

DIVISION 10

ADMISSION REQUIREMENTS, RESIDENCE CLASSIFICATION, AND PAYMENT OF STUDENT FEES

Admission Requirements

580-010-0001

Standards for Admission

- (1) The Board sets standards for admission to freshman and advanced undergraduate standing at the institutions. Standards may include but need not be limited to high school graduation, subject requirements, prior college-level coursework, standardized test scores and grades.
- (2) Standards may vary by institution and residency classification.
- (3) The Board may establish alternatives and exceptions to the standards.
- (4) The Board may delegate authority to the institutions to establish enrollment limitations and to set higher and additional standards for admission to academic courses and programs.
- (5) The Board shall periodically review admission standards and provide at least one year's notice of any change in standards used in determining admissibility.

Hist.: HEB 4-1985, f. & cert. ef. 7-30-85; HEB 5-1996, f. & cert. ef. 12-18-96

580-010-0003

Affirmative Action Goals: Enrollment

- (1) Each institution president shall establish affirmative action goals and procedures for the purpose of increasing the proportion of minorities and women enrolled in programs where minorities or women are underrepresented. Institutions shall be sensitive to the need for effective support for such students.
- (2) For purposes of this rule, "minority" refers to Black African Americans, Hispanic Americans, Asian/Pacific-Island Americans and American Indians/Alaskan Natives.
- (3) The goals and procedures established under this rule shall be reviewed by the institution president for adequacy and effectiveness at the end of each biennium and modified accordingly. A report of this biennial review shall be submitted to the Chancellor.

Hist.: HEB 7-1986, f. & cert. ef. 3-19-86; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

580-010-0005

Compulsory Pre-Entrance Physical Examination and Immunizations

(1) For the protection of the public health and benefit of the student, the Board requires a physical examination of all students or, at the discretion of the institution, a completed health history questionnaire on a form supplied by the institution, as a condition of enrollment in institutions under Board control.

(2) A report from a private physician may be required in certain instances by institutions using the health history questionnaire. Cases justifying use of a private physician's report include students participating in varsity athletics and students requiring clearance for participation in physical education.

(3) All students must present appropriate proof of immunizations and tests required by policies established by institutional presidents. These requirements shall be set forth in institution catalogs. Institutions shall notify the Board whenever these requirements change.

(4) Students declining immunization on medical grounds may be enrolled, but students declining immunization on the basis of religious conviction may be enrolled only if:

(a) They provide a statement from their church or religious organization attesting to their membership and to the fact that immunization is contrary to the religious beliefs of the church or religious organization to which they belong;

(b) They, and in the case of minor or dependent students, their parents or guardians with them, agree in writing to assume all expenses in connection with their care and isolation should they acquire, while students at the institution, a disease for which immunization is required of other students.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 5-1990, f. & cert. ef. 6-4-90; HEB 5-1996, f. & cert. ef. 12-18-96

Residence Classification

580-010-0029

Definitions

For the purpose of 580-010-0030 through 580-010-0045, the following words and phrases mean:

(1) "Domicile" is a person's true, fixed, and permanent home and place of habitation. It is the place where a person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere. In order to establish a domicile in Oregon, a person must maintain a predominant physical presence in Oregon for 12 consecutive months after moving to the state.

(2) A "financially independent person" is a person who, at the time of application for residency status: (a) declares himself or herself to be financially independent; (b) has not been claimed as a dependent during the immediately preceding tax year, and will not be claimed as a dependent during the current tax year, on the federal or state income tax returns of any other person; and (c) has not received in the immediately preceding calendar year, and will not receive during the current calendar year, one-half or more of his or her support, in cash or in kind, from another person or persons, except for support received from his or her spouse.

(3) A "financially dependent person" is a person who, at the time of application for residency status: (a) declares himself or herself to be financially dependent; and (b) has been claimed as a dependent on the federal and state income tax returns of another person during the immediately preceding tax year.

Hist.: HEB 9-1992, f. & cert. ef. 12-2-92; HEB 10-1992, f. & cert. ef. 12-23-92; HEB 5-1995, f. & cert. ef. 11-2-95; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0030

Determination of Residence

(1) For purposes of admission and instruction fee assessment, OUS institutions shall classify a student as Oregon resident or nonresident. In determining resident or nonresident classification, the primary issue is a person's intent in coming to Oregon. Intent is inferred from a person's conduct and history as they relate to the requirements of these residency rules. If a person is in Oregon primarily for the purpose of obtaining an education, that person will be considered a nonresident. It is possible for an individual to qualify as a resident of Oregon for purposes of voting or obtaining an Oregon driver's license and not meet the residency requirements established by these rules.

