

Human Resources-New Hire Information

Eugene School District 4J Policy

Personnel Section

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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
Orig. Code: GBA; 2420; 2425; 2430

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, pregnancy, childbirth or a related medical condition, age, veterans' status², 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 appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

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

END OF POLICY

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

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 659A.006	
ORS 192.630	ORS 659A.009	
ORS 243.672	ORS 659A.029	OAR 581-021-0045
ORS 326.051	ORS 659A.030	OAR 581-022-2405
ORS 332.505	ORS 659A.040	
ORS 342.934	ORS 659A.082	
ORS 408.225	ORS 659A.109	OAR 839-003-0000
ORS 408.230	ORS 659A.112	
ORS 408.235		OAR 839-006-0435
ORS 652.210 – 652.220		OAR 839-006-0440
ORS 659.850	ORS 659A.233	OAR 839-006-0450
ORS 659.870	ORS 659A.236	OAR 839-006-0455
ORS 659A.003	ORS 659A.309	OAR 839-006-0460
	ORS 659A.321	OAR 839-006-0465
	ORS 659A.409	House Bill 2341 (2019)
	ORS 659A.820	Senate Bill 479 (2019)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2012).
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 (2012).
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 (2019).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 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. 42 U.S.C. §§ 12101-12233 (2012).
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1(2012).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 USC § 4311
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002)

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act

Eugene School District 4J

Code: GBN/JBA
Adopted: 12/18/96
Revised/Readopted: 12/11/02; 8/15/18
Orig. Code: GBN

Sexual Harassment

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members, or third parties on or immediately adjacent to district property, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities. The policy also applies to off campus conduct that causes or threatens to cause a substantial and material disruption at school or other district property, or interferes with the rights of students or employees to be free from a hostile educational or employment environment taking into consideration the totality of the circumstances.

Sexual harassment of students, employees or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as a factor in educational decisions affecting a student or employment or assignment of employees; or
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, whether the individual viewed the environment as hostile; whether it was reasonable to view the environment as hostile; the nature of the conduct; the frequency, duration and severity of the conduct; the age and sex of the complainant; whether the alleged harasser was in a position of power over the student or employee subjected to the harassment; the number of individuals involved; the age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, employees or third parties.

Examples of sexual harassment may include, but not be limited to:

1. Verbal comments, such as unwelcome sexual advances, requests for sexual favors, derogatory remarks, talking about one's sexuality in front of others, spreading rumors about or rating others as to appearance, sexual activity or performance, obscene jokes, gender-based stereotyping, remarks based on a person's gender nonconformity with gender stereotypes;
2. Nonverbal conduct, such as graffiti, display or distribution of sexually explicit drawings, pictures or written materials, text messages, or notes; and/or
3. Physical conduct such as unwanted physical contact, sexual touching, fondling, sexual assault, and other forms of sexual violence.

All complaints about behavior that may violate this policy shall be promptly investigated and addressed in accordance with this policy and the additional complaint procedures developed by the Superintendent.

Any student who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment is strongly encouraged to report immediately their concerns to the school administrator. Students may also report concerns to a teacher, counselor or other school employee, who will promptly notify the appropriate district official. Students may also report concerns to the Title IX Coordinator or Superintendent, who has overall responsibility for all investigations.

Any district employee, volunteer or other third party who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to their administrator. Reports may also be made to a Human Resources administrator, the Assistant Superintendent of Administrative Services, or the Superintendent, who has overall responsibility for all investigations.

Upon receipt of a complaint by a student, student's parents, employee or third party alleging behavior that may violate this policy, the district shall provide written notice of rights as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.

The initiation of a complaint in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant or any terms or conditions of employment or work environment of the employee complainant or any terms or conditions of employment or of work or educational environment of a third-party complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address its negative effects in the educational or employment setting. Students who violate this policy shall be subject to discipline up to and including expulsion, counseling, sexual harassment awareness training, and/or transfer to another school as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action.

Employees who violate this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the appropriate district official.

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 TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, employees 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 upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all grade 6 through 12 schools. Posted signs shall be at least 8-1/2 inches by 11 inches in size. The written notice of rights required by ORS 342.704 will be made available on the district website.

