Eugene School District 4J Policy

Personnel Section

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Eugene School District 4J

Code: AC
Adopted: 4/02/08
Revised/Readopted: 5/06/15; 8/02/17; 11/06/19; 2/17/22; 11/20/24; 12/10/25
Orig. Code: AC

Nondiscrimination and Civil Rights

The district does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race[1], color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status; or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR - Discrimination Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

[1] Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. "Race" also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and

2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

The superintendent shall designate at least one employee as the district's civil rights coordinator. The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;

2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;

3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:

4. The notice of nondiscrimination[2] required by OAR 581-021-0045; and

5. The district's written complaint process for making reports of discrimination.

6. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;

7. Provide guidance to district staff on civil rights issues in the district;

8. Respond to questions and concerns about civil rights in the district;

9. Coordinate efforts to prevent civil rights violations from occurring in the district; and

10. Satisfy the training requirements in OAR 581-021-0660 (2)-(3).

END OF POLICY

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[2] The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

Legal Reference(s):

ORS 174.100
ORS 192.630
ORS 326.051(1)(e)
ORS 332.505
ORS 408.230
ORS 659.805
ORS 659.815
ORS 659.850 - 659.860
ORS 659.865
ORS 659A.001
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.040
ORS 659A.103 - 659A.145
ORS 659A.230 - 659A.233
ORS 659A.236
ORS 659A.309
ORS 659A.321
ORS 659A.409
OAR 581-021-0045
OAR 581-021-0046
OAR 581-021-0047
OAR 581-021-0650 - 0665
OAR 581-022-2310
OAR 581-022-2370
OAR 581-075-0001 - 075-0005
OAR 581-075-0901
OAR 839-003

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

Cross Reference(s):

ACA - Americans with Disabilities Act
ACB - Hate Symbols and Bias Incidents
GBA - Equal Employment Opportunity
GBEA - Workplace Harassment
JB - Equal Educational Opportunity
KL - Public Complaints

Eugene School District 4J

Code:	GBA
Adopted:	12/18/96; 7/02/73
Revised/Readopted:	8/15/77; 3/07/84; 6/26/91; 12/18/96; 10/24/18; 1/15/20; 5/22/22
Orig. Code:	GBA; 2420; 2425; 2430

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race[1], color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status[2], service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will designate an employee to oversee compliance with equal employment and all laws prohibiting discrimination against employees. The superintendent will also appoint an employee to serve as the compliance coordinator for the Americans with Disabilities Act, the Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act and Title IX of the Education Amendments.

The name and contact information of the compliance coordinator(s) shall be published on the district website, in collective bargaining agreements and the annual district handbook, and available from the superintendent's office. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop administrative regulations and specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

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[1] Race includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles. A protective hairstyle means a hairstyle, hair color or manner of wearing hair that includes but is not limited to braids, regardless of whether the braids are created with extensions or styled with adornments, locs and twists.

[2] The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Legal Reference(s):

ORS 174.100
ORS 243.317 – 243.323
ORS 326.051
ORS 332.505
ORS 342.934
ORS 408.225
ORS 408.230
ORS 408.235
ORS 652.210 - 652.220
ORS 659.850
ORS 659A.003
ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.040
ORS 659A.082
ORS 659A.109
ORS 659A.112
ORS 659A.147
ORS 659A.233
ORS 659A.236
ORS 659A.309
ORS 659A.321
ORS 659A.409
ORS 659A.820
OAR 581-021-0045
OAR 581-022-2405
OAR 839-003-0000
OAR 839-006-0435
OAR 839-006-0440
OAR 839-006-0450
OAR 839-006-0455
OAR 839-006-0460
OAR 839-006-0465

House Bill 2935 (2021)
House Bill 3041 (2021)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act

Eugene School District 4J

Code: GBC
Adopted: 10/24/18

Staff Ethics

I. Conflict of Interest

No district employee will use his/her district position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household members or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by Oregon Revised Statute (ORS) 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the $50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;

2. Any device, publication or any other item developed during the employee's paid time shall be district property;

3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;

4. No district employee may serve as a Board or budget committee member in the district;

5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;

6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

In order to avoid both potential and actual conflicts of interests, district employees must abide by the following rules when an employee's relative or member of the household is seeking and/or holds a position with the district:

7. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;

8. A district employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;

9. More than one member of an employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

In the *conflict of interest context:*

"Member of household" means any person who resides with the employee.

"Relative" means the spouse[1], parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits[2] to the employee, or who receives any benefit from the employee's public employment.

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of $50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The $50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to $50 each from the same source/gift giver. "Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions. "Relative" means the spouse[3], parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal

[1] The term spouse includes domestic partner.

[2] Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

[3] Ibid. p. 2

support obligation, whose employment provides benefits[4] to the employee, or who receives any benefit from the employee's public employment.

"Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of $50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. If the giver does not have a legislative or administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A "legislative or administrative interest" means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A "decision" means an act that commits the district to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

   For example, a person with a legislative or administrative interest buys a table for a charitable dinner at $100 per person. If the cost of the meal was $25 and the amount donated to charity was $75, the benefit conferred on the employee is $25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

[4] Ibid. p. 2

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:

    a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
    b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
    c. The source calculates the actual amount spent on the employee.

3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.

4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under $25 (even if the personalized item cost the source more than $50), unless the personalized item is made from gold or some other valuable material that would have value over $25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over $50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e., a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or

2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from "relatives" and "members of the household" to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;

2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties;

3. Food, lodging, and travel generally count toward the $50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions:

    a. Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee's official capacity, for certain limited purposes:

        (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the $50 aggregate amount IF:

            (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND

                (i) The giver is a unit of a:

                    1) Federal, state, or local government;
                    2) An Oregon or federally recognized Native American Tribe; OR
                    3) Nonprofit corporation.

            (b) The employee is representing the district:

                (i) On an officially sanctioned trade-promotion or fact-finding mission; OR
                (ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the superintendent*.

        (2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the district.

    "Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(I);

6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;

7. A gift received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's district employment;

8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of $50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

ORS 244.010 - 244.400
ORS 332.016
ORS 659A.309
OAR 199-005-0001 - 199-020-0020
OAR 584-020-0040

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Cross Reference(s):

GCQAB - Private Tutoring for Pay

Eugene School District 4J

Code: GBDA
Adopted: 5/21/14
Revised/Readopted: 10/24/18; 10/16/19
Orig. Code: GBDA

Milk Expression

The district will provide accommodations for employees who are expressing milk or breastfeeding for children 18 months of age or younger. When possible, an employee must give reasonable notice to the employee's supervisor that the employee intends to express milk or breastfeed upon returning to work after the child's birth. The district shall provide the employee a reasonable rest period to express milk or breastfeed each time the employee has a need to express milk or breastfeed.

The district will make a reasonable effort to provide a room or other location in close proximity to the employee's work area, other than a restroom or toilet stall, where an employee can breastfeed or express milk in privacy. The location designated shall be a private, accessible space and may include an employee's work area, an empty or unused office or storage space, conference room, classroom, or staff room, so long as the room allows the employee to express milk concealed from view and without intrusion by other employees or the public. The room shall include electrical outlets for electric pumps and, if needed, a sign up sheet and a sign posting the room as "private during use." "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

If feasible, the employee will take the rest period at the same time as the paid rest periods or meal periods provided by the district. To the extent that the break period needed to express milk or breastfeed exceeds the employee's paid rest period or, if applicable paid meal period, it is unpaid, although the supervisor may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. An employee will not be required to substitute paid leave time for any unpaid rest period provided in compliance with this policy.

