



Oregon
University
System

Office of the Chancellor

P.O. Box 751
Portland, OR 97207-0751
PHONE (503) 725-5700
FAX (503) 725-5709
www.ous.edu

April 15, 2008

Dr. Gary Dukes
Vice President of Student Affairs
Western Oregon University

Delivered via email

RE: *IFC and Term Warning Policy*

Dr. Dukes:

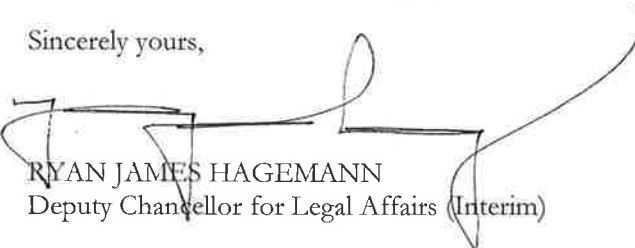
You have asked whether a Term Warning Period Policy signed on August 28, 2007 by you and ASWOU President Tiffani McCoy applies to members of the WOU Incidental Fee Committee. For the following reasons, I conclude that it does not.

Subsequent to a May 16, 2006 memorandum from President John Minahan requiring students to remain in good academic standing in order to participate in extracurricular activities, you and ASWOU President McCoy agreed upon a Term Warning Period Policy for students holding "any elected or appointed position within ASWOU." Under this policy, students holding these elective and appointed positions may have one term GPA that falls below a 2.00 and remain eligible to retain the position. One of President McCoy's IFC appointees had a term GPA below a 2.00 and she believe this policy applies, thereby permitting the appointee to remain on the IFC.

The ultimate authority governing incidental fees rests with the State Board of Higher Education. *See* ORS 351.070(3)(d). The Board, pursuant to this authority, has promulgated Oregon Administrative Rule 580-010-0090 to spell out the requirements, including those governing incidental fee committees, regarding the fee process on OUS campuses. Subsections (2) and (3) of this rule require an incidental fee committee to have guidelines and procedures, which must be approved by the State Board of Higher Education. In WOU's IFC Handbook, passed and approved pursuant to this administrative rule, it states: "IFC members must be students in good standing at Western Oregon University during *each term* they serve." *See* Section I.B., emphasis added. Further, WOU's IFC Guidelines, also passed and approved pursuant to the administrative rule, states: "Board rule and these IFC guidelines take precedence over any other campus policies." *See* Section G. Because the processes that govern incidental fees are derivative of Board authority, the Board's operative rule and Board-approved guidelines must supersede contrary policy statements. Because the Board-approved IFC Guidelines require IFC members to remain in good standing during each term of service, contrary provisions of the Term Warning Period Policy do not apply.

If you have any questions or if any facts that may impact this analysis change, please contact me.

Sincerely yours,



RYAN JAMES HAGEMANN
Deputy Chancellor for Legal Affairs (Interim)