The superintendent will establish procedures implementing this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[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](#)

HB 4150 (2018)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2014).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

JBA/GBN - Sexual Harassment

JFCF - Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student

Eugene School District 4J

Code: GBN/JBA-AR
Revised/Reviewed: 4/21/09; 8/27/18
Orig. Code: GBN/JBA-AR; G1140-G1170

Sexual Harassment Complaint Procedure

1. Introduction/ Scope

The Board has established policies committing the district to the elimination of sexual harassment including sexual violence in district schools and activities, for adults and students. These procedures implement board policies JBA/GBN and GBN/JBA and state and federal laws addressing sexual harassment, including Title IX and ORS 342.704. All complaints about behavior that may violate the district's sexual harassment policy shall be promptly investigated and addressed in accordance with these procedures. Sexual harassment is strictly prohibited and shall not be tolerated. Appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address its negative effects in the educational or employment setting.

The prohibition against sexual harassment includes harassment of students, staff members, Board members, or third parties¹ on or immediately adjacent to district property, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop by other students, staff members, Board members or third parties. This procedure will be enforced before, during or after school hours on all school property and nondistrict property if the student or staff member is at any district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district; or where the staff member is engaged in district business.

The procedure applies to off campus conduct that causes or threatens to cause a substantial and material disruption at school or other district property, or interferes with the rights of students or employees to be free from a hostile educational or employment environment. The procedure also applies to off duty conduct by employees which is incompatible with district job responsibilities.

2. What Is Sexual Harassment?

Sexual harassment of students, employees or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal, nonverbal or physical conduct of a sexual nature when:

- a. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
- b. Submission to or rejection of the conduct or communication is used as a factor in educational decisions affecting a student or in employment or assignment of employees; or
- c. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an

¹ "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school

employee's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment.

In determining whether the conduct or communication is "sufficiently severe, persistent or pervasive" as to create a hostile environment, the district will consider all relevant factors, including but not limited to whether the individual viewed the environment as hostile; whether it was reasonable to view the environment as hostile; the nature of the conduct; the frequency, duration and severity of the conduct; the age of the complainant; whether the alleged harasser was in a position of power over the student or employee subjected to the harassment; the number of individuals involved; the age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, employees or third parties.

- (1) Conduct may be verbal, nonverbal or physical. Examples include:
 - (a) Verbal comments, such as unwelcome sexual advances, requests for sexual favors, derogatory remarks, talking about one's sexuality in front of others, spreading rumors about or rating others as to appearance, sexual activity or performance, obscene jokes, gender-based stereotyping, remarks based on a person's nonconformity with gender stereotypes;
 - (b) Nonverbal conduct, such as graffiti, display or distribution of sexually explicit drawings, pictures or written materials, text messages, or notes; and/or
 - (c) Physical conduct such as unwanted physical contact, sexual touching, fondling, sexual assault, and other forms of sexual violence.

The term "of a sexual nature" is broad and includes conduct or comments about sex (the physical act), based on gender (persons being male or female) or based on sex or gender stereotyping.

- d. Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, and by any person upon any other person, regardless of the sex, gender, sexual orientation or gender identity of those involved.

Examples of sexual harassment may include, but are not limited to:

- (1) An employee's supervisor makes unwelcome sexual advances and the employee reasonably believes that accepting or rejecting that conduct will be used as a factor in employment decisions.
- (2) An employee makes offensive or inappropriately suggestive comments or jokes.
- (3) An employee displays inappropriate sexual or suggestive illustrations in the workplace or on school property.
- (4) An employee stalks another employee.
- (5) A school employee makes a student believe that he or she must submit to sexual conduct or sexual advances.
- (6) A school employee makes a student believe that if the student rejects the employee's advances, it will be used as a factor in determining the student's grades.
- (7) An employee cultivates a romantic or inappropriate social relationship with a student. Any sexual relationship between a student and a district employee is always prohibited.

- (8) A student is repeatedly contacted by a former dating partner to the point that student is alarmed, and the student is reasonably afraid for student's own safety at school, which both students attend.
- (9) A student is subjected to a sexual assault.

3. Consequences

Students who violate this policy are subject to discipline up to and including expulsion, counseling, sexual harassment awareness training, loss of privileges, and/or transfer to another school as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action.

Employees who violate this policy are subject to discipline up to and including dismissal, training, involuntary reassignment, and cancellation of contracts.

Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the appropriate district official, and which may include cancellation of contracts or privileges and restrictions on facilities access. 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 TSPC.

Additionally, the district may report individuals in violation of this policy to law enforcement officials.

4. Procedures for Incidents of Harassment Against Students

a. Reporting a Complaint

- (1) Any student who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment is strongly encouraged to immediately report their concerns to the school administrator. Students may also report concerns to a teacher, counselor or other school employee, who will promptly notify the appropriate district official. An optional Student Safety Reporting Form is available at each school.

Students may also report concerns to the district Title IX Coordinator at titleixcoordinator@4j.lane.edu or may use the formal, district-level complaint form available on the district website at www.4j.lane.edu/contact/complaints.

- (2) Any district employee or third party who witnesses or has knowledge or belief of conduct that may be harassment toward a student shall intervene to attempt to stop an act and shall promptly report the conduct to the school administrator. If the school administrator is involved, the alternative reporting procedure shall be followed.
- (3) The administrator of each school is the school compliance official for that school. The school compliance official shall be responsible for posting required notices, receiving reports and complaints, providing written notice of rights to complainants, taking interim measures when appropriate, conducting appropriate investigations, implementing any corrective and remedial measures, and providing notice of outcome. In a particular case, the district Title IX Coordinator or Superintendent may designate, in writing, an official other than the school compliance officer to carry out these responsibilities.

- (4) The district Title IX Coordinator is the person designated by the Superintendent to coordinate compliance with Title IX, and to monitor and receive complaints of sexual harassment and discrimination against students. The Title IX Coordinator may be contacted by phone at 541-790- 7606, by email at titleixcoordinator@4j.lane.edu, or by mail at 200 North Monroe Street, Eugene OR 97402.

b. District Actions Upon Receipt of Report — Students

The school or district compliance officer receiving the complaint shall:

- (1) Document the report.
- (2) By the end of the day, if possible, contact the parents or guardians of the student alleged to have been harassed. Inform them of the allegation and the process. Provide the student or the student’s parents with the Notice of Rights to Complainants of Sexual Harassment available on the district website.
- (3) Contact the parents or guardians of the student accused of engaging in sexual harassment, or other responding party, to inform them of the allegation and process. When investigating an incident that is likely to lead to discipline, the contact must be made before the interview in an email or letter that describes the potential violation, the identities of the parties involved, the date and location of the alleged incident, the specific policy or code of conduct section violated, and the precise conduct allegedly constituting the potential violation.
- (4) Immediately notify the district Title IX Coordinator of: (1) complaints of a particularly egregious nature, such as stalking, sexual misconduct, or assault; or (2) complaints involving a district employee against a student. When a complaint involves the conduct of a district employee or third party against a student, the complaint shall be investigated at the district level and the Assistant Superintendent for Administrative Services shall also be notified.
- (5) When circumstances trigger the employee’s mandatory reporting obligations under Oregon law, immediately make a child abuse report to Department of Human Services or law enforcement. The district will conduct its own investigation, even when another agency has initiated an investigation.
- (6) Take interim measures, as appropriate, before the conclusion of the investigation, to protect students and to address the impact of prohibited conduct. Interim measures may include schedule modifications, no contact agreements, academic supports, increased supervision, counseling and similar accommodations.
- (7) Promptly undertake or cause to be undertaken an appropriate investigation. The investigation will be completed within thirty (30) days from receipt of the complaint, unless impracticable. An investigation will generally include personal interviews with the person who is the target of the harassment, the person about whom the complaint is made, and others who may have knowledge of the incident, and may include other methods of gathering information.
- (8) Determine the facts, based on investigation, and whether the evidence substantiates a violation of district’s policy. Reduce the investigation findings to writing.

In determining whether district policy has been violated, the district applies a preponderance of evidence standard, meaning that the evidence shows that it is more likely than not that the conduct occurred. The district will consider the age and level of understanding of the parties involved, the nature of the behavior, past incidents or

patterns of behavior, the relationships between the parties, the context of the alleged conduct, and the credibility of witnesses.

c. District Actions Following Investigation — Students

- (1) If harassment is found to have occurred, the district will take appropriate and effective action to stop the sexual harassment, prevent its recurrence and address its negative effects in the educational or employment setting.

A student or other person found to have violated this policy will be provided appropriate corrective and/or disciplinary action.

