



**2022–23 STAFF ORIENTATION**

There are several board policies, administrative rules and collective bargaining provisions that principals and directors are required to review each fall with school or department staff. Please review all items on the list below and have each employee check that they have been informed of the information & then sign & date the document.

**All 4J employees must review the following:**

- 2022-23 Summary of Spending Guidelines and Controls
- Nondiscrimination Notice
- Racial Harassment Policy ACC
- Sexual Harassment Administrative Rule JBA/GBN– AR
- Professional Conduct & Respectful Workplace: Administrative Rules G2100 and G2120
- Attendance Expectations and Notice Requirements
- Substance Abuse (Staff): Administrative Rule 2430
- Child Abuse & Sexual Conduct Reporting Requirements: Board Policy JHFF
- Locked Spaces
- Community Educators (Guest Speakers) and Outside Presenters
- FAQ for Staff – Supporting Undocumented Students, Revised April 2018
- Visitors to Schools and Properties: Board Policy KK

**Employees who work at schools, have contact with students or are administrators or supervisors must *also* review the following.**

- Wellness Policy Summary
- Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence, Domestic Violence and Student Safety Reporting Form: Board Policy JFCF
- Transgender and Gender Nonconforming Students: Administrative Rule JBC-AR
- Hate Symbols and Bias Incidents - School Board Policy ACB and Administrative Rule ACB-AR
- Administering Medication in School: Administrative Rule JHCD/JHCDA-AR

**Administrators, supervisors, managers, financial clerks, secretaries, executive assistants and other staff in financial roles must also review:**

- Financial Procedures for Schools and Departments (The complete Financial Procedures document can be found in the Back To School Memo under Section One, Item 2)

I have been informed of each of the above items and understand the policy or provision. I also understand that additional policies, administrative rules, and/or procedures may be released later in the year and I guarantee that I will review that information when it is released.

\_\_\_\_\_  
 Print Employee Name

\_\_\_\_\_  
 Employee Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Position

\_\_\_\_\_  
 Building

\_\_\_\_\_  
 ID Number

**Building Administration:** Please confirm all your staff have reviewed the material and signed the checklist, then scan all building documents and send to the Department of Human Resources no later than November 11. Thank you.

All 4J employees must review  
the following:



## OVERVIEW

This summary intends to provide high-level guidance for school and department staff who are not primarily assigned to financial positions. A more detailed explanation of topic areas is included in the Financial Procedures for Schools and Departments FY23 manual, which is located on the Financial Services Intranet.

- Board polices and administrative rules are found here: <http://www.4j.lane.edu/policiesandrules/>
- See Financial Services intranet to download current manuals at: <http://www.4j.lane.edu/finance/intranet/>. NOTE: Access is only available through a 4J connection or through VPN access.

## ETHICS

### **Ethics Guidelines for 4J Staff and Board Members**

As public officials, all district staff, board members, and even some district volunteers are subject to government ethics laws (Oregon Revised Statute (ORS) 244). Among other requirements, Oregon government ethic laws prohibit public officials from using their position for financial gain and require public disclosure of economic conflicts of interest. As public officials, district staff and board members are held personally responsible for complying with the provisions in Oregon Government Ethics law. This means that each public official must make a personal judgment in deciding such matters as the use of their position for financial gain, what gifts are appropriate to accept, or when to disclose the nature of conflicts of interest. If a public official fails to comply with the law, a violation cannot be dismissed by placing the blame on direction provided by the District (the employer) or the School Board (the governing body).

- No Board member, officer, employee, volunteer, or agent of this District shall use or attempt to use their official position to obtain financial gain or for avoidance of financial detriment to oneself, a relative, or for any business with which the Board member, officer, employee, volunteer, agent, or a relative is associated.
- *District Policy DJ “District Purchasing” goes even further than what is required by ORS 244, and states that “Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the District by any Board member, officer, or employee of the District is prohibited.”* Employees with the ability to recommend or approve a purchase or personal services contract, regardless of funding source, must report any potential or actual conflict of interest (ORS 244.020) to Purchasing and to their Supervisor, who will be responsible for taking appropriate action. Employees should not participate in any purchasing process or decision-making activity that would potentially benefit themselves, a relative, or an associated business.
- Employee private business activities may not be conducted on public time or using public resources such as district supplies, facilities, vehicles, personnel, or equipment; these resources may only be used for authorized district programs and activities.
- Employees may not sell personal property to the District.
- Employees may not use public contracts for personal use. This includes, but is not limited to, accepting special discounts or pricing from district contractors or obtaining free or reduced-price goods or materials from contractors.
- Employees may not bid on district solicitations or be awarded an Independent Contractor Agreement (ICA) or personal services contract.
- Employees should avoid the intent and appearance of unethical or uncompromising practice in relationships, actions, and communications.

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- Employees should refrain from any private business or professional activity that would create a conflict between personal interests and the interests of the District.

### **Penalties for Violation**

Public officials (e.g. district staff and board members) may be subject to fines and penalties and be held **personally financially liable** for inappropriate activities, including a civil penalty ranging from \$5,000–\$25,000. An additional penalty equal to twice the amount of the financial benefit of the public official may also be imposed. (See ORS 244.350 to 244.400 for full text of enforcement)

## **Gifts, Celebrations, and Flowers**

### **Receiving Gifts**

Each public official is responsible for determining if the person or entity offering them a “gift” – something of economic value – is in a position to benefit from a decision or action they would take as part of their position. Additionally, Oregon Statute limits the gifts public official can receive; any gift or gifts with an **aggregate value of \$50** or more during any calendar year from any single source (person or entity) that *could* have an administrative interest in your position cannot be accepted.

- Administrative interest means that they are in a position to benefit from a decision or action you would take as part of your position. For example, a parent of one of your students or a potential vendor/contractor at your school.
- Consider what public (parents, other students, etc.) perception will be if the gift acceptance became common knowledge.
- A public official should not accept anything of economic value if the gift is offered by a person or entity associated with a current or potential public procurement (purchase/contract/ICA).

### **Purchasing Gifts**

- Employees may not receive gifts purchased with district managed funds; this includes all federal, state, district, bond, grant, or school-held student activity or other funds.
- Volunteers may not be given cash, gift cards, or gift certificates to show appreciation. However, volunteers may receive a gift of a nominal value (e.g. not exceeding \$25) such as a school t-shirt, cap, etc.
- Students may receive incentives using District funds in limited circumstances; see finance clerk, secretary, or building administrator for guidance.

### **Staff Celebrations and Flowers**

Costs related to staff celebrations must be paid with non-district or personal funds, unless approved by the Superintendent or designee. Flowers are not allowable expenditures except for graduation decorations, within a reasonable cost.

## **Public Funds Law**

Oregon Revised Statute (ORS) 295 “Depositories of Public Funds and Securities” addresses the deposit of public funds, which are defined as, “...funds that a public official has custody of or controls by virtue of office.” District employees and board members, as well as some volunteer positions, are considered public officials, so any funds they collect in the course of their employment or official duties would be considered public funds. Public funds must be deposited into a District-owned bank account established with a financial institution authorized by the Board of Directors (see Resolution 2023-02 “Designate Depositories for School Funds” for a listing of current authorized depositories authorized through June 30, 2023).

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District employees, board members and volunteers may collect funds from students, families or others in the course of their official or assigned duties (examples include school fees and donations, athletic gate receipts, payments for athletic participation and field trips). They may also collect donations or payments as part of a fundraising activity for a school-sponsored athletic team, club or activity. These funds should be kept in a secure location (whenever possible, a district safe or vault) and deposited into an authorized district bank account as soon as possible after their receipt per Board Policy DFC “Cash Management.” Placing these funds in a personal or third-party bank account, even for a short time, violates district policy. Using any portion of the funds collected to purchase goods or services prior to deposit would also be a violation of District purchasing policy – deposits must be intact and include all funds collected. Per ORS 295, a public official who fails to properly safeguard and deposit public funds in their custody can be held personally liable for the loss of the public funds.

If you collect funds in the course of your official or assigned duties and are unsure if the account into which you deposit those funds is an authorized District account, please contact Financial Services ([accounting@4j.lane.edu](mailto:accounting@4j.lane.edu)) for verification.

**All revenues and expenditures recorded in the funds noted above, including those processed through Student Body accounts maintained by individual schools, are considered *public funds* and are subject to federal and state laws as well as District policies, procedures, and guidelines.** To ensure good stewardship, use of these monies must be well-documented and closely controlled. If you would like assistance in determining the appropriateness of an expenditure or documentation, contact Financial Services at x 7600, or email: Accounting ([accounting@4j.lane.edu](mailto:accounting@4j.lane.edu)) or Budget ([budget@4j.lane.edu](mailto:budget@4j.lane.edu)).

### **Signatures, Contracts, and Employee Reimbursement**

As a public entity, the District is held to a high standard of stewardship for public resources. Records can be subject to review, under the Oregon Public Records Law, at any time by anyone. Travel, meals, entertainment, food, and employee reimbursements are common areas for public inquiry and investigation. Staff are required to exercise prudent judgment to maintain proper stewardship of taxpayer dollars. The following procedures assist staff with ensuring that expenditures are reasonable and comply with laws and policies.

- All revenues and expenditures in all funds are considered to be “public funds” and are subject to the requirements of Oregon Revised Statutes and 4J Board Policy, including school-held student activity accounts and grant funds.
- As approved annually by the Board, the Superintendent serves as Clerk and the Assistant Superintendent(s), Chief Operating Officer, Director of Finance, and Director of Facilities serve as Deputy Clerk. As Clerk or Deputy Clerk, staff have purchasing and signing authority, which is authority to direct expenditures within approved budget limits for the school year, or approved by Board action or Board authority. This authority includes entering into district contracts as outlined in Board Policy DJ District Purchasing. Additionally, Board Policy DJ permits the Superintendent to designate this authority to district staff. The Superintendent delegates limited authority to sign contracts and approve resource commitments allowed by Board Policy as listed in the 2022-23 Delegation Purchasing Authority.
- Without proper authority, the individual making the expenditure or signing the contract is personally liable (ORS332.075(2)).

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### **Contracts**

Before services begin, a contract must be submitted to Purchasing for review and approval. Completing the agreement well before services start is critical as liability or other insurance is required in most cases, as might be a background check. Not all individuals or set of services will qualify for a personal services agreement as some services are restricted to district employees. Work with your finance clerk or secretary to complete contracts for goods and services.

### **Employee Reimbursements**

While employees are strongly encouraged to use district purchasing systems to buy goods, employees may be reimbursed for limited, small purchases as follows:

- Expenditure must be **preapproved** by authorized approver (e.g. principal or administrator).
- Expenditure may not be for personal services; employees providing services are paid through payroll.
- Reimbursement is limited to \$250 per reimbursement, per month.
- Purchase must comply with District purchasing guidelines and documentation requirements.
- District staff should not benefit personally from purchases (e.g. cash-back for purchases on personal Costco card) unless this is explicitly allowed in their employment contract with the District.
- Reimbursement should be submitted and paid through Financial Services within **60 days** of when the expenditure was incurred. ***Per IRS requirements, employee reimbursement requests that are submitted more than 60 days following the expenditure will be considered TAXABLE INCOME to the employee.***
- All technology purchases must be made by the Technology Department; do not use your district visa for a technology purchase or purchase with your own funds and seek reimbursement without written, prior approval from the Technology Department.

### **Meals & Refreshments for Meetings, Trainings and Activities**

Meetings and training should be scheduled over meal periods **only when it is the most efficient and effective option** for conducting District business – the general expectation is that District events will not interfere with employee break or meal times.

District funds may not be used for food or beverage purchases for either of the following:

- regularly scheduled staff meetings
- office social events such as celebrating holidays or birthdays

District funds may be used for food or beverage purchases for the following events:

- District training sessions, workshops or staff work group/committee meetings scheduled over a meal period and *no meal break is provided by the District* (e.g. staff are not provided sufficient time to leave the location and obtain a meal or conduct personal business).
- Meetings involving members of the community who are voluntarily assisting the District in its mission (e.g. lunch or dinner for a committee meeting that is scheduled over a mealtime).
- Meetings of at least 10 people that last longer than one hour (***refreshments only*** unless the meeting is scheduled over a meal period and *no meal break is provided by the District*).
- Grant-funded events when refreshments or meals were included in the grant proposal and approved by the granting agency.