(2) An Oregon resident is a financially independent person who, prior to the term for which Oregon resident classification is requested, has both: (a) established and maintained a domicile in Oregon as provided under 580-010-0029(1) 12 consecutive months; and (b) during that period, has been primarily engaged in activities other than those of being a college student.

(3) A student may be considered primarily engaged in educational activities regardless of the number of hours for which the student is enrolled. However, a student who is enrolled for more than 8 hours in any semester or quarter during the 12-month period referred to in section (2) of this rule shall be presumed to be in Oregon for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of 12 consecutive months in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational.

(4) An Oregon resident is also a financially dependent person who is claimed as a dependent by another person who has both: (a) established and maintained an Oregon domicile as provided under 580-010-0029(1) for 12 consecutive months; and (b) during that period, has been primarily engaged in activities other than those of being a college student.

(5) A financially dependent person who is claimed as a dependent by another person who has not established and maintained an Oregon domicile shall be presumed to be a non-resident. This presumption may be overcome by evidence of the student's long-standing presence in Oregon and demonstration of other factors under 580-010-0031.

(6) The criteria for determining Oregon resident classification shall also be used to determine whether a person who has moved from Oregon has established a non-Oregon residence.

(7) If institution records show that the residence of a student or the person upon whom the student is dependent is outside of Oregon, the student shall continue to be classified as a nonresident until entitlement to resident classification is shown. The burden of showing that the residence classification should be changed is on the student requesting the change.

(8) Notwithstanding section (4) of this rule, a student who is financially dependent on a non-Oregon resident may nonetheless be considered an Oregon resident if the student resides in Oregon for at least 12 consecutive months with a parent or legal guardian who has both: (a) established and maintained an Oregon domicile under 580-010-0029(1) for 12 consecutive months; and (b) during that period, has been primarily engaged in activities other than those of being a college student.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 8-1981, f. & cert. ef. 9-30-81; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 14-1986, f. & cert. ef. 10-27-86; HEB 1-1987, f. & cert. ef. 1-12-87; HEB 4-1988, f. & cert. ef. 5-13-88; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 9-1992, f. & cert. ef. 12-2-92; HEB 10-1992, f. & cert. ef. 12-23-92; HEB 5-1995, f. & cert. ef. 11-2-95; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0031

Residency Consideration Factors

(1) The following factors, although not necessarily conclusive or exclusive, have probative value in support of a claim for Oregon resident classification:

(a) Reside in Oregon for 12 consecutive months prior to the beginning of the term for which resident classification is sought and during that period be primarily engaged in activities other than those of a college student;

(b) Reliance upon Oregon resources for financial support;

(c) Domicile in Oregon of persons legally responsible for the student;

(d) Acceptance of an offer of permanent employment in Oregon; and

(e) Ownership by the person of his or her living quarters in Oregon.

(2) The following factors, standing alone, do not constitute sufficient evidence to effect classification as an Oregon resident:

- (a) Voting or registration to vote;
- (b) Employment in any position normally filled by a student;
- (c) The lease of living quarters;
- (d) Admission to a licensed practicing profession in Oregon;
- (e) Automobile registration;
- (f) Public records, for example, birth and marriage records, Oregon driver's license;
- (g) Continuous presence in Oregon during periods when not enrolled in school;
- (h) Ownership of property in Oregon or the payment of Oregon income or other Oregon taxes; or
- (i) Domicile in Oregon of the student's spouse;.

(3) Reliance upon non-Oregon resources for financial support is an inference of residency in another state.

Hist.: HEB 9-1992, f. & cert. ef. 12-2-92; HEB 10-1992, f. & cert. ef. 12-23-92; HEB 5-1995, f. & cert. ef. 11-2-95; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0033

Evidence of Financial Dependency

(1) In determining whether a student is financially dependent, a student must provide:

- (a) Evidence of established domicile as provided under 580-010-0029(1) of the person claiming the student as a dependent; and
- (b) The identification of the student as a dependent on the federal and state income tax returns of the person claiming the student as a dependent. Additional documentation to substantiate dependency during the current calendar year may be required at a later time if deemed necessary by the institution.

(2) A student who provides evidence that he or she is a financially dependent person under these rules shall not be required to establish a 12-month domicile prior to classification of resident status, provided such a student may not be classified as a resident while receiving financial assistance from another state or state agency for educational purposes.

