determination of fitness based on the motor vehicle history check. No subject individual for a position designated as requiring a motor vehicle history check may commence employment or service until the motor vehicle history check process has been completed and a satisfactory determination of fitness to hold the position has been made unless an exception has been approved by the President, in consultation with the University General Counsel and the Assistant Vice President for Human Resources.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0090**Notice of Adverse Fitness Determination**

A subject individual who has been determined not to be fit based at least in part on information contained in a motor vehicle his-

tory check will be notified by the University either by electronic or certified mail to the address provided by the subject individual.

Stat. Auth: ORS 181.534 & 352.012

Stats. Implemented: ORS 181.534 & 352.012

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0100**Appeal Process for Motor Vehicle History Check**

(1) A subject individual who is currently employed by the University and who is determined not to be fit for a position on the basis of information contained in the motor vehicle history records check report provided by the subject individual to the University may appeal the determination through applicable personnel rules, policies and collective bargaining provisions.

(2) A subject individual who is not currently employed by the University and who is determined not to be fit for a position on the basis of information obtained in the motor vehicle history records check report provided by the subject individual to the University may appeal the determination by writing a letter within five (5) days to the Assistant Vice President for Human Resources stating the reasons for appeal.

(3) The subject individual may not use the appeal process to challenge the accuracy, completeness or lawfulness of the information the subject individual provided to the University.

(4) The only remedy available to the subject individual under the appeal process is a determination that the applicant is fit. Under no circumstances will the University be required to place a subject individual in any position or be required to accept the individual's services in any capacity.

(5) Appealing a fitness determination or challenging motor vehicle history information with the agency from which the subject individual obtained the report will not cause delay or postponement of the University's hiring process or decisions regarding employment or service to the institution.

Stat. Auth: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0110**Restricted Access to and Maintenance of Motor Vehicle History Check Records**

(1) Access to information obtained in the motor vehicle records check process is restricted. The University restricts access to and dissemination of that information to only those persons with a demonstrated and legitimate need to know the information. Motor vehicle history record files will be maintained in the Office of Human Resources and the Department of Public Safety.

(2) Supervisors and other University employees will generally not be provided information regarding a subject individual's motor vehicle history and will be informed that the subject individual either has a satisfactory or unsatisfactory fitness determination. Motor vehicle history information will only be disclosed to a hiring supervisor or other University employees where the President or his/her designee believes that employee has a demonstrated and legitimate need to know the information and specifically approves the disclosure.

(3) Motor vehicle history check records will be retained in accordance with OAR 166-475-0095(17).

Stat. Auth: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0120**Fees Associated with Obtaining a Motor Vehicle History Check**

The subject individual is responsible for fees associated with providing his or her motor vehicle history to the University.

Stat. Auth: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

576-056-0130**Required Employee and Volunteer Notification to the University**

(1) A motor vehicle history check and determination of fitness will not be required of a current employee or volunteer in his or her unless required by law, rule, regulation, ordinance, binding legal opinion, or grant, or as required in writing by a funding or regulatory agency or as set forth in (2). Fitness determinations and employment or volunteer service decisions based thereon will be made consistent with this Division and any other applicable University rules, policies or collective bargaining agreements.

(2) All employees and volunteers whose position descriptions have been designated as requiring the operation of a motor vehicle as an essential function are required to notify the Director or Associate Director of the Office of Human Resources if they are convicted of a motor vehicle crime or offense as identified in OAR 125-155-200 while serving in the position. If the President or his/her designee determine that the conviction is pertinent to the employee or volunteer's fitness to carry out the duties or functions of his or her position, the University may require the employee to consent to a motor vehicle history check. The results of this check will be handled pursuant to the remaining sections of this Division and other applicable University rules and policies. If the University makes an adverse fitness determination based on the check, the employee or volunteer will be removed from his or her position where consistent with other University rules, policies or collective bargaining agreements.

(3) Failure to report relevant crimes or offenses pursuant to this Section may result in disciplinary action, up to and including termination. The Director or Associate Director of Human Resources will take all such matters under advisement with University General Counsel.