The district shall notify employees of this policy an annual basis. The list of locations that have been identified in each facility for milk expression or breastfeeding, which shall be updated by Human Resources at least annually, is incorporated into this policy and available at https://www.4j.lane.edu/hr/designated-milk-expression-room/ This list will be available to all district employees upon request in the central administrative office.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 653.077
ORS 653.256
OAR 839-020-0051

Cross Reference(s):

GCBDD/GDBDD - Sick Time

Eugene School District 4J

Code: GBEA
Adopted: 12/14/22
Revised/Readopted: 5/07/25

Workplace Harassment

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between district employees or between a district employee and the district in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between the district and a district employee off district premises. Elected school board members, volunteers and interns are subject to this policy.

Any district employee who believes they have been a victim of workplace harassment may file a report with the district employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The district employee making the report is advised to document any incidents of workplace harassment.

"Workplace harassment" means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault[1] or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The district, upon receipt of a report from a district employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The district employee receiving the report, whether a supervisor of the employer or the district employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated. Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a non-disclosure[2] or non-disparagement[3] agreement.

[1] "Sexual assault" means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

[2] A "nondisclosure" agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

[3] A "nondisparagement" agreement or provision prevents either party from making disparaging statements about the other party

The district may not enter into an agreement with a former, current or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between district employees or between a district employee and the district, in the workplace or at related event that is off district premises and coordinated by or through the district, or that occurred between a district employee and the district off district premises.

The district may enter into a settlement or separation agreement that includes one or more of the following provisions only when the employee alleging workplace harassment voluntarily requests their inclusion:

1. A nondisclosure or nondisparagement provision or other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment;

2. A provision that prevents the disclosure of the amount of or fact of any settlement; or

3. A no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it, and may not be effective until after the revocation period has expired.

If the district determines in good faith that an employee has engaged in workplace harassment, the district may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph, with that employee.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or, where a board member is the responding party, the Board.

The district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

ORS 174.100
ORS 243.317 - 243.323
ORS 659A.001
ORS 659A.003
ORS 659A.006
ORS 659A.029
ORS 659A.030
ORS 659A.082
ORS 659A.112
ORS 659A.370
ORS 659A.375
ORS 659A.820
ORS 659A.875
ORS 659A.885
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act
ACB - Hate Symbols and Bias Incidents
GBA - Equal Employment Opportunity

Eugene School District 4J

Code: GBEA-AR
Revised/Reviewed: 5/09/23; 6/30/25

Workplace Harassment and Discrimination Reporting and Procedure

The district prohibits discrimination and harassment on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age if 18 or over, expunged juvenile record, performance of duty in a uniformed service, or physical or mental disability or other legally protected characteristic.[1] Any district employee who believes they have been a victim of prohibited conduct, or have witnessed it, may file an oral or written report consistent with this administrative regulation and is encouraged to document the incident. The district encourages the immediate reporting of incidents to ensure they are appropriately addressed. Additional information regarding the filing of a report may be obtained through a human resources administrator.[2]

Definitions

"Discrimination" means adverse action taken against an individual or group on the basis of the individual's or group's protected characteristic(s). Discrimination includes disparate treatment and disparate impact. Disparate treatment occurs when the adverse action is motivated in whole or in part by the protected characteristic. Disparate impact occurs when a policy, requirement, or regularized practice, although neutral on its face, adversely impacts persons in a protected class and is not reasonably necessary to achieve an important district purpose. An adverse action includes actions that harm an employee with respect to an identifiable term, condition or privilege of employment. The failure to provide reasonable accommodations required by law or district policy based on disability, pregnancy or related condition, or religious practice may constitute discrimination.

"Harassment" based on an individual's protected characteristic is a type of discrimination. It means unwelcome conduct on the basis of a protected characteristic that, based on the totality of the circumstances and regardless of intent, is subjectively and objectively offensive and sufficiently severe or pervasive as to: (1)(a) create an intimidating, hostile or offensive working environment, (b) interfere with an individual's work performance; or (c) limit an employee's ability to participate in or benefit from employment opportunities; and (2) would have such an effect on a reasonable person who is similarly situated.

"Retaliation" means any adverse action that is taken against a person because that person engaged in protected activity. An adverse action is one that is reasonably likely to deter a person from engaging in a protected activity, such as coercion, intimidation or discrimination. It does not include slights or minor annoyances or actions that would have been taken regardless of the person's participation in protected activity. Protected activity as used in this regulation includes: (a) filing a report, making a complaint, serving as a witness, assisting someone with a complaint, participating in the district's or a state or federal agency's investigation, proceeding or dispute resolution process pertaining to discrimination, harassment or other conduct prohibited by this regulation: (b) opposing conduct reasonably believed to be prohibited

[1] Sexual harassment and assault, while prohibited by policy GBEA, are defined and addressed in policy GBN/JBA Sexual Harassment and the administrative regulations implementing that policy.

[2] Information on reporting may also be obtained from the Superintendent's Office at (541) 790-7707.

conduct under this regulation; or (c) participating in the district's reasonable accommodation processes or pregnancy accommodations processes.

"Prohibited conduct" refers to discrimination, harassment, or retaliation. The district reserves the right to address offensive conduct and/or harassment that does not suggest a violation of this regulation through other conduct rules or, where appropriate, through education, remedial actions or coaching.

Investigation Procedure

Reports may be made to the employee's supervisor, the human resources (HR) director, or an HR administrator.[3] Employees wishing to report discrimination, harassment or retaliation may use the optional online report form, may email hr@4j.lane.edu, or may contact an HR administrator by phone at 541-790-7670. Any supervisor or administrator who becomes aware of an incident that may constitute unlawful discrimination or harassment is required to promptly notify the human resources director or their designee.

The director of human resources, or designee, is responsible for reviewing and investigating reports concerning workplace discrimination or harassment. The individual assigned to review and investigator(s) shall be a neutral party having had no involvement in the report presented. The district would like to honor the employees' right to report discrimination and harassment anonymously or without the additional stress an investigation may cause. However, due to the severity or persistence of the alleged conduct, the district may be required to conduct an investigation.

Upon receipt of a report or complaint of workplace discrimination or harassment, the human resources or designee will speak with the reporting party or complainant to learn more about the report or complaint and assess whether policy GBEA applies to the report or complaint. When the allegations, as clarified by the reporting party or complainant, fall outside this regulation, that individual will be notified, and where applicable, the incident(s) may be investigated under other policies and conduct or performance standards.

Should an investigation be conducted, the human resources director or designee will:

1. Document the alleged, reported incident of discrimination or harassment.

2. Provide information about legal resources and counseling and support services, and a copy of Board policy GBEA - Workplace Harassment and this administrative regulation.

3. Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be in writing. An outcome letter shall be provided to the complainant and the responding party when the investigation is completed.

4. Corrective, preventive, and remedial action. When discrimination or harassment is substantiated, human resources or another appropriate district official will determine remedies to address and

[3] If an employee believes that the human resources director has a conflict of interest, the report may be made to the superintendent's office. Reports that the superintendent may have violated this policy should be referred to the Board chair on behalf of the Board. The Board chair will cause the information required to be issued to the complainant as described in this administrative regulation, and will present the complaint to the board as provided in Policy KL. Complaints against board members will be processed as provided in Policy KL.

correct the situation and prevent its recurrence. Employees found in violation are subject to disciplinary action, up to and including termination. The district will share with the complainant actions taken to remedy the situation that directly involve the complaining party, such as a safety plan. The investigation will be concluded within 45 working days.[4] There is no expectation that the district will share the specifics of disciplinary measures taken with regard to any employee.