Appropriate restorative action for the target of the harassment, such as follow up by administration, counseling, academic support, will be provided. As appropriate, the school compliance official shall also make and implement medium and long-range plans to identify and rectify problems in the school climate, such as reaffirming the district policy against sexual harassment.

- (2) If the investigation does not substantiate a violation of the district's sexual harassment policy, but does substantiate violation of another rule or policy, the school may take disciplinary action in accordance with the code of conduct.
- (3) The official conducting the investigation shall notify both parties in writing that the investigation is concluded, and whether a violation of the policy was found to have occurred.

The outcome notice to the complainant should identify any individual remedies offered to the complainant or any sanctions imposed on the responding party that directly relate to the complainant (such as whether the responding party has been ordered to stay away from the complainant). The notice may include other steps the school has taken or intends to take to eliminate the hostile environment if one was found.

5. Procedures for Incidents of Harassment Against Employees

a. Reporting a Complaint

- (1) Any district employee or other third party who feels they are a victim of sexual harassment must report their concerns immediately or as soon as possible. Employees are encouraged to make such report directly to their building administrator or supervisor. If the administrator or supervisor is involved, the alternative reporting procedure should be followed.

Employees may also report concerns to a Human Resources administrator, to the Assistant Superintendent for Administrative Services at eeo@4j.lane.edu or the Superintendent, who has overall responsibility for all investigations.

- (2) Complaints may be oral or in writing. A formal complaint form is available on the district website at www.4j.lane.edu/contact/complaints.
- (3) Any district employee or third party who witnesses or has knowledge or belief of conduct that may be harassment toward an employee or third party, shall promptly report the conduct to the employee's direct administrator or supervisor. If the administrator or supervisor is involved, the alternative reporting procedure should be followed.

- (4) The district Assistant Superintendent for Administrative Services is the person designated by the Superintendent to answer questions about, monitor and receive complaints of sexual harassment and discrimination against employees. The Assistant Superintendent may be contacted at 541-790-7660, by email at eeo@4j.lane.edu, or by mail at 200 North Monroe Street, Eugene OR 97402.

b. District Actions Upon Receipt of Report — District Employees

The administrator, supervisor or district compliance officer receiving the complaint shall:

- (1) Document the report.
- (2) Promptly notify the appropriate Human Resources administrator. The complaint shall be investigated in collaboration with a Human Resources administrator or other appropriate district official.
- (3) Promptly provide the employee a copy of the district's Notice of Rights to Complainants of Sexual Harassment available on the district website.
- (4) Take interim measures as appropriate, before the conclusion of the investigation, to protect the parties involved in the complaint process. Interim measures may include placing the accused on paid administrative leave, schedule modifications, no contact directives, and similar accommodations.
- (5) Promptly undertake or cause to be undertaken an appropriate investigation. The investigation will be completed within thirty (30) days from receipt of the complaint, unless impracticable. An investigation will generally include personal interviews with the person who is the target of the harassment, the person about whom the complaint is made, and others who may have knowledge of the incident, and may include other methods of gathering information.
- (6) Determine the facts, based on investigation, and whether the evidence substantiates a violation of district's policy. Reduce the investigation findings to writing.

The district applies a preponderance of evidence standard, meaning that the evidence shows that it is more likely than not that the conduct occurred. In determining whether the policy has been violated, the district will consider the facts and surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties, the context of the alleged conduct, and the credibility of witnesses.

c. District Action Following Investigation — District Employees

- (1) If harassment is found to have occurred, the district will take appropriate and effective action to stop the sexual harassment, prevent its recurrence and address its negative effects in the educational or employment setting.

An employee or other person found to have violated this policy will be provided appropriate corrective and/or disciplinary action.

Persons found to have been subjected to harassment will have appropriate district services made reasonably available to them. Depending on the circumstances, the district will also consider systemic measures, such as retraining or reaffirming the district policy against sexual harassment.

- (2) If the investigation does not substantiate a violation of the district's sexual harassment policy, but does substantiate violation of another rule, policy or standard of conduct, the district may take disciplinary action to address that violation.
- (3) The official conducting the investigation shall notify both parties in writing that the investigation is concluded, and whether a violation of the policy was found to have occurred.

