

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Steve Robinson, Student Services and Enrollment Management
Current Title/# (if applicable):	Family Housing Governance/ 571.022.0020-80
Submitted on Behalf Of:	Housing
Responsible Executive Officer:	Vice President for Student Services and Enrollment Management

SELECT ONE: New Policy Revision Repeal

Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: Yes No

If yes, which attorney(s): Missy Matella

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

OAR 571.022.0020-80 Family Housing Governance

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

None known

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

This revision reflects current practice.

AFFECTED PARTIES

Who is impacted by this change, and how?

Housing

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Name	Office	Date
Family Housing Community Advisory Board	Housing	4/17

Family Housing Governance

Reason for Policy:

This policy outlines matters relating to ~~f~~Family ~~h~~Housing & University Apartments (FHUA) governance within the University. This policy applies to all resident leaseholders and household members.

Responsible Office:

For questions about this policy, please contact University Housing at 541-346-4277.

Enactment & Revision History:

Technical revisions enacted by the University Secretary on September 3, 2015.

Became a University of Oregon Policy by operation of law on July 1, 2014.

Former Oregon Administrative Rule Chapter 571 Division 22, Sections 0020-80.

~~Reviewed by FHUA RLC July 25th, 2016~~

Policy:

A. Authority

Under the powers granted in ORS Chapter 352, the University has promulgated UO Policy 580.011.0015-40 establishing University policies and rules and regulations for student housing. Under this authority, the President of the University of Oregon has promulgated UO Policies 571.022.0020-80(B-H) and 571.022.0100-105 through to govern family housing.

B. ~~Family Housing Board~~Family Housing & University Apartments Community Advisory Board

(1) This policy creates the ~~Family Housing & University Apartments Community Advisory Board (CAB)~~ Family Housing Board for family housing units and complexes at the University of Oregon.

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(2) The ~~Family Housing Board~~CAB will review, advise upon, and recommend family ~~hou~~sFHUA ing policy as specified in this policy:

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(a) Purposes of the Board. The ~~Family Housing Board~~CAB shall provide a vehicle for deliberate, systematic discussion, review, and dialogue in matters relating to ~~family housing~~FHUA among representatives of family housing residents, University Housing, faculty, and other students;

(b) Composition, Presiding Officer, and Selection of Members:

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(A) The ~~Family Housing Board~~CAB shall be comprised of the following members:

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(i) Two ~~Amazon Spencer View~~ area residents

~~to be selected in accordance with Policy 571.022(D)(6);~~

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(ii) Two ~~One Westmoreland~~ area ~~Graduate Housing~~ residents ~~to be~~

~~selected in accordance with Policy 571.022(D)(6);~~

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(iii) Two ~~One~~ East Campus area residents ~~to be selected in accordance~~

~~with Policy 571.022(D)(6);~~

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~~(iv) Two representatives of University Housing;~~

~~(iv) Area directors~~Residence Life Coordinator (RLC) ~~from of Amazon~~ Family Housing and Westmoreland Family HousingFHUA;

~~(vi) Two University representatives (other than a member of the University Housing) to be appointed by the President for two-year terms beginning in July (or for the balance of a two-year term whenever the position becomes vacant); the two-year terms called for in this subparagraph shall be staggered;~~

~~(vii) One University instructional faculty member to be appointed by the Faculty Advisory Council for a two-year term beginning in July (or for the balance of the term whenever a position becomes vacant);~~

~~(viii) One representative of the ASUO to be appointed in (or before) July for a one-year term finishing at the end of June.~~

~~(B) The Chairperson of the Family Housing Board CAB shall be a member of the Family Housing Board CAB in good standing and shall be elected by a majority vote of the entire Family Housing Board CAB.~~

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~~(c) Jurisdiction and Powers of the Family Housing Board CAB: Areas of Mandatory Notification and Review Notification of Non-Emergency Action. Before any non-emergency action may be taken by University Housing, it shall submit to the Family Housing Board CAB for discussion and review all proposals in the following areas: When able, prior to a non-emergency action by University Housing, Housing will make efforts to inform the CAB of the impending action and solicit feedback from CAB members. Such areas might include~~

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~~(A) Area improvements none of which constitute maintenance, preventative maintenance, restoration of damaged or destroyed elements or facilities, or anticipatory replacement of obsolete or high-maintenance existing equipment;~~
~~(B) Changes in the basic appearance of the family housing FHUA areas in terms of additional structures or parking area relocation or significant re-landscaping;~~

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~~(C) Significant and enduring changes in current use of any structure or outdoor area;~~