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The timeframes below provide guidelines for which, if any, meals or refreshments may be provided.

<b>Breakfast</b>	Meeting/Training commences prior to 6:00 a.m.
<b>Lunch</b>	Meeting/Training runs continuously from 11:00 a.m. to 1:00 p.m.
<b>Dinner</b>	Meeting/Training extends past 7:00 p.m.
<b>Refreshments</b>	More than 10 participants and exceeds one hour

Additional considerations for in-district food or beverage purchases include:

- Original, itemized receipts are required. If the receipt is not itemized, an invoice or billing that itemizes the purchase may be used to support a request for payment or reimbursement.
- Documentation supporting the expenditure must include a list of attendees and describe the District business/educational purpose. You do not have to list students, parents or other community members by name if the meeting or event is “open” to all, such as a school open house event, a community meeting to discuss changes to school buildings or programs, or a school event such as a reading night. Simply include the announcement of the event (e-mail, letter, flier, etc) to support a request for payment or reimbursement.
- Alcohol costs are non-reimbursable. No exception to this rule is allowed.
- Costs exceeding the spending limits noted in the **Spending Limits for In-District Meal and Refreshment Purchases** section below are not eligible for reimbursement; any over-expended District Funds must be paid with the authorizing administrator’s personal funds.
- Exceptions to these guidelines require preapproval by the Director of Financial Services.

### Spending Limits for In-District Meal and Refreshment Purchases

Non-travel expenditures for meals or refreshments should be reasonable in cost and generally not exceed the related GSA rate for Eugene (<http://www.gsa.gov/portal/content/104877>). For the fiscal year ending June 30, 2023, the full-day meal per diem rate is set at \$64.00 per person. The following guidelines provide the per meal maximum cost per person including gratuity:

Meal(s)	Spending Limit with Gratuity	Per Person Limit to June 30, 2023
Breakfast only	25% of per diem limit	\$16.00
Lunch only	25% of per diem limit	\$16.00
Dinner only	50% of per diem limit	\$32.00
Refreshments only		\$8.00

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### Non-Overnight Travel Costs

#### Meals (Per Diem and Actual Cost)

A per diem meal allowance is a fixed amount of reimbursement for a meal. It is not reimbursement for the actual cost incurred. Receipts are not required for meals if claiming a per diem. A meal per diem is permitted under the following conditions during non-overnight travel:

- Breakfast – staff must be on travel status for two hours or more before the beginning of their scheduled work shift to receive a breakfast allowance (currently \$16.00 for the 2022-23 school year).
- Lunch – no allowance is provided for lunch during non-overnight travel unless the staff member is attending an official business meeting and the meal is an agenda item that was not included in the fee, and the cost and choice of having the meal were beyond the control of the staff member. A receipt is required.
- Dinner – staff must be on travel status for two hours or more beyond the end of their scheduled work shift to receive a dinner allowance (currently \$32.00 for the 2022-23 school year).

Meal allowances that do not involve an overnight stay are taxable income to the staff member and must be processed by 4J Payroll.

Staff members may be directed to seek reimbursement for meals at actual cost (meal plus a tip of no more than 15%) if the funding provider for the reimbursement requires it. For example, the Perkins Grant requires that all reimbursement requests be supported by an itemized receipt or invoice. This includes any costs (registration, transportation, lodging, meals, etc.) associated with a 4J staff member's attendance at an approved conference or professional development event. If receipts are required by the funding provider, administrators and school or department finance staff should ensure that staff members are aware of this requirement. If the District cannot bill for the expenditure due to failure to retain a receipt or invoice, the school or department's discretionary budget will be used to fund the staff member's reimbursement.

#### Transportation and Related Costs

1. Employees attending functions within driving distance should commute together if schedules permit.
2. Direct costs for personal cars such as a tank of gas, repairs, washing, and maintenance are not reimbursable. **Only a mileage allowance may be claimed and a District Visa cannot be used for related travel purchases (e.g. gas).**
3. When preapproved by a supervisor, use of an employee's personal vehicle for District business will be reimbursed at the IRS mileage rate for miles (currently \$0.625 per mile) as supported by documentation (e.g. Google Maps). The IRS updates this rate at the beginning of each calendar year. Before using your personal vehicle for district travel, review the Insurance Coverage page on the 4J website (<https://www.4j.lane.edu/hr/risk/insuranceissues/autoaccidentsinsurance/insurancecoverageauto/>) to ensure that the District's insurance coverage will be in effect for your trip.
4. The actual expense for tolls and parking is reimbursable and must be documented with receipts.
5. Commuting mileage is not reimbursable as it is a personal expense and defined as the distance from the employee's residence to their primary workstation.



### Overnight and Out of State Travel Costs

District employees may be authorized for overnight or out-of-state travel when required for essential professional development or attendance at specific conferences or meetings related to District operations, programs, or curriculum. Staff are expected to use sound judgment to ensure travel and related expenses are necessary and reasonable. Non-travel options for training are preferred (e.g. web-based trainings, group onsite training, videos) when comparable and less expensive.

#### Qualifying Overnight Travel

- Lodging is only allowed for trips that exceed 75 miles one-way, unless an exception is preapproved by an Assistant Superintendent or the Chief Operating Officer (COO). Safety, multi-day event, or other issues may be considered in this determination.
- Overnight travel within the state should be for events that span at least two days.

#### Procedure for Requesting Approval and Reimbursement for Travel

1. Complete an **In State Overnight Travel Approval Request** form for in-state overnight travel or an **Out of State Travel Approval Request** form for out-of-state overnight travel. Forms can be found at (<http://www.4j.lane.edu/finance/forms/>)
  - Estimate all travel costs and consider expenses for lodging, air and ground travel, mileage, meals, parking, registration, baggage fees, substitute, etc.
  - Include the funding source for travel (such as PD funds, a specific grant, general fund, etc.). Note that reimbursements may be limited in certain instances by contractual restrictions found in some grants, by the availability of funds, or by the approving administrator. Travelers and administrators should determine whether there are any such limitations before committing to travel. *Note: Perkins grants require actual receipts for all reimbursements-schools will be responsible for any charges that cannot be billed to Perkins.*
  - Provide the event or training registration and the conference or event agenda as applicable
2. Submit your form and all relevant supporting document to your supervisor for review. If approved by your supervisor, the following additional approvals will be required:
  - All in state overnight travel **must be preapproved by a Director** for each employee.
  - All out of state travel **must be preapproved by a Director, an Assistant Superintendent and the Superintendent** for each employee.
3. Once all required approvals have been received, the original request form should be provided to the employee and an electronic copy sent to Financial Services. No travel reservations, transportation or lodging payments, or other travel-related expenditures may be made prior to approval by all parties noted above. Reimbursement requests and Visa reconciliation amounts related to overnight and out-of-state travel will be confirmed against the approved form sent to Financial Services. Any expenditures made prior to approval or outside of the categories approved in the travel form will be considered “personal” expenditures that are the responsibility of the traveler. Exceptions will be made for emergency circumstances and unforeseen costs with the written approval of the Assistant Superintendent for Administrative Services.
4. Traveler requests substitute coverage (as applicable and authorized by their supervisor). If substitute coverage is not available for the absence, the supervisor is responsible for ensuring adequate backup coverage for essential functions.

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5. Traveler completes travel and submits reimbursement form to supervisor, including original receipts for all expenditures except meals (paid at per diem unless the funding provider requires actual cost reimbursement for travel).
6. Supervisor verifies appropriateness of reimbursement and submits approved reimbursement form with backup documentation to Finance.
7. Finance processes reimbursements received by the 15<sup>th</sup> of each month with the next payroll (last working day of the month).

### **Transportation and Related Costs**

District employees are expected to use the least cost carrier and class available and to car pool, where possible.

Air travel tickets for 4J staff, Board members and other parties should be booked in coach class regardless of funding source unless the difference is paid from the traveler's personal funds (in advance of the booking). Business and first class airfare are not reimbursable. Air travel may be paid for with a District Visa. For travel involving multiple staff members where the charges would exceed regular Visa card limits, please contact Purchasing at [purchasing@4j.lane.edu](mailto:purchasing@4j.lane.edu) for assistance. Personal vehicle mileage to and from the airport is reimbursable. Parking at the airport will also be reimbursed up to \$10/day (the current rate for economy parking at Eugene and Portland airports).

Other forms of travel (train, bus or use of a private vehicle) may be allowed, providing that the total cost to the District of transporting the staff member to the location does not exceed the equivalent cost of an airline ticket to the destination and the time required to complete travel is reasonable. Reimbursement will be made at the actual cost of travel (train or bus ticket or private vehicle mileage). The District will take into account any special circumstances presented by the traveler when making this determination, but does not guarantee that a traveler's request for alternative transportation options will be approved. Before using your personal vehicle for district travel, review the Insurance Coverage page on the 4J website (<https://www.4j.lane.edu/hr/risk/insuranceissues/autoaccidentsinsurance/insurancecoverageauto/>) to ensure that the District's insurance coverage will be in effect for your trip.

Staff members who wish to combine personal travel with a 4J trip must have prior approval. This can be accomplished by clearly detailing all personal travel costs in the travel approval form for review and approval by 4J administration. If personal travel results in an increased cost to the District, the staff member will be required to submit a check for the amount of the increased cost prior to travel.

A rental car may be booked for 4J staff, Board members and other parties. The size of the rental car should be appropriate to the number of travelers and cost effective. Car rental costs may be paid for with a District Visa. If you are reserving a car for another employee with your District Visa, ensure that you obtain and return an authorization form for the rental agency to charge the cost to your card. Simply reserving a car with your District Visa does not provide authorization and the staff member will be asked to provide their own credit card for the car rental when they check in. For travel involving

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multiple staff members where the charges would exceed regular Visa card limits, please contact Purchasing at [purchasing@4j.lane.edu](mailto:purchasing@4j.lane.edu) for assistance.

Before booking a rental car for district travel, review the Insurance Coverage page on the 4J website (see

<https://www.4j.lane.edu/hr/risk/insuranceissues/autoaccidentsinsurance/insurancecoverageauto/>)

to ensure that the District's insurance coverage will be in effect for your rental.

The District will reimburse 4J staff, Board members and other parties for district-travel related taxi rides, bus rides, shuttle, subway costs or other transportation options during authorized travel when a rental car or personal vehicle is not available. Original receipts must be submitted for reimbursement or attached to the Visa reconciliation, and a tip up to 15% may be included in the cost.

### Lodging

1. Commercial lodging expenses are normally reimbursed at actual cost up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. Before booking lodging, check the GSA site for the applicable lodging rate for your destination (<https://www.gsa.gov/travel/plan-book/per-diem-rates>). Note that:
  - When making lodging reservations you must request the government rate if available, or the lowest rate available
  - Lodging taxes are not included in the U.S. lodging per diem rates and will be reimbursed at actual cost supported by the lodging invoice/bill
  - Hospitality fees or resort fees that are beyond the control of the staff member are not included in the U.S. lodging per diem rates and will be reimbursed at actual cost supported by the lodging invoice/bill
2. Exceptions to the published lodging per diem rates are allowed under the following circumstances, but must be supported by appropriate documentation and director approval:
  - Conference/meeting hotel: staff may stay at the official hotel(s) for the event even if the cost exceeds the per diem (as supported by the conference/meeting registration or agenda)
  - Availability of lodging: there may be locations or times of year where lodging is universally more expensive than the per diem. If a search of lodging within close proximity (1 to 2 block radius) does not produce a lodging option within per diem, document booking of the most reasonable option and include with the reimbursement request or Visa reconciliation.
  - Special Circumstances: contact Financial Services ([billings@4j.lane.edu](mailto:billings@4j.lane.edu)) if you believe that your lodging requirements cannot be met within the lodging per diem. The Director of Financial Services will review your request and provide approval if allowable.
3. A staff member facing a district travel delay due to weather, accident, or a similar safety concern that prevents further travel should seek emergency lodging that is safe and in close proximity. They should alert their supervisor to their circumstances once they are in a safe and secure location. This is the only situation where the District will reimburse lodging costs prior to formal approval.
4. Lodging may be paid for with a District Visa. If you are reserving a room for another employee with your District Visa, ensure that you obtain and return an authorization form for the hotel to charge the room to your card. Simply reserving a room with your District Visa does not provide authorization and the staff member will be asked to provide their own credit card for the room charge when they check in. For travel involving multiple staff members where the charges would

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exceed regular Visa card limits, please contact Purchasing at [purchasing@4j.lane.edu](mailto:purchasing@4j.lane.edu) for assistance.