The outcome notice to the complainant should identify any individual remedies offered to the complainant or any sanctions imposed on the responding party that directly relate to the complainant (such as whether the responding party has been ordered to stay away from the complainant). The notice may include other steps the school has taken or intends to take to eliminate the hostile environment if one was found.

6. Other Considerations

a. Alternative Reporting Procedure

A person shall not be required to report prohibited conduct to the person alleged to have committed the conduct. If the complainant is a district employee with a concern about the employee's supervisor, the complaint may instead be filed with the Assistant Superintendent for Administrative Services at eeo@4j.lane.edu, with a Human Resources administrator, or with the Superintendent's office.

If a complaint by or on behalf of a student involves a school administrator, the complaint should be filed directly with the district Title IX Coordinator at titleixcoordinator@4j.lane.edu. If the complaint involves the Title IX Coordinator, it should be filed directly with the Superintendent.

If the complaint involves the Superintendent, the complaint should be filed with the school board. If the complaint involves a school board member or the board as a whole, the complaint should be filed with the board chair. If the complaint involves the board chair, the complaint shall be filed directly with the school board vice chair. The mailing address and telephone number is: 200 North Monroe Street, Eugene OR 97402, 541-790-7706.

b. No Conflict of Interest

A person free of actual or reasonably perceived conflicts of interest and biases for or against a party must lead the investigation. If a specific complaint could involve a conflict, the compliance officer should consult with district legal counsel.

c. Notice of Rights to Complainants of Sexual Harassment

The Notice of Rights to Complainants of Sexual Harassment shall include:

- (1) The rights of the student, student's parents, employee, person or person's parents who filed the complaint;
- (2) Information about the internal complaint processes available through the school or district that the complainant may pursue;

- (3) Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
- (4) Information about services available to the complainant through the school or district including any counseling services, nursing services or peer advising;
- (5) Information about the privacy rights of the complainant and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and
- (6) Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

d. No Retaliation

The initiation of a good faith complaint about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student complainant, or any terms or conditions of employment or work environment of an employee complainant, or any terms or conditions of employment or of work or educational environment of a third-party complainant. There shall be no retaliation against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

e. Criminal Investigation

If a criminal investigation has been started, the district should proceed with its investigation unless, after conferring with law enforcement, it is determined that proceeding would impede the criminal investigation. When possible, the district investigator should be present for witness interviews by law enforcement. If the district's internal investigation has been suspended pending a criminal investigation, the district's internal investigation will resume (a) after law enforcement has finished gathering its evidence, or (b) at the direction of the district compliance official or legal counsel. Investigations are expected to proceed without undue delay.

7. Confidentiality

District employees with knowledge of conduct in violation of this policy must report the same to the appropriate compliance official and cannot promise confidentiality.

When a student complainant reports harassment but requests confidentiality or requests that an investigation not be pursued, the school or district compliance officer will explain that the request for confidentiality may limit the district's ability to investigate the allegation or take corrective action, and also that the district prohibits retaliation and will take strong responsive action if retaliation occurs. If the complainant continues to request that an investigation not be pursued, or that the complainant's identity not be disclosed, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment. Even when the district's ability to respond fully to an individual allegation is limited, such as when honoring a student's request for confidentiality, the district will use other available, reasonable means to investigate and respond to the harassment.

Complainants shall be informed by the school or district compliance official that due process requirements may require that the district release all of the information about the complaint to the accused, so the identity of the complainant may not remain confidential.

Records created or provided as a result of a complaint will be kept confidential, except as necessary to comply with district policy and procedures or law.

8. Appeal

If a complainant or respondent is dissatisfied with the district's action or inaction in resolving a complaint brought pursuant to these procedures, they may appeal by filing a complaint with the superintendent's office using the complaint form available on the district website or from the superintendent's office.

The formal complaint process in district administrative rule KL-AR shall apply. The Superintendent has discretion to consider the appeal at Step 2 – Superintendent Level – in appropriate cases. Additionally, the timelines in KL-AR may be modified by the Superintendent when necessary to complete a thorough review.

These procedures shall not preclude the application of available grievance procedures in a collective bargaining agreement.