Stat. Auth: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 10-2012, f. 12-24-12, cert. ef. 1-1-13

DIVISION 60**ALCOHOLIC BEVERAGE POLICY****576-060-0010****Purpose**

These rules govern the conditions under which alcoholic beverages may be consumed in areas other than housing units on the University campus. Rules concerning use of alcoholic beverages by students in University housing units and by recognized student organizations are subject to University policies and guidelines as well as Oregon laws and local ordinances. Information is available through the Student Conduct and Community Standards Office, Student Leadership and Involvement or at the Oregon State University Administrative Policies and Procedures website. The University cautions against the excessive use of alcoholic beverages, and in the matters referred to in these rules, expects all persons serving or consuming alcoholic beverages to adhere to all applicable laws and regulations, including the regulations of the Oregon Liquor Control Commission ("OLCC").

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0015**Definitions**

(1) "Insured Licensed Vendor" means a business entity that holds an annual liquor license issued by the OLCC and that carries public liability and liquor liability insurance at limits satisfactory to the University Director of Business Services.

(2) "Corvallis campus" means property owned or controlled by the University within the city limits of Corvallis, Oregon, except for those properties in use as single family dwellings.

(3) “Stadium” means the University football stadium complex, including the football center and the indoor practice center, and the University baseball stadium complex, in designated areas only.

(4) “University campus” means property owned or controlled by the University, including but not limited to the Corvallis campus, agricultural experiment stations, research forests, the Cascades campus at Central Oregon Community College, and Extension offices, except for those properties in use as single family dwellings.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0020

Use of Alcoholic Beverages on the Corvallis campus in connection with Oregon State University varsity football games

Alcoholic beverages may be served and consumed as provided in this rule in parking areas on the Corvallis campus in conjunction with scheduled Oregon State University varsity football games.

(1) Individuals wishing to picnic (“tailgate”) prior to a varsity football game and serve non-bulk alcoholic beverages may do so only in parking areas other than those designated by signage as closed to tailgating. Food and non-alcoholic beverages must be available.

(2) No kegs or other bulk dispensing of alcoholic beverages are permitted in the parking areas without prior approval and registration in accordance with the process and requirements described in OAR 576-060-0035. The Vice President for Finance and Administration may designate specific areas in the parking areas in which any approved kegs and bulk dispensing must be located.

(3) Alcoholic beverages provided from kegs or bulk dispensing at group or individually sponsored events may not be served after the close of half-time of the football games.

(4) Any person violating this policy may be subject to disciplinary action and to removal from the premises as provided in OAR 576-060-0039.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0025

Use of Alcoholic Beverages at LaSells Stewart Center, CH2M Hill Alumni Center, the Memorial Union, Agricultural Experiment Stations, and Memorial Union East

Alcoholic beverages, limited to beer and wine, may be served at events at LaSells Stewart Center, CH2M Hill Alumni Center, Memorial Union, the Agricultural Experiment Stations, the Gallery and Forum in Memorial Union East, and the OSU-Cascades campus when prior approval is secured following the process and requirements described in OAR 576-060-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11; OSU 6-2012, f. & cert. ef. 7-31-12

576-060-0031

Use of Alcoholic Beverages in the Stadium Complex

(1) Alcoholic beverages, limited to beer and wine, may be served and consumed at the Stadium if served with food and non-alcoholic beverages by the Insured Licensed Vendor that has an exclusive catering contract with the University for catering at the Stadium. The vendor shall provide, on a monthly basis, prior notice of events at which it will be serving alcoholic beverages to Business Services through the Office of Risk Management. Service by any provider other than the exclusive caterer under contract to the University requires prior approval following the process and requirements described in OAR 576-060-0035

(2) Alcoholic beverages may be served in the Stadium skyboxes and suites only in connection with varsity football games. Food and non-alcoholic beverages must be provided. The individual skybox and suite user (as listed in the use agreement) serving the alcoholic beverages must carry host liquor liability insurance coverage, or equivalent insurance coverage, with limits satisfactory to Business Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 4-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0035

Procedures and Requirements for Approval

(1) A request for approval to serve alcoholic beverages as required by these rules must be submitted to Business Services through the Office of Risk Management. A Licensed, Insured Vendor, approved by the University, must be named as the server. Food and non-alcoholic beverages must be provided in addition to the alcoholic beverages, which must be limited to beer and wine. Approval request forms are available through Business Services via the Office of Risk Management website. Approval request forms must be submitted at least three weeks prior to the event in order to assure adequate time for review by the designated date. The server or event co-sponsor must provide evidence of insurance meeting the minimum standards and guidelines of Business Services before the event will be approved. There must be an OLCC license for the event, if one is required under applicable law.

