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OREGON UNIVERSITY SYSTEM, UNIVERSITY OF OREGON

DIVISION 4

RIGHTS AND RESPONSIBILITIES

571-004-0005

Family Relationships and Employment

Appointments to positions at the University of Oregon shall be based upon merit as determined by job-related qualifications:

(1) Discrimination in favor of candidates who are related to persons involved in, or with an effective influence upon, the selection process is prohibited:

(a) However, relatives of individuals already employed by the University may not be denied equal employment opportunity or advancement in employment on the basis of family relationships. For the purposes of this rule relatives includes spouse, child, stepchild, parent, grandparent, grandchild, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, mother-in-law, and father-in-law;

(b) No members of the faculty or administration shall participate in making recommendations or decisions involving the employment, compensation, promotion, leave of absence, grievance adjustment, termination, or in the supervision of their relatives without prior permission of their immediate supervisor.

(2) In unusual circumstances a Vice President may consider an appointment of a member of a prospective or current employee's family to a position for which there was no search. In such cases:

(a) An ad hoc committee will be convened by the Vice President to be composed of the Director of Affirmative Action, the chair of the Equal Employment Opportunity Committee, and one or more faculty representatives from the affected department;

(b) The committee so convened shall consider whether the appointment furthers the institution's affirmative action goals, and whether the individual considered is of the quality of the University of Oregon faculty;

(c) After its consideration, the ad hoc committee will consult with and advise the appropriate Vice President with whom the final appointment decision rests.

(3) An employee who has a grievance under this rule may invoke the University's grievance procedures including, if appropriate, referral to the Committee on Equal Employment Opportunity, as provided under OAR 571-003-0010.

(4) A non-employee questioning the application of this rule may contact the Office of Affirmative Action, which shall provide information regarding available recourse.

(5) Nothing in this rule shall be construed to prevent the employment or advancement in employment of more than one member of a family in the same department or administrative unit, provided the decision to employ or advance has been made in accord with the other sections of this rule.

Stat. Auth.: ORS 351 & ORS 352
Stats. Implemented: ORS 351.070
Hist.: UOO 2-1983, f. & ef. 2-8-83

571-004-0007**Conflicts of Interest and Abuses of Power: Sexual or Romantic Relationships with Students**

(1) The University is committed to fostering a learning environment characterized by professional behavior and fair and impartial treatment.

(a) A sexual or romantic relationship between a faculty member and a student or a staff member and a student can involve a conflict of interest, an abuse of power, compromised judgment and impaired objectivity when the faculty member or staff member has supervisory, evaluative or other power over the student. The power differential in the relationship may even make a student's consent to a sexual or romantic relationship suspect.

(b) Moreover, the relationship may create an apparent or actual conflict of interest that can adversely affect other members of the University community. It places the faculty member or staff member in a position to favor the interest of the student in the sexual or romantic relationship at the expense of third parties. Even if consensual, the relationship may be disruptive of the collegiality and mutual trust that are essential for the effective functioning of an academic unit.

(c) THEREFORE, it may be a conflict of interest and abuse of power for: faculty members to engage in sexual or romantic relationships with students enrolled in their classes or otherwise subject to their direct supervision or evaluation; staff members to engage in sexual or romantic relationships with students subject to their direct supervision or authority; work supervisors to engage in sexual or romantic relationship with students subject to their direct supervision or evaluation. This conflict of interest and abuse of power can occur even when both parties have consented to the relationship.

(2) Faculty/Student Sexual or Romantic Relationships.

(a) Within the instructional context: No faculty member should initiate or acquiesce in a sexual or romantic relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is supervised or evaluated by the faculty member. Should such a sexual or romantic relationship occur, notwithstanding this policy, a faculty member who fails to make prompt appropriate arrangements creates an apparent or actual conflict of interest. "Appropriate arrangement" is defined in (9)(a).