5. Charges for business related faxes, internet service, photocopying, parking and business related local or long-distance calls will be reimbursed when free services are not available and must be detailed on the hotel receipt. Document on the receipt the business purpose.
6. Charges for staying with friends or relatives are not reimbursable.
7. In-room movies, room service, use of the room safe or mini-bar charges are not reimbursable.

### Meals (Per Diem and Actual Cost)

1. Meal expenses are normally reimbursed at the meal per diem rates set by the federal government. A per diem meal rate is a fixed amount of reimbursement for a meal. It is not reimbursement for the actual cost incurred. Receipts are not required for meals if claiming a meal per diem. To complete the meal estimate for your travel approval form, look up the meal per diem rates for your destination city and state (<https://www.gsa.gov/travel/plan-book/per-diem-rates>). When calculating your travel per diem estimate, remember the following:
  - Do not claim per diem for any meal that will be provided to you as part of the event, conference or training
  - Do not claim per diem if your hotel provides a full breakfast as part of your lodging cost (note that a continental breakfast does not count as “breakfast” so you can claim per diem)
  - A single per diem rate is used for an entire date. During overnight travel, if a staff member travels to more than one location in one day, the per diem rates for each day are the rates for the location in which the staff member will spend the night.
  - Calculate per diem for the first and last day of travel as follows (multiple the percentage below by the daily per diem rate for the city you are traveling to (first day) or the city you spent the last night in (last day):

	Prior to 6:00 am	6:00 am to Noon	12:01 pm to 6:00 pm	After 6:00 pm
Initial Day of Travel – Leave:	100%	75%	50%	25%
Final Day of Travel – Return:	25%	50%	75%	100%

2. Staff members may be directed to seek reimbursement for meals at actual cost (meal plus a tip of no more than 15%) if the funding provider for the reimbursement requires it. For example, the Perkins Grant requires that all reimbursement requests be supported by an itemized receipt or invoice. This includes any costs (registration, transportation, lodging, meals, etc) associated with a 4J staff member’s attendance at an approved conference or professional development event. If receipts are required by the funding provider, administrators and school or department finance staff should ensure that staff members are aware of this requirement. If the District cannot bill for the expenditure due to failure to retain a receipt or invoice, the school or department’s discretionary budget will be used to fund the staff member’s reimbursement.
3. Food and beverages cannot be charged to a District Visa during travel (to prevent accidental payment for both the charged meal and a per diem reimbursement). Once travel is complete, the

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reimbursement form is submitted and eligible meal costs (either per diem or actual cost, depending on the requirements of the funding provider) will be paid to the employee. Note that if travel related meals are accidentally charged to a District Visa, then the amount charged will either be deducted from the employee's travel reimbursements or the employee will be required to reimburse the District.

### **Additional Travel Considerations**

- Costs in excess of approved travel reimbursement and available funding must be covered by employee's personal funds.
- Additional costs of travel for personal time (e.g. vacation added onto travel) or an accompanying spouse/family member are not reimbursable and are the sole responsibility of the employee. If personal travel results in additional cost for the District, the difference in cost must be paid by the staff member prior to travel.
- Reimbursement of personal expenses shall not be authorized for payment at any time. For example, employees will not be reimbursed for parking tickets, lodging safe fees, or commuting mileage. Commuting mileage is defined as the distance from the employee's residence to primary workstation.

### **Time Reporting & Payroll**

- Staff paid through timesheets record time over the period from the 16<sup>th</sup> of the previous month to the 15<sup>th</sup> of the current month. Please submit appropriately signed timesheets by the end of the next business day following the 15<sup>th</sup>.
- Direct deposit forms are due by the 15<sup>th</sup> of the month for current month payroll. Forms received after the 15<sup>th</sup> will be entered if possible up to the point in time that payroll records are transmitted to the bank (about 3 business days before payday). Due to concerns regarding fraudulent attempts to change staff member direct deposits, **all requests** to initiate or change a direct deposit must be submitted to Payroll (at the Ed Center office) in hard-copy format by the staff member. Remember that a paper check will be printed the first payday after a direct deposit account is established or changed. This allows the bank to verify the deposit information.
- The following forms must be received by the 15<sup>th</sup> of the month to be paid in the payroll run at the end of the month. Forms received after the 15<sup>th</sup> will be processed the following month. **Forms that are not complete (all fields include the correct, requested employee information) and/or signed by the employee's supervisor will not be processed.** Other payroll forms include:
  - Extended Contract Form
  - W4 Federal Tax Withholding Form
  - Request for Removal from Payroll Deduction
  - Tax Sheltered Annuity (TSA, 403b) Enrollment Form
  - Mileage Reimbursement Form
  - Travel Reimbursement Form (will not be processed unless an approved **In State Overnight Travel Approval Request** form for in-state overnight travel or an **Out of State Travel Approval Request** form for out-of-state overnight travel in on file with Financial Services).
  - Employee Reimbursement Form
- Direct deposit wage statements are available online and directions are provided at <http://www.4j.lane.edu/staff/paystub/>.
- To receive a copy of a W2, e-mail your request to payroll@4j.lane.edu from your 4J District e-mail account. Requests will be completed within 3 business days. Copies can be mailed to the employee's official 4J home

## **Financial Procedures for Schools and Departments FY23**

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address or picked up at the Finance Office – indicate your preference when submitting your request. W-2's cannot be e-mailed to staff. W-2's for 2022 will be available via Employee Online.

### **Classified Overtime/Additional Hours**

- Overtime and Compensatory Time must have **prior, written approval from a supervisor**
- Additional hours (straight time) for time worked up to 8 hours per day or 40 hours per week
- Overtime or Compensatory (comp) time (time and a half) for any time worked in excess of 8 hours per day or 40 hours per week. (Temporary and substitute employees' and walk-on coaches' overtime is paid for hours in excess of 40 per week.)
- Overtime should be submitted on an employee timesheet
- Comp time must be tracked at the building level
  - Only for occasional and irregular overtime work
  - Maximum of 60 hours (30 hours for part-time staff) may be accumulated. Any time over the maximum accumulation must be paid to the employee as overtime.
  - If employee changes buildings, send comp time records to secretary/principal at the new building
  - Comp time balances must be paid when an employee discontinues working for the district - notify principal, human resources and payroll

# Nondiscrimination

## Eugene School District 4J provides equal educational and employment opportunities

Eugene School District 4J provides equal educational and employment opportunities. District programs, activities and practices shall be free from discrimination and harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, marital status, age, mental or physical disability or perceived disability, pregnancy, familial status, genetic information, military or veterans' status.

The district complies with all applicable state and federal laws and regulations, including but not limited to: Title IX of the Education Amendments of 1972; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008; and Oregon laws prohibiting discrimination. The district's compliance includes all district programs, courses and activities, including extracurricular activities, services, and access to facilities.

## Questions and Concerns

The following employees have been designated to respond to questions and complaints from students, parents, staff and members of the public about nondiscrimination and equal educational opportunities, including harassment, sex discrimination and sexual harassment:

### Discrimination and Harassment

#### Students, Parents and Community Members:

Title VI & IX Coordinator  
200 North Monroe Street  
Eugene OR 97402  
541-790-7559  
[titleixcoordinator@4j.lane.edu](mailto:titleixcoordinator@4j.lane.edu)

#### Staff Members:

Assistant Superintendent for Administrative Services  
Human Resources Department  
200 North Monroe Street  
Eugene OR 97402  
541-790-7663  
[eeo@4j.lane.edu](mailto:eeo@4j.lane.edu)

### Other Contacts

The superintendent has overall responsibility for the district's compliance with equal employment and nondiscrimination laws and policies:

### Disabilities

Disability/ Section 504 Coordinator  
200 North Monroe Street  
Eugene OR 97402  
541-790-7828

ADA Accessibility Coordinator for Employees  
Human Resources Department  
200 North Monroe Street  
Eugene OR 97402  
541-790-7672  
[hr\\_ada@4j.lane.edu](mailto:hr_ada@4j.lane.edu)

Superintendent, Eugene School District 4J  
200 North Monroe Street, Eugene OR 97405  
541-790-7706

[Formal Complaint Form](#)

For questions about accessibility at public meetings, please contact the superintendent's office at 541-790-7706.



# Eugene School District 4J

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

## Nondiscrimination

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

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings. The district also prohibits discriminatory use of a Native American mascot pursuant to OAR 581-021-0047.

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

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

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

END OF POLICY

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### Legal Reference(s):

<sup>1</sup> Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

[ORS 174.100](#)  
[ORS 192.630](#)  
[ORS 326.051\(1\)\(e\)](#)  
[ORS 408.230](#)  
[ORS 659.805](#)  
[ORS 659.815](#)  
[ORS 659.850 - 659.860](#)  
[ORS 659.865](#)  
[ORS 659A.001](#)  
[ORS 659A.003](#)

[ORS 659A.006](#)  
[ORS 659A.009](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)  
[ORS 659A.040](#)  
[ORS 659A.103 - 659A.145](#)  
[ORS 659A.230 - 659A.233](#)  
[ORS 659A.236](#)  
[ORS 659A.309](#)  
[ORS 659A.321](#)

[ORS 659A.409](#)  
[OAR 581-002-0001 – 002-0005](#)  
[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-021-0047](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2370](#)  
[OAR 839-003](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

#### **Cross Reference(s):**

ACA - Americans with Disabilities Act

ACB - Hate Symbols and Bias Incidents

GBA - Equal Employment Opportunity

JB - Equal Educational Opportunity

KL - Public Complaints

# Eugene School District 4J

Code: ACC  
Adopted: 3/02/22

## Racial Harassment

### Purpose and Scope

All forms of racially oppressing conduct are harmful to the district’s mission, values and goals, and combatting expressions of personal racism in district schools is a legal and moral imperative. The district is committed to providing an inclusive educational environment, free from racial oppression. The district also acknowledges the central role that educators have in recognizing and interrupting demonstrations of personal prejudice, educating persons who have violated this policy, teaching inclusion, and in creating an inclusive learning and working environment.

This policy applies in all programs and activities of the district, including on school grounds and the area immediately adjacent to school grounds, on district online and remote learning programs and platforms, on school-provided transportation, at an official school bus stop, or at any activity, program, athletic or other event, internship or trip sponsored by the district. It applies to all persons in the district, including students, staff, board members and volunteers. This policy may be applied to off campus racial harassment only to the extent that it substantially disrupts the educational environment, or targets particular individuals and is so serious or severe as to deny or limit their ability to participate in or benefit from the educational program.

This policy does not prohibit the display of symbols or language used in the teaching curriculum or other learning opportunities that are aligned to state standards and support the goals of this policy.

### Definitions, Expectations and Consequences

Racially harassing conduct means unwelcome physical, verbal or nonverbal conduct based on the person’s actual or perceived race, color, national origin or ethnicity; or physical characteristics historically associated with race, a place of origin, protected class ethnicity or religious or cultural ancestry. It creates a hostile environment when the conduct is so severe, persistent or pervasive so as to interfere with or limit a person’s ability to participate in or benefit from the district’s educational program or activity or creates an intimidating, threatening, hostile or offensive educational or employment environment.

This policy seeks to prevent, and prohibits, all forms of racially harassing conduct in district programs and activities, even if the conduct does not include an intent to harm; is not directed at a specific target, involve repeated incidents, result in tangible injury or detriment, or constitute a hostile environment or bias incident<sup>1</sup>. However, context and intent will be factored in the response to the conduct.

