

**Department of Public Safety Standards and Training
(DPSST or the Department)
Memo**

Date: May 2026

To: Telecommunications Policy Committee (TPC)
Corrections Policy Committee (CPC)
Police Policy Committee (PPC)

From: Jennifer Howald
Administrative Rules Coordinator

Subject: **Proposed Rule Changes for Oregon Administrative Rules (OAR) 259-008-0300 and 259-008-0310**
Denial and Revocation Processes for Professional Standards Cases Involving Student Dismissals or Employment Arbitration Findings

Overview:

At the February 2026 Policy Committee meetings, the Department presented a comprehensive package of proposed changes to the moral fitness standards and the processes used to deny or revoke public safety professional certifications. Following that work, staff identified two additional issues requiring clarification within the rules that guide professional standards cases. This memo presents proposed rule amendments to address those issues.

Professional Standards Cases Based On A Student Dismissal

OAR 259-008-0300 (3)(b)(D) gives the Department broad discretion to open professional standards cases based on any violation of student conduct standards, even when the violation did not result in dismissal. This exceeds the intended scope of the rule and creates ambiguity about who determines that a violation occurred.

The proposed amendment limits discretionary professional standards cases to situations where a student is dismissed under OAR 259-012-0035 for a conduct violation. This clarifies that the Training Division, not Department compliance staff, makes the conduct determination and narrows the grounds for opening professional standards cases.

OAR 259-012-0010 and 259-012-0035 are included at the end of this memo as a context reference. There are no proposed changes for these rules.

Professional Standards Cases That Include An Employment Arbitrator's Findings

OAR 259-008-0310 (8) ties the outcomes for professional standards cases to an arbitrator's findings, which unintentionally limits the Board's independent authority to determine moral fitness.

The proposed revisions remove prescriptive outcomes based on an arbitrator's findings and instead affirm that the Department, Board, and Committees retain authority to make independent findings related to moral fitness and certification. Arbitrator findings may still be considered while reviewing professional standards cases but the findings are not determinative. An arbitrator's findings about employment, such as whether misconduct occurred or whether reinstatement is warranted, do not control moral fitness and certification decisions.

The amendments also clarify that when an arbitrator orders reinstatement, the Department may continue to review and process the professional standards case as a discretionary case.

Proposed Rule Changes:

The proposed rule changes for OAR 259-008-0300 and 259-008-0310 include recommended additions noted with **bold and underlined text** and deletions noted with ~~strikethrough text~~. For ease of review, only the amended sections of the rule have been included (omissions are noted with ***).

259-008-0300 Grounds for Denial, Revocation or Emergency Suspension of Public Safety Professional Certifications

(3) Discretionary Denial or Revocation of a Public Safety Professional's Certifications.

(a) The Department may deny or revoke a public safety professional's certifications based upon a finding that the public safety professional engaged in conduct that includes any or all of the following elements:

(A) Dishonesty. Dishonesty is intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth;

(B) Misuse of Authority. Misuse of Authority is intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another; or

(C) Misconduct.

(i) Misconduct includes conduct that violates criminal laws, conduct that threatens or harms persons, property or the efficient operations of any agency, or discriminatory conduct;

(ii) For the purposes of this rule, discriminatory conduct includes a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age or any protected class as defined by state or federal law, and would lead an objectively reasonable person to conclude that the public safety professional cannot perform the duties of office in a fair and impartial manner.

(b) For the purposes of this rule, conduct subject to discretionary review includes, but is not limited to:

(A) A criminal disposition when the criminal disposition is not a conviction constituting mandatory grounds as defined in section (2) of this rule;

(B) Conduct related to an arrest, a criminal citation to appear or its equivalent, or a criminal disposition;

(C) Conduct related to circumstances concurrent to a separation of employment from a certifiable position such as, but not limited to, investigation, settlement agreement or allegations of misconduct;

(D) ~~Conduct that violates the standards of student conduct defined in OAR 259-012-0010;~~
Conduct related to a dismissal from a basic training course pursuant to OAR 259-012-0035 for a violation of the standards of student conduct defined in OAR 259-012-0010;

(E) Falsification of any information on any documents submitted to the Board or the Department;
or

(F) Conduct identified through receipt or discovery of information that would lead an objectively reasonable person to conclude that the public safety professional violated Board established employment, training, or certification standards for public safety professionals.