(b) Outside the instructional context: A sexual or romantic relationship between a faculty member and a student outside the instructional context may result in a conflict of interest and an abuse of power, particularly when the faculty member and student are in the same academic unit or in units that are academically allied. If such a situation should develop, notwithstanding this policy, the faculty member should immediately distance himself or herself from any decision that may reward or penalize the student with whom he or she is sexually or romantically involved. Failure to take this action constitutes a violation of the faculty member's professional obligations.

(3) Staff/Student Sexual or Romantic Relationships: A sexual or romantic relationship between a staff member and a student may lead to a conflict of interest when the staff member has supervisory, evaluative or other power over the student. Failure to withdraw from such a relationship or to make prompt appropriate arrangements (defined in (9)(a)) constitutes unwillingness to perform satisfactorily the responsibilities of the position and demonstrates unfitness for the position.

(4) Complaint process: Complaints by students with standing to allege a violation of this rule shall be handled in accordance with procedures set forth in OAR 571-003-0025. Complaints may be initiated by the student in the sexual or romantic relationship OR by third parties who are also in an evaluative relationship with the faculty or staff member and who allege they have been specifically adversely affected by the relationship. Complaints initiated by the students in the sexual or romantic relationship must be filed within 365 days of the end of the supervisory or evaluative relationship. Complaints initiated by third parties must be filed within 30 days of the end of the third party's evaluative relationship. The President can also initiate formal proceedings under OAR 580-021-0330; nothing in this rule shall preclude such action by the President.

(5) Basis for findings: In assessing the evidence in a complaint:

(a) Initiated by the student in the sexual or romantic relationship, the decision maker may only base his/her finding of a violation of this rule upon no less than a preponderance of evidence that the sexual or romantic relationship occurred and that prompt appropriate arrangements were not made;

(b) Initiated by a third party, the decision maker may only base his/her findings of a violation of

this rule upon clear and convincing evidence that a sexual or romantic relationship occurred and that prompt appropriate arrangements were not made, leading to actual injury or prejudice;

(c) Consent to the sexual or romantic relationship does not obviate a conflict of interest as defined by this rule.

(6) Abuse of Process: Complaints found to have been intentionally dishonest or made with willful disregard of the truth may subject the complainant to appropriate disciplinary proceedings and the full range of sanctions available therein.

(7) Sanctions: Only the party with evaluative, supervisory or other power is subject to sanction for violating this rule. For faculty, imposition of sanctions under OAR 580-021-0320, et seq., typically involves a hearing panel of peers. Documentation (defined in (9)(c)) of arrangements believed to be appropriate will be taken into account in assessing whether a conflict of interest has occurred, whether it has been mitigated, and in determining the severity of sanction, if any. The following list of sanctions that may be imposed is not intended to be exhaustive, and more than one sanction may be imposed for any single offense: written reprimand placed in the personnel file of the faculty or staff member; reassignment of duties (e.g., teaching, administrative, or service duties); reduction in salary; suspension without pay; dismissal.

(a) Written reprimand may be imposed at the discretion of the appropriate Vice President.

(b) Reassignment of duties, reduction in salary, suspension without pay, or dismissal may be recommended by the appropriate vice president, but may be imposed only after completion of appropriate proceedings:

(A) For faculty members, for cause proceedings are outlined in OAR 580-021-0320, et seq., provided that in the case of a proceeding predicated upon a third-party claim, the evidence to support a sanction must be found to be clear and convincing.

(B) For classified employees, sanctions will be imposed in accordance with applicable collective bargaining agreements.

(8) Assistance/Intervention: Any member of the University community who enters into a sexual or romantic relationship that may constitute a conflict of interest or abuse of power as described above is encouraged strongly to seek the assistance of his or her unit director, department head, dean, supervisor, or the Director of the Office of Affirmative Action & Equal Opportunity in making appropriate arrangements and providing documentation of those arrangements. If, prior to or during the course of a sexual or romantic relationship, doubt exists about whether this rule would apply, the party is encouraged strongly to consult with the unit director, or, department head, dean, supervisor, or the Director of the Office of Affirmative Action & Equal Opportunity. Disclosure during such consultation shall be confidential to the extent possible. No action will be taken that could result in sanctions unless and until a complaint is filed.

