

DIVISION 40

BOARD'S FINANCIAL POWERS

Effective Date: October 20, 2017

Last Review Date: October 20, 2017

Next Scheduled Review Date: October 2020

580-040-0007

Retainage Processing Charges

(1) The contractor for a construction contract may elect to have retainage deposited in an interest-bearing bank account, or to deposit securities in lieu of retainage. Contractors exercising one of these options will be charged for the cost of processing transactions related to that option.

(2) The following charges will be accrued and deducted from the final payment to the contractor:

(a) \$50 for setting up initial records;

(b) \$15 for each subsequent transaction regarding the retainage funds or securities. These transactions include but are not limited to: depositing and withdrawing funds and reconciling the bank statement each month; receiving securities or safekeeping receipts for securities; preparing letters or statements to the institution, contractor or financial institution; and releasing funds or securities to the contractor.

Hist.: HEB 6-1985, f. & cert. ef. 10-28-85; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-040-0025

Traffic Regulations, Parking Fees, and Enforcement Fines

(1) The Board delegates to institution presidents the authority and responsibility to enact such rules and fines as are deemed necessary and desirable to provide for policing, controlling, regulating and enforcing traffic and parking of motor vehicles and bicycles on property owned by or under the control of the Board. The Board also delegates to institution presidents the authority granted in ORS 352.360(5) to appoint peace officers for the purpose of enforcing institution rules governing traffic and parking.

(2) Parking fees shall be charged at any institution where Article XI-F(1) bond proceeds have been used to finance the cost of acquiring parking sites or to make improvements thereto. Parking fees shall also be charged even though borrowed funds were not obtained if the operating and maintenance cost is \$6 or more per parking space per year.

(3) When fees are to be assessed to users of automotive parking facilities, the rate of charge and income to be produced shall be in such an amount that, with interest income, will provide sufficient funds to cover all operating and maintenance costs and also meet bond debt service and reserve requirements where applicable.

(4) Institutional accounts are not to be charged for parking space furnished to employees for personally owned automobiles. A charge may be made against a department, however, where parking space is furnished to a person with a privately owned vehicle who is rendering service for the benefit of the department with no compensation.

(5) Institutions shall adopt rules concerning the operation and parking of bicycles on property owned by or under the control of the Board. The rules shall clearly state where bicycle parking will be permitted and where it will not be allowed. Penalties for violations may be proposed.

(6) All traffic and parking rules approved by the president must be filed with the Vice Chancellor for Finance and Administration no later than September 1 of each year.

(7) Rules must remain in effect for at least one full calendar year following adoption unless prior approval is obtained from the Vice Chancellor for Finance and Administration.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 6-1986, f. & cert. ef. 1-23-86; HEB 9-1988, f. & cert. ef. 9-23-88; HEB 10-1990, f. & cert. ef. 7-26-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-040-0030

Vehicle Safety Rule

(1) The Board of Higher Education, concerned about travel safety, adopts these rules to require institution action to promote safe travel.

(2) For purposes of this rule:

(a) "Vehicle" means cars, vans, trucks, and buses;

(b) "State-Owned Vehicle" means a vehicle owned by or registered in the name of the State of Oregon, the Board, or any institution;

(c) "Hired Vehicle" means a vehicle that is leased, hired, or rented by the state, the Board, or any institution. This definition excludes borrowed vehicles;

(d) "Borrowed Vehicle" means a vehicle that is not a "state-owned vehicle" or a "hired vehicle" but that is used on state business. "Borrowed Vehicle" includes vehicles owned by employees, students and others participating in institution activities and used on state business;

(e) "State Business" means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of the Department of Higher Education.

(f) "Officially Sanctioned Program" means any program undertaken to further the instructional, research, or service missions of the institution or designed to promote the cultural and physical development of students. Such programs include but are not limited to:

(A) Academic department programs;

(B) Cocurricular programs;

(C) Intramural, recreational sports, club sports and intercollegiate athletic programs;

(D) Any student programs or activities identified by the institution president 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 institution's mission.

(g) "Major traffic offense" 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,

(3) No motor vehicle owned, leased or controlled by the state shall be used to transport students to an event or activity not directly related to an officially sanctioned program. Institutions shall develop policies and procedures to implement this rule, including a means to identify officially sanctioned programs.