Hist.: HEB 9-1992, f. & cert. ef. 12-2-92; HEB 10-1992, f. & cert. ef. 12-23-92; HEB 5-1995, f. & cert. ef. 11-2-95; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0035

Residence Classification of Armed Forces Personnel

(1) For purposes of this rule, members of the armed forces means officers and enlisted personnel of:

- (a) The Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States;
- (b) Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States;
- (c) The National Guard of the United States and the Oregon National Guard.

(2) Notwithstanding 580-010-0030, active members of the armed forces and their spouses and dependent children shall be considered residents for purposes of the instructional fee if the members:

- (a) Reside in this state while assigned to duty at any base, station, shore establishment, or other facility in this state;
- (b) Reside in this state while serving as members of the crew of a ship that has an Oregon port of shore establishment as its home port or permanent station; or
- (c) Reside in another state or a foreign country and file Oregon state income taxes no later than 12 months before leaving active duty.

(3) An Oregon resident entering the armed forces retains Oregon residence classification until it is voluntarily relinquished.

(4) An Oregon resident who has been in the armed forces and assigned on duty outside of Oregon, including a person who establishes residency under section (2)(c) of this rule, must, within a reasonable time, demonstrate an intent to retain classification as an Oregon resident. Such intent may be shown by returning to Oregon within six months after completing service in the armed forces.

(5) A person who continues to reside in Oregon after separation from the armed forces may count the time spent in the state while in the armed forces to support a claim for classification as an Oregon resident.

(6) The dependent child and spouse of a person who is a resident under section (2) of this rule shall be considered an Oregon resident. "Dependent child" includes any child of a member of the armed forces who:

(a) Is under 18 years of age and not married, otherwise emancipated or self-supporting; or

(b) Is under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning, and dependent on the member for over one-half of his/her support.

Hist.: HEB-3-1978, f. & cert. ef. 6-5-78; HEB 10-1979, f. & cert. ef. 8-22-79; HEB 8-1981, f. & cert. ef. 9-30-81; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 4-1988, f. & cert. ef. 5-13-88; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1995, f. & cert. ef. 11-2-95; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 3-2001(Temp), f. 6-15-01, cert. ef. 7-1-01 thru 12-27-01; OSSHE 5-2001, f. & cert. ef. 11-7-01; OSSHE 1-2003(Temp), f. & cert. ef. 7-25-03 thru 1-18-04; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0037

Residence Classification of Members of Oregon Tribes

(1) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon shall be assessed resident tuition regardless of their state of residence.

(2) For purposes of this rule, the federally recognized tribes of Oregon are:

(a) Burns Paiute Tribe;

(b) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;

(c) Confederated Tribes of Grand Ronde Community of Oregon;

(d) Confederated Tribes of Siletz Indians of Oregon;

(e) Confederated Tribes of the Umatilla Indian Reservation;

(f) Confederated Tribes of the Warm Springs Indian Reservation;

(g) Coquille Indian Tribe;

(h) Cow Creek Band of Umpqua Indians;

(i) Klamath Tribes.

(3) For purposes of this rule, the Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:

(a) CALIFORNIA:

- (A) Benton Paiute Tribe;
- (B) Big Bend Rancheria;
- (C) Big Lagoon Rancheria;
- (D) Blue Lake Rancheria;
- (E) Bridgeport Indian Colony;
- (F) Cedarville Rancheria;
- (G) Fort Bidwell Indian Tribe;
- (H) Hoopa Valley Tribe;
- (I) Karuk Tribe of California;
- (J) Likely Rancheria;
- (K) Lookout Rancheria;
- (L) Lytton Rancheria;
- (M) Melochundum Band of Tolowa Indians;
- (N) Montgomery Creek Rancheria;
- (O) Pit River Tribe;
- (P) Quartz Valley Indian Community;
- (Q) Redding Rancheria;
- (R) Roaring Creek Rancheria;
- (S) Smith River Rancheria;
- (T) Susanville Rancheria;
- (U) Tolowa-Tututni Tribe;
- (V) Winnemucca Colony;
- (W) XL Ranch.;

(X) Yurok Tribe.

(b) IDAHO:

(A) Nez Perce Tribe of Idaho;

(B) Shoshoni-Bannock Tribes.

(c) NEVADA:

(A) Duck Valley Shoshone-Paiute Tribes;

(B) Fallon Paiute-Shoshone Tribe;

(C) Fort McDermitt Paiute-Shoshone Tribe;

(D) Lovelock Paiute Tribe;

(E) Pyramid Lake Paiute Tribe;

(F) Reno-Sparks Indian Colony;

(G) Summit Lake Paiute Tribe;

(H) Walker River Paiute Tribe;

(I) Winnemucca Indian Colony;

(J) Yerington Paiute Tribe.