(9) Definitions: As used in this rule:

(a) "Appropriate arrangement" means an action reasonably calculated to remove or substantially mitigate a conflict or a potential conflict of interest or abuse of power, taking into account the interests of the University, the parties to the relationship, and others actually or potentially affected. These actions may include, but are not limited to: moving a student to another section of the same class; appointing a different faculty member to serve on a thesis, dissertation, or other evaluative committee; establishing alternative means of evaluation of academic or work performance; moving a student employee to another position of the same or comparable status and duties.

(b) "Conflict of interest" means incompatibility of the interest of the University in securing detached, objective performance of instructional, supervisory, or other duties with the personal interest of the faculty or staff member involved in a sexual or romantic relationship with a student he or she supervises or evaluates.

(c) "Documentation" includes but is not limited to a written, dated, and signed description of the actions taken filed with a unit director, department head, dean, supervisor, or the director of the Office of Affirmative Action & Equal Opportunity. For those not willing to use a third-party repository, it may still be advisable to retain a written, signed, and dated declaration of the mitigating actions taken.

(d) "Faculty" or "faculty member" means all those employees who hold academic appointments, including officers of administration and graduate teaching fellows, and anyone else who teaches classes at the University and/or supervises the academic work of students.

(e) "Power" means the real or objectively apparent authority or ability of an employee to confer or influence the academic, employment or other benefits of a student including, but not limited to: giving grades, evaluating performance, awarding financial benefits, or provision of University services or activities.

(f) "Standing" means that a student has a supervisory or evaluative relationship with a faculty or staff member and is specifically injured by a conflict of interest as defined by this rule.

(g) "Staff" or "staff member" means all University employees who do not hold academic rank.

(h) "Supervisor" or "employee with supervisory responsibility" means all employees who exercise responsibility for provision of University services, assigning work, evaluating performance, or otherwise making decisions that affect the terms and conditions of a student's employment or academic experience at the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1997, f. & cert. ef. 5-22-97

571-004-0010

Tandem Appointments

Specific work sites, circumstances or job responsibilities (e.g., grants) may warrant the hiring of tandem teams. Tandem team appointments must receive prior approval of the appropriate Vice President:

(1) A tandem team is defined as a group of two or more individuals working together in a department or on a project toward specific objectives (e.g., grant) and does not refer to job-splitting appointments. In tandem teams the combined qualifications of the individuals who make up the team shall be used in the determination of employment decisions.

(2) Nothing in this rule should be construed to deny any member of a tandem team equal opportunity in University employment, provided the appointment has been based upon open competition and merit, and other members of the team have not unduly influenced the selection process.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 2-1983, f. & ef. 2-8-83

571-004-0015

Health Insurance Requirements for Non-immigrant Foreign Students and Their Dependents

(1) In order to assist the University in executing its reporting and certifying obligations under federal regulations, nonimmigrant foreign students at the University of Oregon must demonstrate their ability to meet their financial responsibilities in full. The University hereby establishes that these responsibilities include the provision by nonimmigrant foreign students for health and accident care for themselves and dependent family members in the United States.

(2) All nonimmigrant foreign students enrolled part- or full-time at the University of Oregon will be required to carry health and accident insurance for themselves and all their dependent family members in the United States.

(3) The health and accident policy carried by each nonimmigrant foreign student must provide coverage comparable to the one offered through ASUO (currently providing for a minimum of \$25,000 per accident or illness) or meet guidelines established by the National Association for Foreign Student Affairs or the American College Health Association. The policy may be underwritten by a foreign insurance carrier but it must be payable in the United States for medical expenses incurred in this country.