(2) Beer and wine may be served on the OSU-Cascades campus within guidelines established by the Vice-President for Finance and Administration.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 9-1991, f. & cert. ef. 7-25-91; OSU 6-1992, f. & cert. ef. 7-24-92; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2012, f. & cert. ef. 7-31-12

576-060-0037

Use at Additional Locations

The Vice President for Finance and Administration, or designee, may authorize service of alcoholic beverages, limited to beer and wine, at specific events at additional locations not otherwise authorized under these rules upon a determination that to do so would be consistent with the intent of these rules. A request for authorization to serve at another location must be submitted to the Vice President for Finance and Administration no later than three weeks prior to the date of the event.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 3-1989, f. & cert. ef. 5-30-89; OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

576-060-0038

Prohibition

No person shall consume or carry an open container containing alcohol in any form or serve alcoholic beverages on campus except as provided in these rules and in University policies and guidelines. Information is available through the Student Conduct and Community Standards Office, Student Leadership and Involvement or at the Oregon State University Administrative Policies and Procedures website.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 6-2011, f. & cert. ef. 6-13-11

576-060-0039

Enforcement

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

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

(b) Forfeit of deposits or ticket costs;

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

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

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

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1990, f. & cert. ef. 8-22-90; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 4-1997, f. & cert. ef. 4-21-97; OSU 2-1998, f. & cert. ef. 6-12-98; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

576-060-0040

Evaluation of Rules

This policy will be reviewed by the President or designee as needed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 4-1988, f. 8-19-88, cert. ef. 9-1-88; OSU 3-1989, f. & cert. ef. 5-30-89; OSU 12-1996, f. & cert. ef. 8-23-96; OSU 7-2008, f. 6-27-08, cert. ef. 7-1-08

DIVISION 65

WEAPONS AND DESTRUCTIVE DEVICES

576-065-0000

Definitions

(1) "Weapon" means any knife having a blade that projects or swings into position by force of a spring, by centrifugal force or by gravity and is commonly known as a switchblade knife; any hunting or target bow, any crossbow; any dirk, dagger, slingshot, metal knuckles; or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.

(2) "Destructive Device" means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance; or

(b) A bomb, grenade, missile, or similar device or any launching device therefor.

(3) "University Sanctioned Use" means: R.O.T.C., OSU Pistol Club, OSU Rifle Club, or other uses approved by the Vice President for Finance and Administration.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99; OSU 1-2012(Temp), f. & cert. ef. 3-30-12 thru 6-30-12; OSU 2-2012, f. & cert. ef. 5-9-12

576-065-0010

Prohibitions and Regulations

(1) Possession, use, or threatened use of dangerous chemicals, weapons, or destructive devices, are not allowed on property owned or controlled by Oregon State University except as expressly authorized by law or authorized in this rule.

(2) Weapons or destructive devices may be used on campus owned or controlled property only in connection with a University sanctioned use. Use must be consistent with the regulations of the organization conducting the sanctioned use.

(3) This rule does not apply to University family housing units or University-owned single family dwellings.

Stat. Auth.: ORS 351.060 & 351.070

Stats. Implemented: ORS 351.060 & 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 9-1998(Temp), f. & cert. ef. 10-2-98 thru 3-31-99; OSU 1-1999, f. & cert. ef. 2-25-99; OSU 3-2001, f. & cert. ef. 2-21-01; OSU 1-2012(Temp), f. & cert. ef. 3-30-12 thru 6-30-12; OSU 2-2012, f. & cert. ef. 5-9-12

576-065-0020

Sanctions

(1) Any person who violates this rule is subject to:

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

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

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

(3) The Vice President for Finance and Administration, the Director of Facilities Services, Vice Provost for Student Affairs, Coordinator of Student Conduct, Director of University Housing and Dining Services, Director of Conferences and Special Events, Director of the Memorial Union and Educational Activities, Manager of Security Services, and their designees are included among those "persons in charge" of University property for purposes of ORS 164.205(5) and this rule.