5. Maintain records. A copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the human resources department and will be maintained in a separate confidential file. All documentation related to workplace discrimination or harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate.

Request for Review

A complainant dissatisfied with the decision as to prohibited conduct may within ten (10) days of the decision, may appeal the decision to the superintendent's office. Such an appeal is only available for the following reasons: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time that could affect the outcome; or (3) the investigator or decision-maker(s) had a conflict of interest or bias[5] that affected the outcome. To file an appeal, the complainant must provide specific written explanation for the appeal, not to exceed three pages, and a copy of the decision being appealed. The superintendent's office shall appoint a decision-maker on appeal who will render a decision within 30 days. The decision-maker on appeal may uphold or modify the decision. An appeal is not available as to complaints against the superintendent or a board member.

Supervisor Responsibilities

District managers and supervisors are expected to know about workplace discrimination and harassment; model non-discriminatory, non-harassing behavior; guide and coach employees on appropriate workplace interactions and relationships; support employees with concerns; monitor the workplace and stop any discrimination and harassment; listen to and document complaints of discrimination or harassment and report them promptly to human resources; and work directly with human resources administrators to investigate and take corrective action when appropriate.

Retaliation

Employees who in good faith report harassment or discrimination or who participate in an investigation shall not be subject to retaliation. Employees should report retaliation immediately using the reporting channels in this procedure. Complaints will be investigated according to the procedures in this policy, and corrective action, including discipline or termination will be taken when appropriate.

[4] The district may extend this time for good cause, not to exceed 90 calendar days.

[5] The following will not, on their own, be sufficient to establish bias: (a) the fact that the individual has previously investigated or decided other cases involving the complainant or respondent, or is currently doing so; or (b) previous roles or positions held by the investigator, or decision-maker.

Follow-up Procedures

When a district employee has been subjected to discrimination or harassment in violation of policy GBEA, the designated supervisor will follow up with them once every three months for the calendar year following the date of the complaint, to determine whether additional incidents have occurred and to confirm that there has not been retaliation. The designated supervisor will document the record of this follow-up. Employees who do not wish to receive follow-up shall inform the district in writing.

Counseling and Other Support Services

The district provides Employee Assistance Program (EAP) benefits through a third-party provider. These benefits include counseling and discounted legal services. See the district's benefits page or search EAP on the district's webpage. Benefits-eligible employees may also seek behavioral health support or referrals through the Wellness Clinic. Information about how to access legal services is also available on the Oregon State Bar website. If an employee is directly impacted by workplace discrimination or harassment, the employee may contact an HR administrator about other support measures that may be helpful to them.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, 659A.112 or ORS 659A.370 must be filed no later than five years after the occurrence of the alleged unlawful employment practice. An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Eugene School District 4J

Code: GBEC
Adopted: 10/24/18

Drug-Free Workplace

The district shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all employees, including but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The district shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's district duties; or knowingly endorse or suggest the use of such substances.

An employee shall, as a condition of employment, abide by the provisions of this policy.[1]

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under Oregon Revised Statute (ORS) 475.035.

2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.

3. "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or state criminal drug statutes.

4. "Criminal drug statute" means a Federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.

[1] Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

5. "Drug-free workplace" means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

Sanctions and Remedies[1]

The district, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion (under the section below) of employee's unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action, which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee's criminal drug statute conviction for a violation occurring in the workplace, the district shall:

1. Take appropriate action which may include discipline up to and including termination; and/or

2. Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);

2. Direct observation of use in the workplace;

3. The opinion of a medical professional;

4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;

5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

Establishment of Drug-Free Awareness Program

The district shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;

2. Existence of and content of this policy for maintaining a drug-free workplace;

3. Availability of drug-counseling, rehabilitation and employee assistance programs; and

4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction[2]

An employee shall, as a condition of employment, notify the district in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

Notification by Eugene 4J District of Employee Conviction

The district shall notify the appropriate federal granting or contracting agency, in writing, of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 calendar days after learning of such a conviction.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 336.222
ORS 342.721
ORS 342.723
ORS 342.726
ORS Chapter 475
ORS 657.176
OAR 581-022-2045
OAR 581-022-2210
OAR 584-020-0040(5)(e)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).
Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

[2] Ibid. p. 1

Eugene School District 4J

Code:	GBG
Adopted:	7/02/73
Revised/Readopted:	4/16/80; 3/07/84; 12/11/02; 10/24/18
Orig. Code:	GBG; 2530; 3850; 4440

Political Activities of Employees

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All district employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of district duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district's official viewpoint.

No employee will use district facilities, equipment or supplies in connection with his/her political activities, nor will he/she use any time during the work day for such political activities.

END OF POLICY

Legal Reference(s):

ORS Chapter 244 ORS 260.432

OR. CONST., art. XV, § 8.

Cross Reference(s):

INB - Studying Controversial Issues

Eugene School District 4J

Code: GBK/KGC
Adopted: 8/15/18
Readopted: 10/24/18

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on district premises, in any building or facility, on district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district, school or public charter school and at all district- or school-sponsored activities.

For the purpose of this policy, "tobacco products" is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, "inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Violation of this policy by staff may result in discipline to up to and including dismissal.

Violation of this policy by the public may result in the individuals removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

This policy shall be enforced at all times.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 336.227
ORS 339.883
ORS 431A.175
ORS 433.835 to -433.990
OAR 581-021-0110
OAR 581-053-0230(9)(s)
OAR 581-053-0330(1)(m)
OAR 581-053-0430(12)
OAR 581-053-0531(11)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2017).

Cross Reference(s):

KGC/GBK - Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

Eugene School District 4J

Code: GBN/JBA
Adopted: 12/18/96
Revised/Readopted: 12/11/02; 8/15/18; 5/05/21; 8/20/25
Orig. Code: GBN

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties[1] are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and Title IX, 34 C.F.R. Part 106. Individual reports and complaints may require both of these procedures, and may involve additional policies or procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions of sexual harassment in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously to the extent consistent with Title IX. (See JBA/GBN-AR(1) Sexual Harassment Complaint Procedure and JBA/GBN-AR(2)-Title IX Sexual Harassment Response and Complaint Procedure). The district may also need to use other applicable policies, rules and procedures.[2]

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment includes:

1. A demand or request for sexual favors in exchange for benefits;

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

    a. Interferes with a student's educational activity or program;

[1] "Third party" means a person who is not a student or district employee and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a district employee acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school-sponsored or district-sponsored activity.

[2] Other potentially applicable policies include but are not limited to: Nondiscrimination (Board policy AC), Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA); Workplace Harassment (Board Policy GBEA).

b. Interferes with an employee's ability to perform their job; or
c. Creates an intimidating, offensive or hostile environment.

3. Assault when sexual contact occurs without the person's consent[3].

Sexual harassment does not include conduct that is necessary because of a job duty of a district employee or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent. It also does not include a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity. Isolated incidents, depending on the circumstances including but not limited to a student's age and the severity of the incident, may not meet the definition of sexual harassment but may be a violation of a student code of conduct or employment expectation.