9. Concurrent Claims and Remedies

The district encourages complainants to follow the internal district procedures provided by this administrative rule. However, the use of this procedure does not deny the right of any person to simultaneously report or pursue other administrative, civil or criminal remedies, which may include filing a complaint with agencies including the Oregon Department of Education, the Office for Civil Rights of the U.S. Department of Education, or the Oregon Bureau of Labor and Industries. Civil and criminal remedies not provided by the school or school district may be available through the legal system and such remedies may be subject to statutes of limitation.

Eugene School District 4J

Code: GBNAA/ JHFF
Adopted: 9/1/10
Readopted: 11/28/18; 1/15/20
Orig Code: JHFF

Reporting Requirements for Suspected Sexual Conduct with Students *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is not tolerated. All district employees, contractors, agents, and volunteers 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, hostile or offensive educational environment. “Sexual conduct” does not include touching 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.

“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 90 days prior to the sexual conduct.

Any district employee 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 the designated licensed administrator or the alternate designated licensed administrator 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 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, the employee may be disciplined up to and including dismissal.

When the 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 JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of

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.

Education (ODE) or Teacher Standards and Practices Commission (TSPC) as appropriate, for investigation. 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 post in each school building the names and contact information of the employees designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

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.

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, 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.

Policy JBA/GBN strictly prohibits sexual harassment in all of its programs and activities, harassment of students by staff, volunteers, contractors and students. As applicable, Policy JBA/GBN 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 as provided in policy 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 419B.005 - 419B.045](#)

Senate Bill 155 (2019)

[ORS 339.370 - 339.400](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

Eugene School District 4J

Code: **JHFE**
Adopted: 5/07/14
Readopted: 11/28/18
Orig. Code: JHFE

Reporting of Suspected Abuse of a Child

Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom the employee is in contact has abused a child, will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, principal or superintendent.

Abuse of a child by district employees or by students will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation(s). If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the human resources director or designee to receive reports of abuse of a child by district employees and specify the procedures to be followed upon receipt of an abuse report. In the event the human resources director or designee is the suspected abuser, the superintendent or Board chair shall receive the report of abuse. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the human resources director or designee will follow upon receipt of a report. When the human resources director or designee takes action on the report, the person who initiated the report must be notified.

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.

Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement, Oregon Department of Human Services or Teachers Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child 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 abuse of a child by a district employee or a student, in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall establish written procedures to provide annual training: 1) for district staff in the prevention and identification of abuse of a child and on the obligations of district employees under ORS 419B.005, as directed by Board policy, to report suspected abuse of a child; 2) for parents and legal guardians of students attending district schools on the prevention, identification of abuse of a child and the obligation of district employees to report suspected abuse of a child, separate from district staff training; and 3) designed to prevent abuse of a child available to students attending district-operated schools.

The superintendent shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370](#) to -339.400
[ORS 418.746](#) to -418.751

[ORS 419B.005](#) to -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):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

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 and a District e-mail account should not be forwarded to a personal 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](#)

[JB](#)
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, legally protected leaves such as 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.

Type of Leave	Notice Expectation ²
Sick Leave	Notify immediate supervisor as soon as practicable. The general expectation is at least 30 minutes prior to start of scheduled shift. 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.
Family Illness Days (MAPS)	Notify immediate supervisor at least 30 minutes prior to start of scheduled shift. Can only be used to care for an immediate family member when they are sick.

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

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

<p>Unpaid Day</p>	<p>Must have written approval from the Human Resources Director or designee prior to the use of unpaid day.</p> <p>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.</p> <p>To request an unpaid day an employee must complete a Leave Request for Unpaid Days form. The form can be found on the district website at https://www.4j.lane.edu/hr/loa/.</p>
<p>Vacation (12 month employees)</p>	<p>Schedule with and obtain approval from immediate supervisor at least three weeks in advance.</p>
<p>OFLA/FMLA (unpaid but may be able to use some of the accrued paid leave listed above)</p>	<p>Complete and submit a leave request with the Human Resources Department.</p> <p>For a foreseeable leave, submit a leave request to HR at least 30 days in advance, or as soon as practicable.</p> <p style="text-align: center;">- or -</p> <p>For an unforeseeable leave, notify your immediate supervisor as soon as practicable and no later than 24 hours of an unforeseeable leave and complete a leave request with HR no later than three days after the unforeseeable leave has started.</p>
<p>Jury Duty</p>	<p>Notify immediate supervisor as soon as you receive the request to serve and on each day of service.</p>
<p>Bereavement Leave</p>	<p>For an unforeseeable leave, notify immediate supervisor as soon as possible, but no later than 24 hours after start of leave. Must complete a leave request with the HR department within three days of return to work.</p> <p>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.</p>
<p>Discretionary Leave (MAPS)</p>	<p>All notification requirements for each type of leave apply depending if the leave is used for sick, family leave or personal leave. Follow the applicable notice requirements listed above.</p>