259-008-0310 Denial/Revocation - Initiation and Review of a Professional Standards Case

~~(8) In professional standards cases where there has been an arbitrator's opinion related to the public safety professional's employment, the Department will proceed as follows:~~

~~(a) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Department will proceed with review of the professional standards case pursuant to this rule.~~

~~(b) If the arbitrator has ordered employment reinstatement after a separation of employment without a finding related to whether the misconduct occurred, the Department will proceed with review of the professional standards case pursuant to this rule.~~

(e) If the arbitrator's opinion finds that underlying facts did not support the allegations of misconduct, the Department will recommend administrative closure of the professional standards case to a Policy Committee, unless the Department receives or discovers additional information that would lead an objectively reasonable person to conclude that the public safety professional has violated Board established employment, training, or certification standards for Oregon public safety professionals.

(8) Professional Standards Cases Involving Employment Arbitration.

(a) The Department may stay its review of a professional standards case after receiving notice that the separation from employment is under arbitration.

(b) After the arbitration is complete, the Department will proceed with review of the professional standards case pursuant to this rule.

(c) While an arbitrator's findings may be considered when reviewing a professional standards case, the Department, the Board and the Policy Committees retain independent authority to determine whether the public safety professional's conduct violates the moral fitness standards.

(d) In professional standards cases where the Department determines that substantial evidence exists to support denial or revocation of the public safety professional's certification and the arbitrator ordered reinstatement of employment, the Department may continue to review the case as a discretionary professional standards case.

Proposed Administrative Rule Fiscal & Economic Impact Statements:

The denial and revocation standards and processes that apply to public safety professional certifications are amended by these rule changes. It is understood that any time a person's certifications are denied or revoked there is a fiscal impact, however this is not a new outcome. Any fiscal impact associated with denial or revocation under the circumstances described in these rule changes already exists under current rules.

Entities subject to these rule changes:

- Individuals employed as a public safety professional
- State Agencies: The Department of Public Safety Standards and Training (DPSST), Oregon State Police, Department of Corrections, Oregon Liquor and Cannabis Commission, Board of Parole and Post-Prison Supervision, Department of Justice, and Oregon Judicial Department
- Cities and Counties: Police Departments, Sheriff's Offices, Dispatch Centers, and Community Corrections agencies
- Tribal governments with public safety officers certified by DPSST
- Oregon Health Sciences University (OHSU)
- Public Universities with Police Departments

- Private Ambulance Companies with emergency medical dispatchers certified by DPSST

The Department estimates that there are five small businesses subject to this rule. Those businesses are private ambulance companies who have employees who are required to be certified by the Department as emergency medical dispatchers. There were no unique fiscal impacts identified for these small businesses.

Department Recommendation:

The Department recommends approval to file OAR 259-008-0300 and 259-008-0310 as proposed rule changes.

If the Policy Committee votes to approve these proposed rule changes, the Department will submit the proposed rule change to the Secretary of State. A public comment period will follow.

After the public comment period, the Department will combine these rule changes with the initial moral fitness rule change package and return to the Policy Committees in August for final approval to submit the combined changes to the Board for adoption.

Action Items:

#1 Consensus – (Discussion) Approve or amend the fiscal impact statements prepared by staff.

#2 Vote – (Motion) Approve filing for OAR 259-008-0300 and 259-008-0310 as proposed rule changes for public comment.