Examples of sexual harassment may include, but not be limited to, unwelcome physical contact such as touching, grabbing, or patting private body parts; displaying or sharing sexually explicit drawings, pictures, videos, texts and written materials; making sexual comments, gestures or obscene jokes; touching oneself sexually; talking about one's sexual behaviors in front of others; asking about another's sexual history; or spreading rumors about or rating others as to appearance, sexual activity or performance.

Oregon Procedures

The administrator of each school, and director of each department, is the compliance coordinator for that school or department, and is responsible for accepting and managing complaints of sexual harassment and reporting to district officials. District officials designated to coordinate the district's efforts to comply with Oregon laws prohibiting sexual harassment are, for students, the Title IX Coordinator, and for employees, the Human Resources Director.

Reporting and Response

Individuals are strongly encouraged to immediately report conduct they believe is in violation of this policy to the school administrator or department director. Students may also report concerns to a staff member, who will promptly notify the school administrator or other appropriate district official.

Any staff member who receives direct or indirect notice that this policy may have been violated shall immediately report the information to the school administrator or department director. Reports may also be made to the Title IX Coordinator at titleixcoordinator@4j.lane.edu, the Human Resources Director, or the Superintendent. Contact Information for district schools, departments, the Title IX Coordinator, Human Resources Director, and Superintendent is available on the district website or by calling 541-790-7700.

The compliance coordinator (with coordination involving the district Title IX Coordinator, Human Resources Director or reporting staff member as appropriate) will take interim measures necessary to ensure the impacted person is protected and to promote a nonhostile work and learning environment. This includes providing resources and support measures to the impacted person and taking any actions necessary to remove potential future impact on the impacted person. No such actions may retaliate against the impacted person or the person who reported the behavior to the district official.

[3] "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

When a student, employee or third party files a complaint under this policy, the district shall provide written notice of rights meeting the requirements of law[4] to: the reporting person(s); if appropriate, any impacted person who is not a reporting person; the reported person(s); and where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated using procedures developed by the Superintendent. The district may use, but is not limited to, the following means for investigating incidents of possible harassment: interviews of involved parties; interviews of witnesses; written inquiries; review of email; review of physical evidence; and review of video surveillance.

In determining whether district policy has been violated, the district will use the preponderance of evidence standard, meaning that the evidence shows that it is more likely than not that the conduct occurred and the policy was violated. The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person in the same or similar circumstances would find the conduct to be so severe or pervasive as to create a hostile environment.

Notification as to whether a policy violation was substantiated, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is concluded to the reporting person(s); if appropriate, the impacted person who is not a reporting person; the reported person(s); and where applicable, a parent or legal guardian of a reporting person, impacted person or reported person. Due to the nature of sexual harassment, a complaint will be held in confidence insofar as possible. The district will only release sexual harassment complaint information to appropriate individuals in order to investigate the complaint, take corrective action and comply with law.

Remedial Actions

If harassment in violation of this policy is found to have occurred, the district will take appropriate and effective remedial action to address and stop sexual harassment, prevent its recurrence and address its negative consequences. This may include but is not limited to: restorative actions for the target of harassment; discipline of staff and students who engaged in sexual harassment; trainings and education; and increased notifications regarding district policies and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

[4] See ORS 342.704(6).

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district events. If investigation does not substantiate a violation of this policy, but of another rule, policy or code of conduct, the district may take action in accordance with those terms.

No Retaliation

Retaliation against persons who initiated a complaint, reported sexual harassment, or who participated in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith, about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person who initiated the complaint, reported the behavior, or participated in the investigation; or

2. Work conditions, terms of employment, or the educational environment of an employee or other person who initiated the complaint, reported the behavior, or participated in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Any individual who experiences retaliation is encouraged to make a report to the school administrator or department director, or the alternate personnel identified in the Reporting and Response section above.

TITLE IX (FEDERAL) DEFINITIONS AND PROCEDURES

Title IX of the 1972 Educational Amendments of the Civil Rights Act of 1964 states in part that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." The district is committed to providing educational and employment opportunities that are free from discrimination based on sex, and promptly investigating reported violations.

Title IX Definitions

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity;

3. Sexual assault, dating violence, domestic violence or stalking.[5]

This definition applies only to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

"Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (34 C.F.R. § 106.44(a)).

Title IX Sexual Harassment Grievance Procedures

The Superintendent shall develop adopt and publish Title IX grievance procedures, which shall comply with legal requirements. The grievance procedures shall provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. See JBA/GBN-AR(2) – Title IX Sexual Harassment Response and Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time. The person designated as the district Title IX Coordinator and contact information shall be set forth in the regulation implementing this policy. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy and accompanying regulation. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[6] The district shall treat complainants and respondents equitably by providing supportive measures[7] to a complainant and by following a grievance procedure meeting the requirements of 34 CFR § 106.45 prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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[5] See 20 USC § 1092(f)(6)(A)(v) (sexual assault); 34 USC § 12291(a)(10) (dating violence); 34 USC § 12291(a)(8) (domestic violence); and 34 USC § 12991(a)(30) (stalking).

[6] The response cannot be deliberately indifferent meaning clearly unreasonable in light of the known circumstances. (34 C.F.R. §106.44(a)).

[7] Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. (34 C.F.R. § 106.44(a)). The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (34 C.F.R. § 99.30(a)).

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.[8] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the investigation and grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional associations representing district employees of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the district Title IX Coordinator.[9]

No Retaliation

Neither the district or any person may retaliate against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation. Complaints of retaliation may be filed using these procedures.

Confidentiality

The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out

[8] The district may still have obligations under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (34 C.F.R. § 106.44(c)).

[9] Inquiries may also be made to the Office of Civil Rights of the United States Department of Education.

the purposes of this policy and 34 CFR part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX Coordinator shall be prominently published in ~~the~~ student and parent handbooks and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

AC - Nondiscrimination
ACB - Hate Symbols and Bias Incidents
GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements
GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements
JBA/GBN - Sexual Harassment
JFCF - Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student
JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

Eugene School District 4J

Code: GBNAA/JHFF
Adopted: 9/01/10
Revised/Readopted: 11/28/18; 1/15/20; 12/15/21; 11/05/25
Orig. Code(s): JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors[1], agents[2], and volunteers[3] is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers, and students[4] are subject to this policy.

"Sexual conduct," means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student's educational performance, or of creating an intimidating or hostile educational environment. "Sexual conduct" does not include touching or other physical contact that is necessitated by the nature of the school employee's job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.[5]

"Student" means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within one calendar year prior to the sexual conduct.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

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[1] "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

[2] "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

[3] "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

[4] Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

[5] This definition of "sexual conduct" affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any district employee, contractor or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the student's building principal, and to designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. The designated licensed administrator for all 4J schools is the Human Resources Director, and the alternate designated licensed administrator is the Title IX Coordinator. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer for making the report.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute sexual conduct;

2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and

3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Except as permitted above, texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

Policy GBN/JBA strictly prohibits sexual harassment in all of its programs and activities, including harassment of students by staff, volunteers, contractors and other students. As applicable, board policy GBN/JBA - Sexual Harassment will be followed in addition to the terms of this policy. Any suspected child abuse, including sexual abuse and sexual exploitation, shall be immediately reported to DHS or law enforcement and the district's designated licensed administrator as provided in policy GBNAB/JHFE - Reporting Suspected Abuse of a Child.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 332.107 ORS 339.370 - 339.400 ORS 419B.005 - 419B.045

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).
House Bill 4160 (2024).

