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## PERMANENT ADMINISTRATIVE ORDER

ODA 1-2017  
CHAPTER 583  
HIGHER EDUCATION COORDINATING COMMISSION  
OFFICE OF DEGREE AUTHORIZATION

**FILED**

12/18/2017 10:22 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Student Complaints against public universities, community colleges, private non-profit institutions, and private career schools.

EFFECTIVE DATE: 12/18/2017

AGENCY APPROVED DATE: 12/14/2017

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AMEND: 583-030-0020

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

583-030-0020

Exercise of Office of Degree Authorization Authority ¶¶

~~Effective September 10, 2015:¶¶~~

- (1) A school that intends to offer to anyone from within Oregon or offer to Oregon residents from outside the state any form of instruction, lecture, training, tutoring, seminar, workshop, examination, evaluation, or other service represented as contributing credit or otherwise leading toward a specified or unspecified degree or certificate that will or might be conferred anywhere shall notify the Commission at least 6 months in advance and then promptly supply all information the Commission requests. Failure to notify the Commission in advance, or to provide information as directed, may result in the permanent denial of approval for the school to offer any services in or from Oregon, as well as administrative action, up to and including assessment of civil penalties.¶¶
- (2) Schools that offer no degrees in Oregon but want to offer a certificate are subject to the requirements of ORS chapter 345 and OAR chapter 715, division 45.¶¶
- (3) Schools intending to apply for authorization or exemption from the Commission shall provide the Commission with information about the school's ownership and structure, proposed programs, and relationships to other institutions, if any. On the basis of this preliminary information, the Commission's executive director will determine whether the school:¶¶
  - (a) Must apply for state authorization to offer instruction or related services leading to one or more degrees under the standards of OAR 583-030-0035 or 583-0830-0036;¶¶
  - (b) Is exempt for other than religious reasons under ORS 348.597;¶¶
  - (c) Is eligible for exemption under ORS 348.604 and therefore has a choice of standard state approval or religious

exemption.¶¶

(4) A school that applies for degree authorization or exemption shall use forms and follow procedures determined by the Commission. Failure to comply constitutes good reason to reject an application. Such school shall be open to inspection and may be inspected at any time to verify its statements and to examine facilities. Inspection of a school and evaluation of its application will be performed by state officials or consultants at the Executive Director's discretion, and results will be utilized as the Commission considers appropriate. Information from other examiners, such as accreditors or professional licensing agencies, may accompany materials submitted by the school and may be used by the Commission at its discretion.¶¶

(5) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services for specific periods:¶¶

(a) Authorization is normally given for the state as a whole, but may be limited by the Commission in order to ensure program quality or operational stability.¶¶

(b) The Commission, on the basis of judgment about the relationship between a curriculum and a degree title, may require revision of title. Degree titles may not contain the name of organizations, companies or products.¶¶

(c) Authorization is given for a specific degree for a fixed period of not less than two or more than four calendar years. The executive director may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the Commission.¶¶

(6) Authorization to offer instruction or related services leading to a degree expires at the end of the period for which it is given, without right or presumption of renewal, except that an authorized school having submitted to a complete and timely application for renewal continues to be authorized until such time as a review or revocation procedure may determine otherwise. After discontinuing its offer of an authorized degree before the end of the period of authorization, a school shall not reinstate the degree without permission from the Commission. A program shall be deemed discontinued if a period of two academic years passes without any students being enrolled in the program.¶¶

(7) Authorization to offer instruction or related services leading to a degree is subject at all times to supplemental review if the school appears to be at risk or approaching probation, suspension or revocation for proper cause according to procedures described in OAR 583-030-0045.¶¶

(8) Approval of a degree by the Commission does not constitute approval of the program as training for professional practice when the state licenses or otherwise regulates professional practice. Applicants must also seek approval from the appropriate state licensing entity.¶¶

(9) The Commission or its designee may enter into agreements and assess fees to cover costs of any proceeding relating to complaints as allowed by statute, including conducting an investigation, contracting with outside entity to conduct an investigation, or holding an administrative hearing, brought pursuant to 715-011-0090.

