Human Resources-New Hire Information

Eugene School District 4J Policy

Personnel Section

Contents:

- Equal Employment Opportunity and Nondiscrimination
- Sexual Harassment
- Drug, Tobacco, and Alcohol Abuse by Employees
- Reporting Requirements Regarding Sexual Conduct with Students
- Staff E-mail Usage
- Attendance Expectations
- Use of Restraint and Seclusion

Code: **GBA**

Adopted: 12/18/96; 7/2/73 Revised: 8/15/77, 3/7/84,

6/26/91, 12/18/96

Orig. Code(s): 2420; 2425, 2430

Equal Employment Opportunity and Nondiscrimination

It is the policy of Eugene School District 4J Board of Directors to provide equal employment opportunity to all qualified persons and to prohibit discrimination or harassment in employment on the basis of race, color, national origin, sex (gender), marital status, sexual orientation, age, pregnancy, disability, religion, or veteran status.

This policy applies to all employment-related actions including, but not limited to, recruitment, selection, promotion, assignment and transfer, demotion, termination, compensation, benefits, layoff and recall, and training opportunities. Furthermore, this policy applies to harassment or intimidation of an employee by another employee, or by a nonemployee, because of race, color, national origin, sex (gender), marital status, sexual orientation, age, pregnancy, disability, religion, or veteran status. The board expects the district to conform to all relevant federal and state laws and orders and related school board policies.

It is the policy of the district that no individual shall be subject to retaliation for identifying or reporting employment discrimination or harassment.

Workforce Diversity

One of the many goals of an excellent educational system is the successful preparation of all its students as responsible adults in a dynamic and ever changing society. An important component is that of diversity. Diversity requires all students to understand and respect differences: differences in race, culture, religion, gender, abilities, and socioeconomic factors. But diversity is also about diversity of thought, diversity of values, and diversity of perspectives. For students to respect and value diversity, they must experience adult workers who are reflective of the varied cultures and backgrounds that make up our community and our nation.

The Eugene School District 4J Board of Directors recognizes the importance of workforce diversity and its role in the education of its students. Therefore, the board has established and implemented a Workforce Diversity Plan, which contains two major objectives.

- 1. The Workforce Diversity Plan is intended to promote nondiscrimination, and the respecting and valuing of diversity in all employment matters. It reaffirms the district's commitment to equal employment opportunity without regard to race, color, sex, national origin, age, religion, marital status, disability, Vietnam era veteran status, sexual orientation, familial status, socioeconomic status, or any other extraneous consideration not directly and substantively related to effective job performance.
- 2. The Workforce Diversity Plan also is intended to promote the recruitment, hiring, advancement, and retention of racial/ethnic minorities, women (and in some cases men), and people with disabilities in

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all segments of the district workforce. To accomplish this objective it will be the policy of the district to undertake affirmative action efforts that recognize and value the racial/ethnic minority, gender, or disability status of employees and applicants for employment as additional and positive qualification to those that are specific to job requirements. As such, the racial/ethnic minority, gender, or disability status of candidates will be considered in employment decisions when such persons are finalists for a position in a job group where they are underrepresented, and the finalists are equally well qualified.

The Board of Directors reaffirms its strong commitment to the principles of equal employment opportunity and the taking of affirmative action leading to workforce diversity. It is the duty and obligation of all employees to support and aid in all appropriate ways the implementation of the Workforce Diversity Plan.

Employment of Persons with Disabilities

Persons with disabilities will be encouraged to apply for positions in the Eugene Public Schools for which they are qualified. Such applicants will be given fair consideration for positions, and the district will make reasonable accommodation to such disabilities wherever feasible.

END OF POLICY

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Legal	Reference	0	٠.
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ORS 243.672	ORS 659A.030	OAR 581-021-0045
ORS 326.051	ORS 659A.142	OAR 581-022-1720
ORS 332.505	ORS 659A.145	
ORS 342.934	ORS 659A.233	
ORS 659.850	ORS 659A.236	
<u>ORS 659</u> .870	ORS 659A.309	
ORS 659A.009	ORS 659A.409	
<u>ORS 659A</u> .029	ORS 659A.805	

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Sections 621-634.

Age Discrimination Act of 1975, as amended, 42 U.S.C. Sections 6101-6107.