(d) OKLAHOMA: Modoc Tribe of Oklahoma.

(e) WASHINGTON:

(A) Chehalis Community Council;

(B) Colville Confederated Tribes;

(C) Quinault Indian Nation;

(D) Shoalwater Bay Tribe;

(E) Yakama Indian Nation.

(4) A student seeking to be assessed resident tuition under the provisions of this rule shall submit, following procedures prescribed by the OUS institution where the student seeks to enroll, a photocopy of tribal enrollment which documents tribal membership.

Hist.: OSSHE 3-1998, f. & cert. ef. 7-22-98; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0040

Residence Classification of Non-Citizens

A person who is not a citizen of the United States may be considered an Oregon resident if the person qualifies as a resident under 580-010-0030 and is one of the following:

- (1) A lawful permanent resident. The date of approval of lawful permanent residency shall be the earliest date upon which the 12-month residency requirements under 580-010-0030 may begin to accrue.
- (2) An immigrant granted refugee or political asylum in the United States. The date of approval of political asylum or refugee status shall be the earliest date upon which the 12-month residency requirements under 580-010-0030 may begin to accrue.
- (3) A person holding one of the following non-immigrant visa classifications: A, E, G, H-1B, H-1C, the spouse or child of a person holding an H-1B or H-1C visa, I, K, L, NATO, O, R, S, T, TN, U, or V. The date of the issuance of a visa for one of these classifications shall be the earliest date upon which the 12-month residency requirements under 580-010-0030 may begin to accrue. A person possessing a non-immigrant or temporary visa that is not identified under this rule shall not be considered an Oregon resident.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 14-1986, f. & cert. ef. 10-27-86; HEB 4-1988, f. & cert. ef. 5-13-88; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 9-1992, f. & cert. ef. 12-2-92; HEB 1-1994, f. 2-9-94, cert. ef. 2-15-94; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0041

Changes in Residence Classification

- (1) If an Oregon resident student enrolls in an institution outside of Oregon and later seeks to re-enroll in an OUS institution, the residence classification of that student shall be re-examined and determined on the same basis as for any other person.
- (2) A financially dependent student who is dependent on a person who establishes a permanent Oregon residence as defined in 580-010-0030(2) during a term when the dependent student is enrolled at an OUS institution may register as a resident at the beginning of the next term.

(3) Once established, classification as a resident continues so long as the student remains in continuous academic year enrollment in the classifying institution.

(4) A person who seeks classification as a resident under these rules shall complete and submit a notarized Residence Information Affidavit. The affidavit and all required supportive documents and materials must be submitted by the last day to register for the term in which resident status is sought.

(5) No OUS institution is bound by any determination of residency except by duly authorized officials under procedures prescribed by these rules including timely submittal of the notarized affidavit.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 8-1981, f. & cert. ef. 9-30-81; Renumbered from 580-10-025; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 14-1986, f. & cert. ef. 10-27-86; HEB 2-1987, f. & cert. ef. 1-12-87; HEB 4-1988, f. & cert. ef. 5-13-88; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 9-1992, f. & cert. ef. 12-2-92; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0045

Review of Residence Classification Decisions by IRC

(1) An interinstitutional residency committee (IRC) is established consisting of the officers determining student residence classification at OUS institutions and a member of the Chancellor's staff appointed by the Chancellor. The member of the Chancellor's staff shall serve as chairperson. A majority of the members of the Committee shall constitute a quorum. A majority of a quorum may make decisions.

(2) Residence cases of unusual complexity, especially where there may be conflict of rules, may be referred by an institution residence classification officer to the IRC for decision.

(3) Any person who is aggrieved by the institution residence classification may, within ten days of the date of mailing or other service of classification decision, appeal the classification to the IRC. The appeal must be in writing and shall be filed with the institution. An aggrieved person may supply written statements to the IRC for consideration in reviewing the case and may also make an oral presentation to the IRC on a date to be scheduled by the IRC. The decision of the IRC shall be final unless appealed.

(4) A person dissatisfied with the IRC decision may, within ten days of the date of the mailing or other service of the IRC decision, appeal the IRC decision to Vice Chancellor for Academic Affairs or designee. An appeal to the vice chancellor shall be in writing only. The vice chancellor's decision shall be final.