(4) The Board of Higher Education delegates to the institution presidents the authority and responsibility to establish specific rules governing travel safety, subject to the following general guidelines:

(a) Institution rules shall provide procedures for certifying that persons who operate state-owned or hired vehicles on state business possess a valid driver's license and have not been convicted of a major traffic offense as defined by this rule within three years of the proposed operation;

(b) Institution rules shall require that vehicles (not including buses) used on state business have operable seat belts for all occupants. Institution rules shall also indicate the circumstances under which additional safety equipment such as a flashlight, ice scraper, first aid kit, emergency instructions, tire chains, etc., will be required;

(c) Institution rules shall indicate the circumstances under which relief drivers and the filing of itineraries will be required;

(d) Institution rules shall apply to state-owned vehicles and to hired vehicles. Institution rules also may apply to borrowed vehicles at the discretion of the institution, giving consideration to enforceability, the nature of the travel and other relevant factors.

(5) Each institution shall file a report with the Office of Finance and Administration by August 31 of each year commenting on the adequacy of the travel safety rules and summarizing the vehicle accidents and injuries that have occurred during travel on state business in the preceding 12 months.

(6) Institution travel safety rules and amendments thereto will be effective only upon approval of the Vice Chancellor for Finance and Administration or a designee.

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 9-1984, f. & ef. 8-21-84; HEB 6-1986, f. & ef. 1-23-86; HEB 13-1986, f. & ef. 9-20-86; HEB 10-1990, f. & cert. ef. 7-26-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1994, f. & cert. ef. 4-28-94; HEB 5-1996, f. & cert. ef. 12-18-96; OUS 4-2012(Temp), f. & cert. ef. 3-16-12 thru 8-31-12; OUS 14-2012, f. & cert. ef. 8-30-12

580-040-0041

Revolving Charge Accounts Policy

(1) Institutions offering extended payment terms utilizing a revolving charge account method shall adopt rules creating the Revolving Charge Account Plan, and describing the terms and conditions applicable to the Plan.

(2) Transactions covered by the Plan may include (by way of description and not limitation) tuition, fees, housing charges and other obligations primarily involving students; facilities rentals, lease agreements, program user charges and other transactions with nonstudents; and fines and penalties, incurred by anyone.

(3) If adopted, institutional rules shall:

(a) Describe the interest to be charged, as well as service charges, collection and other fees and costs, if any, and penalties that would apply should an account become delinquent;

(b) Provide for an agreement to be signed by the obligor, the form of which shall be approved by the Vice Chancellor for Finance and Administration; the institution shall use its best efforts to have the agreement signed, except for debts arising from fines, penalties and the like; and

(c) Provide that tuition and fees incurred in any given term be paid in full prior to enrollment in any subsequent term.

Hist.: HEB 9-1990(Temp), f. & cert. ef. 7-26-90; HEB 13-1990, f. & cert. ef. 10-3-90; HEB 7-1992, f. & cert. ef. 4-30-92; HEB 5-1996, f. & cert. ef. 12-18-96

Surplus Property Disposal

580-040-0300

Purpose

These rules establish, for the Institutions of the Oregon University System (OUS) and the Chancellor's Office, a process for disposal of surplus and scrap property that safeguard's state assets, creates efficiency in surplus or scrapping, maximizes the value received for property that is surplus to institutional or the System needs, and is attentive to environmental impacts.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0301

Definitions

For purposes of OAR 580-040-0301 through 580-040-0311, unless context requires otherwise:

- (1) "Board" means Oregon State Board of Higher Education.
- (2) "Chancellor's Office" means the offices that provide direct administrative support to the Chancellor and the Board, and are not part of an OUS institution.
- (3) "Employee" means a person who, within the last twelve months, has been paid a wage for full-time, part-time, or temporary work by an institution or the Chancellor's Office.
- (4) "Federally Funded Surplus Property" means personal property, vehicles, and titled equipment, purchased with federal grant or other federal funds and that is worn-out, obsolete, or excess to the Chancellor's Office or an institution's needs, or otherwise unsuitable for intended use, the disposal of which would be to the financial benefit of the institution or Chancellor's Office.
- (5) "Institution" means any of the institutions of the Oregon University System.
- (6) "President" means the chief executive officer of an Oregon University System campus or designee.
- (7) "Scrap" means materials, including lost, mislaid, or abandoned property having no financial value or such low financial value as to make sale not cost effective.

(8) "Surplus Property" means all personal property, including lost, mislaid or abandoned property, vehicles and titled equipment that is worn-out, obsolete or excess to the Chancellor's Office or an institution's needs, or otherwise unsuitable for intended use, the disposal of which would be to the financial benefit of the institution or Chancellor's Office.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0302

General

(1) The Chancellor's Office and Oregon University System institutions may, in accordance with these rules, dispose of any worn out, obsolete, scrap, or otherwise unsuitable surplus property, the disposal of which would be to the benefit of the Chancellor's Office or the institution, except as set forth in subsection (2).