(4) Such insurance policy must be in force for a 12 month period commencing during the registration period of the student's first term at the University. Request for term-by-term insurance coverage, or for any coverage extending for a period of less than one year from the date of a student's first registration, must be made in writing to a foreign student advisor in the University's Office of International Services. Exceptions may be granted in cases involving factors including, but not limited to, graduation during the academic year.

(5) Nonimmigrant foreign students must provide proof of adequate insurance coverage acceptable to the Office of International Services before they are permitted to register for classes during their first term of enrollment for any given academic year. Documentation of such adequate 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, 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.

(6) If an enrolling nonimmigrant foreign student does not provide acceptable proof of adequate

health insurance for him-or herself and for dependent family members in the United States, the Office of International Services may restrict University registration and issuance of immigration documents (for travel, extensions of stay, employment requests, practical training, dependent matters, etc.) for the student and the student's dependent family members.

(7) Nonimmigrant foreign students shall be notified in writing of these requirements before departing for Eugene and again before they complete matriculation at the University. A similar notice shall appear in the University Bulletins next regularly published after the adoption of this rule. These notices shall inform such students that they may contest the factual premise underlying any proposed restriction referred to in section (6) of this rule by presenting their documentation and arguments before the Director of International Services or that person's designee.

(8) Pending the resolution of any dispute over the conformity of a proffered policy with guidelines referred to in section (3) of this rule, the student proffering the insurance in question shall be permitted to register, and shall, in the event of an adverse decision compelling withdrawal from the University subsequent to registration, be guaranteed a refund of any tuition paid for the term in which withdrawal ultimately took place.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 5-1988, f. & cert. ef. 6-29-88

571-004-0016

Required Immunization

(1) All individuals born after December 31, 1956 and who enter the University of Oregon after this rule is promulgated, must show proof of two measles and mumps vaccinations:

(a) Students will not be permitted to register for a second term without proof of measles and mumps immunization, consistent with the requirements of this rule, on record at the Student Health Center;

(b) After the beginning of a term, registered students may be vaccinated at the Student Health Center for a charge.

(2) Acceptable evidence of immunity to measles and mumps shall consist of one of the following for each disease:

(a) Documentation of two doses of MMR (Measles/Mumps/Rubella) vaccine with the first dose on or after their first birthday and the second dose no less than 28 days following the first. Documentation of immunization must consist of an official immunization record or be signed by a health care provider to meet this requirement;

(b) Physician-documented measles and mumps infection. A letter or other documentation signed by a health care provider is required to meet this requirement;

(c) Documented laboratory evidence of immunity to measles and mumps; or

(d) Birth prior to January 1, 1957.

(3) Notwithstanding any other provision of this rule, beginning September 1, 2007, for students who are attending the University of Oregon pursuant to a non-immigrant visa, documentation of measles and mumps vaccination must be provided prior to the student attending classes. If the student's first dose of measles and mumps vaccine was received less than 30 days prior to attendance, the student has until the beginning of the second term or semester to provide documentation of the second dose.

(4) Students seeking exemption from this requirement because of age, medical condition, or sincerely held religious belief shall complete and present to the designated Student Health Center official an exemption form. Forms are available at no cost upon request at the Student Health Center main desk. Forms also will be available during registration.

(5) Students without evidence of immunity to measles or mumps may be excluded from classes and other university activities in the event of an outbreak of measles or mumps involving University of Oregon students and/or staff.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.070

Hist.: UOO 2-1991, f. & cert. ef. 1-30-91; UO 2-2006, f. 8-29-06, cert. ef. 9-1-06; UO

2-2007(Temp), f. 2-13-07, cert. ef. 2-14-07 thru 8-1-07; UO 12-2007, f. 7-20-07, cert. ef. 8-1-07

Athletic Department Substance Use and Drug Testing

571-004-0020

Introduction and Purpose

(1) The University of Oregon has a compelling interest in prohibiting and deterring drug use by student-athletes. The University educates its student-athletes about the detrimental effects of drug use on health, safety, academic work, and careers. The University must abide by National Collegiate Athletic Association (NCAA) rules. Because student-athletes are viewed as University representatives, the University has an interest in promoting drug-free and healthful lifestyles to the community through its athletic program. The University must minimize the risk of injury caused by student-athlete drug use in intercollegiate athletics. The University must be able identify present or potential substance use and provide treatment and rehabilitation for its student-athletes. The University seeks to maintain a fair and drug-free sport, in which no student-athlete uses or feels pressured to use performance enhancing drugs or any other illegal substance.