Statutory/Other Authority: ORS 348.606, ORS 350.075

Statutes/Other Implemented: ORS 648.606, ORS 348.597, ORS 348.603, ~~348.606~~ ORS 350.075

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## PERMANENT ADMINISTRATIVE ORDER

CCWD 2-2017  
CHAPTER 589  
HIGHER EDUCATION COORDINATING COMMISSION  
OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

**FILED**  
12/18/2017 10:10 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Student Complaints against public universities, community colleges, private non-profit institutions, and private career schools

EFFECTIVE DATE: 12/18/2017

AGENCY APPROVED DATE: 12/14/2017

CONTACT: Sean Pollack  
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Filed By:  
Kelly Dickinson  
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REPEAL: 589-010-0100

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Repealing this rule since rules pertaining to student complaints are now in Chapters 715 and 583.

CHANGES TO RULE:

~~589-010-0100~~

~~Nondiscrimination in Education Programs~~

~~(1) For the purposes of this rule:~~

~~(a) "Discrimination" or "discriminate" is defined as any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, national origin, religion, sex, age, disability, veterans' status, sexual orientation, or marital status.~~

~~(b) "Community College" is defined as any program or service operated by a community college or community college district.~~

~~(c) "Director" means the Director of the Office of Community Colleges and Workforce Development, or a person designated to act in his or her capacity.~~

~~(d) "Office" means the Office of Community Colleges and Workforce Development.~~

~~(2) No person in Oregon shall be subjected to discrimination in any Community College activity.~~

~~(3) Subject to exemptions granted by state or federal law, no person in Oregon shall be subject to discrimination in any terms or conditions of employment at any Community College. Every Community College shall develop and implement a nondiscrimination plan. Such plan shall be submitted to the Office at the time personnel policies are filed under OAR 589-008-0100.~~

~~(4) In providing education programs, services, or activities to students, a Community College shall not discriminate by:~~

~~(a) Treating one student differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;~~

~~(b) Providing different aid, benefits, or services; or providing such aids, benefits, or services in a different manner;~~

(c) Denying any student such aid, benefit, or service;¶

(d) Subjecting any student to separate or different rules or behaviors, sanctions, or other treatment;¶

(e) Aiding or perpetuating discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;¶

(f) Otherwise limiting any student in the enjoyment of a right, privilege, advantage, or opportunity.¶

(5) A Community College shall not discriminate when providing any course or otherwise carrying out any of its educational programs or activities, or requiring or refusing participation therein by any of its students.¶

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance.¶

(b) This section does not prohibit separating students by sex within physical education courses or activities, or during participation in sports in which the purpose or major activity involves bodily contact.¶

(6) Community Colleges shall not discriminate in offering housing facilities to students, except that:¶

(a) Separate housing may be provided for men and women; and¶

(b) Available housing of comparable quality may be divided between men and women on the basis of the number of applications for housing of each sex.¶

(7) Community Colleges shall not discriminate in providing financial assistance to applicants or students.

However, Community Colleges are free to determine the total amount or types of assistance that will be granted and may place reasonable limitations on eligibility for assistance coming from any particular source. Community Colleges may not assist any person, organization or group in the administration of financial aid on a prohibited basis. Community Colleges shall comply with the implementing regulations of Title IX of the Education Amendments of 1972, with respect to administration of sex-restricted scholarships. Community Colleges that award athletic scholarships must ensure that reasonable opportunities exist for members of each sex to participate on athletic teams.¶

(8) A Community College that actively assists any agency, organization, or person in making employment available to any of its students shall not assist prospective employers known by the Community College to discriminate in their recruitment, hiring, or employment practices.¶

(9) A Community College or any of its agents, including student groups, may not discriminate in offering to students a medical, hospital, or accident policy, plan, benefit, or service. However, Community Colleges may offer a benefit or service even though it is not used by the same proportion of students of one group as of another. When full coverage health services are provided, basic gynecological care shall be provided.¶

(10) The Director may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the Community College level.¶

(11) Community Colleges shall adopt written procedures for the prompt resolution of complaints of discrimination. A grievant may, after exhausting grievance procedures at the Community College level, or 90 days if no final decision has been made by the Community College, appeal in writing to the Director. On receiving a written appeal the Commissioner shall send a copy of the complaint to the President of the Community College to which the complaint applies. The Commissioner shall request the Community College to provide within ten days:¶

(a) A copy of the Community College's grievance procedures for hearing complaints of discrimination;¶

(b) A copy of all documents concerning the complaint and the Community College's record of the grievance proceeding;¶

(c) A copy of the Community College's written decision;¶

(d) The Community College's position concerning any issues raised by the appeal; and¶