Equal Pay Act of 1963, as amended, 29 U.S.C. Section 206(d).

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Wygant v. Jackson Board of Education, 476 U.S. 267 (1989).

Code: **GBN**Adopted: 11/16/88

Revised: 12/18/96, 12/11/02

Orig. Code(s): 2435

Sexual Harassment

It is the policy of Eugene School District 4J that sexual harassment of employees in the work environment is unacceptable and will not be tolerated.

- 1. Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Sexual harassment may include such actions as: sexoriented verbal "kidding," "teasing" or jokes; subtle pressure for sexual activity; physical contact such as patting, pinching or brushing against another's body; or demands for sexual favors.
 - Conduct of this type is improper if: (a) submission to the conduct is either an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or (c) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- 2. All employees of Eugene School District 4J are expected to avoid any behavior or conduct toward any other employee which could be interpreted as sexual harassment.
- 3. Appropriate management and supervisory personnel shall take prompt, corrective action when they become aware of sexual harassment. Such action may include discipline up to and including termination of the offending employee or employees. Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the TSPC.
- 4. Any employee of Eugene School District 4J who feels that he or she has been the victim of sexual harassment should follow the district's complaint process relating to discrimination or notify the director of human resources. The complaint will immediately be investigated to determine whether it is justified. If the complaint is found to have merit, corrective action, as described above, will be implemented. The employee who initiated the complaint shall be notified when the investigation is completed.
- 5. No reprisal or adverse action will occur as a consequence of initiating a sexual harassment complaint. Federal and state laws and school board policy strictly forbid any form of reprisal or retaliation against a complainant or parties-in-interest in connection with the filing of a complaint of employment discrimination or harassment. Any form of retaliation for the filing of a complaint will be subject to immediate disciplinary action, up to and including dismissal.

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The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff in student/parent and staff handbooks. The district's policy shall be posted in all grade 6 through 12 schools. Such posting shall be by a sign of at least 8 1/2" by 11".

END OF POLICY

Legal Reference(s):

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

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).

Code: **GBCBA**

Adopted: 7/43, 9/5/90, 2/1/95 Revised: 2/1/95, 12/11/02, 12/21/05 Orig. Code(s): 2440.1, 2440.3-.4, 2440.5-.8,

2440.2, 2440.9

Drug, Tobacco, and Alcohol Abuse by Employees

Philosophy

The board believes that all students have the right to learn in an atmosphere that is conducive to their success. The abuse of drugs, tobacco and alcohol by employees will have a deleterious effect on the ability of the student to learn and on the ability of the staff to provide a meaningful educational program. The district intends to provide a safe work environment and encourage personal health. Therefore, this district considers the use or abuse of drugs, tobacco, or alcohol on the job by employees to be an unsafe and detrimental work practice.

With respect to the use and abuse of chemicals, all district employees are responsible to act as role models for students, and shall, as a condition of employment, abide by the provisions of this policy.

Prohibited Conduct

- 1. The possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the district's activities is prohibited.
- 2. Any employee who admits to the use of alcohol or illegal drugs while at work or just prior to work or is observed using alcohol or illegal drugs while at work or just prior to the workday or who possesses, sells, trades, or offers for sale illegal drugs in the workplace during working hours, may be subject to disciplinary action up to and including dismissal and referral for prosecution.
 - a. "Drugs" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance. Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers, or liquor.
 - b. "Workplace" shall mean the site for the performance of work done for the district. This includes any district building or any district-approved vehicle (including the employee's own vehicle) used to transport students or fellow employees to and from school or school activities or to transport fellow workers to and from different work sites; off-school property during any district sponsored or district-approved activity, event or function, such as field trip or athletic event, where students are under the jurisdiction of the district.
- 3. No staff member is permitted to smoke, inhale, dip or chew or sell tobacco at any time, including non-school hours in any building facility, or vehicle owned, leased, rented ,or chartered by the school district, school, or public charter school; or an school grounds, athletic grounds, or parking lots, for the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking products ,and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form. Staff violations of this policy will lead to disciplinary

action up to and including dismissal. The superintendent will develop a plan for implementation of this policy.

Prescription Medication

Any employee who is under the treatment of a physician and who must bring prescription medicines to the workplace shall carry the medicines in the original container bearing the name of the drug, the name of the physician, and the prescribed dosage.

