

## POLICY CONCEPT FORM

<b>Name and UO Title/Affiliation:</b>	Stuart Laing, Director, Budget and Resource Planning (BRP) Kassy Fisher, Chief of Staff to VPFA
<b>Policy Title/# (if applicable):</b>	Special Fees, Fines, Penalties, Service Charges
<b>Submitted on Behalf Of:</b>	Jamie Moffitt, VPFA & CFO
<b>Responsible Executive Officer:</b>	Vice President for Finance and Administration (VPFA)

**SELECT ONE:**    **New Policy**                       **Revision**                       **Repeal**

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

**If yes, which attorney(s):** Craig Ashford

### GENERAL SUBJECT MATTER

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

Special Fees, Fines, Penalties, Service Charges <https://policies.uoregon.edu/special-fees-fines-penalties-service-charges>

### RELATED STATUTES, REGULATIONS, POLICIES, ETC.

Section of policy	Relevant university policy	Relevant department-level policy or procedure
A. Special Fees, Fines, Penalties and Charges	Tuition and Fee Policy, III.03.01, <a href="https://policies.uoregon.edu/vol-3-administration-student-affairs/ch-3-tuition-student-fees/tuition-and-fee-policy-book">https://policies.uoregon.edu/vol-3-administration-student-affairs/ch-3-tuition-student-fees/tuition-and-fee-policy-book</a> ; and the <a href="#">Tuition and Fee Policy Book</a> (PDF)	<a href="https://brp.uoregon.edu/content/Fee-Guidelines">https://brp.uoregon.edu/content/Fee-Guidelines</a>
B. Interest on Overdue Accounts, E. Collecting Receivables, and F. Revolving Charge Account Program		(1) <a href="https://ba.uoregon.edu/content/business-expense-guidelines#interest-charges">https://ba.uoregon.edu/content/business-expense-guidelines#interest-charges</a> , (2) <a href="https://ba.uoregon.edu/content/billing-account-terms-and-conditions">https://ba.uoregon.edu/content/billing-account-terms-and-conditions</a> , (3) <a href="https://ba.uoregon.edu/content/fags-student-billing-account">https://ba.uoregon.edu/content/fags-student-billing-account</a>
C. Library Fines Appeal Process and D. Appeals of Library Policy		(1) <a href="https://library.uoregon.edu/borrowing/oregon_card">https://library.uoregon.edu/borrowing/oregon_card</a> ; (2) <a href="https://library.uoregon.edu/appealing-library-fines-or-fees">https://library.uoregon.edu/appealing-library-fines-or-fees</a>

## STATEMENT OF NEED

*What does this concept accomplish and why is it necessary?*

This inherited policy was an old OUS OAR that included a number of things, all of which are addressed elsewhere, as outlined in the above-cited policies and procedures under “Related Statutes, Regulations, Policies, Etc.” Thus, there is no impact for the repeal of this content since everything is otherwise addressed elsewhere.

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## AFFECTED PARTIES

*Who is impacted by this change, and how?*

There is no affected party as the repeal does not have practical effect (the content is addressed elsewhere). Those subject to the policy – students, employees, etc. – are still subject to the various provisions articulated elsewhere, such, but not limited to, as the fee policy book, library terms, or student billing agreements.

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## CONSULTED STAKEHOLDERS

<b>Name</b>	<b>Office</b>	<b>Date</b>
Donna Sutton Chittenden	Fee Book Administrator	Nov 2018
Kelly Wolf	AVP, Business Affairs, and Controller	Nov 2018
Adriene Lim	Dean of UO Libraries	Nov 2018
Mark Watson	Associate Dean, Research Services, UO Libraries	Nov 2018
JP Monroe	Director, Institutional Research	Jan 2019

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**Reason for Policy**

This policy outlines certain regulations pertaining to certain special fees, fines, penalties and services charges at the University.

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**Entities Affected by this Policy**

All students and employees of the UO.

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**Web Site Address for this Policy**

<http://policies.uoregon.edu/special-fees-fines-penalties-service-charges>

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**Responsible Office**

For questions about this policy, please contact Business Affairs at 541-346-3165.

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**Enactment & Revision History**

03 September 2015 - Technical revisions enacted by the university secretary

01 July 2014 - Became a University of Oregon Policy by operation of law

Former Oregon Administrative Rule Chapter 571 Division 60

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**Policy****A. Special Fees, Fines, Penalties, Service Charges**

The University of Oregon (University) has adopted by reference a list of Special Fees, Fines, Penalties, Service Charges, etc., for the current fiscal year:

(1) The fees, fines, penalties and service charges listed by reference in this policy are updated annually and copies are on file in the listed departments by July 1.

(2) The amounts and conditions of these fees may change from time to time throughout the year due to administrative considerations, changing costs, changes in institutional budgets, etc. If the size and the amount of these fees are or could be of importance to users, they should

verify the details prior to making a commitment, before entering into any planning activities or before actually incurring any charges.