(e) Any other information the Community College considers relevant.¶

(12) After receiving the Community College's response, if the Director determines that the person filing the appeal has not exhausted all Community College grievance procedures or that 90 days have not elapsed since the Community College received the complaint, the Director shall notify the complaining party and the Community College that the Director will take no action at this time. If the Director determines that the person filing the complaint has exhausted Community College grievance procedures or that the Community College has not issued a final decision and more than 90 days have elapsed since the Community College's receipt of the complaint, the

Director shall make a determination as provided under section (15) of this rule.¶¶

(13) The Director shall review the hearing record to determine the following:¶¶

(a) Whether the Community College followed its grievance procedures appropriately;¶¶

(b) Whether the Community College's findings are supported by facts and information in the record;¶¶

(c) Whether the Community College engaged in any action that constitutes discrimination.¶¶

(14) The Director shall consult the Department of Justice for advice if the appeal raises legal issues.¶¶

(15) Following review of the record, the Director shall:¶¶

(a) Issue an order of dismissal of the appeal upon a finding that the Community College properly followed its procedures and that no substantial evidence exists to support the charge of discrimination;¶¶

(b) Recommend mediation if both parties are willing to participate in mediation;¶¶

(c) Remand the complaint to the Community College for prompt resolution if the Director finds that the Community College has not followed its grievance procedures appropriately or that there are remaining factual issues that could be best resolved by the Community College;¶¶

(d) Issue an order with findings that the Community College has engaged in discrimination; or¶¶

(e) If the review indicates problems with the Community College's grievance procedure or its application of that procedure, require the Community College to submit a corrective action plan that addresses the deficiencies identified by the Commissioner within 30 days of the issuance of the Director's order.¶¶

(16) The Director shall enter an order in writing within 30 days of the filing of the appeal unless both parties agree to extend the time or the Director finds there is good cause for an extension of time. Should the Director find that an extension of time is warranted, notice of the allowed extension of time shall be delivered to all the parties within 30 days after the appeal was filed.¶¶

(17) If the Director finds that the Community College has engaged in discrimination, the Director shall require the Community College to submit a corrective action plan within 30 days of the issuance of the Director's order. The corrective action plan should be designed to assure that the Community College corrects any discrimination that has occurred and that the Community College has taken reasonable steps to assure that the discrimination will not reoccur.¶¶

(18) If a Community College fails to submit a corrective action plan or fails to carry out the terms of its corrective action plan, the Director shall consider the following sanctions:¶¶

(a) Withholding of state funding or¶¶

(b) Other remedies within the Director's discretion.¶¶

(19) The Director shall review the corrective action plan to ensure that it meets the requirements of the Director's order, and under appropriate circumstances, the Director may request additional information, conduct an on-site inspection, or take other appropriate action to ensure that the Community College has fully complied with the Director's order and the corrective action plan.¶¶

(20) The Director shall keep the Commission informed of any pending discrimination appeals and shall report to the Commission any final orders issued by the Director at the next regular meeting following issuance of the Director's order.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850, 659.855, 659.860

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## PERMANENT ADMINISTRATIVE ORDER

HECC 1-2018  
CHAPTER 715  
HIGHER EDUCATION COORDINATING COMMISSION

**FILED**

01/04/2018 11:26 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Student complaints against public universities, community colleges, private non-profit institutions, and private career schools.

EFFECTIVE DATE: 01/04/2018

AGENCY APPROVED DATE: 12/14/2017

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### RULES:

715-011-0005, 715-011-0010, 715-011-0015, 715-011-0020, 715-011-0025, 715-011-0030, 715-011-0035, 715-011-0040, 715-011-0045, 715-011-0050, 715-011-0055, 715-011-0060, 715-011-0065, 715-011-0070, 715-011-0075, 715-011-0080, 715-011-0085, 715-011-0090, 715-045-0023

ADOPT: 715-011-0005

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

### 715-011-0005

#### Definitions

For the purposes of this rule, unless otherwise indicated by context:

(1) Commission means the Higher Education Coordinating Commission or its designee.

(2) Career schools are those that are licensed under ORS Chapter 345 and:

(a) Admit as regular students, or maintain as a majority of their enrollment, those students who have earned a recognized high school diploma, the equivalent of a recognized high school diploma, or a GED certificate, or who are beyond the age of compulsory education in the State of Oregon; and

(b) Are authorized by the Commission to offer one or more educational programs beyond secondary education.