~~(D) Changes in long-range planning policies;~~

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~~(E) Changes in rental rates in excess of a standardized across-the-board five percent annual increase. Individual East Campus unit rent adjustments may be implemented, after the unit is vacated, to recover renovation costs or to achieve rental parity with similar type units;~~

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~~(F) A single dwelling unit, single purpose maintenance direct (or pro rata) expenditure in excess of \$5,000, unless such expenditure can be fully covered within the base rent plus five-percent exclusion of paragraph (E) of this subsection;~~

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~~(G) Purchase of new furniture, appliances or equipment for family housing FHUA which is not replacing or restoring existing furniture, appliances or equipment, the total of which exceeds \$6,000;~~

~~(H) Initial appointment of an Area Director (subject to affirmative action and other legal personnel requirements);~~

~~(I) Changes in the terms of the leases or rental agreements;~~

~~(J) Changes in policies relating to the assignment or allocation of dwelling units to residents by the University or eviction (this does not include changes dictated by modification of the Student Conduct Code);~~

~~(K) Budget Reports. University Housing shall provide to the Family Housing Board CAB at least annually for its review and comment the University Housing budget allocated to the respective family housing FHUA areas.~~

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~~(d) Procedures of the Family Housing Board CAB. Procedures of the CAB will be gathered in a guiding operational document (CAB constitution).~~

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(A) Voting Quorum. Decisions of the Family Housing Board CAB shall be by majority vote. A quorum shall consist of nine four voting members. The Family Housing Board CAB shall meet at the call of the chairperson at least once a month or upon the affirmative call of four members. In addition, a meeting on a generic issue may be called by a petition from 25 family housing residents on a specific question submitted to the Board chairperson. Reasonable notice, including an agenda, must be given to all members prior to each meeting;

(B) Records of Proceedings. The Family Housing Board CAB shall appoint a Board member as Secretary to keep minutes of each of its proceedings. University Housing shall provide for such secretarial or stenographic service as may be reasonably necessary to keep records and distribute reports of its action on subjects discussed by the Board. The respective family housing accounts of University Housing shall defray all reasonable costs (prorated according to the respective number of residents on the preceding October 15th) incurred in the course of regular official transactions of business by the Family Housing Board. The minutes of every Family Housing Board meeting shall be posted promptly after each meeting in the laundry rooms and community buildings of the respective family housing areas, the ASUO Housing Office, University Housing, and the respective area directors' RLC's offices and emailed to all residents via the weekly newsletter;

(C) Reports to the Board. University Housing, represented by the RLC for FHUA, shall report to the Family Housing Board CAB at each meeting on matters relevant to living conditions, special charges, and administration of the respective family housing FHUA areas. It shall promptly provide data (within reasonable limitations of time and expense) which the Board requests in order to facilitate review and discussion (subject to restraints imposed or privileges conferred by law). University Housing reports of a routine nature will be in writing whenever possible and provided to Board members in advance as a part of the meeting agenda;

(D) Process for Board Actions:

(i) On subjects not within the scope of mandatory notification and review, the Family Housing Board CAB may, at its own initiative, submit recommendations to University Housing for changes or modifications of operations, staffing, planning, and policy concerning family housing FHUA. In such instances, University Housing shall respond with a written reaction to such recommendations within 21 calendar days;

(ii) The Family Housing Board CAB may shall review (after the fact) emergency actions taken by University Housing which fall within the scope of the mandatory notification and review. Such review shall be based on a full report of such action from University Housing and shall occur at the next regularly scheduled meeting of the Family Housing Board CAB following such action, unless such meeting would occur within five working days of the emergency action in which case University Housing may defer its report to no later than the next successive regular meeting. Procedures after such reviews shall be governed by subparagraph (iii) of this paragraph and by Section E;

(iii) On subjects within the scope of mandatory notification and review, University Housing shall, not later than 90 days before scheduled implementation, notify the Family Housing Board CAB of its proposed action. The Family Housing Board CAB shall then review and discuss the proposal and shall within 60 days (or any mutually agreed upon extension of that period) send its recommendation to University Housing. University Housing shall notify the Family Housing Board CAB of its intended course of action within 21 calendar days of receipt of the Board's recommendation.