Supplemental Reference Material:

OAR 259-012-0010 Standards of Student Conduct

(1) Students attending mandated training courses at the Academy must adhere to the following standards of conduct:

(a) Students must comply with the DPSST Student Rules and Regulations and any other rule or policy that the Department provides to students while at the Academy; and

(b) Students are prohibited from engaging in the following conduct:

(A) Harassment. Harassment includes verbal or physical actions that could be reasonably construed to demean, target or harm another person, group of persons or a person's employer. Harassment also includes sexual harassment, bullying or hazing;

(B) Discrimination. Discrimination includes conduct that could be reasonably construed to be unfair treatment of another person because of the person's actual or perceived race, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, or medical or physical condition or disability;

(C) Academic Dishonesty. Academic dishonesty includes, but is not limited to:

(i) Cheating, which includes accessing or using unauthorized materials, information, tools, or study aids.

- (ii) Plagiarism, which includes presenting another’s material as one’s own or submitting material generated by others. This may also include work that is purchased or otherwise prepared by another individual or unauthorized use of artificial intelligence (AI) content generators and generative AI tools.
 - (iii) Providing or receiving scenario plots, test questions, test answers, or any other confidential or restricted curriculum content.
 - (iv) Aiding or abetting academic dishonesty.
 - (v) Failing to disclose, or withholding information about, acts of academic dishonesty.
 - (D) Conduct that would constitute a criminal offense;
 - (E) Conduct that threatens or harms the health or welfare of another person;
 - (F) Conduct that compromises the integrity of the training;
 - (G) Conduct that impedes the delivery of or participation in training;
 - (H) Participating in any portion of a mandated training course while impaired to a noticeable or perceptible degree due to consumption or use of an intoxicant as the term is defined in ORS 801.321;
 - (I) Personal use or possession of alcohol, cannabis, or illicit drugs on the OPSA campus; or
 - (J) Intimate physical contact of a sexual nature while on Academy property.
- (2) Any violation of the standards of conduct defined in section (1) of this rule may result in dismissal from the Academy pursuant to OAR 259-012-0035.

OAR 259-012-0035 Student Suspension or Dismissal from a Mandated Training Course

(1) Suspensions. The Department may immediately suspend a student from a mandated training course when a situation requires immediate action to preserve the safety or integrity of the classroom or training venue.

(2) Suspension for a Safety Violation.

(a) The Department will notify the student’s employing agency that the student has been suspended from training due to a safety violation.

(b) The suspension will remain in effect until the safety issue has been resolved.

(c) Once resolved, the Department may reinstate the student to their current course.

(d) If the safety issue can’t be resolved during the student’s current course, the Department, in consultation with the employing agency, may schedule the reinstatement to occur in a different course.

(e) Absences resulting from suspension are unexcused. Coursework and training missed due to a suspension must be completed or remediated as determined by the Department.

(3) Suspension for a Violation of the Student Rules and Regulations or the Standards of Student Conduct Defined in OAR 259-012-0010.

(a) The Department will notify the student’s employing agency that the student has been suspended from training due to a violation or alleged violation of the Student Rules and Regulations or the Standards of Student Conduct.

(b) The suspension will remain in effect until the investigation required pursuant to section (4) of this rule is complete.

(c) Absences resulting from suspension are unexcused. Coursework and training missed due to a suspension must be completed or remediated as determined by the Department.