(2) The University and its Department of Intercollegiate Athletics (Department) condemn and prohibit illegal drug and illegal alcohol use; the abuse of alcohol, drugs and other substances; and the use of performance-enhancing drugs by student-athletes.

(3) The program set forth in these rules includes random testing and testing based on reasonable suspicion, educational programs, substance abuse evaluation, treatment and disciplinary measures.

(4) Illicit Substances and Performance Enhancing Drugs are prohibited under these rules.

(a) An Illicit Substance is one that is 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, T.H.C., or "ecstasy."

(b) A Performance Enhancing Drug is one that gives a student-athlete an unfair advantage. The use of a Performance Enhancing Drug is a form of cheating. The use of such a drug also poses significant health and safety risks for the student-athlete and those in competition with the student-athlete. A current list of Performance Enhancing Drugs will be provided 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. The term "related compounds" means substances that are included in the class by their pharmacological action or chemical structure. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed.

(5) The Department has instituted a program of administrative drug testing by urinalysis or the analysis of a saliva sample for student-athletes engaged in intercollegiate athletics. The testing process may be initiated on the basis of individualized reasonable suspicion, pursuant to the random administrative testing protocols outlined in these rules, or on the basis of failing a laboratory-generated specimen-integrity test in the course of a previous test under these rules. A coach or administrator should communicate to the director of athletic medicine circumstances that give rise to an individualized reasonable suspicion. The circumstances giving rise to reasonable suspicion and the source thereof shall be recorded in writing by the director of athletic medicine who shall be the only person to authorize and initiate the drug testing process. This record shall be deemed a confidential record to the extent permitted by law and shall be kept in a secure place separate from and not a part of the student-athlete's educational or medical records.

(6) "Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs which are specified in OAR 571-004-0020(4) and which could have or could have had an effect during a period of organized practice, conditioning, or competition or during a period of counseling for substance abuse or, in the case of steroids, during any period of pre-season conditioning or weight training.

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

(b) Such belief may also be engendered by, among other things, information supplied by reliable third parties, including but not limited to law enforcement officials, if the 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 or information which under the circumstances is credible based on specific articulable facts. Should information be proffered by law enforcement, prosecutorial or probation department officials, the University will use and act upon such information only if it obtains a written agreement that results of a potential test will not be used to prosecute or revoke parole for the use or ingestion of the drug disclosed by the test.

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

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

(7) Random drug testing. Each student-athlete is subject to unannounced random drug testing throughout the entire calendar year. A student-athlete will be selected for testing using a random number system. Little or no notice may be given for a forthcoming test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13; UO 1-2013, f. & cert. ef. 3-4-13

571-004-0025

Testing Method

(1) The standard method adopted by the Department for testing for drug use shall be through independent laboratory analysis of urine or saliva samples provided by the student-athlete. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Department. Each sample will be collected as a split specimen, such that each tested student will have a sample A bottle and a sample B bottle of the specimen for testing.

(2) Results of the test shall be available only to the student-athlete, the head coach in the athlete's sport, the athletic director, the director of athletic medicine and to others who have a legitimate educational, health or medical reason. This record shall be deemed a confidential record to the extent permitted by law and shall be kept in a secure place separate from and not a part of the student-athlete's educational or medical records. Should any challenge to the test results, consequences of the test, or the test procedures be raised in relation to a particular student-athlete, other appropriate University officials may have access to the information in order to carry out their responsibilities in relation to the challenge. A record indicating that a student-athlete was tested and the basis for the decision to conduct the test shall be retained in the student-athlete's medical file.