(E) Higher Level Review. Review by the Family Housing Review Board may be initiated as follows:

(i) University Housing may require review of a recommendation of the Family Housing Board by which the Family Housing Board recommended against, in whole or in part, a proposal by University Housing after mandatory notification and review by the Family Housing Board. University Housing may implement its proposal whether or not it seeks such higher level review provided the mandatory notification and review by the Family Housing Board has occurred and provided University Housing

~~complies with the subparagraph (2)(d)(D)(iii) of this section intended course of action notification requirement;~~

~~(ii) The Family Housing Board may, upon a majority vote (of a quorum), require a review in a situation where University Housing has communicated its refusal to follow a recommendation of the Family Housing Board on a subject within the scope of mandatory notification and review;~~

~~(iii) All six of the resident representatives on the Family Housing Board may (by unanimous vote) require a review of a Family Housing Board recommendation to implement a proposal of University Housing or may require review of a decision of University Housing not to follow a recommendation of the Family Housing Board, on a subject of mandatory notification and review. A review on this basis shall not require University Housing to stay its action or suspend implementation of its decision pending such review;~~

~~(iv) Any requests under this subparagraph for review by the Review Board shall be made within seven (7) calendar days of a vote by the Family Housing Board or of receipt by the Family Housing Board of a decision by University Housing to disregard the recommendation of the Family Housing Board.~~

~~(F) Review Board. The Review Board shall consider and make findings and recommendations upon questions placed before it for review under the preceding paragraph. The Review Board may hold hearings or request information from the parties as it deems appropriate and necessary to enable it to make a recommendation. It shall make its written recommendations within 60 calendar days of receipt of a request for review under paragraph (2)(d)(E) of this section. Duplicate recommendations shall be concurrently sent to University Housing and to the Family Housing Board. University Housing shall be guided by and follow the recommendation of the Review Board unless it requests a waiver from the President or the President's designee within 14 calendar days of receipt of the Review Board's recommendation as provided in paragraph (G) of this subsection. If the Family Housing Board disagrees with the Review Board's recommendation, it may (by majority vote of a quorum or more) request the President or the President's designee, within 14 calendar days of receipt of the recommendation, to issue a modified recommendation based on the grounds identified in paragraph (2)(d)(G) of this section;~~

~~(G) Presidential Waiver. The President or the President's designee, after due consideration of the findings and recommendations of the Review Board, may excuse University Housing from implementing such a recommendation upon a finding that the recommendation of the Review Board is likely to cause non-compliance by the University with federal or state laws or regulations or county or municipal ordinances, or a finding that the recommendation is substantially contrary to the best interests of the University or of the general student housing populations, or upon a finding that the recommendation is substantially contrary to the best interest of future family housing residents. The President or President's designee shall modify a recommendation of the Review Board timely objected to by the Family Housing Board only on the grounds that it is likely to cause non-compliance by the University with federal or state laws or regulations, or county or municipal ordinances. The President or President's designee shall inform University Housing, the Family Housing Board, and the Review Board in writing of the basis and reasons for excusing University Housing from implementing the recommendation of the Review Board, or shall state that he or she concurs in the Review Board's recommendation (i.e., waiver denied) or shall charge University Housing with implementing a modified version of the recommendation.~~

~~(e) Stipend to Family Housing FHUA Resident Members of the Family Housing Board CAB. The Family Housing Board CAB, by majority vote, may pay a stipend to resident representatives on the Board in an amount not to exceed \$25 per month from funds in the respective family housing accounts of University Housing.~~

~~C. Review Board~~

This section creates the Review Board. The Review Board shall be constituted by October 1 of each year and shall consist of three persons. One Review Board member shall be appointed by the ASUO President for one year, and two Review Board members shall be appointed by the University President for two years each on staggered terms. Residents of family housing and employees of University Housing may not be members of the Review Board. The Review Board shall conduct required reviews under UO Policy 570.022.0005-15(C) and shall also conduct Step One formal grievance hearings under Section E.

D. Tenants Councils and Other Tenant Organizations

This section creates the Amazon Tenants Council, the Westmoreland Tenants Council, and the East Campus Tenants Council and describes how other tenant organizations within those areas may be organized:

(1) The Amazon Tenants Council shall be a democratically elected assembly of 14 resident representatives and shall be the official forum of resident views and an agency of resident representation.

(2) The Westmoreland Tenants Council shall be a democratically elected assembly of 16 resident representatives and shall be the official forum of resident views and an agency of resident representation.

(3) The East Campus Tenants Council shall be a democratically elected assembly of six resident representatives and shall be the official forum of resident views and an agency of resident representation.