(3) Discrimination or discriminate is defined as any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, national origin, religion, sex, age, disability, veterans' status, sexual orientation, or marital status.

(4) Post-secondary education programs include:

(a) Community colleges operated under ORS Chapter 341; and

(b) Public universities listed in ORS 352.002.

(c) The Oregon Health Sciences University.

(5) Private non-profit colleges and universities are schools or their separately accredited campuses that:

(a) Have conferred degrees in this state under the same control for at least ten consecutive years; and¶¶

(b) Are accredited by a regional accrediting association or its national successor.¶¶

(6) Private colleges or universities include:¶¶

(a) Private independent colleges and universities; and¶¶

(b) Private schools, colleges or universities that are otherwise authorized by the Commission to offer degrees in Oregon under ORS 350.075(3)(i).¶¶

(7) (a) Prohibited discrimination means any act that either in form or operation, whether intended or unintended, differentiates among persons on the basis of age, veterans' status disability, national origin, race, color, marital status, religion, sex or sexual orientation.¶¶

(b) The definition of discrimination is applicable to post-secondary programs that receive direct appropriations from the Legislative Assembly and private career schools licensed under ORS 345.010 to 345.450.¶¶

(8) Retaliation means suspension, expulsion, disenrollment, grade reduction, denial of academic or employment opportunities, exclusion from academic or extracurricular activities, denial of access to transcripts, threats, harassment or other adverse action that substantially disadvantages a student in academic, employment or extracurricular activities.¶¶

(9) Student means a person who is enrolled or accepted for enrollment at a school for the purpose of obtaining a degree, certificate or other recognized educational credential offered by that school.

Statutory/Other Authority: ORS 345.240, ORS 350.075, ORS 659.850, ORS 659.853

Statutes/Other Implemented: ORS 659.850, ORS 659.860

ADOPT: 715-011-0010

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0010

Discrimination Prohibition

No person in Oregon shall be subjected to discrimination in any post-secondary education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by monies appropriated by the Legislative Assembly of the State of Oregon.

Statutory/Other Authority: ORS 345.240, ORS 659.850

Statutes/Other Implemented: ORS 659.850, ORS 659.860

ADOPT: 715-011-0015

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0015

Prohibition in Providing Courses

A post-secondary education or career school program shall not discriminate when providing access to classes, courses of study or other educational programs or activities, or requiring or refusing participation therein by any of its students: ¶

(1) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance: ¶

(2) This section does not prohibit separating students by sex within physical education courses or activities by objectively measured ability, or during participation in sports in which the purpose or major activity involves bodily contact.

Statutory/Other Authority: ORS 345.240, ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0020

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0020

Prohibition in Providing Financial Assistance

(1) In providing financial assistance to applicants or students, post-secondary education programs shall not unreasonably differentiate on a prohibited basis, except as provided below: ¶

(a) In determining the total amount or types of assistance to be granted; ¶

(b) In limiting eligibility for assistance that is of any particular type or sources; ¶

(c) In the application of criteria.¶

(2) Post-secondary education programs may not assist any person, organization or group in the administration of financial aid on a prohibited basis.¶

(3) Post-secondary education programs shall comply with implementing regulations of Title IX, Educational Amendments of 1972, with respect to administration of sex-restricted scholarships and fellowships.¶

(4) Post-secondary education programs that award athletic scholarships must ensure that reasonable opportunities exist for members of each sex to participate on athletic teams.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0025

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0025

Prohibition in Admission

(1) No person shall, on a prohibited basis, be denied admission or be subject to discrimination in admission to a post-secondary education program or career school.¶¶

(2) Each school, department or college in any post-secondary education program or career school that has an independent admissions process, or one supplementary to the programs admissions process, is considered an administratively separate unit for admission purposes and may not discriminate unreasonably on any of the prohibited bases (i.e., age, sex, sexual orientation, marital status, disability, national origin, race, religion, veterans' status).¶¶

(3) No test or other criterion for admission that unreasonably differentiates among individuals on a prohibited basis shall be used, unless the use of the test or criterion is shown to be a valid means of predicting success in the educational program, and other suitable tests or criteria not having such an adverse effect are shown to be unavailable.¶¶

(4) No preference in admission shall be given one person over another on a prohibited basis, such as by ranking individuals on a prohibited basis.¶¶

(5) Numerical limitations on the number of proportion of persons to be admitted may not be established on a prohibited basis.¶¶

(6) In making admissions decisions, a post-secondary education program or school:¶¶

(a) Shall not apply any rule concerning marital, parental or family status of an applicant or student that treats individuals differently on a prohibited basis;¶¶

(b) Shall not consider pregnancy, childbirth, termination of pregnancy or recovery therefrom to determine eligibility for admission, unless on a case-by-case basis the health of an individual relates directly to the capacity to participate effectively in activities necessary to the program. Such determinations shall be treated no differently than other health conditions;¶¶

(c) Shall not make pre-admission inquiry as to marital status of an application for admission, including whether such applicant is "Miss" or "Mrs."