Eugene School District 4J

Code: **JGAB**
Adopted: 3/03/10
Revised/Readopted: 6/16/10; 6/05/13; 11/28/18;
10/16/19; 11/06/19
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 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, 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 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.
11. Any action designed for the primary purpose of inflicting pain.

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 used 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" 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.
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 is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for the 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.

6. "Prone restraint" means a restraint in which a student is held face down on the floor.
7. "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 of OAR 581-021-0568.

Miscellaneous

The district shall utilize the Mandt System training program of restraints or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, without limitation: positive behavior support, conflict 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 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 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 provided to the Board and made available to the public on the district's website and at the district's main office. At least once each school year 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 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, if a student, a parent or guardian of a student attending school in the district or a person who resides in the district, may appeal the district’s final decision to the Deputy Superintendent of Public Instruction pursuant to OAR 581-022-2370.

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.

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0563
ORS 339.250	ORS 339.303	OAR 581-021-0566
ORS 339.285		OAR 581-021-0568
ORS 339.288	OAR 581-021-0061	OAR 581-021-0569
ORS 339.291	OAR 581-021-0550	OAR 581-021-0570
ORS 339.294	OAR 581-021-0553	OAR 581-022-2267
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
JGDA - Discipline of Students with Disabilities

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: 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 163.688 | ORS 332.072 |
| ORS 163.432 | ORS 163.689 | ORS 332.107 |
| ORS 163.433 | ORS 163.693 | ORS 336.840 |
| ORS 163.684 | ORS 163.700 | |
| ORS 163.686 | ORS 326.011 | OAR 584-020-0000 to -0035 |
| ORS 163.687 | ORS 326.051 | |

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

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

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

Eugene School District 4J

Code: JFCG/JFCH/JFCI

Adopted: 11/28/18

Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**

Student substance abuse, possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any district property or grounds, including parking lots, or while participating in school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near district grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on district grounds, at school-sponsored activities or otherwise while the student was under the jurisdiction of the school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all district grounds, including parking lots, at school-sponsored activities and in district vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on district property, in a district facility or while attending a district-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district property is a Class A felony, as provided by ORS 475.904.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 161.605](#)
[ORS 161.625](#)
[ORS 163.575](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.883](#)
[ORS 431.840](#)
[ORS 431.845](#)
[ORS 431A.175](#)
[ORS 433.835 to -433.990](#)
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-2045](#)

[OAR 581-053-0230\(9\)\(s\)](#)
[OAR 581-053-0330\(1\)\(m\)-\(o\)](#)
[OAR 581-053-0430\(12\)-\(14\)](#)
[OAR 581-053-0531\(11\)-\(13\)](#)
[OAR 581-053-0630](#)
[OAR 584-020-0040](#)

SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2012); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Cross Reference(s):

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

Eugene School District 4J

Code: GBDA
Adopted: 5/21/14
Readopted: 10/24/18; 10/16/19; 11/06/19
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 on 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 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, revised 01/15/20
- GBN/JBA – Sexual Harassment, revised 08/15/18
- GBN/JBA-AR – Sexual Harassment Complaint Procedure, revised 08/27/18
- GBNA/JHFF – Reporting Requirements Regarding Sexual Conduct with Students, revised 01/15/20
- JHFE – Reporting of Suspected Abuse of a Child, revised 11/28/18
- Admin Rule G2300.10 – Staff E-mail Usage, revised 08/10/09
- Attendance Expectations and Notice Requirements, revised 08/28/19
- JGAB – Use of Restraint and Seclusion, revised 11/06/19
- GBG – Political Activities of Employees, revised 10/24/18
- GCAB – Personal Electronic Devices and Social Media – Staff, revised 10/24/18
- GBK/KGC – Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems, revised 10/24/18
- JFCG/JFCH/JFCI – Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems, revised 11/28/18
- GBDA – Milk Expression, revised 11/06/19

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