Cross Reference(s):

GBN/JBA - Sexual Harassment
GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements
GCAB - Personal Electronic Devices and Social Media - Staff
IIBGA - Electronic Communications System
JFCF - Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student
JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

Eugene School District 4J

Code: **GBNAB/JHFE**
Adopted: 5/07/14
Revised/Readopted: 11/28/18; 2/05/20; 12/15/21; 11/06/24

Suspected Abuse of a Child Reporting Requirements**

By Oregon law (ORS 419B.005 – 419B.045) all district staff and board members are designated "mandatory reporters" and are required by law to report suspected child abuse. Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse[1] shall report immediately to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system[2] or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Any district employee who has reasonable cause to believe that **any person**[3] with whom the employee is in contact has abused a child shall immediately report.

The report must contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors[4], agents[5], volunteers[6] or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

Any district employee or Board member who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator for the building.

The district will designate a licensed administrator and an alternate licensed administrator, in the event the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

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[1] Includes the neglect of a child; abuse is defined in ORS 419B.005.

[2] How to report abuse or neglect: Oregon DHS. Call 855-503-SAFE (7233)

[3] "Person" could include adult, student or other child.

[4] "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

[5] "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

[6] "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall also report to the board chair.

The district will post in each school building: (1) the name and contact information of the licensed administrator and alternate designated to receive reports of suspected abuse, (2) the procedures in GBNAB/JHFE-AR(1) - Suspected Abuse of a Child Reporting Requirements the designee will follow upon receipt of a report, (3) the contact information for making a report to local law enforcement how to report to DHS, and (4) a statement that this duty to report suspected abuse to DHS or law enforcement is in addition to the requirement to make a report to the designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Suspected Abuse of a Child Reporting Requirements. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report in good faith of suspected abuse of a child by a district employee, contractor, agent, volunteer or other student, the student will not be disciplined for making the report by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse and sexual conduct, the obligations of district employees under ORS 339.388 and ORS 419B.005-419B.050 and board policies to report suspected abuse of a child and sexual conduct, and appropriate electronic communications with students as described in ORS 339.372(11). The district shall make available each school year the training described above to contractors, agents, volunteers and parents and legal guardians of students attending district-operated schools. The training will be made available separately from the training provided to district employees.

Each school year, the district shall provide to contractors, agents and volunteers information on the prevention and identification of child abuse and sexual conduct, the obligations of district employees under board policies to report abuse and sexual conduct, and appropriate electronic communications with students.

Each school year, the district shall also make available to students attending district-operated schools training that is designed to prevent abuse and sexual conduct.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;

2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and

3. A description of the prohibitions imposed on district employees, contractors and agents when another district employee, contractor or agent attempts to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows or has reasonable or probable cause to believe that the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, employees, contractors, agents and volunteers a policy of appropriate electronic communications with students. All district employees are subject to board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate, for a legitimate school-related purpose, and only as directed by district administration. The district prohibits contractors, agents and volunteers from making electronic communications with students without the knowledge of parents/guardians.

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 339.370 - 339.400
ORS 418.257 - 418.259
ORS 419B.005 - 419B.050
OAR 581-022-2205

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Cross Reference(s):

BBF - Board Member Standards of Conduct
BBFC - Reporting of Suspected Abuse of a Child
GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements
GCAB - Personal Electronic Devices and Social Media - Staff
JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

Eugene School District 4J

Code: GCAB
Adopted: 10/24/18

Personal Electronic Devices and Social Media - Staff**

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A "personal electronic device" is a device not issued by the district and is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Personal electronic devices shall be silenced during instructional [or class] time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on district property or while a staff member is on duty at district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee's assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The district will not be liable for loss or damage to personal electronic devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.[1] Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students will be appropriate and professional. Communication with students regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use district e-mail using mailing lists to a group of students rather than individual students. Texting individual students during work hours is prohibited. Texting individual students while off duty is strongly prohibited.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites,

[1] Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A "disruption"[2] for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards for Competent and Ethical Performance of Oregon Educators.

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

ORS 167.057
ORS 163.432
ORS 163.433
ORS 163.684
ORS 163.686
ORS 163.687
ORS 163.688
ORS 163.689
ORS 163.693
ORS 163.700
ORS 326.011
ORS 326.051
ORS 332.072
ORS 332.107
ORS 336.840

OAR 584-020-0000 to -0035

Copyrights, Title 17, as amended, United States Code; 19 C.F.R. Part 133 (2014).
Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).
Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

[2] Ibid. p. 1

G2100 – Professional Conduct

G2100 – Professional Conduct

Last updated: Apr 21 2009 – 9:35am

1. Employees are expected to do their work and conduct themselves competently and professionally at all times when at work or representing the District. Employees must accept responsibility for their own conduct, and show personal and professional integrity at all times. Employees are also expected to conduct themselves off work in a lawful manner, and in a manner that does not bring reproach to the District, or impair their ability to perform as District employees.
2. The District encourages parents and community members of the District to volunteer their time, services and financial support to District schools and programs. Employees should take the time to recognize contributions to the District. Employees may not, however, grant special favors, exceptions, or fail to take appropriate action with a parent or community member because of his or her contributions. District employees are expected to be fair and judicious in the execution of their duties.

G2120 – Respectful Workplace

Last updated: Apr 21 2009 – 9:35am

The District is committed to workforce diversity and having a positive and professional workplace for all who work here. The District will take all necessary steps to ensure that the work environment remains productive for everyone. It is the responsibility of all employees and

agents of the District to treat each other with courtesy, consideration, and respect. The District does not tolerate: (1) any forms of harassment, or offensive or discourteous behavior; (2) demeaning statements, threats, or intimidation; (3) unprofessional and discourteous actions; or (4) any behavior that creates or fosters an unwelcome or abusive work environment.

Employees who feel they have been subjected to disrespectful communication or treatment by other District employees, volunteers, or the public should report it to their supervisor or their administrator.

Eugene School District 4J

Code: IIBGA-AR
Revised/Reviewed: 9/19/19

Electronic Communications System/Technology Appropriate Use Guidelines

Purpose and Scope

This regulation is intended to provide students and staff with guidance for appropriate use of the district's technology system, prevent illegal and improper use of the system, secure confidential information and promote safety in the use of district technology as required by the Children's Internet Protection Act (CIPA). This regulation applies to any user of the district's technology system.

The district's technology system ("system") includes but is not limited to its network, servers, wireless technology, internet and intranet access points, computers, tablets, telephone systems, other hardware or software acquired using district resources, 4J-issued email accounts, webpages, and data, and data storage provided by the district, whether accessed at school or off-site or through district-owned or personal electronic devices.

Terms of Use

1. Access. Only current students, staff, and board members may be authorized to access the district's technology system. When necessary to conduct the district's business, other individuals, such as student teachers, approved volunteers and district contractors when approved by the Superintendent or designee may be authorized to use the district's system.

   The district retains ownership and control of its technology system. All communications and stored information transmitted, received or contained in the district's system are the district's property and are to be used in accordance with this regulation. Access is a privilege, not a right, which may be suspended or revoked at any time for use inconsistent with this regulation. Misuse of the system may lead to discipline, such as suspension, expulsion, employment termination and/or legal action.

   By using the district's technology system, users assume responsibility for understanding and following this regulation and other district policies and regulations applicable to such use. If a user is uncertain whether a particular use is acceptable, the user should ask an appropriate staff member.