Statutory/Other Authority: ORS 659.850, ORS 345.240

Statutes/Other Implemented: ORS 659.850, ORS 345.240

ADOPT: 715-011-0030

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0030

Prohibition in Housing

Post-secondary education programs offering housing facilities shall not, on a prohibited basis, unreasonably differentiate among applicants or students in housing fees charged or services or benefits offered in housing, except as provided below:¶¶

(1) Separate housing may be provided for the separate sexes.¶¶

(2) Available housing may be divided between men and women on the basis of the number of applicants for housing of each sex, provided the housing is comparable in quality and cost.¶¶

(3) Qualifications for occupancy of family housing shall be the same for married women students as for married men students, and shall be the same for single parents of either sex.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0035

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0035

Prohibition in Health Insurance Benefits and Services

(1) A post-secondary education program or its constituent parts, including student groups, may not offer to applicants or students a medical, hospital or accident policy, plan, benefit or service that unreasonably discriminates on a prohibited basis.¶

(2) Post-secondary education programs may offer a benefit or service even though it is not used by the same proportion of students of one group as of another. When full-coverage health services are provided, basic gynecological care shall be provided.¶

(3) Whatever limits a health service establishes as to services offered shall not differentiate unreasonably among individuals on a prohibited basis.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0040

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0040

Prohibition in Recruitment

(1) In recruiting students, post-secondary education programs shall not unreasonably differentiate among individuals on a prohibited basis.¶

(2) A post-secondary education program shall not recruit primarily or exclusively from schools or other educational institutions that admit applicants or students predominately on a prohibited basis, if such actions result in discriminatory enrollment.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0045

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0045

Prohibition in Employment

(1) Post-secondary education programs shall assure that nondiscriminatory policies are followed in student employment.

(2) Post-secondary education programs that actively assist any agency, organization, or person in making employment available to any of its students shall not assist prospective employers known by the post-secondary education program to discriminate in their recruitment, hiring, or employment practices.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0050

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0050

Prohibition in Providing Education Programs, Services or Activities

To the extent a program, service or activity is not covered by OAR 715-11-0010 through 715-11-0045 this rule applies. In providing education programs, service or activities to students, a post-secondary education program or career school shall not discriminate by: ¶

(1) Treating one student differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service; ¶

(2) Providing different aid, benefits or services; or providing such aids, benefits, or services in a different manner; ¶

(3) Denying any student such aid benefit, or service; ¶

(4) Subjecting any student to separate or different rules or behaviors, sanctions, or other treatment; ¶

(5) Excluding students from participating in or denying the benefits of any academic, extracurricular, research, occupational training, or other educational program or activity provided or, if not operated by the post-secondary education program, is required of students; ¶

(6) Providing assistance in making educational or career choices, or in the counseling and guidance services offered, nor among applicants for admission if such services are offered; ¶

(7) Aiding or perpetuating discrimination by joining or remaining a member of agency or organization that discriminates in providing any aid, benefit, or service to students or employees; ¶

(8) Otherwise limiting any student in the enjoyment of a right, privilege, advantage, or opportunity.

Statutory/Other Authority: ORS 345.240, ORS 659.850

Statutes/Other Implemented: ORS 345.240, ORS 659.850

ADOPT: 715-011-0055

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0055

Textbooks and Curricular Materials

Nothing herein either prohibits or requires the use of any particular textbook or curricular materials, nor infringes upon academic freedom of faculty to create a syllabus or select materials for a course. If however, materials are found upon investigation to exert a discriminatory impact on the basis of age, sex, sexual orientation, marital status, disability, national origin, race, or religion, the post-secondary education programs and divisions shall make a reasonable effort to make available supplemental alternative nondiscriminatory materials.