- (4) The Department must complete an investigation when a student engages in conduct that violates the Student Rules and Regulations or the Standards of Student Conduct defined in OAR 259-012-0010 or the Department receives an allegation of a violation.
- (a) Upon initiation of an investigation, the Department will notify the student's employing agency. The notice of an investigation may be combined with a notice of suspension.
 - (b) The investigation must be completed following the policies or procedures adopted by the Department for investigating student conduct.
 - (c) If the Department's investigation does not sustain any violations, the Department may reinstate the student to their current course.
 - (d) If the Department's investigation results in sustained findings of a violation, the Department may consider the aggravating and mitigating circumstances and may impose conditions on the student's reinstatement to training pursuant to section (6) of this rule, up to and including dismissing the student from the Academy.
 - (e) Upon completion of the investigation, the Department must provide the student and the employing agency with a copy of the investigation summary and findings. The Department must also provide the student and the employing agency with a notification regarding any conditions imposed on the student's reinstatement to training.
- (5) Dismissal. The Department may dismiss a student when an investigation completed pursuant to section (4) substantiates that the student violated the Student Rules and Regulations or the Standards of Student Conduct defined in OAR 259-012-0010.
- (a) The Department may dismiss a student from the Academy regardless of whether the student has already been withdrawn from a course or separated from their employment.
 - (b) The Department may impose conditions for reinstatement to training as defined in section (6) of this rule.
 - (c) Absences resulting from dismissal are unexcused. Coursework and training missed due to a dismissal must be completed or remediated as determined by the Department.
 - (d) Pursuant to OAR 259-008-0300, dismissal from the Academy for a violation of the Student Rules and Regulations or Standards of Student Conduct is subject to discretionary review for denial of training and certification.
 - (e) If the student is dismissed, the Department must forward a copy of the completed investigation to the Department's professional standards compliance staff within five business days after the opportunity to appeal the dismissal expires or, if appealed, the appeal process is completed.
- (6) Conditional Reinstatement of Training.
- (a) The Department may impose any of the following conditions for reinstatement to training when a student has been suspended or dismissed:
 - (A) The student must be reinstated to a different course. If a professional standards review is required under OAR 259-008-0300, the reinstatement may occur before the review is completed;
 - (B) The student must wait to be reinstated to a different course until the professional standards review required under OAR 259-008-0300 has been completed and the case is either administratively closed or there is no action taken against the student's training or certification;
 - (C) The student must complete the mandated training course in its entirety and will not receive credit for any part of the mandated training course that was completed by the student prior to the dismissal; or
 - (D) Any other conditions identified by the Department and related to scheduling or completion of any portion of the mandated training course.

- (b) The following factors must be considered when making the decision to reinstate the student to their current course or a different course:
- (A) Whether or not the amount of coursework and training missed can be completed or remediated during the student's current course;
 - (B) Whether or not the student can be added to another course at a point in the course schedule that corresponds with the coursework and training that needs to be completed or remediated;
 - (C) Whether or not the effectiveness of the course would be adversely affected by the length of absence if the student is permitted to complete the missed and remaining portions of the course without restarting the course;
 - (D) Whether or not the student or other students in the course would be adversely affected by reinstating the student to their current course; and
 - (E) Any other factors that affect the student's reinstatement or the Department's delivery of the course.
- (c) When reinstating a student to a different course, the Department may coordinate with the employing agency to schedule which course the student will be reinstated to.
- (d) A person is not eligible for reinstatement to training if they are no longer employed.
- (7) Appealing a Dismissal.
- (a) The student may appeal the dismissal by submitting a written request to the Director within three business days from the date of dismissal.
 - (b) The Director must schedule a meeting with the student to consider the request for appeal. The meeting must occur within three business days from receipt of the request to appeal.
 - (c) The meeting may be conducted in person or remotely, but it must be recorded and include the following individuals:
 - (A) The Director;
 - (B) A second Department representative;
 - (C) The student; and
 - (D) If the student chooses, no more than two personal representatives. Examples of personal representatives include, but are not limited to, members of the employing agency or legal representatives.
 - (d) The student may submit mitigation or new evidence in writing before or during the meeting, verbally during the meeting, or both.
 - (e) The Director must decide the outcome of the appeal within three business days after the meeting. After considering the sustained violations and any aggravating and mitigating circumstances, the Director may:
 - (A) Conduct or request additional investigation before making a decision;
 - (B) Uphold the dismissal and uphold the conditions for reinstatement as determined by the Department;
 - (C) Uphold the dismissal and modify the conditions for reinstatement; or
 - (D) Reverse the dismissal back to suspension and uphold or modify the conditions for reinstatement.
 - (f) The Director's decision is final and unappealable.
 - (g) The Director may appoint a designee for any portion of the appeal process.
 - (h) The Director or the appointed designee may approve an extension of time to complete any step of the appeal process.