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

Stats. Implemented: ORS 351.070

Hist.: OSU 5-1992, f. & cert. ef. 6-5-92; OSU 4-1995, f. & cert. ef. 6-20-95; OSU 1-1999, f. & cert. ef. 2-25-99

DIVISION 80

LOG EXPORT RULES

576-080-0005

Definitions

(1) "Export" means that unprocessed timber is loaded on a vessel or other conveyance with a foreign destination or is present at a facility such as a port or dock with intent to load it on a vessel or other conveyance with a foreign destination.

(2) "Performance Bond" means the security required by a log or timber purchase contract which ensures satisfactory performance of contract requirements by the purchaser. A performance bond may be in the form of a surety bond, cash, negotiable securities, irrevocable letter of credit, or an assignment of surety.

(3) "Person" means an individual, a partnership, a public or private corporation, an unincorporated association, or any other legal entity. The term includes any subsidiary subcontractor, parent company or other affiliate. Business entities are considered affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

(4) "Private Lands" means lands within the State of Oregon owned by a person. The term does not include federal lands or non-federal public lands, or any lands the title to which is:

(a) Held in trust by the United States for the benefit of any Indian tribe or individual;

(b) Held by any Indian tribe or individual subject to a restriction by the United States against alienation; or

(c) Held by any Native Corporation as defined in **Section 3** of the **Alaska Native Claims Settlement Act** (43 USC 1602).

(5) "Purchaser" means a person who has entered into a log or timber purchase contract with the University.

(6) "University Lands" means lands owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any lands leased to or managed by the University.

(7) "University Logs or Timber" means any timber owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any timber leased to or managed by the University.

(8) "University Log or Timber Purchase Contract" means any logs or timber under contract with the University which are owned by the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, or any logs or timber under contract with the University.

(9) "Unprocessed Logs or Timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. The term does not include timber processed into any one of the following:

(a) Lumber or construction timbers, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau

Export R or N list grades, sawn on four sides, not intended for remanufacture;

(b) Lumber, construction timbers, or cants for remanufacture, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on four sides, not to exceed 12 inches (nominal) in thickness;

(c) Lumber, construction timbers, or cants for remanufacture, that do not meet the grades referred to in subsection (b) of this section and are sawn on four sides, with waste less than 1/4 of any face, not exceeding 8-3/4 inches in thickness;

(d) Chips, pulp, or pulp products;

(e) Veneer or plywood;

(f) Poles, posts, or piling cut or treated with preservatives for use as such;

(g) Shakes or shingles;

(h) Pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp;

(i) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips;

(j) Firewood cut in pieces 48 inches or less in length.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0010

Criteria for Eligibility to Bid on University Log or Timber Purchase Contracts

(1) In addition to all other requirements of law, any person submitting a bid for the purchase of University logs or timber must certify, in a form and manner specified by the University that:

(a) The person will not export directly or indirectly unprocessed University logs or timber; and

(b) The person:

(A) Has not exported directly or indirectly unprocessed logs or timber originating from private lands in Oregon since September 10, 1990, except to meet contractual obligations made prior to September 10, 1990 and that those contractual obligations will be completed on or before September 1, 1991; or

(B) Has not unless exempted by section (2) of this rule, exported unprocessed timber from private lands in Oregon for a period not less than 24 months prior to the date of submission of the bid.

(c) The person will not sell, transfer, exchange or otherwise convey unprocessed University logs or timber to any other person without obtaining a certification from the person that meets the requirements of OAR 576-080-0030.