Examples of conduct prohibited by this policy, regardless of intent, include but are not limited to: racial slurs or epithets; race-based chants or comments against student athletes; unwelcome gestures or acts of physical aggression based on the person’s race or ethnicity; derogatory language about a person’s skin

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<sup>1</sup> As provided in policy ACB, a “bias incident” means a person’s hostile expression of animus toward another person, relating to, among other things, the other person’s perceived race, color, religion or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

color, accent, appearance or dress when linked to ethnicity or ancestry; statements or display of graffiti or printed material promoting racial stereotypes; offensive jokes or comments about a religious group when based on actual or perceived shared ancestry, ethnic characteristics or residency in a country with a distinct religious identity; display of symbols of hate as defined by board policy ACB; and verbal or nonverbal slights or insults which communicate hostile, derogatory or negative messages to persons based on their race or ethnicity.

Students are expected to follow the standards for student behavior established in this policy and the Student Rights and Responsibilities Handbook (SRRH) and to hold their peers to the standards established by this policy.

Teachers and other staff who have knowledge of racial harassment are responsible for taking action to stop the behavior, report it that day to the school administrator and prioritize the safety and well-being of persons impacted.

The school administrator has overall responsibility for compliance with this policy at the school, investigations of and responses to racial harassment at the school level. A building administrator will investigate reports of racial harassment as soon as possible and take prompt and effective remedial action.

Students who violate this policy are subject to discipline as provided in the Student Rights and Responsibilities Handbook. Staff members who violate this policy, including by failing to stop or appropriately respond to a report of racial harassment, are subject to discipline. Others who violate this policy may be excluded from district premises.

### **Reporting and Administrative Action Upon Receipt of a Report**

Students and families are encouraged to report their concerns promptly. Reports may be made in writing or verbally to a school administrator or other trusted school employee. The district will provide multiple avenues for reporting, including an optional Student Safety Reporting Form, available from the school and on the district website, and a mobile reporting option. Reports may also be made through Safe Oregon at 1-844-4-SAFE-OR (text or call) or [www.safeoregon.com](http://www.safeoregon.com). Reports by staff members and others are expected to be made promptly to the school administrator or department director. Reports may be made anonymously.

Any report alleging a violation of this policy by a person to whom a report would ordinarily be made shall instead be made to or filed with the district's Title VI or IX coordinator (students), the human resources director (employees), or to the superintendent.<sup>2</sup>

Upon a report or knowledge of a potential racial harassment incident, the school administrator, department director or designee shall, without delay:

1. Acknowledge receipt of the report and inform the person(s) at whom the behavior was directed, the person alleged to have committed the behavior if known, and the parents of such persons that an investigation has been initiated;

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<sup>2</sup> Reports against the superintendent should be made to the board chair. Reports against a board member shall be made to the board chair and processed in accordance with administrative regulation KL-AR.

2. Take interim actions necessary to maintaining a safe learning environment and commit to preventing further harm against persons impacted. This will include a description of resources and support structures appropriate to the circumstances;
3. Assess the allegations, consider whether the behavior violates other board policies or civil rights laws, and follow requirements of applicable policies. Potential violations of policy ACB – Bias Incidents and Hate Symbols shall be processed in accordance with regulation ACB-AR in addition to any procedures required by this policy.
4. Conduct a thorough, sensitive and timely investigation of all racial harassment allegations as soon as possible, find facts and determine responsibility. Should an investigation not be completed within 10 work days, an update should be provided to impacted persons.
5. Provide an appropriate response for the offender, impacted person(s), and school community that is tailored to the circumstances.
  - The response must be reasonably calculated to stop the harassing conduct or discrimination, prevent its recurrence, and include educational components that promote understanding of and respect for human rights and diversity. The administrator will prioritize practices that repair the violator’s connection with the school community, and promote social-emotional learning, growth and transformation of the individual who caused harm. When appropriate and voluntarily agreed to by all parties, the response may include structured communication with the impacted person(s).
  - The response must address any continuing effect on the impacted person(s), through means such as offers of counseling, tutoring, safety planning or access to other support structures.
  - The administrator will investigate and implement needed measures in the school community to address climate issues, promote transformation in the school culture, and prevent recurrence of incidents
6. Notify the impacted person(s) and perpetrator(s), and their parents or guardians if they are students, regarding the outcome of the investigation. Communicate that retaliatory behavior of any kind against any complainant or any participant in the complaint process is defined as harassment and will not be tolerated.
7. Document each racial harassment allegation and investigation and provide documentation required by the district’s office in a timely fashion.
8. Monitor the school climate and promptly address problems that could lead to harassment.

### **Formal Grievance Procedure**

If a person is dissatisfied with the school or district’s action or inaction in responding to alleged racial harassment or discrimination, or if the school fails to render a decision within 30 days of the report, they may appeal by filing a formal complaint with the superintendent’s office, using the district complaint form available on the district website at [www.4j.lane.edu/contact/complaints](http://www.4j.lane.edu/contact/complaints) or from the superintendent’s office. In such a case, the formal complaint procedures and timelines in administrative regulation KL-AR

will apply.<sup>3</sup> These procedures provide for an appeal of final district decisions to the Oregon Deputy Superintendent of Public Instruction as provided in OAR 581-002-0001 to 581-002-0023.

### **District Responsibilities**

The district will:

1. Provide an educational program that teaches students to be respectful of others in a diverse society and to understand the impact of racial harassment on students, staff and community;
2. Provide information and orientation to students every year about harassment and student rights and responsibilities under this policy including a variety of safe ways to make reports;
3. Publicize this policy in student and family handbooks and to employees;
4. Provide mandatory training and orientation of staff on the contents of this policy. Training will include teaching staff how to create positive educational environments; and prevent, recognize, discourage and respond to racial harassment;
5. Ensure appropriate documentation of reported incidences;
6. Ensure appropriate educational, corrective and remedial measures are implemented;
7. Conduct an annual review of major incidents of racial harassment and report the information annually to the board; and
8. Maintain partnerships in the community that will enhance the district's ability to prevent and comprehensively respond to major incidents.

### **Retaliation**

Anyone reporting or participating in an investigation into racial harassment shall be free from retaliation. Retaliation includes harassment, intimidation, threats, coercion and discrimination against a person because that person has in good faith reported information that the person believes is evidence of a violation of this policy. Retaliation shall be considered a serious violation of board policy independent of whether a complaint is substantiated.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Any person found to knowingly make false accusations of racial harassment shall be subject to discipline.

END OF POLICY

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<sup>3</sup> When a violation of this policy is initially reported through the filing of a formal complaint at step one, the appeal shall be heard by the superintendent at step two.

**Legal Reference(s):**

[ORS 659A.030](#)  
[ORS 659.850](#)

[OAR 581-021-0045](#)  
[OAR 581-021-0050](#)

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d (2018)  
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e (2018)

# Eugene School District 4J

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

## Sexual Harassment

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

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

### General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions of sexual harassment in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously to the extent consistent with Title IX. The district may also need to use other applicable policies, rules and procedures.<sup>2</sup>

### OREGON DEFINITION AND PROCEDURES

#### Oregon Definition

Sexual harassment includes:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student's educational activity or program;
  - b. Interferes with an employee's ability to perform their job; or
  - c. Creates an intimidating, offensive or hostile environment.

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<sup>1</sup> "Third party" means a person who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

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



3. Assault when sexual contact occurs without the person's consent because the person is under the influence of drugs or alcohol, is unconscious, or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment does not include conduct that is necessary because of a job duty of a district employee or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent. It also does not include a person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

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

### **Oregon Procedures**

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

### **Reporting and Response**

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

Any staff member who receives direct or indirect notice that this policy may have been violated shall immediately report the information to the school administrator or department director. Reports may also be made to the Title IX Coordinator at [titleixcoordinator@4j.lane.edu](mailto:titleixcoordinator@4j.lane.edu), the Human Resources Director, or the Superintendent.

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

When a student, employee or third party files a complaint under this policy, the district shall provide written notice of rights meeting the requirements of ORS 342.704(5) to: the reporting person(s) if appropriate; any impacted person who is not a reporting person; the reported person(s); and where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

## **Investigation**

All reports and complaints about behavior that may violate this policy shall be investigated using procedures developed by the Superintendent. In determining whether district policy has been violated, the district will use the preponderance of evidence standard, meaning that the evidence shows that it is more likely than not that the conduct occurred.

Notification as to whether a policy violation was substantiated, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation concluded as required by ORS 742.704(5). Due to the nature of sexual harassment, a complaint will be held in confidence insofar as possible. The district will only release sexual harassment complaint information to appropriate individuals in order to investigate the complaint, take corrective action and comply with law.

## **Actions Following Investigation**

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

If investigation does not substantiate a violation of this policy, but of another rule, policy or code of conduct, the district may take action in accordance with those terms.

## **Appeal**

If a complainant or respondent is dissatisfied with the district's action or inaction in resolving a complaint, they may appeal by filing a formal complaint with the superintendent's office, using the complaint form available on the district website or from the superintendent's office. These procedures shall not preclude the application of available disciplinary grievance procedures in a collective bargaining agreement.

## **No Retaliation**

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

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

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

## **TITLE IX (FEDERAL) DEFINITIONS AND PROCEDURES**

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

### **Title IX Definitions**

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity;
3. “Sexual assault, dating violence, domestic violence or stalking.”<sup>3</sup>

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

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

### **Title IX Procedures**

The Superintendent shall ensure the development and publication of a regulation setting forth the district’s formal Title IX grievance process, which shall comply with legal requirements. The grievance procedures shall provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy.

### **Reporting**

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

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<sup>3</sup> See 20 USC § 1092(f)(6)(A)(v) (sexual assault); 34 USC § 12291(a)(10) (dating violence); 34 USC § 12291(a)(8) (domestic violence); and 34 USC § 12991(a)(30) (stalking).

and accompanying regulation. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

## **Response**

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>4</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>5</sup> to a complainant and by following a grievance procedure meeting the requirements of 34 CFR § 106.45 prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>6</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the investigation and grievance process.

## **Notice**

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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<sup>4</sup> The response cannot be deliberately indifferent meaning clearly unreasonable in light of the known circumstances. (34 C.F.R. §106.44(a)).

<sup>5</sup> Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. (34 C.F.R. § 106.44(a)). The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (34 C.F.R. § 99.30(a)).

<sup>6</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (34 C.F.R. § 106.44(c)).

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

Inquiries about the application to Title IX and its requirements may be referred to the district Title IX Coordinator.<sup>7</sup>

### **No Retaliation**

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

### **Confidentiality**

The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the purposes of this policy and 34 CFR part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

### **Publication**

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

END OF POLICY

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<sup>7</sup> Inquires may also be made to the Office of Civil Rights of the United States Department of Education.

**Legal Reference(s):**

[ORS 243.706](#)  
[ORS 332.107](#)  
[ORS 342.700](#)  
[ORS 342.704](#)  
[ORS 342.708](#)

[ORS 342.850](#)  
[ORS 342.865](#)  
[ORS 659.850](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

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

JHFE - Reporting of Suspected Abuse of a Child

JHFF/GBNAA - Reporting Requirements for Suspected Sexual Conduct with Students



# Eugene School District 4J

Code: JBA/GBN-AR(1)  
Revised/Reviewed: 4/21/09; 8/27/18; 10/14/21  
Orig. Code: JBA/GBN-AR; G1140-G1170

## Sexual Harassment Complaint Procedure

### Scope

This regulation provides guidance on procedures that apply when investigating sexual harassment complaints under Oregon law, including but not limited to ORS 342.704, and board policies JBA/GBN – Sexual Harassment (Students) and GBN/JBA – Sexual Harassment (Staff).

When the alleged conduct could meet both the definitions of sexual harassment in state law and Title IX, this procedure should be processed simultaneously with the Title IX Sexual Harassment Response and Complaint Procedure (JBA/GBN-AR(2) and GBN/JBA-AR(2)), to the extent consistent Title IX. Other policies, rules and procedures may also apply depending on individual circumstances.

### Compliance Coordinator

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

### Oregon Definition of Sexual Harassment

Under state law, sexual harassment includes any of the following:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
  - a. Interferes with a student’s educational activity or program;
  - b. Interferes with an employee’s ability to perform their job; or
  - c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the person’s consent because the person is under the influence of drugs or alcohol, is unconscious, or is pressured through physical force, coercion or explicit or implied threats.