Statutory/Other Authority: ORS 659.850

Statutes/Other Implemented: ORS 659.850

ADOPT: 715-011-0060

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0060

Retaliation Prohibited

A student of a career school, a post-secondary education program or a private college or university may not be subjected to retaliation for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

Statutory/Other Authority: ORS 659.852

Statutes/Other Implemented: ORS 659.852

ADOPT: 715-011-0065

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0065

Requirements of Post-Secondary Education Programs

Each post-secondary education program and career school shall promptly adopt and publicize, and shall maintain, written procedures for resolution of complaints of discrimination or retaliation.

Statutory/Other Authority: ORS 345.240, ORS 659.850, ORS 659.860

Statutes/Other Implemented: ORS 659.850, ORS 354.120, ORS 659.852

ADOPT: 715-011-0070

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0070

Investigation of Career Schools

(1) Upon the written complaint of any person or pursuant to the Commission's own motion, the Commission or its delegate may investigate the actions of any career school or agent or any person who assumes to act in either capacity within this state. ¶

(2) Upon receipt of any written complaint filed under this rule or ORS 345.120(1), the commission shall notify the career school that it is the subject of an investigation. ¶

(a) When conducting an investigation, the Commission shall engage with both the career school under investigation and any affected students. ¶

(b) The Commission may impose penalties as defined in OAR 715-045-0190 if the school is found to be in violation of any standard or applicable rule. A school may also request a contested case hearing under ORS 183.310(2) upon receipt of the results of an investigation made under this rule. ¶

(c) In addition to any penalties, the Commission may also issue a notice for corrective action. If a school has been issued a notice of corrective action, that notice must include specified deficiencies that must be corrected within a specific time frame. ¶

(d) A school may request a contested case hearing under 183.310(2) upon the notice of a suspension or revocation of its license based upon an investigation conducted by the Commission finding the school has engaged in conduct described in ORS 345.120 (3)(a) through (d). ¶

(e) If a school requests a contested case hearing under 183.310(2), the school may not have its license suspended or revoked unless or until a public hearings officer determines there is proper cause. ¶

(f) Sections (a) and (b) of this rule do not limit the statutory authority of the commission to investigate schools regardless of receiving allegations from the public. ¶

(g) If the complaint alleges a violation of Oregon Revised statutes 345.010 to 345.070 or standards of OAR 715-045-0006 through 715-045-0220, the complainant may complain directly to the Commission or its delegate under OAR 715-011-0075.

Statutory/Other Authority: ORS 348.603, ORS 345.120, ORS 350.075

Statutes/Other Implemented: ORS 348.603, ORS 345.120, ORS 350.075

ADOPT: 715-011-0075

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0075

Types of Complaints

(1) Students may file formal written complaints to the Commission of prohibited discrimination in post-secondary education programs that receive direct appropriations from the Legislative Assembly.

(2) Students may file formal written complaints to the Commission of prohibited discrimination in admission or instruction at career schools.

(3) A formal written complaint may be made to the Commission of retaliation by:

(a) Post-secondary education programs and

(b) Career schools.

(4) (a) Students of private non-profit independent colleges may file formal complaints to the Commission that relate to state financial aid.

(b) The Commission shall refer other complaints regarding private non-profit independent colleges to appropriate state or federal authorities.

Statutory/Other Authority: ORS 345.240, ORS 348.603, ORS 350.075, ORS 659.850, ORS 659.852

Statutes/Other Implemented: ORS 350.075, ORS 659.850, ORS 659.852, ORS 345.120, ORS 648.596

ADOPT: 715-011-0080

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0080

Institutional Processes and Complaints to the Commission

(1) It is the policy of the Commission that students should exhaust all available institutional processes and remedies for complaints against any school or post-secondary institution before filing a formal written complaint with the Commission. ¶

(2) If the Commission or its delegate determines that the person filing the complaint has not exhausted all institutional grievance procedures, the Commission or its delegate shall notify the complaining party and the institution that no action will be taken unless and until institutional appeals have been exhausted. If the Commission or its delegate determines that the person filing the complaint has exhausted institutional grievance procedures or that the institution has issued a final decision, the student may then file a formal written complaint with the Commission. ¶

(3) If a grievant demonstrates an objectively reasonable basis for not exhausting the available process, the Commission or its designee may receive the complaint. ¶

(4) The Commission may only receive written complaints from students of post-secondary programs, private independent non-profit colleges and universities, and private career schools for matters where the Commission's authority is designated by statute and administrative rule. All other complaints will be referred back to the institution of origin or to appropriate state agencies or federal authorities. ¶

