

House Bill 3288

Sponsored by Representative WHISNANT; Representatives BENTZ, GARRARD, HANNA, KRIEGER, MAURER, SPRENGER, WEIDNER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides statutory authorization for Oregon University System student code of conduct. Requires person administering code of conduct to remain impartial in violation hearings.

A BILL FOR AN ACT

1
2 Relating to university student code of conduct; amending ORS 351.070.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 351.070 is amended to read:

5 351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board
6 of Higher Education, shall implement a personnel system and may engage in collective bargaining
7 with its employees. All collective bargaining with any certified or recognized exclusive employee
8 representative shall be under the direction and supervision of the Chancellor of the Oregon Uni-
9 versity System. The Oregon University System shall have payroll authority pursuant to ORS 292.043
10 to 292.180.

11 (2)(a) The board shall establish competitive procedures for the purchasing, procurement and
12 contracting of goods, services and information technology, for the benefit of the Oregon University
13 System and all the institutions, departments and activities therein. The board may also establish
14 exemptions from the competitive procedures when appropriate.

15 (b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public
16 improvements contracts undertaken for the board shall not be less than the same rate of wage as
17 determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupa-
18 tion in the locality where such labor is performed. Claims or disputes arising under this subsection
19 shall be decided by the Commissioner of the Bureau of Labor and Industries.

20 (c) The board shall adopt policies and procedures that achieve results equal to or better than
21 the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable
22 work, recycling, the provision of workers' compensation insurance to workers on contract and the
23 participation of emerging small businesses and businesses owned by minorities and women.

24 (3) The board may, for each institution under its control:

25 (a) Appoint and employ a president and the requisite number of professors, teachers and em-
26 ployees, and prescribe their compensation and tenure of office or employment.

27 (b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing
28 to the institutions of higher education for admission and tuition therein, and apply the same, or so
29 much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this
30 subsection and the other current expenses of the institutions.

31 (c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 for education and general services and such other charges found by the board to be necessary to
 2 carry out its educational programs. The board may award student aid from any fund other than the
 3 General Fund.

4 (d) Prescribe incidental fees for programs under the supervision or control of the board found
 5 by the board, upon its own motion or upon recommendation of the recognized student government
 6 of the institution concerned, to be advantageous to the cultural or physical development of students.
 7 Fees realized in excess of amounts allocated and exceeding required reserves shall be considered
 8 surplus incidental fees and shall be allocated for programs under the control of the board and found
 9 to be advantageous to the cultural or physical development of students by the institution president
 10 upon the recommendation of the recognized student government at the institution concerned.

11 (e) Upon recommendation of the recognized student government, collect optional fees authorized
 12 by the institution executive, for student activities not included in paragraph (c) or (d) of this sub-
 13 section. The payment of such optional fees shall be at the option and selection of the student and
 14 shall not be a prerequisite of enrollment.

15 (f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually
 16 are conferred by such institutions, or as they deem appropriate.

17 (g) Prescribe the qualifications for admission into such institutions.

18 (4) Subject to such delegation as the board may decide to make to the institutions, divisions and
 19 departments under its control, the board, for each institution, division and department under its
 20 control:

21 (a) Shall supervise the general course of instruction therein, and the research, extension, edu-
 22 cational and other activities thereof.

23 (b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers,
 24 students and employees therein.

25 **(c) Shall adopt and administer a student conduct code. In all hearings related to alleged**
 26 **student conduct code violations, neither the person designated to be responsible for admin-**
 27 **istration of the student conduct code nor a designee of the person may serve as an advisor**
 28 **for either the complainant or the accused.**

29 [(c)] (d) Shall maintain cultural and physical development services and facilities therefor and,
 30 in connection therewith, may cooperate and enter into agreements with any person or governmental
 31 agency.

32 [(d)] (e) May contract to provide health services at student health centers.

33 [(e)] (f) Shall provide health services at student health centers to students.

34 [(f)] (g) May provide health services at student health centers to any of the following:

35 (A) Dependents of students.

36 (B) Staff.

37 (C) Faculty.

38 [(g)] (h) Shall prescribe and collect charges.

39 [(h)] (i) Shall adopt rules relating to the creation, use, custody and disclosure, including access,
 40 of student education records of the institutions that are consistent with the requirements of appli-
 41 cable state and federal law. Whenever a student has attained 18 years of age or is attending an in-
 42 stitution of post-secondary education, the permission or consent required of and the rights accorded
 43 to a parent of the student regarding education records shall thereafter be required of and accorded
 44 to only the student.

45 (5) For each institution under its jurisdiction, the board shall provide opportunities for part-time

1 students to obtain complete undergraduate degrees at unconventional times, which include but are
2 not limited to early morning and noon hours, evenings and weekends. In administering these degree
3 programs, the institution may use any educational facility available for the use of the institution.

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