Notice Regarding Violation of Criminal Drug Statutes1

Any employee who is convicted of any violation of criminal drug statutes occurring in the workplace is required to notify the director of human resources no later than five (5) days after the conviction.

Reporting the Use or Presence of Tobacco, Drugs or Alcohol

Any employee who is aware of the use of tobacco, drugs or alcohol by employees or the presence of controlled substances on district property, in district vehicles, or at school-sponsored activities is encouraged to bring such information to the attention of his or her immediate supervisor or the director of human resources.

Employee Counseling

It is the responsibility of the employee's supervisor to counsel with an employee and/or to refer the employee to the human resources department for appropriate counseling whenever changes in performance are observed that suggest an employee may have a problem with drugs or alcohol. The supervisor or the human resources department may suggest that the employee voluntarily seek help.

Awareness

The administration will make copies of this policy available to each employee annually and will periodically provide information about the dangers of tobacco, drug, and alcohol abuse in and outside of the workplace.

Procedures

The procedures for implementing this policy will be established by administrative rule and shall include a biennial review of the district's program. This policy does not provide for drug testing of employees. Any policy establishing a districtwide employee drug testing program will require prior approval by the board and will not include random testing of employees unless the district has reasonable suspicion that an employee's use or abuse of alcohol or illegal drugs is in violation of this policy.

Drug and Alcohol Testing for Commercially Licensed Drivers

In a continuing effort to prevent accidents and injuries that might result from the misuse of drugs and alcohol by district drivers who are required to hold commercial licenses, the superintendent will establish and maintain administrative rules that comply with the requirements of the federal Omnibus Transportation Employee Testing Act of 1991 and Federal Motor Carrier Safety Administration rules.

END OF POLICY

Legal Reference(s):

 ORS Chapter 475
 OAR 581-053-0015
 OAR 584-020-0040

 ORS 657.176
 OAR 581-053-0545 (4)(c)(R,S,T)
 OAR 839-006-0200 to -0265

 ORS 659.840
 OAR 581-053-0550 (5)(t,u,v)

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000). Americans with Disabilities Act of 1990, 42 U.S.C., Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Code: **JHFF** Adopted: 9/01/10

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by district/school employees as defined by Oregon law will not be tolerated. All district employees are subject to this policy.

"Sexual conduct" as defined by Oregon law is any verbal or physical conduct by a school employee, contractor or volunteer that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student's educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Child Abuse.

Any district/school employee who has reasonable cause to believe that another district/school employee, contractor or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor and the Director of Human Resources or designee.

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses and the district employee who is the subject of the report. The investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the district's decision to a neutral third party through the appeal process provided by the applicable collective bargaining agreement or administrative rule. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee's personnel file.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee's personnel file. The employee will be notified that this information may be disclosed to a potential employer.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the Director of Human Resources or designee will follow upon receipt of a report. When the Director of Human Resources or designee takes action on the report, the person who initiated the report must be notified.

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 complainant. If a student initiates a report of suspected sexual conduct by a district employee in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees, parents and students regarding the prevention and identification of sexual conduct. The district will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.370 for all district employees.

END OF POLICY

Legal Reference(s):

ORS 339.370

ORS 339.372

ORS 339.375

ORS 339.378

ORS 418.746 to-418.751

ORS 418.990

ORS 419B.005 to-419B.045

G2300.10 - Staff E-mail Usage

Last updated: Aug 10 2009 - 8:25am

The following administrative rule concerning e-mail use is intended to promote an ethical and professional work environment and to meet the requirements governing the use of District computer resources. District e-mail accounts are provided to current District staff for the purpose of conducting District business, and to students to enhance their educational experience. Staff e-mail accounts will be deactivated upon termination of employment; student e-mail accounts will be deactivated upon graduation or withdrawal.

All District e-mail users are responsible for understanding and observing the District Technology Appropriate Use Guidelines, and all other applicable policies, regulations and laws in connection with their use of District computer technology resources. The District Technology Appropriate Use Guidelines are available on the District's website at www.4j.lane.edu/cis. These guidelines require that communications on District equipment be appropriate, professional, and courteous. These guidelines and state law also provide that an employee's District e-mail account is not to be used as a substitute for an employee's personal e-mail account. Using District-provided email for personal correspondence, except on an incidental basis, is prohibited. Conversely District business that is conducted by e-mail should use a District e-mail account and not a personal e-mail account. A personal e-mail account should not be forwarded to a District e-mail account.