(5) The complaint shall be submitted in writing to the Commission or its designee and shall contain: ¶

(a) The complainant's name, address, phone number, email address and signature; ¶

(b) School name, address, and phone number; ¶

(c) A brief statement indicating what the violation is, including facts detailing dates of enrollment, attendance, termination date, date of occurrence(s), names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information; ¶

(d) An explanation of what efforts have been taken to resolve the problem with the school; and ¶

(e) Copies of pertinent documents. ¶

(6) The Commission or its designee may resolve complaints with the assistance of other parties such as the Oregon Department of Justice, the U.S. Department of Education, and other appropriate organizations and/or individuals. ¶

(7) The Commission may delegate authority or contract with outside parties to investigate the complaint, and to hold any necessary proceedings. ¶

(8) On receiving a written complaint, the Commission or its delegate shall send a copy of the complaint(s) to the President or other executive of the institution to which the complaint applies. The Commission or its delegate shall request the institution to provide the information listed below, and the institution shall provide such information within ten days unless prohibited by federal law. To the extent federal law prohibits or limits disclosure of the requested information, the institution will endeavor to provide de-identified or redacted copies of the information: ¶

(a) A copy of the institution's grievance procedures for hearing complaints of discrimination; ¶

(b) A copy of all documents concerning the complaint and the institution's record of the grievance proceeding; ¶

(c) A copy of the institution's written decision; ¶

(d) The institution's position concerning any issues raised by the complaint; and ¶

(e) Any other information the institution considers relevant. ¶

(9) Records and other information pertaining to student complaints are not subject to disclosure under Oregon

public record law, ORS 192.410 to ORS 192.565.

Statutory/Other Authority: ORS 345.240, ORS 348.603, ORS 350.075, ORS 659.850

Statutes/Other Implemented: ORS 350.075, ORS 659.850, ORS 345.120, ORS 348.596, ORS 659.852

ADOPT: 715-011-0085

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0085

Determination

- (1) The Commission or its delegate shall review the written record to determine the following: ¶
- (a) Whether the institution has sufficient policies and procedures in place to prohibit the type of discrimination alleged in the complaint, prevent its reoccurrence and redress its effects; ¶
- (b) Whether the institution followed those policies and procedures appropriately; ¶
- (2) Following review of the record, the Commission or its delegate shall take one or more of the following actions: ¶
- (a) Issue a dismissal of the complaint upon a finding that the institution properly followed its policies and procedures; ¶
- (b) Recommend mediation if both parties are willing to participate in mediation; ¶
- (c) Remand the complaint to the institution for prompt resolution upon a finding that the institution has not followed its policies and procedures appropriately; ¶
- (d) Issue an order with findings that the institution has failed to implement adequate policies or procedures necessary to prevent, redress and remediate the type of discrimination alleged in the complaint. In that event, the Commission may issue a finding immediately or may require the institution to submit a corrective action plan that addresses the identified deficiencies within 30 days of the issuance of the order. ¶
- (3) Upon a finding that the institution has failed to adopt and effectively implement policies and procedures to prevent discrimination and retaliation, prevent its reoccurrence and redress its effects, the Commission will issue a final order requiring compliance within 30 days. If the institution does not comply within 30 days, the Commission shall order appropriate remedies that may include: ¶
- (a) Prescribing the adoption and implementation of appropriate policies and procedures and a plan for monitoring compliance for a period of time not to exceed one year; ¶
- (b) Withholding all or part of each quarterly payment of state funding; ¶
- (c) Daily fines assessed against the institution; ¶
- (d) Full or partial restitution to the complainant; ¶
- (e) Other appropriate remedies as authorized by rule or statute. ¶
- (f) A monetary sanction imposed under this rule shall not exceed the amount of legislatively appropriated funds received by the institution or division against which it is assessed. No monetary sanction in excess of \$10,000 shall be assessed without approval of the Commission. ¶
- (4) The Commission or its delegate shall enter a final order in writing within 30 days of the filing of the complaint to the Commission unless both parties agree to extend the time or the Commission or its delegate finds there is good cause for an extension of time. Should the Commission or its delegate find that an extension of time is warranted, written notice of the allowed extension of time shall be delivered to all the parties within 30 days after the complaint was filed. ¶
- (5) The Commission's delegate shall keep the full Commission informed of the number and type of formal complaints that are pending or have been resolved on a regular basis. The delegate shall report any final orders issued at the next regular Commission meeting following issuance of the order. ¶
- (6) In addition to any penalty or remedy described in this section, the Commission may refer any complaint to another agency or authority as appropriate.