(3) The master copy of the current list of fees is maintained in the Office of the Director of Business Affairs and is available upon request to any person during regular business hours. The Director of Business Affairs also maintains a bulletin board where fee changes made during each 30-day period are posted. Following that posted period, the changes are filed within the master copy.

(4) University departments charging fees shall maintain a copy of at least that department's section of the list of special fees, fines, penalties and service charges including any updates made during the course of the fiscal year. The list and all current changes shall be available upon request to any person during regular departmental business hours.

(5) No department may change fees between annual amendments to this policy without first obtaining an approved statement of justification signed by the appropriate Vice-President. Prior to granting approval of any fee charged to students, the Vice-President shall consult with the Office of Student Advocacy. Changes in fees approved by the Vice-President and the justification statement shall be posted for 15 days in a public area of the departmental office. The new fee, fine, penalty or charge becomes effective at the end of the 15-day posting period after it is filed with the Director of Business Affairs along with the justification statement.

(6) However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees, and residence hall and housing charges, shall be adopted in accordance with the provision of ORS 183.310 to 183.500.

(7) Certain charges, fees or fee schedules may, according to ORS 351.072(b), be adopted without compliance with policy-making provisions of ORS 183.310 to 183.500. They are: charges relating to symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or institutional publications.

## **B. Interest on Overdue Accounts**

(1) Interest at the rate of nine percent may be charged and collected on all liquidated debts which are six months past due.

(2) Interest at rates up to 12 percent may be charged and collected on all debts six months past due when so stated in the contract, promissory note, or other written agreement for extension of credit.

### **C. Library Fines Appeal Process**

(1) University Library borrowers who believe they have been assessed in error library fines or charges for lost or damaged materials or that extenuating circumstances warrant reduction or cancellation of the amount billed them by the Library through the Business Office shall first appeal to the classified staff member or Library faculty member in the Library unit where the borrowing transaction originally took place. Student employees are not authorized to handle appeal requests:

(a) Any appeal should be made within 30 calendar days of the original billing by the Business Office or of the date of the notice of deduction from the student deposit;

(b) The Library shall publish notice of the availability of this appeals process and shall provide copies of such notice at circulation desks and/or upon request.

(2) The following reasons do not constitute legitimate grounds for appeal:

(a) Lack of understanding of Library policy;

(b) Failure to receive notices mailed by the Library. It is the borrower's responsibility to provide a correct address;

(c) Borrower's absence when materials were due or when notices were sent;

(d) Materials charged out by one borrower and then lent to another. The borrower whose name appears on the charge card is fully responsible. Borrowing privileges are non-transferable;

(e) Accounts referred to a collection agency;

(f) Charges incurred over 545 days before the date of appeal.

(3) The Library employee shall review with the borrower Library circulation records, explain the questioned transaction referring to applicable Library policies, describe any alleged damage or loss and/or other evidence leading to the assessment of the fine or charge.

(4) If the explanation and review do not satisfy the borrower of the appropriateness of the fine or charges, the borrower may ask to be referred to the appropriate supervisor:

(a) Library supervisors are authorized to cancel all or part of any fine or charge; or

(b) Library supervisors may determine that the fine or charge was correctly applied.

(5) Appeal of a supervisor's decision shall be made by the borrower completing an "Appeal of Library Charges" form and returning it within two weeks to the supervisor whose decision is unsatisfactory. Upon receipt of the appeal form, the supervisor shall arrange a mutually convenient appointment for the borrower and the appropriate Library Department Head. The Department Head may, upon reviewing the facts, waive a part or all of the fine or charge or may uphold the billing. The Department Head shall explain the decision to the borrower and record the decision on the appeal form.

(6) Department Head's decision may be appealed to the Assistant University Librarian for Public Services within two weeks of the Department Head's decision. The Assistant University Librarian for Public Services shall make a decision within two weeks of receipt of the appeal of the Department Head's decision. The decision shall be recorded on the appeal form.

(7) Assistant University Librarian for Public Services' decisions may be appealed to the University Librarian within two weeks of receipt of the Assistant University Librarian for Public Services' decision. The University Librarian shall make a decision in writing within two weeks of receipt of the appeal:

(a) For public borrowers, appeal to the University Librarian shall constitute the end of the available appeals within the University;

(b) For members of the University community (faculty, students and staff), appeal to the University Librarian shall be considered as satisfying Step One of the University's grievance procedure outlined in Policy 571.003(B). Continuation of the complaint through all the steps in Policy 571.003(B) shall exhaust University community borrowers' appeals within the University.

#### **D. Appeals of Library Policy**

(1) In the event a member of the University community (faculty, student or staff) believes a University of Oregon Library circulation policy is unjust, unclear, or unfair (either universally or individually), two avenues of appeal exist:

(a) A statement of particulars (including name and a contact address) may be placed in the Library Suggestion Box located between the Circulation Desk and Reference area on the first floor of the Main Library. A response to the suggestion or proposed policy reform will be posted above the suggestion box and sent to the person making the suggestion if a name and adequate address are provided; or

(b) An appointment may be made with the Assistant University Librarian for Public Services to discuss the policy in person.