### Procedures

1. Individuals are strongly encouraged to immediately report conduct they believe violates district policy against sexual harassment to the school administrator or department director. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the school administrator or other appropriate district compliance coordinator. Reports may be oral or in writing.



2. Any staff member who receives direct or indirect notice that this policy may have been violated shall immediately report the information to the school administrator or department director. Reports may also be made to the Title IX Coordinator at [titleixcoordinator@4j.lane.edu](mailto:titleixcoordinator@4j.lane.edu) (541-790-7558), the Human Resources Director, at [eeo@4j.lane.edu](mailto:eeo@4j.lane.edu) (541-790-7668), or the Superintendent at 541-790-7706.
3. Step 1 – School or Department Level Response. Upon receipt of a complaint or report that, the school, department or district compliance coordinator shall:
  - a. Reduce the reported information to writing.
  - b. Promptly initiate an investigation using the standards and procedures including those identified in policy JBA/GBN – Sexual Harassment.
  - c. Consider all potentially applicable policies and laws, and notify the district Title IX Coordinator (students) or Human Resources Director (employees).
  - d. Immediately make a child abuse report to Department of Human Services or law enforcement when circumstances trigger the employee’s mandatory reporting obligations.
  - e. Notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated.
  - f. Issue the required written notice of rights as outlined under Oregon Procedures in Board policy JBA/GBN – Sexual Harassment.
  - g. Take interim measures necessary to ensure the impacted person is protected and to promote a nonhostile environment. This includes providing resources for support measures to the impacted person and taking any actions necessary to remove the potential future impact on the impacted person.
  - h. Arrange and conduct interviews and gather documentary evidence as may be necessary to determine the facts. The parties will have an opportunity to submit evidence and a list of witnesses.
  - i. Determine the facts and reduce all findings of the investigation to writing.
  - j. Notify the parties in writing when the investigation is concluded and whether a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.
  - k. When harassment in violation of district policy is found to have occurred, the district will take appropriate and effective remedial action to address and stop sexual harassment, prevent its recurrence, and address its negative consequences. This may include but is not limited to:
    - (1) Discipline, correction and /or education of staff and students who engaged in harassment; or removal of third parties or notification to their school or employer;
    - (2) Appropriate restorative action for the target of harassment, such as follow-up by administration, counseling, academic support or safety plans;
    - (3) As appropriate, identify and implement actions to rectify problems in a school or workplace climate, such as reaffirming the district policy against sexual harassment, providing increased notifications of policies and resources, and re-training and education.
  - l. If the investigation does not substantiate a violation of the district’s sexual harassment policy but substantiates violation of another rule or policy, the school or district may take disciplinary action in accordance with the applicable code of conduct.

- m. Maintain a copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended.
4. **Step 2 – Appeal.** If a complainant or respondent is not satisfied with the district’s Step 1 response in resolving a complaint of sexual harassment falling under this procedure, they may file a formal appeal with the superintendent’s office, within ten calendar days of the written decision referred to above. The superintendent or designee shall have 30 days in which to review and provide a final district written response to the complaint, meeting the requirements of OAR 581-022-2370(4)(b). If a complainant or respondent is not satisfied with the final written response of the district, they may file an appeal with the Oregon Department of Education.

### **Other Considerations**

1. The superintendent or designee may amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.
2. A person shall not be required to report prohibited conduct to the person alleged to have committed the conduct. If the complaint involves a school administrator or other compliance coordinator, it should generally be referred to the district Title IX Coordinator or Human Resources Director, but may be referred to the Superintendent’s office. If the complaint involves the Superintendent or an individual board member (other than the board chair), it should be referred to the board chair who will present the complaint to the board in executive session. Complaints against the board chair shall be brought to the vice chair of the board who will present the complaint to the board in executive session.
  - a. If the board decides an investigation is warranted, it may refer the investigation to a third party.
  - b. The board shall have 90 days in which to complete its investigation, decide what action if any is warranted, and provide a written notice to the parties that the investigation is concluded and whether a policy violation was found to have occurred to the extent allowable by law.
3. Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Civil and criminal remedies not provided by the school or district may be available through the legal system and such remedies may be subject to statutes of limitation.
4. Additional information about filing of a complaint or report of sexual harassment may be obtained through the compliance coordinator, district Title IX Coordinator, the Human Resources director or the Superintendent.
5. All documentation related to sexual harassment complaints may become part of the student’s education record or employee’s personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

6. The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

## **District Administrative Rules:**

### **G2100 - Professional Conduct**

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Last Updated: Apr 21 2009 - 10:35am

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

### **G2120 - Respectful Workplace**

Last Updated: Apr 21 2009 - 10:35am

The District is committed to workforce diversity and having a positive and professional workplace for all who work here. The District will take all necessary steps to ensure that the work environment remains productive for everyone. It is the responsibility of all employees and agents of the District to treat each other with courtesy, consideration, and respect. The District does not tolerate: (1) any forms of harassment, or offensive or discourteous behavior; (2) demeaning statements, threats, or intimidation; (3) unprofessional and discourteous actions; or (4) any behavior that creates or fosters an unwelcome or abusive work environment.

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

## 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.<sup>1</sup>
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 <sup>2</sup>
<b>Sick Leave</b>	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.
<b>Personal Days</b>	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.
<b>Family Illness Days (MAPS)</b>	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.

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

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

<p><b>Unpaid Day</b></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 <a href="https://www.4j.lane.edu/hr/loa/">https://www.4j.lane.edu/hr/loa/</a>.</p>
<p><b>Vacation</b> (12 month employees)</p>	<p>Schedule with and obtain approval from immediate supervisor at least three weeks in advance.</p>
<p><b>OFLA/FMLA</b> (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><b>Jury Duty</b></p>	<p>Notify immediate supervisor as soon as you receive the request to serve and on each day of service.</p>
<p><b>Bereavement Leave</b></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><b>Discretionary Leave (MAPS)</b></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>

## **G2430 - Substance Abuse**

Last Updated: Apr 21 2009 - 11:04am

The District recognizes that the use of drugs and alcohol, whether on or off the job, which adversely affects job performance, may constitute a serious threat to the health and safety of students, the public, and employees and impact effective instruction and the efficient delivery of District services. (See Board Policy GBCBA) The primary goal of this policy is to achieve a work place free of the impairments of drugs and alcohol, and to be in compliance with OR-OSHA regulation 437-001-0760(4), which prohibits anyone whose ability to work safely has been impaired by alcohol, drugs, or medication from working in that condition.

In any instance where an employee's impaired job performance or conduct provides reasonable suspicion of drug or alcohol use, the District may require appropriate testing. Testing procedures and the validity of the results will be measured by the prevailing practice in the medical field. In all situations where testing is called for, due consideration will be given to the legal rights and privacy of the tested employees.

Employees who are concerned about their use of alcohol or drugs are urged to seek confidential assistance from the Employee Assistance Program (EAP). Employees may also contact the Human Resources Department for assistance and can be assured that the contact will remain confidential to the extent legally possible. For employees who seek assistance in advance of detection, the District will provide reasonable accommodation as necessary and practical to allow treatment to take place.

The legal use of prescribed drugs or over-the-counter medications is permitted on the job, unless the use of the drug(s) may limit or impair the employee's ability to perform employment related duties safely and efficiently. It is the employee's responsibility to ascertain whether the use of a medication will limit or impair them.

Citings

Board Policy

Drug, Tobacco, and Alcohol Abuse by Employees - GBCBA

State Law

OR-OSHA regulation 437-001-0760(4)

### **G2430.01 - Definitions**

Last Updated: Apr 21 2009 - 11:04am

For purposes of this document, the following definitions apply:

1. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Drugs - Any intoxicants or controlled substances as defined by the criminal code of the State of Oregon, or substances lawfully prescribed for the employee's use and over-the-counter medications, which could have an adverse impact on their ability to perform their job duties in a safe manner. The definition of drugs excludes alcohol.
3. Drug or Alcohol Test - The compulsory submission of urine, breath, or blood by an employee in accordance with established collection and testing procedures to detect drug and/or alcohol use.
4. Reasonable Suspicion - Specific observations concerning the appearance, conduct, speech, odor on the breath or body odors of an employee that would cause one to suspect that the employee is under the influence of alcohol or drugs.
5. Under the Influence of Alcohol - An individual is considered to be "under the influence of alcohol" when the individual's blood alcohol content exceeds .02%.
6. Under the Influence of Drugs - An individual is considered to be "under the influence of drugs" when a detectable amount of a drug is found in the individual's body that may

impair the individual's ability to safely and efficiently perform job duties and responsibilities.

7. Work place: Any location where an employee is performing District job duties or is representing the District in an official capacity whether or not the employee is compensated. The exclusion of alcohol from the work place does not pertain to those sites at which, in the judgment of the Superintendent, the use of alcohol cannot be avoided, such as during business meetings with members of foreign delegations where refusal of a traditional "toast" would show disrespect for the customs or culture of the delegate.

## **G2430.02 - Prohibited Conduct**

Last Updated: Apr 21 2009 - 11:05am

This section does not attempt to address all possible issues that may arise around the use of alcohol and drugs. Each individual employee and each supervisor is responsible for using his or her best judgment and acting in a reasonable and responsible manner when faced with a situation that is not explicitly covered in the policy, such as situations that may arise outside the usual work place or when an employee may be called back to work outside of their regularly scheduled hours.

Violations may result in discipline up to and including discharge.

The following conduct is prohibited in the work place, on school premises, while working, and at a District activity:

1. The unlawful buying, selling, transportation, possession, providing or use of drugs;
2. The use of alcohol;
3. Being under the influence of alcohol;
4. Being under the influence of drugs;
5. Having a detectable odor of alcohol on the breath;
6. Operating a District owned or leased vehicle or one rented with District funds at any time proximate to consuming intoxicants or a private vehicle if using the vehicle in the course of conducting District business or when going to, or coming from, District business, either in town or while attending training or other business out of town;
7. Failure to report limitations or impairment caused by prescribed medications or over-the-counter drugs.

## **G2430.03 - Consequences of Positive Test Results**

Last Updated: Apr 21 2009 - 11:06am

An employee who has tested positive for drugs or alcohol as defined by this policy may be referred to the Employee Assistance Program or drug and/or alcohol counseling. An employee's participation in the Employee Assistance Program or in drug or alcohol counseling will be considered in determining what, if any, disciplinary action may be taken.

If an employee is not terminated for violations of this policy, the employee who has tested positive for drugs or alcohol will be required to sign a performance agreement. Provisions for unannounced testing for a specified period following the positive test may be included in the agreement. If the employee violates the terms of the agreement or again tests positive during such a period, he or she may be subject to immediate dismissal.

## **G2430.04 - Interference With Policy**

Last Updated: Apr 21 2009 - 11:07am



Any activity which purposely interferes with the District's policy on the use of drugs and alcohol will be grounds for disciplinary action which may include discharge. Examples include, but are not limited to, the following: tainting, tampering, or substitution of blood or urine samples; falsifying information regarding the use of prescribed medications or controlled substances; failure to cooperate with any tests outlined in this policy to determine the presence of drugs or alcohol; or failure to consent to or cooperate with any administrative search.

## **G2430.05 - Employee Rights**

Last Updated: Apr 21 2009 - 11:07am

Any employee who has tested positive shall be given access to all written documentation available from the testing laboratory, which verifies the accuracy of the testing equipment used in the testing process, the chain of custody of the specimen, and the accuracy rate of the laboratory. The employee will be provided with a copy of the results. All documentation on the testing will be sealed and maintained in a secured file in Human Resources. All test results will be kept confidential by the District.

# Eugene School District 4J

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

## **Suspected Abuse of a Child Reporting Requirements\*\***

By Oregon law (ORS 419B.005 – 419B.045) all district staff are designated “mandatory reporters” and are required by law to report suspected child abuse. Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse<sup>1</sup> shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any person<sup>2</sup> with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors<sup>3</sup>, agents<sup>4</sup>, volunteers<sup>5</sup> or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator for the building.