Statutory/Other Authority: ORS 345.240, ORS 348.603, ORS 350.075, ORS 659.855, ORS 659.860

Statutes/Other Implemented: ORS 350.075, ORS 345.120, ORS 648.596, ORS 659.850



ADOPT: 715-011-0090

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-011-0090

Hearing

(1) The Model Rules of Procedure under the Administrative Procedure Act as amended and most recently adopted by the Attorney General and filed with the Secretary of State are adopted as the rules of practice and procedure of the Commission for the purpose of hearings within this section. The hearing will be conducted as a contested case hearing under the procedures set forth in ORS 183.413 to 183.497. ¶

(2) If mediation as described in 715-011-0085(2)(b) fails to resolve the parties' differences within 30 days or the Commission or its delegate determines it is appropriate, or either party disagrees with the Commission's final order, the Commission or its delegate shall promptly establish a date for a hearing on the complaint. Unless both parties agree to an extension of the period, the hearing shall be conducted within 30 days of:¶

(a) Failure of mediation;¶

(b) The date of determination by the Commission or its delegate if mediation is inappropriate; or ¶

(c) Notice to the Commission of disagreement with the final order.¶

(3) The hearing shall be conducted in accordance with provisions of Oregon's Administrative Procedures Act.¶

(4) The hearing shall be conducted by the Office of Administrative Hearings.

Statutory/Other Authority: ORS 183.341, ORS 350.075

Statutes/Other Implemented: ORS 183.341

AMEND: 715-045-0023

NOTICE FILED DATES: 02/15/2017, 09/15/2017

RULE SUMMARY: Detailing the Higher Education Coordinating Commission's (HECC's) role in receiving, processing, and acting on student complaints against post-secondary institutions in Oregon.

CHANGES TO RULE:

715-045-0023

~~Appeals and Complaint~~Complaints against Private Career Schools ¶

(1) Each school shall implement a process for the prompt resolution of a written complaint by a student of the school. Unless specifically provided by state or federal law or administrative rule, the decision of the school shall be final. ¶

(2) Complaints filed on behalf of or by a student against a school must be postmarked within one year of the student's last date of attendance. ¶

(3) If the complaint alleges a violation of Oregon Revised Statutes, ORS 345-010 to 345-4070 or standards of OAR 715-045-0006 through 715-045-02120, the complainant may ~~direct an appeal~~ submit a written complaint to the Higher Education Coordinating Commission, after exhausting the school's procedures or after 45 days from filing a written complaint with the school, whichever occurs first. The ~~appeal~~complaint shall be in writing and shall contain: ¶

(a) The complainant's name, address, phone number, and signature; ¶

(b) School name, address, and phone number; ¶

(c) A brief statement indicating which statute or rule the school is alleged to have violated and how the school is alleged to have violated it, e.g., failure to refund tuition, failure to provide a portion of the program described in the enrollment agreement; ¶

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information; ¶

(e) An explanation of what efforts have been taken to resolve the problem with the school, if any; and ¶

(f) Copies of pertinent documents, such as the enrollment agreement, catalog and advertisements. ¶

(4)(a) After receipt of a complaint or other allegation that a school has failed or is failing to comply with the provisions of any laws or rules, the commission's executive director or designee shall investigate the facts surrounding the allegations. ¶

(b) The investigation conducted by the commission shall be conducted in the manner prescribed by OAR 715-011-0070. ¶

(5) The executive director or designee shall notify the complainant and the school of the findings resulting from the investigation. ¶

(6) The ~~e~~Commission may impose penalties as defined in OAR 581-045-0190 if the school is found to be in violation of any standard or rule. ¶

(7) ~~Subsections (1) and (2) of this rule do not limit the statutory authority of the commission to investigate schools regardless of r~~ receiving allegations from the public. ¶

(8) At the request of the executive director, complaints may be resolved with the assistance of such other parties as the ~~Oregon Student Assistance Commission~~, Oregon Department of Justice, U.S. Department of Education, and other appropriate organizations and/or individuals.

Statutory/Other Authority: ORS 345.120

Statutes/Other Implemented: ORS 345.120