(2) The University may waive the 24 month requirement contained in paragraph (1)(b)(B) of this rule if:

(a) Prior to September 1, 1991 the person certifies to the University they will cease exporting unprocessed timber originating from private lands in Oregon no later than one-year from the date of said certification; and

(b) They cease all exporting of unprocessed timber originating from private lands in Oregon within the one-year period stated in the certification; and

(c) If the person ceases exporting activities as stated in their certification, the person will then become eligible to submit a bid for the purchase of University logs or timber provided they complete the certification required by section (2) of this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0015

Prohibition Against Indirect Substitution

In addition to all other requirements of law, no person who is prohibited from purchasing timber directly from the University may purchase University logs or timber from any other person. Acquisitions of Western Red Cedar which are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibition contained in this rule.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0020

Applicable State Timber

All unprocessed logs or timber, as defined in OAR 576-080-0005, which originate from University lands are prohibited from export.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0025

Surplus Timber

The prohibitions against export contained in OAR 576-080-0005 to 576-080-0045 shall not apply to specific quantities of grades and species of unprocessed logs or timber originating from University lands which the United States Secretary of Agriculture or Interior has determined by rule to be surplus to the needs of timber manufacturing facilities in the United States.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0030

Reporting Requirements

(1) Before the University will issue final acceptance of logs or timber purchase contract requirements, a purchaser of University logs or timber must:

(a) Notify the University of the initial delivery destination of all logs or timber purchased under that contract. Notification will be made in a form and manner prescribed by the University;

(b) Prior to selling, trading, exchanging, or otherwise conveying University logs or timber to any other person, the purchaser of University logs or timber shall obtain a certification of the person's eligibility to purchase University logs or timber, and their intent to comply with the terms and conditions contained in this section. Certification will be made in a form and manner as prescribed by the University and shall be forwarded to the University upon completion of the transaction. Obtaining certification shall not relieve the purchaser's responsibility to provide the University with an accounting of the delivery destination of that timber.

(2) Any performance bond required by a University log or timber purchase contract may be retained by the University until satisfactory notification of University log or timber delivery destination has been received by the University.

(3) Failure to provide the Dean with a final accounting of the delivery destination of OSU logs will be considered a violation of these export regulations. Violators will be subject to the penalties contained in OAR 576-080-0035.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0035

Purchaser Disqualification and Termination of Contracts

(1) The University shall keep a record of any person who violates the requirements of OAR 576-080-0005 to 576-080-0040.

(2) A person whose name appears on the record for violations as stated in section (1) of this rule, and who again violates the requirements of OAR 576-080-0005 to 576-080-0040 shall be disqualified from bidding on or purchasing University logs or timber for a period of five years following the date of the violation. Any appeals of disqualification shall be handled as provided in ORS 279.045.

(3) The University may case operations on and/or terminate any University log or timber purchase contract entered into with a person who has violated the requirements of OAR 576-080-0005 to 576-080-0040, and assess damages according to the following formula:

$$D = (OSV+AC) - (PR+RSV)$$

where:

(a) D = Damages and Expenses;

(b) OSV = Original Sale Value of logs or timber contained in the purchase. The original sale value shall be adjusted to reflect estimated overruns or underruns on recovery sales;

(c) AC = Administrative Costs. These costs include both the field and office costs required for the preparation of the defaulted logs or timber for resale. These costs also include rehabilitation or regeneration delay costs, legal service costs, interest, and other costs allowed by law;

(d) PR = Payments Received;

(e) RSV = Remaining Sale Value. The value of the remaining logs or timber shall be determined using the University's estimate of remaining volume, multiplied by the dollar values stated in the contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0040

Log Branding and Marking Requirements

(1) All University logs or timber originating from University log or timber sales shall be branded with an assigned and registered brand before removal from the sale area. Unless prevented by the size or condition of the wood, one end of all logs originating from University log or timber sales shall be hammer branded and painted with a paint type and color determined by the University.

(2) If properly marked University logs or timber are subdivided into smaller pieces for any other purpose than immediate processing, each piece must be branded with a brand specifically used for this purpose and signifying the unprocessed logs or timber are University logs or timber ineligible for export. The University's export restriction branding hammers can be obtained from the University, at cost, upon request.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91

576-080-0045

Enforcement

Any investigation of suspected violations of these rules and/or surveillance of unprocessed timber in transit and at port facilities may be conducted by the University, or contracted by the University to other state or federal agencies. Any alleged violations of the export prohibition provisions of this section will be referred by the University to the appropriate federal or state agency for prosecution or other legal action.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: OSU 8-1991, f. & cert. ef. 6-4-91