(3) Each student-athlete shall be provided with a copy of the rules describing the Athletic Department Substance Use and Drug Testing program 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.

(4) The substances for which the student-athlete will be tested are any Illicit Substances or Performance Enhancing Drugs and their related compounds and derivative compounds.

(5) The student-athlete need not be given prior notice that a urine or saliva sample will be collected. A student-athlete who refuses to provide, including by failure to appear for a test, or impermissibly alters a sample during the testing process shall be deemed to be in violation of these administrative rules and shall be subject to sanction under these rules as if the test was positive. If a legitimate medical condition prevents the production of a urine sample, a saliva sample may be taken with a urine test performed the following day.

(6) Sample B Testing

(a) Any student-athlete whose sample A results in a positive test may request testing of sample B.

(b) The student-athlete must request the sample B testing within 72 hours of being notified that sample A test was positive. The request must be submitted in writing by the student-athlete to the director of athletic medicine. If requested, the director of athletic medicine will authorize the provision of the sample B bottle to an approved laboratory for testing. The Department may initiate temporary sanctions and corrective measures while awaiting results of the sample B test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13; UO 1-2013, f. & cert. ef. 3-4-13

571-004-0030

Testing Protocol

The Department shall follow protocols required by the testing laboratory and the National Collegiate Athletic Association for testing student-athletes that respect the student-athlete's reasonable expectation of privacy, minimize the chances of accidental error or cheating, and preserve the appropriate chain of custody and integrity of urine or saliva samples. A copy of the protocol shall be provided to each student-athlete along with a copy of the rules describing the

Athletic Department Substance Use and Drug Testing program.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13; UO 1-2013, f. & cert. ef. 3-4-13

571-004-0037

Safe Harbor for Self-Reporting

(1) Any student-athlete may seek evaluation or counseling by contacting a coach, athletic trainer, director of athletic medicine or psychologist for the Department. The University will share this information only with persons who have a need to know, except to the extent that further disclosure is required by law. No Department sanctions will be imposed upon a student-athlete who has sought evaluation or counseling under this section. The student-athlete will receive counseling and education about substance abuse and undergo a mandatory assessment by a clinical psychologist to discern the severity of the student-athlete's substance use and other factors that may influence the student-athlete's recovery as required by OAR 571-004-0050(3)(a). The student-athlete may be required to attend additional sessions of counseling.

(2) A student-athlete may seek evaluation or counseling under this section one time without the student-athlete being deemed to have a positive test result if the student-athlete completes the program required by OAR 571-004-0050(3)(a) or (4)(a). Accordingly, if the student-athlete tests positive for an Illicit Substance or Performance Enhancing Drug after taking advantage of the remedies in this safe harbor provision, the student-athlete will start at the sanction level outlined in OAR 571-004-0050(3)(a) or OAR 571-004-0050(4)(a).

(3) This rule may not be invoked after a student-athlete is notified of an impending drug test.

(4) A student-athlete invoking this rule may be temporarily medically ineligible during any period that he or she is deemed by the team physician unfit to continue participation safely.

(5) This rule does not prevent the NCAA from testing a student-athlete. A student-athlete remains subject to sanctions imposed by the NCAA in the event of a positive drug test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UO 1-2013, f. & cert. ef. 3-4-13

571-004-0045

Drug Education and Counseling Services

The Athletic Department shall provide a program of drug information and counseling referral for student-athletes.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 352.008

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11

571-004-0050

Positive Test Results Sanctions

(1) The director of athletic medicine, the athletic director, the head coach, and other appropriate personnel shall review a positive test result and shall, bearing in mind the type of drugs identified, the recency of use, and the medical, safety and performance-enhancing effects of the use, formulate an appropriate program for the student-athlete. Such program shall include abstention from further use and periodic retesting and may include counseling, reduced playing time, and withdrawal from drills, scrimmages, or competitions. The program shall also describe potential sanctions for repeated use or abuse of substances for which tests are conducted. However, a student-athlete may be dismissed from the team and lose all athletic financial aid, beginning with the next academic term after a single positive test result.