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<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

<sup>2</sup> “Person” includes any adult, student or other child.

<sup>3</sup> “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.

<sup>4</sup> “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.

<sup>5</sup> “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.

The district will designate a licensed administrator<sup>6</sup> and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

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

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

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

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

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

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

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

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

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<sup>6</sup> "Licensed administrator" for purposes of this policy may include either a district employee who holds an administrative license from the Teacher Standards Practices Commission (TSPC), or a non-TSPC licensed administrator or manager designated by the superintendent to serve in this capacity. ORS 339.372.

parents and legal guardians of students attending district-operated schools. The training will be made available separately from the training provided to district employees.

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

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

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

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)  
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)  
[OAR 581-022-2205](#)

[Senate Bill 155 \(2019\)](#)

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 (9<sup>th</sup> Cir. 2011).  
Senate Bill 51 (2021).

**Cross Reference(s):**

BBF - Board Member Standards of Conduct

BBFC - Reporting of Suspected Abuse of a Child

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

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

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

# Eugene School District 4J

Code: JHFE-AR(1)  
Adopted: 11/19/20  
Orig. Code: G2400-2400.01

## Reporting of Suspected Abuse of a Child

### Definitions

1. Oregon law recognizes these types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;
  - d. Threat of harm;
  - e. Rape;
  - f. Sexual abuse; and
  - g. Sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age.

### Mandatory Report

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse<sup>1</sup> or that **any adult or student** with whom the employee is in contact has abused a child shall:

1. Call or make an oral report immediately to the local office of the Oregon Department of Human Services (DHS) or to a law enforcement agency within the county where the person making the report is at the time of their contact; and
2. Immediately notify the building administrator.

The responsibility to make these reports is personal to the employee and may not be delegated. Employees and school administrators are encouraged to make calls to DHS (or law enforcement) together, provided the calls may be made immediately.

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

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a child and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which

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<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; and date and time that the report was made. Employees should use form JHFE-AR(3) – Suspected Child Abuse Reporting Form<sup>2</sup> to record this information.

The written record of the abuse report shall not be placed in the student’s educational record. A copy of the written report shall be filed with the school administrator and maintained in a secure and confidential file.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

### **Confidentiality of Records**

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

### **Failure to Comply**

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

### **Investigation on School Premises**

Staff members shall make every effort in suspected child abuse cases to cooperate with investigating officials. When such officials need to conduct child abuse investigations involving interviews with the suspected victim or witnesses on school premises, the following applies:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the form JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification, the administrator shall refuse access to the student.

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The officer shall sign the student out on a custody form to be provided by the school and after having provided adequate identification;

2. When the subject matter of the interview or investigation relates to suspected abuse of a child, district employees shall not notify parents of the DHS or law enforcement investigation unless the

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<sup>2</sup> All policies and administrative rules including forms are available on the district website at [www.4j.lane.edu/board/policies](http://www.4j.lane.edu/board/policies)

investigator approves the notification. The administrator should urge that parent notification occur promptly;

3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees may not reveal information obtained during an investigation, nor shall the information become part of the student's education records. Requests for disclosure may be discussed with the district's legal counsel.

### **Additional Procedures – Accused Is 4J Employee, Contractor, Volunteer or Student**

#### 1. Reporting

Any district employee who has reasonable cause to believe that another district employee, contractor<sup>3</sup>, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to:

- a. DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and
- b. The building principal, and
- c. The district designated licensed administrator (the Human Resources Director) or the alternative designated licensed administrator (the Title IX Coordinator).

The responsibility to make these reports is personal to the employee and may not be delegated. Employees and school administrators are encouraged to make the calls to DHS (or law enforcement) and to the district designated administrator together, provided the calls may be made immediately.

If the alleged abuser is a district employee, contractor, or volunteer, a copy of the written record documenting the abuse report (JHFE-AR(3)) shall be provided to the district's designated licensed administrator (the Human Resources Director) or alternate licensed administrator (Title IX Coordinator).<sup>4</sup>

#### 2. Safety Measures

When the designated licensed administrator or alternate receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>5</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee. The designated licensed administrator or

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<sup>3</sup> 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. ORS 339.370.

<sup>4</sup> If the superintendent is the alleged abuser, the report shall be submitted to the Human Resources Director who shall refer the report to the Board chair.

<sup>5</sup> The district employee cannot be required to use any accrued leave during the paid administrative leave imposed pursuant to this regulation.



alternate shall make a TSPC report as required by law, and will cross-report to the Title IX Coordinator any cases involving sexual violence, sexual conduct or sexual harassment of a district student.

When the designee receives a report of suspected abuse by a contractor<sup>6</sup>, agent or volunteer, the district may immediately prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor, agent or volunteer from providing services.

### 3. Determination of Policy Violation

For each report of suspected abuse by a school employee, the district shall determine if a district employment policy was violated and if the district will take any employment action, including discipline, against the employee. Such determinations will be made based on the findings of an investigation conducted by a law enforcement agency, DHS, or the district, if the district conducts its own investigation.

A final determination by law enforcement or other agency that a report of suspected child abuse involving a district employee cannot be substantiated or is not a report of abuse does not relieve the district of the requirement to make the determinations described above nor prevent the district from taking employment action against the school employee.

In conducting its own investigation of alleged child abuse involving a district employee, the district will honor the request of another agency to lead the investigation or a request that the district follow protocols of the other agency related to the investigation or suspend the district's investigation. Nothing in this regulation prevents the district from taking an employment action based on information available to the district before an investigation conducted by another agency is completed.

The district will cooperate with agencies assigned to conduct such investigations. Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal laws.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement. An employee not covered by a collective bargaining agreement may appeal the employment action taken through an appeal process administered by a neutral third party.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in ORS 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

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<sup>6</sup> This statement or substantially similar language shall be duplicated in district contracts. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.

# Eugene School District 4J

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

## Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors<sup>1</sup>, agents<sup>2</sup>, and volunteers<sup>3</sup> is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.<sup>4</sup>

“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.

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

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<sup>1</sup> “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.

<sup>2</sup> “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.

<sup>3</sup> “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.

<sup>4</sup> The definition of “sexual conduct” in this policy affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any district employee 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, in the event the designated administrator is the suspected perpetrator, for their school building. The designated licensed administrator for all 4J schools is the Human Resources Director, and the alternate designated licensed administrator is the Title IX Coordinator. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

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

If an employee fails to report suspected sexual conduct, the employee may be disciplined up to and including dismissal.

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

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

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

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

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

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

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

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

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

House Bill 2136 (2021).

Senate Bill 51 (2021).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

GCAB - Personal Electronic Devices and Social Media - Staff

IIBGA - Electronic Communications System

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

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements

JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements

# **All 4J employees must report child abuse and boundary violations**

## **Child Abuse Reporting**

In cases of suspected child abuse/ neglect by anyone, employees must immediately make a report to the Department of Human Services, 1-855-503-SAFE (7233), or a local law enforcement agency (call 911), and to the building or other administrator.

When the suspected abuser is a school employee, a report must also be made to the Director of Human Resources or designee 541-790-7670. Every school employee is a mandatory reporter.

## **Boundary Violation Reporting**

Any school employee who believes another employee has violated appropriate adult boundaries with a student must report it immediately to their building administrator and to the Director of Human Resources or designee at 541- 790-7670.

The district's practice is to make a locked space available to all employees so they may secure small personal valuables (such as a wallet or purse). The space may be located in the school office, classroom, locking file cabinet, or any other location that you determine is secure. Buildings may also provide employees a locked space inside a classroom or work area by installing a lock on a file cabinet or desk drawer.

Administrators will work with employees to ensure that they are aware of what locked space is available at each site. If a locksmith's services are needed, the administrator will call Facilities and make arrangements with Facilities directly. Please note that there could be a substantial wait time for a locksmith's services because the district's financial circumstance has curtailed this service.

## **I1700 – Community Educators (Guest Speakers) and Outside Presenters**

Last updated: May 3 2010 – 9:46am

We recognize that guest speakers and outside presenters are a valuable resource for enriching district curricula. Community presenters and guest speakers must adhere to the following guidelines:

- Information presented must be educational, not promotional. Presenters are prohibited from gathering personally identifying information from students. It is allowable for presenters to post their name, the name of the organization with which they are affiliated, and phone number, email address, or other contact information. This contact information should be given in a neutral way and can remain posted throughout the presentation and shall be removed when the presentation is over.
- The information presented should be age appropriate and relevant to curriculum and classroom instruction.
- The information must be presented in a neutral and non-discriminatory manner.
- District representatives have a responsibility for vetting and supervision of guest speakers and outside presenters. Building administrators have the authority to cancel or stop presentations deemed to be inappropriate.



## FAQ for Staff – Supporting Undocumented Students – Updated April 2018

Dear 4J staff:

On February 15, 2017, the 4J Board of Directors unanimously approved a resolution affirming the board's commitment to a safe, inclusive and supportive school environment for all students, regardless of their national origin, immigration or documentation status. That resolution and more information for parents and community members are available on the district website in English and Spanish.

We are writing to ensure all staff are aware of and are able to respond to common questions about support of students who are undocumented or come from families who are undocumented.

Each employee is expected to review and follow the guidelines in this FAQ. There are some revisions from the guidelines shared in January so please review this carefully. If you have questions after reviewing it, please ask your supervisor or send an email to [perez\\_k@4j.lane.edu](mailto:perez_k@4j.lane.edu) with the subject line "FAQ – Undocumented Students."

### **1. Do undocumented students have a right to attend public schools? Do schools have an obligation to educate undocumented students?**

Yes. Every public school in Oregon has a legal obligation to educate every child, regardless of whether the child is a legal resident of the United States. Specifically, the United States Supreme Court ruled that undocumented school children have a constitutional right to equal access to K-12 education. As the court explained, these children are in the U.S. through no fault of their own, and denying them a basic education would take an "inestimable toll." Education prepares individuals to be "self-reliant and self-sufficient participants in society." *Plyler v. Doe (1982)*.

### **2. Should district staff collect or retain information on student immigration status, or that of students' parents?**

No. The district does not collect information on the immigration status of students or parents. 4J employees may not ask about or document a student's immigration status or that of the student's family members.

State law prohibits public employees from asking about, or requesting information concerning, a person's citizenship or immigration status, except when required by law or necessary to determine eligibility for a benefit.

### **3. May staff members disclose information about a student's immigration status? To what extent are student records confidential?**

No. Staff are prohibited by state law from disclosing, for purposes of enforcement of federal immigration laws, information about a student or student's family such as the address of the student or relative, the student's school or school hours, the student or relative's workplace or hours of work, and contact information including telephone number, email address or social media account information, or the date, time or location of appointments with the district.



Any request by an immigration official for any information about a student, even “directory information,” may not be granted at the school level, and must be referred to the office of the superintendent for response.

Even when staff are asked for a student’s immigration or citizenship information for reasons having nothing to do with federal immigration law enforcement, staff may not disclose the immigration status or other personal information about any student or his/her family, without prior parental consent or the authorization of the district to do so. The disclosure of such information may jeopardize the right of a student to attend public school and expose the district to liability. The disclosure may also violate the Federal Educational Rights and Privacy Act (FERPA).

Eugene 4J staff are expected to follow district policies including Board Policy JO and JOB, as well as state and federal laws concerning student records. Students’ educational records and the personally identifiable information in those records are strictly confidential. Such records may not be released to anyone by any employee without the prior consent of the parent (or eligible student) unless one of the narrow exceptions to that rule applies. Exceptions include staff within the district who have a legitimate educational interest, another school or district where the student is seeking to enroll, or a court order. Even when records have been subpoenaed, the district must follow a process prior to their disclosure.

Student records laws do not contain a blanket exception for law enforcement. Therefore, employees may not provide records to law enforcement except where permitted by law. For example, if there is a health and safety emergency (which is narrowly defined), the school shall disclose personally identifiable information from a student record to law enforcement, child protective services, health care professionals and other appropriate parties if knowledge of the information is necessary to protect the health and safety of the student and others.