(4) These Tenants Councils shall have the authority:

(a) To recommend policy positions through the resident members of the Family Housing Board; and

(b) To facilitate informal resolution of resident grievances through consultation with their respective Area Directors or maintenance supervisors;

(c) To have a designee present individual residents' grievances (if so desired by the individual) to the Family Housing Review Board; and

(d) To carry out such responsibilities as may be delegated to it by the Family Housing Board.

(5) Each Tenants Council may initiate and organize its own policy studies, conferences, meetings, or social events, and may, subject to the policies of the University, allocate funds accumulated through any collection procedure or by receipt of any grant for the purpose of providing financial support to area activities.

(6) Composition and Election of the Tenants Councils. The Tenants Councils shall be composed of resident representatives from each of the neighborhood areas (11 for Amazon, 13 for Westmoreland, and three for East Campus), plus three officers chosen at large. Elections to membership in each of the Tenants Councils shall be conducted and supervised by the Associated Students of the University of Oregon in April of each year, with members serving a term of one year. The residents in the family housing area shall elect resident candidates to the positions of President, Vice President and Secretary-Treasurer. Candidates for those offices shall run on an at-large basis. Each Council President and Vice President shall also serve as resident members of the Family Housing Board, except that no President or Vice President who is concurrently an employee of University Housing at family housing may so serve (in which case the Council shall nominate either the Vice President or Secretary so long as such person is not similarly disqualified). If all of the foregoing are disqualified, the Council shall appoint a person according to its By Laws. Members of a Tenants Council may be recalled by a majority vote in special elections triggered by receipt by the ASUO of a petition signed by 1/3 of the respective members' constituents over age 18. Appointments may be made to fill vacancies in officer and in area representative positions at the discretion of the Tenants Council. Candidates for election to a Tenants Council officer position shall disclose whether they are or will be concurrently employed at University Housing at family housing.

(a) Each Tenants Council shall have by-laws which may be amended by a vote of 2/3 of the members of that Tenants Council;

(b) All residents of a family housing area age eighteen (18) or above shall be entitled to vote in the elections described above for that housing area's Tenants Council.

(7) Other Tenant Organizations. In addition to representation through the Tenants Council, any group of residents may choose to have a democratically formed tenant organization, tenant union, or tenant caucus to represent particular interests or concerns. Such organizations shall have the right to run slates of candidates for elections to the Tenants Councils and to bring issues before the Family Housing Board, and to represent their membership where appropriate before governmental or University officials.

(8e) Individual residents shall retain their existing rights to interact directly with the University, including requests for additional services or expression of grievances.

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E. Grievances

(1) Individual family housing residents may file written grievances (coupled with a grievant's desired resolution) with University Housing if they are personally and directly disadvantaged by a decision or policy or practice of Housing Department.

(2) If direct negotiation with University Housing does not reach a result satisfactory to the grievant, the grievant and University Housing must consult a third party, such as a mediator (e.g., the ASUO Mediation Program), to explore the assistance of such third party in resolving the situation which is the subject of the grievance.

(3) If the third party resolution is unsuccessful or if the parties are unable to agree on the utilization of a third party and if the grievant so desires, the grievant may then file a written grievance with the Review Board to resolve the grievance. To the extent that some of the issues have been resolved (either through direct negotiation and/or through third party resolution) and such partial resolutions were not merely an element in a larger proposed "package" resolution, the Review Board may take cognizance of such partial resolutions. Otherwise, it shall consider the dispute independently of communications or concessions made during the informal procedures.

(4) A grievant shall file its written grievance with the Review Board no later than 15 calendar days after written notification from the selected third party (or, if the parties cannot agree upon a third party, by the ASUO Mediation Program Director) that the third party resolution has been rejected or cannot achieve resolution. The review committee shall render its recommendations in writing within 60 days of the filing with it of the formal grievance.

(5) The Review Board shall conduct proceedings to consider and resolve such a formal grievance consistent with the following constraints:

(a) All documentary evidence received shall be identified, marked, and indexed in the record;

(b) The grievant and the University and/or complained against person(s) shall have full access to the record (as it exists at any given time);

(c) Live testimony shall be taken at a duly noticed hearing. Clarifying questioning is to be by the committee only;

(d) The grievant shall be given the maximum possible (but in no case less than ten calendar days) advance notice of the initial hearing date, place, and time;

(e) The grievant and the University and/or the complained against person(s) shall be allowed to present documentary evidence (including affidavits or signed declarations), demonstrative evidence and/or live testimony;

(f) The committee shall inform the grievant and the grieved against individual no less than five calendar days in advance of any hearing of all documentary evidence received by it at the time of said notice. Such evidence shall be identified by reference to source, date, and, generally, content. The grievant and