2. Acceptable Use. The purpose of the system is to enhance the educational experience of students and to increase the operational efficiency and teaching of staff. Practices that attempt to achieve this purpose in a responsible, safe, ethical and legal manner are acceptable, while practices that do not attempt to achieve this purpose are detrimental or unsafe and are not acceptable. Examples of acceptable use include accessing and downloading materials for teaching and learning, creating or completing assignments and lesson plans, and communicating for educational or operational purposes.

   The district's expectations for how students and staff communicate and behave while at school, work, and school-sponsored events apply equally when students and staff use the district's technology system off-site and outside the school or work day. For example, students and staff are

responsible to communicate with civility and courtesy online when using the district's system just as expected of them in face-to-face interactions in classrooms, hallways, and at school-events.

Users are expected to report any misuse of the system to a teacher or other appropriate staff member.

3. Personal Use. Personal use of district computers including internet and email access by students is strictly prohibited. Personal use of district computers including internet access and email by staff is restricted to limited and occasional use on the employee's own time, provided the use is in accordance with this regulation, district policies and the law.

4. No Expectation of Privacy. Users shall have no expectation of personal privacy in the use of the district's technology system. Files and other information, including email sent or received, generated or stored, may be monitored, recorded, searched and disclosed at the direction of the Superintendent, district legal counsel or designees. Passwords used on the district's system are the property of the district and must be provided to designated district personnel as appropriate.

5. Reporting Loss or Theft. Users must report theft, suspected theft or loss of a device to the Eugene Police Department, the school administrator (or other supervisor/ department head), and the 4J Technology help desk at 4jdesktop@4j.lane.edu or 541-790-7777.

Unacceptable Use

1. General. Using the district's system inconsistent with its purpose is unacceptable and is prohibited. Users may not:

    a. Use the system in a manner that violates any school board policy, administrative rule, the student rights and responsibilities handbook, or the law
    b. Access vulgar and plainly offensive, obscene, pornographic or sexually explicit language or material in any form
    c. Use abusive, threatening, harassing, menacing or intimidating language, engage in personal attacks, or interfere with other students' rights to access their education
    d. Engage in conduct likely to cause a material or substantial disruption to the orderly operation of the school or school activity
    e. Make defamatory or maliciously false statements
    f. Use the system to obtain a personal financial gain or avoid a financial detriment
    g. Use the system for political activity
    h. Advertise or solicit funds, unless authorized by the district
    i. Sell or purchase goods and services, unless authorized by the district
    j. Conduct a business
    k. Distribute chain letters
    l. Collect signatures
    m. Use a district-issued email account to create personal social media accounts

2. Copyright/Licenses. Users may not upload, download, use, copy, or distribute information, data, software, music, videos or other materials in violation of copyright law or applicable provisions of use or license agreements.

3. System Security/Integrity. Any attempt to degrade or disrupt the security or integrity of the district's technology system, or that of any other agency or network connected to the district's system is prohibited. Prohibited conduct includes but is not limited to:

    a. Installing unapproved equipment (e.g. wireless access points, routers, switches, network cabling not provided or approved by the Technology Department), unapproved or unlicensed software/ apps, or changing district settings.
    b. Hacking or other activity with a malicious intent to disrupt the network or to access or store confidential or private information.
    c. Creating or placing a computer virus on the network.
    d. Attempting to evade, change or exceed resource quotas or disk usage quotas.
    e. Using another's user-name or password, impersonating another, or falsifying email.
    f. Allowing one's own password, user-name or account to be used.
    g. Failing to report to appropriate district personnel theft or loss of district property, a data breach or other compromise to the district's system.
    h. Sharing a device personally assigned to the user.
    i. Any form of vandalism.
    j. Attempt to bypass the district's filter or conceal internet activity.

Student Safety Guidelines and Filtering

1. Each school will provide instruction to students in digital citizenship. Instruction will address safe and appropriate use of the internet, how to interact with others on social networks and social media websites and in chat rooms, age-appropriate information on topics such as the risk of posting personal contact information, cyberbullying awareness and response, online sexual exploitation, and how to report concerns about inappropriate contact or content to an adult. The district will provide resources and guidance on the frequency, grade levels and materials to be used.

2. Staff members are expected to supervise students' use of the internet and other district resources while students are in the instructional environment, and to intervene if the resource is not being used appropriately.

3. Staff users must maintain the confidentiality of student data including but not limited to student names, photographs and contact information in accordance with the Family Educational Rights and Privacy Act (FERPA) and Board Policies JO/ IGBAB – Student Records/ Records of Students with Disabilities, JOA – Directory Information and JOB – Personally Identifiable Information. This means that schools may not release information about students without parental consent unless an exception to the parental consent requirement applies. Directory information such as a student's name may be released externally (for example posted on a school website) but only with administrative direction. In addition, parents have the right to restrict the disclosure of directory information, and district staff must honor any restrictions selected by parents on the Objection to Release of Directory Information form maintained in the school office.

4. Student users will maintain safe practices when using the district's system. This means among other things that students:

    a. Will not post personal contact information (such as a photograph, age, school, home or email address or phone number) about themselves or others on a website, wiki, blog, podcast, or social networking site).

b. Will not use the system to arrange a meeting with someone except with prior parent approval.
c. Will promptly share with a staff member and parent any communication they receive on the district system that makes them feel uncomfortable.

5. Access to the internet is beneficial for student learning, yet the district has limited ability to limit access to only those internet resources that are relevant to curriculum and selected by district educators. Therefore, the district uses filtering tools to block or filter internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors.[1] The Superintendent or designee may also implement these technology protection measures to protect against other content inappropriate for a school environment. Users will not bypass district-filtered internet sites on devices used by students without permission from the Technology Department. A request to disable the technology protection measures may be submitted via the district's technology help desk to enable access for bona fide research or other lawful purposes, as deemed appropriate.

6. While the district uses an internet filtering system, supervises students' technology use in the classroom, and provides guidelines about appropriate use of technology, these measures do not guarantee that students will not access inappropriate materials or information that parents do not want them to access. However, the district has limited control over use of the system outside of the school setting, and the district's filtering system does not work outside of the district network – for example, when a student is using a district-issued device at home. Therefore, parents are encouraged to discuss with their children their expectations for use of the internet at home and to monitor their student's use of district technology at home. The district strongly encourages parents to educate themselves and their children about internet safety. Resources on cybersecurity include:

   https://www2.fbi.gov/publications/pguide/pguidee.htm
   https://sos.fbi.gov/
   https://www.nationalcac.org/internet-safety-tips/
   https://www.consumer.ftc.gov/topics/protecting-kids-online
   https://www.missingkids.org/NetSmartz

   The district makes no warranties of any kind for its technology system or the information users may access using the district's system or resources. The district is not responsible for any damages or harm suffered as a result of the use of its system.

General District Responsibilities

1. The district's Technology Department administration will ensure coordination and maintenance of the district's technology system and implementation of this regulation.

[1] For purposes of this policy, the term "minor" refers to any student enrolled in a 4J school regardless of age. The terms "obscene," "child pornography," "sexual act" and "sexual contact" have the meaning given such terms in 18 USC §§ 1460, 2256 and 2246, respectively. "Harmful to minors" means any picture, image, graphic image file or other visual depiction that: 1. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; 2. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and 3. lacks serious literary, artistic, political or scientific value to minors. 47 CFR § 54.520(a).