The district may – but is not required to – disclose directory information to the extent that the district has designated certain information as directory information and a parent has not opted out of the disclosure of directory information. Employees should not release directory information except with administrative direction. Please see Board Policy JO, JOA and JOB for more information about student records.

Requests for student records and sensitive or confidential information should be directed to the appropriate channels at the school. Any employee who is unsure should ask his or her supervisor.

#### **4. May immigration officials access students at school without a warrant?**

No. Any member of the public may access the front office of a school or other public area such as an office lobby. However, no visitor may access the private areas of a school without the permission of the front office. School employees may not consent to immigration officials’ request to access the school unless directed by the superintendent or designee.

In the event an immigration official requests access to a private area of a school, to interview a student, or to provide other information about a student, the request shall be initially denied, and staff may not confirm whether or not a student attends the school. The school shall inform the official that 4J procedures require that such requests go through the superintendent’s office which will respond to such requests, and refer the official to the superintendent’s office at the 4J Ed Center. The school should then immediately contact the superintendent’s office. The superintendent or designee will decline any request to access a student or student information for purposes of federal immigration law enforcement unless it

is determined, in consultation with legal counsel, that compliance with the request is required by law, court order or court issued warrant.

If a school has reason to believe that a person is impersonating a law enforcement agent, the school should call the school resource officer or 911 immediately.

#### **5. How should an administrator respond to a search warrant or court order from immigrations officials?**

An administrator presented with a court order or warrant by an immigrations officer demanding access to a student, to confidential information, or to private spaces of a school, shall refer the officer to the superintendent's office at the 4J Ed Center. The school should immediately contact that office or the district's legal counsel.

The superintendent's office in consultation with legal counsel will request the agent's identification, badge number and phone number of supervisor, purpose of visit, closely review the scope of the order or warrant and determine next steps.

If an immigration officer insists on remaining at the school, ask the officer to wait, call district legal counsel or the superintendent's office, and inform the officer that legal counsel is on the way.

#### **6. May school staff release a student to the custody of law enforcement?**

A law enforcement officer or an official from the Department of Human Services may not take a child from school without a court order, making an arrest, taking a student into protective custody, or permission of the parent or guardian.

#### **7. If a student's parent is detained as the result of an immigration enforcement action or raid, what should we do?**

The school will work to ensure the safety of a student affected by an immigration enforcement action, will notify students when possible, and will not knowingly release a student into a hazardous situation. The school will make multiple attempts to contact the persons listed on the student's emergency contact list. If these efforts are unsuccessful, the school will contact the Oregon Department of Human Services. The transportation department will be alerted, and staff may be asked to work extended hours to ensure students are transitioned safely. Staff may not take students home.

Please encourage all families to have updated emergency contact information about who is authorized to pick up a student from school, and to consider including multiple options. Crisis plan tools for parents who wish to plan for their children's care in the event they are unavailable to do so can be found at: <https://www.latnet.org/community-resources/>

#### **8. Are there any other staff obligations I should be aware of?**

The procedures in this memo are designed to ensure a safe environment for students, and an orderly process for handling requests from immigration authorities. They do not cover every conceivable situation. If there is a safety emergency that presents imminent danger of harm, you are expected to take steps necessary to protect students and staff. Please also be aware that federal law prohibits the obstruction of justice, so – for example – you should not destroy evidence, make false statements, or

physically intervene in an arrest. Individuals could face individual consequences for violating criminal laws.

All children are entitled to public education regardless of their immigration status or that of their parents, and employees are expected to create safe, welcoming and equitable educational environments for all students. All employees must report suspected acts of bullying, harassment and discrimination against students to administrators. All employees must refrain from actions that discriminate against a 4J student on the basis of national origin, race, color, sexual orientation, gender identity, gender, and other protected status.

If you learn about a practice or policy that has an unintended discriminatory impact on the right of any child to a public education, please communicate that to your supervisor.

While it is wise to prepare for the possibility of such requests, it is also true that (1) we are not aware of any Oregon school that has been approached by immigration officials for information or enforcement actions; and (2) the Department of Homeland Security appears to be following its “sensitive locations” policy. By its own internal policies, the department generally avoids immigration enforcement at schools, bus stops, education-related activities or events, as well as medical facilities and places of worship. If this policy changes, we will let you know promptly.

Thank you for reviewing this memo.

**Contacts:**

Dr. Gustavo Balderas, Superintendent – 790-7706

Dr. Karen Perez da Silva, Equity, Instruction & Partnerships Administrator – 790-7714

Christine Nesbit, In House Counsel – 790-7664

# Eugene School District 4J

Code: **KK**  
Adopted: 8/16/00  
Readopted: 5/17/17; 11/01/17  
Orig. Code(s): 5640.4

## Visitors to Schools and Properties

The board values engaging the community in our schools and also recognizes that the safe and effective delivery of the district's educational program requires efficient and orderly classrooms and schools, a proper educational environment, and consideration for the safety and welfare of students and staff. Therefore, the district limits visitors to parents/guardians of current students; other family members of current students approved by the student's parent/guardian; participants attending school events open to the public; approved volunteers; district staff not currently assigned to that site; board members; and other persons approved by the superintendent, or principal or designee for educational or official business purposes.

Without exception, visitors to a school during the school day will report first to the school office to obtain consent to visit elsewhere in the building. Any unauthorized persons will be reported to an administrator and may be asked to leave. The superintendent or principal or designee has the final authority to permit, deny or revoke the privilege of visiting a school based on the interests identified in this policy.

The superintendent may establish administrative rules implementing this policy. Visitors in violation of this policy or visitation rules are considered to be in violation of the law and are subject to prosecution for trespass.

END OF POLICY

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### Legal Reference(s):

[ORS 332.075](#)  
[ORS 332.107](#)  
[ORS 164.245](#)  
[ORS 164.225](#)  
[ORS 166.025](#)

Employees who work at schools, have contact with students or are administrators or supervisors must also review the following:

# Eugene School District 4J

Code: JFCF  
Adopted: 2/03/88  
Revised/Readopted: 6/17/98; 4/30/03; 6/06/07;  
8/19/09; 9/05/12; 5/20/15;  
8/15/18; 11/06/19  
Orig. Code: JFCF

## **Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student**

The district is committed to providing a safe, positive and productive educational environment for all students. Harassment, intimidation, bullying, cyberbullying or hazing of students, by students, staff and third parties is prohibited. Teen dating violence is unacceptable behavior and prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Students may also be referred to law enforcement officials.

### **Scope**

This policy applies to student behavior on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, in all instances that student discipline applies as provided in the code of conduct. 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. This policy also applies to adult behavior when a student is the victim.

### **Definitions**

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance and has the effect of physically harming a student or endangering a student’s property; knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or creating a hostile educational environment, including interfering with the psychological well-being of a student. It may be based on, but is not limited to, the protected class status of a person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation<sup>1</sup>, gender identity or expression, national origin, marital status, familial

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<sup>1</sup> “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 with the individual’s sex at birth.

status, source of income or disability.

“Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.

“Hazing” means intentionally taking action or creating a situation that inflicts physical harm, psychological harm or distress on a student regardless of the consent of the participants. Hazing occurs when the action or situation has the purpose or effect of demeaning or humiliating a student or group of students. Hazing is typically but not exclusively committed as a form of initiation, discipline or rite of passage for a particular club, team or activity, and almost always includes new members showing subservience to existing members. In considering a hazing case, it is not a defense that the student subjected to hazing consented to or acquiesced in the hazing activity

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse between family and household members, as those terms are described in ORS 107.705.

“Retaliation” means any form of reprisal, harassment, intimidation or bullying, cyberbullying, hazing, or teen dating violence against a person in response to a student for actually or apparently reporting or participating in the investigation of conduct prohibited by this policy.

“District” includes district facilities, district premises and nondistrict property if the student 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 control of the district.

“Third parties” include, but are not limited to, coaches, 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 other district-sponsored programs and activities.

### **Staff’s Responsibility**

Every staff member, including student teachers and practicum students, who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the school administrator. If the administrator is believed to be involved or to have a conflict of interest, the report may be made to the Superintendent’s office.

The school administrator has overall responsibility for compliance with this policy and investigations of alleged violations at the school level.

Staff members are expected to comply with this policy. Violations of this policy, including failure to report an act of harassment, intimidation or bullying, cyberbullying, hazing, or teen dating violence may be subject to remedial action, up to and including dismissal.

Employees are responsible for informing volunteers and other adults working in schools and with extracurricular programs of this policy and for supervising their activities. Volunteers and third parties working in schools and with district programs are encouraged to report concerns as outlined in this policy.

### **Student Responsibility**

Students are expected to follow the standards for student behavior outlined in school board policy and the district's Student Rights and Responsibilities Handbook, which includes the requirement that they refrain from harassment, intimidation or bullying, cyberbullying, hazing, teen dating violence, and retaliation and comply with this policy.

Students are expected to hold their peers and other students to the standards established by this policy and are encouraged to bring violations to the attention of a teacher, counselor or administrator. These reports may be made anonymously.

Students who violate this rule are subject to discipline, suspension or expulsion following the rules established in the Student Rights and Responsibilities Handbook.

### **Training**

The district shall incorporate into existing training programs for students and staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation, bullying, hazing and cyberbullying. The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation, bullying, hazing, cyberbullying, teen dating violence and domestic violence. This policy and implementing regulations will be reviewed annually, in the fall, with each building and department staff.

### **Reporting and Complaint Procedures**

A student, parent or guardian of a student, or a volunteer who believes that the student is the recipient of harassment, intimidation, bullying, cyberbullying, hazing or teen dating violence is encouraged to report the incident to the administrator or assistant administrator, teacher, counselor or other staff member. Information may be presented anonymously. An optional Student Safety Reporting Form is available from the school and on the district website.

Teachers and other staff who observe students engaging in acts in violation of this policy are responsible for taking action to deal with the behavior. Every school employee is responsible for reporting suspected violations of this policy to the school administrator.

Complaints about the school administrator may be reported to the superintendent's office. Complaints about the superintendent shall be reported to the chair of the board of directors.

Upon a report, or knowledge of, an incident, the school administrator or designee shall assess the allegation and conduct an appropriate investigation. The administrator or designee shall promptly take interim action deemed necessary to maintain a safe learning environment. The principal or person assigned



shall work with the complainant and other parties to resolve the issue, which may include corrective and remedial measures designed to prevent the recurrence of the behavior. Parents will be notified of the outcome of the investigation and, as appropriate, that remedial action has been taken.

Students, parents and guardians are encouraged to attempt to resolve concerns through discussions with school staff at the school level. If the student, parent or guardian are unable to resolve the complaint after working with school staff or if they choose to initiate their complaint at the district-level, they may file a formal complaint with the superintendent’s office, using the district complaint form available on the district website, and from the superintendent’s office. In such a case, the complaint procedures in administrative regulation KL-AR will apply.

### **Tracking**

District administration shall track major incidents of conduct violating this policy, and will report the information annually to the board.

### **Publicizing this Policy**

This policy shall be publicized within the district by making the policy annually available to parents, guardians, school employees and students in the student handbook, and readily available to parents, guardians, school employees, volunteers, students, school administrators and community representatives at each school office, the school district office and the district website.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by the ODE.

The superintendent is responsible for developing appropriate administrative rules, procedures or guidelines for implementation of this policy, as needed.

END OF POLICY

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#### **Legal Reference(s):**

[ORS 107.705](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 174.100\(7\)](#)  
[ORS 332.072](#)

[ORS 332.107](#)  
[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.351 - 339.368](#)  
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)  
[OAR 581-021-0055](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2370](#)

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

#### **Cross Reference(s):**

GBN/JBA - Sexual Harassment  
JBA/GBN - Sexual Harassment  
JFCM - Threats of Violence

# Wellness Policy Summary

Children and adolescents need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive. With childhood obesity increasing across the nation, the role that schools play in promoting sound nutrition and physical exercise is more important than ever.

To help ensure that 4J students have the opportunity to eat well, be active, and learn about healthy choices, the Eugene School District adopted a comprehensive wellness policy in spring 2006.