(5) A person granted a meritorious hardship exception to residency under this rule prior to July 1, 1990, shall not lose the exception solely because of the repeal of the exception authorization.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 4-1988, f. & cert. ef. 5-13-88; Section (2) Renumbered to 580-010-0046 and section (3) Renumbered to 580-010-0047; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1995, f. & cert. ef. 11-2-95; OSSHE 5-2003, f. & cert. ef. 12-3-03

580-010-0047

Residents Under WICHE

A certification officer, designated by the Board, shall determine the residence classification of any person seeking certification as an Oregon resident, pursuant to the terms of the WICHE Compact. Any person dissatisfied with the decision of the certification officer may appeal to the IRC. The decision of the IRC shall be final unless further appeal is made to the Vice Chancellor for Academic Affairs pursuant to 580-010-0045(4).

Hist.: HEB 4-1988, f. & cert. ef. 5-13-88; Renumbered from 580-010-0045; HEB 1-1990, f. 2-13-90, cert. ef. 7-1-90; HEB 1-1993, f. & cert. ef. 2-5-93

Payment of Student Fees

580-010-0080

Payment of Nonresident Instruction Fee

(1) All students who are classified as nonresidents shall pay a nonresident fee.

(2) Refunds of the nonresident fee may be granted if the student shows that the classification previously assigned was in error, but no such refund shall be made unless the student applies and submits all supporting information for residency status prior to the last day to register for the term in which the student seeks change of status.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 8-1981, f. & cert. ef. 9-30-81; Renumbered from 580-010-0020; HEB 4-1985, f. & cert. ef. 7-30-85

580-010-0081

Waiver of Nonresident Instruction Fee

(1) Notwithstanding the provisions of 580-010-0080, the following nonresident students shall be permitted to pay instruction fees at the same rates as Oregon resident students:

(a) Students who are residents of the State of Washington attending an Oregon institution and who are granted a tuition waiver under the terms of reciprocity agreement;

(b) Eastern Oregon University students who:

(i) graduated from a state-recognized high school in Oregon, Washington, or Idaho within the previous three year period; or

(ii) are lawful residents of Idaho or Washington; or

(iii) were enrolled in an institution of higher education in Idaho or Washington at any time during the preceding academic year; or

(iv) were enrolled students at Eastern Oregon University during the academic year 2011-12, so long as they continue to make satisfactory academic progress toward graduation without a break in enrollment (excluding summer term);

(c) Graduate students who are residents of a participating WICHE state enrolled in a WICHE Regional Graduate Program or a WICHE northwest doctoral student exchange program at a Department institution; and

(d) Students attending Oregon graduate or professional schools under terms of the WICHE Compact.

(2) When provisions of this rule are limited to residents of specific states or counties, determination of residence in those states or counties shall be made in the same manner as for students claiming Oregon residence.

Hist.: HEB 7-1979, f. & ef. 8-22-79; HEB 6-1981(Temp), f. & ef. 8-20-81; HEB 10-1981, f. & ef. 9-30-81; HEB 7-1984(Temp), f. & ef. 8-21-84; HEB 8-1984, f. & ef. 8-21-84; HEB 10-1984, f. & ef. 10-12-84; Renumbered from 580-010-0021; HEB 4-1985, f. & ef. 7-30-85; HEB 10-1985, f. & ef. 12-19-85; HEB 11-1986, f. & ef. 7-30-86; OUS 5-2012, f. & cert. ef. 6-18-12

580-010-0083

Scholarships Funded by Sports Lottery Revenue

(1) The Office of Academic Affairs will allocate scholarship funds as authorized by ORS 461.543 (5)(b) and funded from the Sports Lottery Account. Scholarship funds will be awarded for post-baccalaureate professional and graduate students and will be divided equally between scholarships awarded on the basis of need and scholarships awarded on the basis of academic merit.

(2) For purposes of this rule:

(a) "Academic Merit" will be determined by acceptance into an OSSHE graduate program, by a record of scholarly achievement as demonstrated by grade point average, test scores on nationally recognized admissions tests or other evidence of scholarly or creative ability.

(b) "Need" will be determined in accordance with the federal guidelines established pursuant to the Higher Education Act of 1965, as amended, together with consideration of the costs associated with an applicant's academic program.

(3) The Vice Chancellor for Academic Affairs shall establish additional criteria and procedures consistent with this rule for selecting among applicants eligible for scholarships under this rule.