2. District administration and other designated staff will train 4J staff members in the appropriate use of the district's system and annually provide a copy of this administrative regulation.

3. Technology Department administration will provide a system for authorizing staff use of personal electronic devices to download or access district proprietary information[2], that ensures the protections of this information. Staff users having access to proprietary information shall remove such data from their device when its use is no longer authorized. The district reserves the right to implement end point protection on its devices or other devices connected to the network or district email.

4. District staff will cooperate fully with local, state or federal officials in any investigation relating to misuse of the district's system.

5. The district will use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements.

6. The district will install and use desktop and/or server virus detection and removal software;

7. Schools will ensure that all student users complete and sign a technology appropriate use agreement. All such agreements will be maintained on file in the school office;

8. District staff will notify users of known copyright infringing activities and deny access to or remove the material.

9. The district will restrict access to student information systems to those staff members or other users who are determined to have a legitimate educational need to know.

Retention

Email, files and other information sent, received, generated or stored are the property of the district and will be retained in accordance with state archivist rules for retention and destruction. Generally, email is archived for three (3) years. When the district is obligated to maintain records for a longer period, as when there is a litigation hold or directive to preserve evidence potentially relevant to a legal proceeding, normal retention procedures will be suspended.

Staff Email

District email accounts are provided to current district staff for the purpose of conducting district business in accordance with this regulation and other applicable district rules and policies. Communications on the district system are to be appropriate, professional, and courteous.

Staff must use email to conduct district business, and may not use personal email to conduct district business. A personal email account should not be forwarded to a district email account, and a district email

[2] "District proprietary information" is defined as any information created, produced or collected by district staff for the business or education purposes of the district including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the district's business.

account should not be forwarded to a personal email account. Staff have no right or expectation to privacy in district email, which are subject to potential disclosure under the Public Records Act.

Staff email signatures will promote a professional, businesslike image, and should include the employee's name, the school or department to which the employee is assigned, the name of the school district ("Eugene School District 4J"), email address and telephone number. Staff may also include their job title as reflected in official district records; use of a working title instead of official job title, when authorized by a Human Resources administrator, is acceptable. Signatures should be in black text only, and may not include images, clip art, background, personal quotes, slogans, or legal disclaimers.

Staff email accounts will be deactivated upon termination of employment.

Complaints

Complaints about use of the district's technology system may be raised, informally, to the teacher, principal, supervisor, system coordinator or the technology help desk. Formal complaints may be filed in accordance with the district's complaint procedure (KL-AR) available at www.4j.lane.edu/complaints.

END OF REGULATION

Reference(s):
Board Policies:
GBC – Staff Ethics
GBCB – Selling, Promoting or Use of District Property
GBG – Political Activities of Employees
GCAB – Personal Electronic Devices and Social Media – Staff
JBA/GBN – Sexual Harassment
JFCEB – Personal Electronic Devices – Students
JFCF – Harassment, Intimidation, Bullying Cyberbullying
JO/ IGBAB – Student Records/ Records of Students with Disabilities
JOB – Personally Identifiable Information
KBA – Public Records
KBE – Political Campaigns
KGF – Authorized Use of District Equipment and Materials
KJ – Commercial Activities

Eugene School District 4J

Code: **JGAB**
Adopted: 3/03/10
Revised/Readopted: 6/16/10; 6/05/13; 11/28/18; 10/16/19; 3/03/21; 6/21/23; 1/15/25
Orig. Code: JGAB

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

Prohibited Restraint

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object[1], including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.

[1] The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

Use of Restraint or Seclusion

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and

2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and

2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means. "Restraint" does not include:

    a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
    b. Assisting a student to complete a task if the student does not resist the physical contact; or
    c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:

        (1) Break up a physical fight;
        (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
        (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

   "Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

4. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

5. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

6. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student. "Mechanical restraint" does not include:

   a. A protective or stabilizing device ordered by a licensed physician; or
   b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

7. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

8. "Prone restraint" means a restraint in which a student is held face down on the floor.

9. "Supine restraint" means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

Miscellaneous

The district shall only utilize a training program for restraint or seclusion to train staff and use in the district which has been approved by the Oregon Department of Education (ODE).

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;

2. The total number of incidents involving seclusion;

3. The total number of seclusions in a locked room;

4. The total number of students placed in restraint;

5. The total number of students placed in seclusion;

6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;

7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;

8. The total number of restraint or seclusion incidents carried out by untrained individuals;

9. The demographic characteristics[2] of all students upon whom restraint or seclusion was imposed;

10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office and on the district's website, and to the Board. At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and administrative ~~r~~regulation KL-AR – Uniform Complaint Procedure. The complaint procedure is available on the home page of the district's website and at the district's administrative office.

The complainant, whether an individual or an organization, may appeal the district's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of restraint or seclusion by district staff. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

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[2] Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

Legal Reference(s):

ORS 161.205
ORS 339.250
ORS 339.285
ORS 339.288
ORS 339.291
ORS 339.294
ORS 339.297
ORS 339.300
ORS 339.303

OAR 581-021-0061
OAR 581-021-0550
OAR 581-021-0553
OAR 581-021-0556
OAR 581-021-0563
OAR 581-021-0566
OAR 581-021-0568
OAR 581-021-0569
OAR 581-021-0570
OAR 581-022-2267
OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
JGDA - Discipline of Students with Disabilities

Attendance Expectations

The District expects reliable and timely attendance by all employees. While there are legitimate reasons for absences, excessive absenteeism impacts students, safety, other employees, and often negatively impacts the District's efforts in accomplishing its mission to provide access to a high-quality public education.

For the purpose of this administrative expectation, an absence from work shall mean all periods of time during a scheduled work day in which an employee is unavailable to participate in work-related activities. This includes anticipated and unanticipated time away from work, such as a scheduled vacation or personal day and/or use of any paid and unpaid leave. Failure to provide timely notice of absence or the repeated failure to follow established work schedules, including, reporting late at the beginning of the work schedule, leaving early or returning late from breaks or lunch, or leaving work early at the end of the schedule, without approval, may constitute a violation of attendance expectations.

Attendance expectations include:

1) Employees are expected to come to work regularly and as scheduled, missing no more than one day per month worked, on average over the year, except as follows. In measuring unacceptable attendance, the district does not use these leaves: bereavement, legally protected leaves such as state or federal Family Medical Leaves (OFLA/FMLA/Paid Leave Oregon), jury duty, workers' compensation (on-the-job injury), vacation, military leave, parental and other unpaid leaves provided in collective bargaining agreements.[1]

2) Employees may take authorized leaves only. An employee may not take an unpaid day off without the advanced written approval of his or her supervisor and Human Resources. Failing to return from leave will be treated as job abandonment.

3) Employees will use leave time for the intended purpose of that leave.

4) For each leave type, employees are expected to follow the appropriate procedures for taking the leave. Except for vacation, any absence longer than five work days must be requested and approved by the director of Human Resources or designee.

5) Employees will accurately report any and all portions of their workday in which they are absent from work.

Not meeting these expectations will subject the employee to disciplinary or other corrective personnel action, up to and including termination. Nothing in this policy is intended to waive the just cause provisions in any collective bargaining agreement.

Type of Leave	Notice Expectation[2]
Sick Leave	Notify immediate supervisor as soon as practicable. The general expectation is at least 1 hour prior to the start of scheduled shift. Notification expectations may differ based on function. Employees must confirm notification expectations with their immediate supervisor. If the leave is foreseeable, notice to the supervisor should be at least 10 days prior to the date the leave is to begin or as soon as otherwise practicable.