(2) If the Assistant University Librarian for Public Services concludes that a Library policy should be reconsidered, suggested changes shall be brought to the attention of the University Library administration.

(3) Appeal of the Assistant University Librarian for Public Services' decision may be made in writing to the University Librarian within two weeks of receipt of that decision.

(4) Appeal to the University Librarian shall exhaust the University's appeal process for members of the general public. For members of the University community (faculty, students and staff), appeal to the University Librarian shall be considered as satisfying Step One of the University's grievance process outlined in Policy 571.003(B). Continuation of the appeal through all the Steps in Policy 571.003(B) shall exhaust University community members' appeals within the University.

#### **E. Collecting Receivables**

(1) As directed by Policy 580.041(A), the University of Oregon Business Office exercises due diligence in collecting accounts and notes receivables by using, as appropriate, the following remedies:

(a) Withhold transcripts;

(b) Deny registration;

(c) Withhold further account receivable privileges;

(d) Evict from residence hall or student family housing for nonpayment of room and/or board fee;

(e) Apply any credits in favor of the debtor to the debt;

(f) Assess penalties, interest, late fines, and collection charges as allowed by statutes and regulations;

(g) Utilize telephone inquiries;

(h) Send letters of demand;

- (i) Use "skip trace" information as allowed by statutes;
  - (j) Utilize offset procedures with other state agencies;
  - (k) Utilize Department of Revenue as a collection agent;
  - (l) Institute legal action as permitted by statutes and regulations;
  - (m) Seek collections on judgments as permitted by statutes;
  - (n) Contract with outside collection agencies.
- (2) Before initiating remedies listed in subsections (1)(c), (d), (j), (k), (l), (m), or (n) of this section, the University of Oregon Director of Business Affairs shall:
- (a) Give at least seven days notice to the debtor of the deficiency asserted (if that person has not been properly notified by the department which initiated the charge);
  - (b) The notice shall list the possible remedies and/or collection procedures to be followed;
  - (c) Inform the debtor of the existence of informal and formal hearing appeal processes in cases where the amount of the debt is challenged.
- (3) The University of Oregon Director of Business Affairs may waive any of the above remedies if approved by the Vice-President for Administration, but only in those instances which serve the best interest of the institution, the state or the federal government, or where required by state or federal statutes.
- (4) A debtor shall have 60 days after receiving initial notification of the charge (or such shorter time as the department or unit initiating the charge may specify in published procedures available for the asking at the departmental or unit office) in which to present to the department or unit initiating the charge a challenge to the debt. Such a challenge must have been made and denied in whole or in part (or must not have produced a departmental/unit response within 20 days after submission) to qualify the debtor for a further hearing in the Office of Business Affairs. If the debtor is eligible for such a hearing, he/she must request it no later than 60 days after the denial (or non-response) of his/her challenge at the highest available level of the initiating department or unit or 60 days from the date on the notice provided for in section E(2) of this policy. The University of Oregon Director of Business Affairs shall grant a hearing upon written request from any debtor disputing the amount owed or circumstances related thereto. The written procedures to be followed in requesting a hearing



are available at the University of Oregon Business Office during regular business office hours Monday through Friday.

(5) In the event the hearing before the Director of Business Affairs does not satisfy the complaint, the debtor may appeal in writing within seven days of receipt of the Director of Business Affairs' decision to the Vice-President for Administration.

(6) The procedures in this policy conform with the requirements of federal and state laws and regulations.

#### **F. Revolving Charge Account Program**

(1) The University of Oregon offers extended payment terms utilizing a revolving charge account program as authorized by University policy (580.040.0041).

(2) Any person, organization, or agency that

incurs charges, fines, or penalties at the University of Oregon is eligible to participate in the revolving charge account program, except that the University of Oregon may deny use of the minimum payment privilege to persons, organizations, or agencies that do not have a good credit history with the University of Oregon, and to anyone who has been in default status on student loans.

(3) Participants in the revolving charge account program shall sign a revolving charge account agreement and abide by the terms and conditions of the program as set forth in that agreement.

(4) The terms and conditions of the revolving charge account program may be imposed upon debts arising from fines, penalties, and the like, without the requirement that the debtor sign a revolving charge account agreement.

(5) Revolving charge account debtors have the right to pay the outstanding debt in full at any time without penalty.

(6) The interest rates and service charges applicable to revolving charge accounts are described in Section A as amended.

(7) The collection policies applicable to the revolving charge account program are described in Section E.

(8) Students must pay, in full, all tuition and fees incurred in any given term or semester, prior to the start of the next term or semester.

(9) The University of Oregon reserves the right to amend the terms and conditions applicable to revolving charge accounts without securing a new agreement. Debtors shall be notified, in writing, of any changes in applicable interest rates, charges or fees, in advance of these changes taking place.

(10) In cases of errors or questions, a debtor may challenge a charge within 60 days after the first bill on which the suspected error or problem appeared. Inquiries should be directed to the office initiating the charge. If an error is found, affected charges will be adjusted. Further appeals shall be processed under the procedures described in Section E(4).

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**Related Resources**

N/A