Hist.: HEB 4-1992, f. & cert. ef. 4-10-92; HEB 5-1996, f. & cert. ef. 12-18-96

580-010-0085

Student Exchanges

(1)(a) Under the WICHE student exchange program, certification of students as Oregon residents for purposes of attending institutions not under Board control or in other states shall be guided by rules set forth in this division;

(b) Applications for support through the WICHE Professional Student Exchange Program (PSEP) must be received by the Oregon WICHE Certifying Officer on or before October 15 of the year preceding the year for which support is sought. An application received after that date in an envelope postmarked not later than October 15 will be deemed to have been received on the 15th. PSEP applicants must be Oregon residents. Residency shall be determined as of the date of the application for PSEP support, not as of the date of expected admission or registration to a participating program. When PSEP funding is insufficient to support all certified applicants within a field, the Oregon WICHE Certifying Officer will work with the participating PSEP programs to which the applicants have applied to determine the ranked order of the applicants. Support will be offered within the available funding according to the rankings so established.

(2)(a) The Department and separate institutions may enter into agreements with individual institutions in other states or other countries whereby resident students specified by name in the Oregon institutions may transfer to the other institution, and an equal number of students specified by name from the other institution may transfer to the Oregon institution with a reciprocal waiving of additional fees ordinarily assessed to nonresident students in both institutions;

(b) The recommendation for a student exchange program, together with a copy of the proposed agreement between the institutions, shall be approved by the Chancellor or designee before the exchange program is undertaken. Further, the program recommendation and the proposed agreement between institutions shall set forth the reasons the exchange would be of particular benefit to the students in their chosen study programs and specify: fees to be paid by incoming and outgoing students; student responsibility for costs of transportation, housing, books, board and room and other incidentals; responsibility of institutions to assist students in obtaining housing, counseling and interpreters; procedures to be followed in state entitlement funding and counting credit hours; action to be taken if students do not regularly participate in the academic program being pursued; and procedures for providing transcripts;

(c) If an approved agreement provides for exchange of equal numbers of students, then unforeseen circumstances that later might cause a student to withdraw from the program shall not void the arrangements agreed upon by the two institutions.

(3) Attendance at a Department institution as an exchange student from another state or country cannot be used in establishing residence.

(4) Notwithstanding any other rule, and effective fall term of the 1989-90 academic year, a Department institution may provide that a vacant WICHE opening may be occupied by a nonresident, non-WICHE student who agrees not to seek residency status for the duration of the student's degree program and who agrees to pay a fee equal to the nonresident tuition fee for the duration of that program.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; HEB 8-1981, f. & cert. ef. 9-30-81; Renumbered from 580-010-0050; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 2-1990, f. & cert. ef. 2-13-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 3-1994, f. & cert. ef. 3-9-94; HEB 5-1996, f. & cert. ef. 12-18-96

580-010-0086

Enrollment of Spouse and Dependent Children

(1) The spouse and dependent children of regular Department staff members with a full-time equivalent of at least .50 may enroll as students at resident fee rates in Department institutions. Effective January 1, 1999, for purposes of this rule, "spouse" includes the same sex domestic partner of an employee. The Chancellor or designee shall establish criteria to determine domestic partner eligibility.

(2) The spouse and dependent children of Department visiting instructors from other countries or other states with a full-time equivalent of at least .50 may enroll in Department institutions at resident fee rates during the terms that the parent, guardian, or spouse is serving a Department institution as a visiting instructor.

Hist.: HEB 3-1978, f. & cert. ef. 6-5-78; Renumbered from 580-020-0035; HEB 4-1985, f. & cert. ef. 7-30-85; HEB 5-1996, f. & cert. ef. 12-18-96; OSSHE 2-1999(Temp), f. & cert. ef. 6-25-99 thru 12-8-99; OSSHE 6-1999, f. & cert. ef. 10-27-99

580-010-0089

Student Involvement in Development of Proposed Resident Undergraduate Tuition Rates

(1) The Board shall establish the tuition and fees to be assessed at each institution in accordance with applicable statutes and upon the recommendation of the institution president and the Chancellor. This section shall not impair the entities of student government or the Board under ORS 351.070(3)(d).

(2) Each institution will establish a process for student participation in the development of recommended rates for resident undergraduate tuition. The planned process will be communicated to the duly elected student government for discussion and input.

(3) Prior to the formal submission of proposed tuition rates to the Chancellor, or designee, the institution president, or designee, will provide an opportunity for the duly elected student government to consider and comment on the proposed rates. Efforts shall be made by both the appropriate student representatives and members of the university administration to accomplish this exchange in a timely manner that 1) provides for adequate student consideration and takes into account the academic calendar and 2) allows institutions to meet necessary deadlines for submission of proposals.