Personal Days	Schedule with immediate supervisor at least 24 hours in advance unless emergency in nature. *Supervisor must have advance approval from the Human Resources Director or designee if the day is adjacent to a holiday or break. (classified)*

[1] Teacher release days provided by contract (i.e. elementary leadership days, SSD IEP release days, etc.) are also not included in determining

Unpaid Day	Must have written approval by all listed below (1-3) prior to the use of unpaid day: 1. Administrator or supervisor *and;* 2. Director or department lead *and;* 3. Human Resources representative. Requests must be submitted no less than 48 hours before a known absence. If the unpaid day is related to an illness the request must be sent within three work days upon return to work.
Vacation (12-month employees)	Schedule with and obtain approval from immediate supervisor at least three weeks in advance.
OFLA/FMLA/PLO (Paid Leave Oregon)	Complete and submit a leave request with the Human Resources Department. In addition, for PLO work with district vendor. For a foreseeable leave, submit a leave request to HR at least 30 days in advance, or as soon as practicable. - or - For an unforeseeable leave, notify your immediate supervisor as soon as practicable and within 24 hours. Complete a leave request with HR no later than three days after the unforeseeable leave has started.
Jury Duty	Notify your immediate supervisor as soon as you receive the request to serve and on each day of service. Submit your jury summons to HR to have Jury Duty leave made available to you in Absence Management. Once you've completed duty, please upload proof of attendance, like a pay stub or receipt of attendance.
Bereavement Leave	For an unforeseeable leave, notify immediate supervisor as soon as possible, but no later than 24 hours after the start of leave. Must complete a leave request with the HR department within three days of return to work. For a foreseeable leave, notify immediate supervisor at least 30 days prior to leave, or as soon as practicable. Must complete a leave request with the HR department at least 30 days prior to leave, or as soon as practicable.

Excessive absences.

[2] "Notify" means you will directly contact your supervisor by email, text, phone or other method specified by your supervisor

YOUR EMPLOYER'S PAID LEAVE EQUIVALENT PLAN

WHAT YOU NEED TO KNOW



Starting in September 2023, Paid Leave Oregon will serve most employees in Oregon by providing you paid leave for the birth, adoption, or fostering of a child; when you or a loved one is impacted by a serious illness or injury; or if you or your child is experiencing a situation with sexual assault, domestic violence, harassment, or stalking. Your employer has been approved to offer these paid leave benefits through an equivalent plan. This means that your paid leave benefits will come from your employer or plan administrator.

WHAT BENEFITS ARE PROVIDED THROUGH MY EMPLOYER'S EQUIVALENT PLAN AND WHO IS ELIGIBLE?

Oregon employees who have earned at least $1,000 in the prior year, may be entitled to up to 12 weeks of paid family, medical, or safe leave in a benefit year. While on leave, you will be paid a percentage of your wages. Benefit amounts will depend on what you've earned in the prior year.

WHO PAYS FOR EQUIVALENT PLANS?

Starting on January 1, 2023, Oregon employees will contribute to their employer's Equivalent Plan through payroll taxes. Contributions are calculated as a percentage of wages and your employer will deduct your contribution from your paycheck.

WHEN DO I NEED TO TELL MY EMPLOYER ABOUT TAKING LEAVE?

If your leave is foreseeable, you are required to give notice to your employer at least 30 days before starting paid family, medical, or safe leave.

HOW DO I APPLY FOR PAID LEAVE UNDER THE EQUIVALENT PLAN?

Starting September 3, 2023, you may be entitled to paid leave benefits under your equivalent plan by applying as follows:

Calling The Hartford at: 888-301-5615; or

Completing the claim form provided by your employer with input from your employer and the provider.

Mail or fax the documentation to:
The Hartford
PO Box 14869
Lexington, KY 40512
Fax: 833-357-5153

HOW CAN I APPEAL THE DECISION ON MY APPLICATION?

If your application is denied, you can appeal the decision with your plan administrator. To appeal the decision with The Hartford you must submit in writing, as indicated in your decision letter.

HOW DO I DISPUTE THE APPEAL DECISION?

If the appeal does not resolve your disagreement, you can request support from Paid Leave Oregon for dispute resolution. Visit paidleave.oregon.gov or call 833-854-0166 for more information.

WHAT ARE MY RIGHTS?

If you are eligible for paid leave, your employer cannot prevent you from taking it. Your job is protected while you take paid leave if you have worked for your employer for at least 90 consecutive calendar days. You will not lose your pension rights while on leave and your employer must give you the same health benefits as when you are working.

HOW IS MY INFORMATION PROTECTED?

Health information related to family, medical, or safe leave that you choose to share with your employer is confidential and can only be released with your permission, unless the release is required by law.

WHAT IF I HAVE QUESTIONS ABOUT MY RIGHTS?

It is unlawful for your employer to discriminate or retaliate against you because you asked about or claimed paid leave benefits. If your employer is not following the law, you have the right to bring a civil suit in court or to file a complaint with the Oregon Bureau of Labor & Industries (BOLI). You can file a complaint with BOLI online, via phone or email:

Web: www.oregon.gov/boli
Call: 971-245-3844
Email: help@boli.oregon.gov

Learn more about our Equivalent Plan:
Please contact your Employee Benefits Administrator

THE HARTFORD

Business Insurance
Employee Benefits
Auto
Home

The Hartford Financial Services Group, Inc., (NYSE: HIG) operates through its subsidiaries, including underwriting companies Hartford Life and Accident Insurance Company and Hartford Fire Insurance Company, under the brand name, The Hartford®, and is headquartered at One Hartford Plaza, Hartford, CT 06155. For additional details, please read The Hartford's legal notice at www.TheHartford.com. All benefits are subject to the terms and conditions of the policy. Policies underwritten by the underwriting companies listed above detail exclusions, limitations, reduction of benefits and terms under which the policies may be continued in force or discontinued. The Hartford also provides administrative and claim services for employer leave of absence programs and self-funded disability benefit plans. © 2023 The Hartford

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1571975g 02/23

Eugene School District 4J – New Hire Acknowledgement of Policies

My signature below acknowledges that I have received a copy of the Eugene School District 4J policy provisions related to personnel:

AC Nondiscrimination and Civil Rights
GBA Equal Employment Opportunity
GBC Staff Ethics
GBDA Milk Expression
GBEA Workplace Harassment
GBEA-AR Workplace Harassment and Discrimination Reporting and Procedure
GBEC Drug Free Workplace
GBG Political Activities of Employees
GBK/KGC Prohibited Use of Tobacco Products and Inhalant Delivery Systems
GBN/JBA Sexual Harassment
GBNAA Suspected Sexual Conduct with Students and Reporting Requirements
GBNAB/JHFE Suspected Abuse of a Child Reporting Requirements
GCAB Personal Electronic Devices and Social Media - Staff
G2100 Professional Conduct and G2120 Respectful Workplace
IIBGA-AR Electronic Communications System/ Technology Appropriate Use Guidelines
JGAB Use of Restraint or Seclusion
Attendance Expectations and Notice Requirements
Your Employer's Paid Leave Equivalent Plan – PFMLI (Paid Leave Oregon)

I understand there are additional policies and regulations on the 4J website, https://www.4j.lane.edu/districtpolicies, and it is my responsibility to follow all policies of the district.

_____	_____	_____
Print Name	Sign Name	Date

Cc: Personnel File