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the grievant against individual shall also be told how to acquire copies of such evidence before the hearing;

(g) Hearings shall be open to the public (to the extent allowed by law) at the option of the grievant; if the grievant is a student resident and elects to have an open hearing, the grievant shall sign a written consent to disclosure to the public of all student record material introduced, described, or admitted at the hearing for the purpose of holding an open hearing, and such consent shall recognize that the University has no responsibility for or control over the uses to which third parties may make of such disclosed information; the deliberations of the Committee shall be closed to all, including the grievant and the grievant against individual(s);

(h) The Committee shall make its conclusions and recommendation solely upon evidence received in the record and shall, where practicable, cite specific evidence to support its resolution of disputed issues of fact;

(i) The committee shall formulate its conclusions and recommendations within 60 calendar days of receipt of the appeal;

(j) The proceedings of the committee (or any other step of this grievance procedure) shall not be deemed the handling of a contested case.

(6) If either or both parties to the grievance are dissatisfied with the result of the first step of the formal grievance, they may file a written appeal to the Vice President for Administration within 14 days of receiving the Step One decision. The Vice President may elect to decide the grievance on the record already assembled, may elect to investigate personally or by appointing an investigator, or may remand the grievance to the Review Board for further clarification and additions. Both parties shall have access to the record presented to the Vice President upon appeal and shall have the opportunity to comment on it before the Vice President makes a decision. The Vice President shall render a written decision within 60 days of the receipt of an appeal. The Vice President's decision shall be in writing and shall base the resolution upon relevant and undisputed facts and upon such relevant disputed facts as are determined. Sources of data or evidence or documents relied upon shall be identified. A copy of the decision shall be sent to both parties and to the Review Board.

(7) Notwithstanding anything in this Section E to the contrary, a grievance based upon unreasonable differentiation among applicants or residents in fees charged by, or services or benefits offered in, University Housing and prescribed in UO Policy 580.015(B) and (J) (prohibited discrimination) shall be exclusively handled according to the procedures specified in UO Policy 580.015(R) (FF).

F. Emergency Action

University Housing may act on its own initiative without notification ~~and review by of~~ the Family Housing Board ~~CAB (in areas where mandatory notification and review would otherwise apply) only in a bona fide emergencies~~ when time does not permit such notification ~~and review~~. A notification of all emergency actions shall be sent to the chairperson of the Family Housing Board ~~CAB~~ as soon as practicable. A full written report of such action shall be made by University Housing to the Family Housing Board at its next regularly scheduled meeting unless such meeting falls within five working days of such action (in which case it shall be presented at the next succeeding regularly scheduled meeting). Emergency actions shall not constitute the setting or formulation of long term policy nor shall they necessarily serve as precedent for future policy. To the extent such actions are practicably revocable or modifiable, the Family Housing Board shall be free to review and recommend regarding such actions consistent with this policy.

G. Management Responsibilities

(1) ~~Except for those recommendations brought to the Family Housing Board under mandatory notification and review,~~ the following matters shall be deemed exclusively management

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responsibilities and shall neither be delegated to tenant-resident organizations nor be subject to the consultation procedures involinwithg the Family Housing Board CAB:

(a) Routine maintenance and repair, including preventative maintenance, restoration of damaged or destroyed elements or facilities, or anticipatory replacement of obsolete or high-maintenance existing equipment;

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(b) Assignment of units to residents by the University and eviction within established policies;

(c) Eligibility for residing in family housing-FHUA facilities;

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(d) Ensuring compliance with established fire, health, and safety regulations;

(e) Sanctioning non-compliance with city, county, state and federal laws and regulations, and policies promulgated by the University of Oregon as legally and functionally appropriate;

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(f) Purchase of equipment, supplies and furniture ~~(excluding that required for replacing or restoring existing furniture and equipment) which would require expenditures of less than \$6,000, unless the purchase significantly affects the tenants' residential environment or may cause an increase in rental rates in excess of the standardized maximum increase over the preceding year (see Section B(2)(c)(A)(v))~~;

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(2) The administration of the respective family housing-FHUA areas shall be conducted in accordance with rules or policies set forth by the University of Oregon pursuant to Oregon law and shall abide by all regulations respecting health, sanitation and safety as described by state law or local or city ordinances.

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H. Delegation

The President of the University hereby delegates authority to the organizations and individuals designated in UO Policies 571.022.0005-15(C), 571.022.0020-80, and 571.022.100-105 to carry out the provisions and responsibilities of these policies.