(4) As part of formally submitting rate proposals to the Chancellor, or designee, the institution president (or designee) will convey: 1) the process used by that institution to involve students in the development of recommended tuition rates and 2) the specific resident undergraduate tuition rates being proposed.

Hist.: OUS 6-2012, f. & cert. ef. 6-18-12

580-010-0090

Incidental Fee Guidelines and Procedures

(1) The Board shall establish the incidental fee to be assessed at each institution in accordance with applicable statutes and upon the recommendation of the institution president and the Chancellor. This section shall not impair the entities of student government or the Board under ORS 351.070(1)(d).

(2) The duly recognized student government shall designate student representatives to meet with the institution president (or designee) for the purpose of formulating or modifying guidelines and procedures to be followed at that institution in budgeting, allocating, and recommending the amount of incidental fee income. Such guidelines and procedures (and modifications thereof) shall be subject to approval by the Board. If the student government and the institution president fail to agree, the Board shall formulate the guidelines and procedures.

(3) Guidelines and procedures formulated pursuant to section (2) of this rule shall provide at least for the following:

(a) Designation of either the recognized student government or other entity designated in the established guidelines and procedures (hereinafter cited as other designated entity) with which the institution president communicates;

(b) All student members of incidental fee committees and subcommittees thereof shall be students maintaining at least half-time status;

(c) All meetings of incidental fee committees and subcommittees thereof shall be open to the public and appropriate notice (to be specified in the guidelines and procedures) shall be given;

(d) Budget and allocation recommendations to the president shall be aggregated by three major categories: student union activities; educational, cultural and student government activities; and athletic activities; and shall be submitted in writing;

(e) The institution president shall within a reasonable time (to be specified in the guidelines and procedures) acknowledge and accept in writing the recommendations of the student government or other designated entity or notify the student government or other designated entity in writing of any modifications under consideration by the president, including reasons for the proposed modification;

(f) The student government or other designated entity shall have a reasonable time (to be specified in the guidelines and procedures) to consider and respond in writing to modifications proposed by the president. If the student government or other designated entity concurs with the president's proposed modifications, such shall be communicated in writing to the president within the specified time. If no response is received within the specified time, the student government or other designated entity shall be deemed to have concurred in the modifications;

(g) If the student government or other designated entity does not concur, such shall be communicated in writing to the president within the specified time. The president (or designee) shall (within the time specified in the guidelines and procedures) then meet with the representatives of the student government or other designated entity to attempt to reconcile the difference;

(h) If the institution president and the student government or other designated entity do not reach agreement within ten working days, either party may request a hearing before the Hearings Board. Within five working days of the request for hearing, the Hearings Board shall conduct a hearing and within five working days thereafter shall make written findings of fact and recommendations for resolution of the disagreement and shall provide such findings and recommendations to both parties. Both parties shall notify the Hearings Board and each other promptly (to be specified in the guidelines and procedures) and in writing whether they accept or reject the recommendations of the Hearings Board:

(A) The Hearings Board shall consist of five members, two appointed by the institution president, two appointed by the student government or other designated entity and one mutually agreed upon. The members shall be selected promptly upon receipt of a request for a hearing. Prior to November 1 of each year, both parties will compile a list of persons mutually acceptable to sit on the Hearings Board. In the event a hearing is requested, the parties shall select the fifth Hearings Board member from this list;

(B) The institution president and the student government or other designated entity shall be given notice of the time and place of the hearing at least 24 hours before the hearing. All meetings of the Hearings Board shall be open to the public and appropriate notice shall be given;

(C) A representative of the student government or other designated entity and the institution president (or designee) shall present to members of the Hearings Board relevant information that may include, but is not limited to, memoranda, budget requests, minutes and correspondence.

(4) The recommended amount of the incidental fee for the campus shall be made by the president of the institution to the Chancellor. A representative of student government or other designated entity may appeal to the Chancellor the recommendations of an institution president regarding the amount of the incidental fee or the allocation among the three major categories listed in subsection (3)(c) of this rule. Allocations among programs and activities within a major category are not subject to appeal. The Chancellor shall order a timely review of the appeal and shall communicate to the parties involved a decision in writing within a reasonable time.

(5) The Chancellor shall recommend to the Board an incidental fee for each institution. Representatives of student government as well as other members of the public may appear in support of, opposition to, or to request modification of the recommended incidental fee in accordance with the provisions of 580-001-0005. The Board will concurrently consider appeals of the substantial unresolved differences in the allocation of incidental fees among the three major categories. Except in extraordinary circumstances or upon its own motion, the Board will not consider allocations within a major category.