All electronic mail records are considered District records subject to potential disclosure under the Public Records Act. Employees and students should have no expectation of privacy in their electronic communications.

All staff and student e-mails sent and received through the District e-mail system are the property of the school system and will be retained (archived) for a minimum of three (3) years. An investigation team will be established when necessary to review archived records. In the case of a litigation hold (a directive not to destroy electronic mail that might be relevant to a pending or imminent legal proceeding), normal retention procedures will be suspended for all related records.

Citings

board:

KGF

JFCFA/GBNAA

<u>JB</u>

state:

ORS 244.040 ORS 260.432



Attendance Expectations

The District expects reliable and timely attendance by all employees. While there are legitimate reasons for employees to be absent, excessive absenteeism impacts students, safety, and other employees, and impedes the district in accomplishing its mission. 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, state or federal Family Medical Leaves (OFLA/FMLA), 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 district-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 director or designee. 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 their absences.

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.

¹ Teacher released days provided by contract (i.e. elementary leadership days, ESS IEP release days, ertc.) are also not included in determining excessive absences.

Code: **JGAB** Adopted: 3/03/10

Revised/Readopted: 6/16/10; 6/05/13

Use of Restraint and Seclusion

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of restraint and/or seclusion as an intervention with district students.

Definitions

- 1. "Physical restraint" means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. "Physical restraint" does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of "physical restraint" does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.
- 2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.
 - 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, in a setting from which the student is not physically prevented from leaving.
- 3. "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.
- 4. "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.
- 5. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional's scope of practice.
- 6. "Prone restraint" means a restraint in which a student is held face down on the floor.

The use of physical restraint and/or seclusion is only permitted as part of a behavioral support plan when other less restrictive interventions would not be effective and the student's behavior poses a threat of imminent, serious physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the district-designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher, or other school employee as necessary when the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others. The use of physical restraint/seclusion under these circumstances is only allowed so long as the student's behavior poses a threat of imminent, serious physical harm to themselves or to others. 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 allow staff full view of the student in all areas of the room and be free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets.

The district shall utilize the Oregon Intervention System (OIS) or the Mandt System training program of physical restraints and seclusion for use in the district. As required by State regulation, the selected program shall include: behavior support, prevention, de-escalation, and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion, including a review of all district cases involving restraint and/or seclusion, shall be completed to ensure compliance with district policies and procedures. The result of the annual review shall be documented and shall include at a minimum:

- 1. The total number of incidents of restraint;
- 2. The total number of incidents of seclusion;
- 3. The total number of seclusions in a locked room;
- 4. The total number of students placed in physical restraint;
- 5. The total number of students placed in restraint and/or seclusion more than 10 times in a school year;
- 6. The total number of restraint and seclusion incidents carried out by untrained individuals;
- 7. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed.

This report shall be made available to the Board and to the public at the district's main office and on the district's website.

At least once each school year the public shall be notified as to 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 and KL-AR - Public Complaints.

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 physical restraint or seclusion by district personnel.

END OF POLICY

Legal Reference(s):

ORS 161.205	OAR 581-021-0062	OAR 581-021-0559
ORS 339.250	OAR 581-021-0550	OAR 581-021-0563
	OAR 581-021-0553	OAR 581-021-0566
OAR 581-021-0061	OAR 581-021-0556	

Cross Reference(s):

JGDA/JGEA - Discipline of Students with Disabilities

Eugene School District 4J Policy

My Signature below acknowledges that I have received a copy of the Eugene School District 4J policy sections listed below pertaining to personnel:

- GBA Equal Employment Opportunity and Nondiscrimination
- GBN Sexual Harassment
- GBCBA Drug, Tobacco, and Alcohol Abuse by Employees
- JHFF Reporting Requirements Regarding Sexual Conduct with Students
- Admin Rule G2300.10 Staff E-mail Usage
- Attendance Expectations
- JGAB Use of Restraint and Seclusion

I understand that there are additional policies on the 4J website and it is my responsibility to know where they are located and review policy as applicable.

Print Name	
Sign Name	
Date	-
C: Personnel File	