(2) These rules do not apply to any equipment, goods, supplies, material, information technology or other personal property encumbered by a certificate of participation that will be disposed of in accordance with applicable law.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0303

Delegations

These rules apply to the Chancellor's Office. An institution may follow the procedures set out herein or adopt its own rules, which rules will conform to the purposes set out below. Prior to adoption, the OUS Senior Vice Chancellor for Finance and Administration must approve the rules developed by the campuses. In addition, the State Board of Higher Education delegates to each president responsibility for implementing these rules or rules adopted by that institution. Purposes: Rules developed for surplus and scrap property will:

- (1) Safeguard state assets;
- (2) Create efficiency in surplus or scrapping;
- (3) Maximize the value received for property to the extent consistent with efficiency; and
- (4) Attempt to reduce negative environmental impacts.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0304

Environmental Standards

Disposal of surplus property and scrap will be accomplished in accordance with all state, federal, and local regulations regarding environmental health and recycling. If ownership of surplus property or scrap is transferred to another party, the institution, or Chancellor's Office transferring the property must document passing of title. The acquiring party assumes environmental responsibility when title transfers.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0305

Maintenance of Proper Inventory Records and Justification of Sale or Disposal

(1) The Chancellor's Office and institutions will each set thresholds and standards that identify by value or type, for personal property for which disposal records must be maintained.

(2) Disposal records for assets, whether or not capitalized, will include the following information:

- (a) Description of property and, if capitalized, asset number; and
- (b) Reason, date, and method of disposal.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0306

Disposition of Federally Funded Surplus Property

Federally funded property will be disposed of in accordance with applicable federal law or federal grant terms, if any. Otherwise, such property will be disposed of in accordance with these rules, or institution rules adopted hereunder.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0307

Disposition of Property Acquired by Gift

Disposition of property acquired by gift will be in accordance with the Internal Revenue Code and any restrictions applicable to the property. Otherwise, the property will be disposed of in accordance with these or institution rules adopted hereunder.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0308

Exchange or Trade-in Option.

The Chancellor's Office or institution may exchange or trade-in property when such exchange or trade-in is in the best interest of the Chancellor's Office or institution and is otherwise in compliance with applicable rules or policy. Exchange or trade-in will be considered disposal for purposes of these rules. Records will be kept regarding the valuation methodology used in evaluating the relative benefits of trade-in, exchange or sale.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0309

Transfer of Property to a Collaborating Government or Non-Profit Institution

Transfers of surplus property or scrap may be made to a collaborating government or other non-profit institution when intended for institution purposes and consistent with restrictions on its transfer.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0310

Method of Disposal; Eligibility to Acquire

(1) The Chancellor's Office or institution will use a method of disposal that is cost-effective, taking into account the costs of disposal and the potential for financial return. Disposal methods include, but are not limited to, exchanges, trade-ins, auctions, sealed bid sales, scrapping, fixed price retail sales, donation to other state agencies, Oregon political subdivisions, public non-profits, web-based auctions or sales and, for scrap, transfer for no valuable consideration.

(2) No current or former employee or agent for such will be granted any benefit or opportunity not granted the general public in acquisition of items through the disposal process.

(3) All property is conveyed "AS-IS, WHERE-IS" with no warranty, express or implied, of merchantability or fitness for a particular purpose, or any other warranties or guarantees. A purchaser or disappointed bidder will have no recourse against the State of Oregon, the Oregon University System, an institution, or any of their officers, employees, or agents. All sales will be final.

(4) The Chancellor's Office or institution may provide that payment may be made by credit card, cash, cashier's check, personal check, wire transfer, or money order.

(5) Surplus property paid for, but not claimed with the time specified in the sales terms and conditions will be conclusively considered the property of the Chancellor's Office or institution and may be disposed of in compliance with these rules.

(6) Title to surplus property or scrap is transferred to the purchaser when the Chancellor's Office or institution makes the item available to the purchaser either by the purchaser, purchaser's agent, or purchaser's or institution's designated shipper taking possession of the item. Surplus property must be paid for in full before the institution or Chancellor's Office will make it available to the purchaser. Purchaser assumes all responsibility, including risk of loss or damage, for the item when title is transferred.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04

580-040-0311

Disposal of Computer and Other Electronic Storage Devices and Media

Prior to disposal of any computer, computer peripheral, computer software, electronic storage device, or storage media device, the Chancellor's Office or institution will, as applicable, completely erase or otherwise render unreadable all information, data, and software residing on the Device, unless the information, data, or software is to be conveyed and may be conveyed lawfully.

Hist.: OSSHE 4-2004, f. & cert. ef. 6-9-04