(6) Within a reasonable time (to be specified in the guidelines and procedures) after final action by the Board, the president shall confer with the student government or other designated entity in making any necessary adjustments in the allocations and shall communicate the final action of the Board and the president in writing to the student government or other designated entity.

Hist.: HEB 5-1984, f. & cert. ef. 7-16-84; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

Building Fee Project Process

580-010-0100

Student Planning and Construction Committee

(1) Each student government shall establish a student campus planning and construction committee. Each institution shall incorporate the campus planning and construction committee into the established campus planning process for projects proposed to be funded, in whole or in part, from income from the student building fee.

(2) For projects proposed to be funded, in whole or in part, from income from the student building fee, the student planning and construction committee shall recommend to the appropriate official(s) of the student government, as described in 580-010-0120, whether each such project should be approved and the relative priority of each such project. The committee may also request consideration of additional projects or project modifications that the committee or student member(s) identifies independently.

(3) If a project affects a facility in which operations are or will be funded, in whole or in part, from student incidental fee income, the committee will seek the recommendation of the institution's incidental fee committee before making its recommendation to the appropriate student government official(s).

Hist.: HEB 2-1997, f. & cert. ef. 8-1-97

580-010-0110

Incidental Fee Committee Review and Recommendation

Each institution's Incidental Fee Committee will be given reasonable opportunity, to be specified in the guidelines and procedures of the student government, to review any project that affects a facility whose operations are or are intended to be funded, in whole or in part, from student incidental fee income. The Incidental Fee Committee shall recommend to the student planning and construction committee whether it believes the project should be approved and estimate, based upon the project's scope and schedule, the anticipated effect that the operation of the completed project will have on incidental fee amounts charged to students.

Hist.: HEB 2-1997, f. & cert. ef. 8-1-97

580-010-0120

Recommendations of Appropriate Student Government Official(s)

The student government of each institution shall determine which of its elected officials will be charged with making recommendations to the institution's president regarding capital construction projects proposed to be funded, in whole or in part, from student building fee income and shall so notify the institution president. Such appropriate student government official(s) shall review the recommendations of the incidental fee and student planning and construction committees. Efforts shall be made by both the appropriate student government official(s) and the representatives of the college and university administration to reach common understanding and consensus on such recommendations. However, the appropriate student government official(s) may make recommendations to the institution president even if such consensus has not been reached.

Hist.: HEB 2-1997, f. & cert. ef. 8-1-97

580-010-0130

Agreement between Student Government and Institution President

(1) The institution president shall review the recommendation of the appropriate student government official(s) prior to approving the institution's capital construction budget request for the upcoming biennium. If the institution president does not agree with a recommendation or

priority ranking of the appropriate student government official(s), the president and the appropriate student government official(s) shall make good faith efforts to reach agreement.

(2) If agreement is not reached, the institution president and the appropriate student government official(s) shall submit the matter to a Hearings Board in the manner described in 580-010-0090(3)(h). The hearing must be completed prior to the deadline for the president to submit the institution's request to the Chancellor's Office.

(3) If agreement has not been reached even after a hearing, the institution's president shall submit the institution's capital construction budget request to the Chancellor's Office and disclose that agreement has not been reached with the appropriate student government official(s).

Hist.: HEB 2-1997, f. & cert. ef. 8-1-97

580-010-0140

Capital Construction Budget Recommendations of Vice Chancellor for Finance and Administration

(1) The Vice Chancellor for Finance and Administration or designee shall discuss with the parties any matters of disagreement between the institution president and the appropriate student government official(s) and shall take the information provided into account in making the Chancellor's capital construction budget recommendations regarding projects to be financed from the building fee to the Board of Higher Education. If the Chancellor's recommendation includes projects on which the institution and appropriate student government official(s) have not reached agreement, the Chancellor's Office shall disclose that a disagreement exists to the Board of Higher Education at the time of its capital construction budget recommendation.

(2) The Vice Chancellor for Finance and Administration shall base these

recommendations on the following criteria:

- (a) Demonstrated project need and beneficial use to students;
- (b) Campus student support for the project;
- (c) Protection of asset investment and compliance with code requirements;
- (d) Co-funding availability; and
- (e) The historical share of building fee projects at a given campus compared to the System as a whole.

(3) The Vice Chancellor, within a reasonable time of receiving a request, shall provide a written report that specifies how criteria listed in subsection (2) of this rule were considered in the evaluation of a project.

Hist.: HEB 2-1997, f. & cert. ef. 8-1-97