(2) Repeated positive tests, admissions, or other information that disclose continued use of Illicit Substances or Performance Enhancing Drugs may cause a student-athlete to be dismissed from the team and lose all athletic financial aid beginning with the next academic term. A student-athlete who refuses to provide a urine or saliva sample as part of the testing process, by failing to appear for a test or otherwise, shall be deemed to have provided information that discloses use of Illicit Substances or Performance Enhancing Drugs.

(3) Illicit Substances. If the student-athlete tests positive for the use of an Illicit Substance, the

sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.

(a) First positive test. The student-athlete will receive counseling and education about substance abuse. The student-athlete will undergo a mandatory assessment by a clinical psychologist to discern the severity of the student-athlete's substance use and other factors that may influence the student-athlete's recovery. If concluded to be necessary, the student-athlete may be referred for additional sessions of counseling.

(b) Second positive test for the same or a different Illicit Substance. A formal behavior modification contract will be produced by the director of athletic medicine. The athletic director shall have discretion to approve the behavior modification contract or require that terms be added. Upon approval by the athletic director, the behavior modification contract shall be reviewed and signed by the head coach and the student-athlete. A copy of the behavior modification contract will be kept on file with the director of athletic medicine. The behavior modification contract will define the behaviors expected from the student-athlete and the consequences for noncompliance.

(c) Third positive test for the same or a different Illicit Substance. The student-athlete will be immediately ineligible for competition. The student-athlete will remain ineligible until he or she has missed the equivalent of 50% of a season.

(d) Forth positive test for the same or a different Illicit Substance. The student-athlete will be dismissed from the team and lose all athletic financial aid, beginning with the next academic term, to the extent permitted under NCAA rules.

(4) Performance Enhancing Drugs. If a student-athlete tests positive for the use of a Performance Enhancing Drug, the sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.

(a) First positive test. A student-athlete who tests positive for the use of a Performance Enhancing Drug 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 athletic medicine will determine a management plan for the student-athlete which will include education or counseling. A first positive test result for a Performance Enhancing Drug is also deemed to be a first positive test for an Illicit Substance.

(b) Second positive test for the same or a different Performance Enhancing Drug. A student-athlete who tests positive for the use of the same or a different Performance Enhancing Drug shall be declared permanently ineligible for intercollegiate competition. The student shall be immediately and permanently dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.

(5) Failure of a student-athlete to comply with a treatment plan, management plan or behavior modification contract mandated under these rules may result in immediate suspension from all practices, games and Department functions until the director of athletic medicine determines sustained compliance with the treatment plan, management plan or behavior modification contract. If the director of athletic medicine determines that the student-athlete is not in compliance after one competitive season for the sport, the student-athlete will be immediately dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.

(6) Selling or Providing Illegal Drugs. Any student-athlete convicted of or otherwise found responsible for 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 and, to the extent permitted under NCAA rules, the termination of any athletic financial aid.

(7) A student-athlete who loses athletic financial aid under these rules may appeal that decision under the established procedures regarding non-renewal of financial aid.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13; UO 1-2013, f. & cert. ef. 3-4-13

571-004-0055

Records Security

(1) The purpose of the administrative testing program established by these rules does not

include enforcement of the criminal laws or the Student Conduct Code.

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, law enforcement officials, nor are those administering the tests acting as, for, or on behalf of the Division of Student Affairs. The Student Conduct Code applies to drug or substance use by a student-athlete only under the same circumstances as other students.

(3) Test results are part of a student's educational and medical records protected from disclosure under state and federal law. However, records may be subject to disclosure pursuant to a lawfully issued subpoena or court order. In such an instance, the University will take reasonable steps to notify the record-subject in advance of compliance with any such subpoena or order. The University or the record-subject may move the court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88 UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13; UO 1-2013, f. & cert. ef. 3-4-13

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