Key elements of 4J's wellness policy include:

## **All students should have opportunities, support and encouragement to be physically active on a daily basis.**

- Physical activity is encouraged to be integrated into the academic curriculum.
- Physical education will not be withheld as punishment.
- Recess will be withheld for disciplinary reasons only on an occasional basis as part of an individual or school-wide behavior plan.
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## **Foods served to students should be nutritious and healthy.**

- **Foods for sale:** Soda pop (including no-calorie varieties) will not be sold or distributed at school. Other foods of minimal nutritious value (e.g. most candy, chewing gum, cotton candy, candy-coated popcorn) will not be sold to students on campus during the school day. All foods offered for sale must meet the district's Healthy Snack Guidelines.
- **Foods in the classroom:** Staff should be judicious in any use of food as an incentive or reward, at celebrations, or as part of the curriculum, taking into consideration the nutritional value of the food being served and the frequency of use. Schools should limit the use of food at celebrations that are not related to the curriculum. When food is used as part of a social or cultural event in the schools, staff and parents are encouraged to provide nutritious foods that are consistent with the Healthy Parties Guidelines. These guidelines (attached) provide parents and teachers with nutrition targets and examples of healthy, affordable food choices for snacks and parties.
- **Foods of minimal nutritious value** (e.g. soda pop, most candies, chewing gum, cotton candy, candy-coated popcorn) may not be distributed by staff as a reward for academic performance or good behavior. These products may not be purchased with a district VISA card and employee purchases will not be reimbursed. The use of any other kinds of candy as a reward also is strongly discouraged.
- **These requirements also apply to before- and after-school activities** sponsored by the district, except for activities at which adults are a significant part of the audience (e.g. carnivals, athletic events).

To learn more about the specific requirements and guidelines under the district's wellness policy, please see the links at right.



# Student Safety Reporting Form

for reporting bullying, harassment and other concerns

Do the best you can filling out this information. Please do not write on the back of this form. Turn this form in to the school office or a staff member at your school.

Today's date: \_\_\_\_\_ School: \_\_\_\_\_

Name of the person(s) who experienced the incident: \_\_\_\_\_

Contact information: \_\_\_\_\_

Name of person filling out form (if different): \_\_\_\_\_

(Note: you may report anonymously if you prefer, but having this information may help us investigate the concern.)

Name(s) of the person(s) of concern: \_\_\_\_\_

Describe what is happening or has happened: (Use additional paper if you need more room)

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Where did it happen? (example: classroom, Instagram, off campus): \_\_\_\_\_

When did it happen? \_\_\_\_\_

Who was involved? \_\_\_\_\_

Who saw it? \_\_\_\_\_

Has this type of behavior happened before?  Yes (please tell us more about it) or  No

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Do you have a teacher, counselor or advisor supporting you? Who? \_\_\_\_\_

If possible, would you like this person with you when talking to administration?  Yes or  No

Besides stopping the unsafe behavior, what would you like to see happen?

(Use additional paper if you need more room)

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**STUDENTS** – Please return this to the school office or to a staff member. **DO NOT WRITE ON THE BACK.**

**STAFF** – Return this form to the school administrator. If the administrator is alleged to have engaged in wrongdoing, return to the superintendent's office.

**This side of the form is to be filled out by an administrator. The reporting person does not write on this side.**

**Date received:** \_\_\_\_\_ (Initial contact should be within 24 hours.)

**Date student was met with:** \_\_\_\_\_

**Name of school personnel supporting in this resolution:** \_\_\_\_\_

**Area of concern (mark all those that apply):**

- |   |   |                                       |                                       |
|---|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Teasing                        | <input type="checkbox"/> Physical (Hitting, Kicking, Pushing) | <input type="checkbox"/> Threatening  | <input type="checkbox"/> Name calling |
| <input type="checkbox"/> Gossip/Rumor spreading         | <input type="checkbox"/> Cyberbullying (social media)         | <input type="checkbox"/> Intimidating | <input type="checkbox"/> Self-harm    |
| <input type="checkbox"/> Sexual Harassment              | <input type="checkbox"/> Sexual assault                       |                                       |                                       |
| <input type="checkbox"/> Other (please describe): _____ |   |                                       |                                       |

**Does the issue/situation target the person's:** race, color, ethnicity, religion, sex, sexual orientation, gender identity or expression, national origin, marital status, familial status, source of income or disability?  Yes, describe or  No

**Admin should consider:**

- *The applicable policies, rules and/or code of conduct (For example: JBA/GBA-AR Sexual Harassment, JFCF Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence)*
- *Would the student feel safer if there was someone of their gender identity and/or cultural identity present? Who on staff needs to be in the room to support the student?*
- *Has the student experienced this kind of incident before? Who responded in that incident? What was the outcome/resolution and why?*
- *Where is this addressed in the Student Rights and Responsibilities Handbook?*
- *What restorative steps need to be taken?*

**Outcome & next steps:**

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**Does the student(s) or adult filling out this form feel the situation has been resolved? Why or why not? How do you know? What is your plan for following up/checking with the student/adult in a few weeks?**

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**Date parent was contacted:** \_\_\_\_\_ **Method of contact:** \_\_\_\_\_

Response from parent (explain) or  Parent not contacted due to student safety concern (explain):

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Store these forms in a folder in the administration office.



**Eugene School District 4J**  
**Step-by-step complaint process**  
*(including harassment and discrimination)*

1. Parents, students and staff work together frequently to address concerns and improve the educational experience for students. You are encouraged to raise concerns directly with the involved employee, school or department because that is often the most effective way to resolve them.

For incidents of bullying or harassment (including harassment, intimidation, cyberbullying, hazing and teen dating violence) or of discrimination, you should contact the school principal or other staff member to report it. Say you would like to report an incident of harassment, intimidation, bullying, cyberbullying, hazing, teen dating violence or discrimination. An optional *Student Safety Reporting Form* is available from your school.

If you believe the principal engaged in the wrongdoing, you don't have to report to him or her. You may instead contact the district superintendent's office.

2. Tell the principal or person assigned by the principal or superintendent your concern and answer any questions they have. Administrators should respond to most concerns within 10 working days.
3. Work with the principal or person assigned by the principal or superintendent to resolve the issue. This could include talking with a teacher and discussing what may happen with the involved people.
4. If you are unable to resolve the issue by working with the school principal and/or school staff, you may send a written request to the administrator's supervisor who should respond within 10 working days. If you are unsure who that is, you may call the superintendent's office at 541-790-7706.

Alternatively you may file a formal complaint with the district at any time. There is a single complaint form for use by anyone. It is available at [www.4j.lane.edu/complaints](http://www.4j.lane.edu/complaints), from school offices and from the 4J superintendent's office, 200 N. Monroe St, 541-790-7706. Complete the form and return it to the 4J superintendent's office.

5. When the superintendent's office receives your complaint, it will assign a decision maker to investigate and resolve the complaint. If the complaint has not yet been addressed at the school level, the superintendent may refer the complaint to the principal. If you have worked with the school but have been unable to resolve the issue, or if the principal is alleged to have acted improperly, the superintendent will assign a different decision-maker.

The superintendent's office will send you a written acknowledgement, postmarked within 10 calendar days of receiving the complaint. The acknowledgement will tell you the date the superintendent received the complaint and who has been assigned to handle the complaint.

CONTINUE TO PAGE 2 

6. The decision maker will review the complaint, conduct interviews, determine the facts, and consider possible ways of resolving the complaint. Your complaint will receive a final written response and decision within 30 calendar days of receipt. Timelines may be extended by mutual agreement.
7. If the issue is not resolved, you may appeal to the superintendent. The appeal needs to be submitted in writing within 10 calendar days of receiving the decision referred to in section 6. The appeal may be by letter or email, and should describe the complaint, the remedy being requested, and why the original decision (in section 6) is incorrect or insufficient. The superintendent (or designee) will review the record and any additional information necessary, and will decide if specific action needs to be taken in response to the complaint, or that no substantial evidence exists and that no further action will be taken in response to the complaint. The superintendent's response will be provided within 30 calendar days of receipt of the appeal, unless timelines have been extended by mutual agreement.
9. The superintendent's decision constitutes the final decision of the district.
10. Certain complaints may be appealed to the Oregon Department of Education (ODE). For more information about appeals, see district administrative regulation KL-AR or contact ODE directly.
11. This step-by-step guide is only a summary. For more information about how the district resolves complaints, visit the district's webpage at [www.4j.lane.edu/complaints](http://www.4j.lane.edu/complaints) or call the superintendent's office at 541-790-7706.



**Eugene School District 4J**  
**Formal Complaint Form**  
*(including harassment and discrimination)*

Parents, students and staff work together frequently to address concerns and improve the educational experience for students. Raising concerns directly with the involved employee, school or department is often the most effective way to resolve them.

While problem-solving at the local, school level is encouraged, some complaints are not resolved at the local level and in some circumstances, a person may wish to raise their concern with district administration immediately.

*You may file a formal, district-level complaint by submitting this form to the Office of the Superintendent.*

**Information about complainant**

**Name:** \_\_\_\_\_ or  **Anonymous**

**Person reporting:**  Student  Parent  Employee  Volunteer  Other: \_\_\_\_\_

I am filing this complaint on behalf of:  Myself  My child  Another student  Other

**Phone** home \_\_\_\_\_ work \_\_\_\_\_ cell \_\_\_\_\_

**Address** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Email address** \_\_\_\_\_ **School name** \_\_\_\_\_

**Date of complaint** \_\_\_\_\_

**Type of complaint** (please check the appropriate box)

**Legal compliance**

Alleged noncompliance with Oregon school regulations (OAR 581-022 Program Standards) or other law applicable to district programs. Examples include: Special Education, Talented and Gifted, Alternative Education, Instructional Hours, Health and Safety, Nutrition, Restraint and Seclusion, or Title IX.

**Discrimination or harassment based on a legally protected characteristic**

Please check the actual or perceived characteristic upon which the alleged conduct was based.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Age                           | <input type="checkbox"/> National origin        | <input type="checkbox"/> Retaliation        |
| <input type="checkbox"/> Disability                    | <input type="checkbox"/> Pregnancy              | <input type="checkbox"/> Sex or gender      |
| <input type="checkbox"/> Gender identity or expression | <input type="checkbox"/> Race or ethnicity      | <input type="checkbox"/> Sexual harassment  |
| <input type="checkbox"/> Marital status                | <input type="checkbox"/> Religion               | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Military or veteran status    | <input type="checkbox"/> Other (describe) _____ |   |

**Bullying, harassment, intimidation, cyberbullying or hazing** not based on a legally protected characteristic.

**Other concern**

CONTINUE TO PAGE 2 ➡

## Details of complaint

**What happened?** Please describe the incident or concern you experienced that led to this complaint, including the events and actions in as much detail as possible. Please attach additional pages if you need more space.

Are you making a complaint about a specific staff person?  Yes Name \_\_\_\_\_

Who was involved in the incident or concern?

Who witnessed it?

Where did it happen?

When did it happen and/or when did you learn about it?

Have you attempted to resolve the incident or concern at the school level?

**YES** Who did you talk to?  
What were the results?

**NO** Why not?

How would you like the district to resolve your complaint?

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**Submit to:** Eugene School District 4J, Superintendent's Office, 200 N. Monroe St., Eugene, Oregon 97402

**What comes next?** The superintendent's office will send you a written acknowledgement, within 10 working days of receiving this form, telling you who will follow up on your complaint.

**Questions?** Contact the superintendent's office at 541-790-7706 or find additional information about district complaint procedures at [www.4j.lane.edu/complaints](http://www.4j.lane.edu/complaints).



# Eugene School District 4J

Code: **JBC-AR**  
Revised/Reviewed: 5/06/15; 10/29/18  
Orig. Code: JFG-AR

## Transgender and Gender Nonconforming Students

This administrative regulation is intended to clarify existing laws, rules and policies, and to guide how best to support the needs of the district's transgender and gender nonconforming students and their families. It does not anticipate every scenario and situation that may occur with respect to transgender and gender nonconforming students, and not all students' needs may be the same. Administrators are encouraged to assess, in consultation with the impacted student and family, how best to support the student within the parameters of this administrative regulation.

### 1. Definitions

- a. "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth.
- b. "Transgender" describes people whose gender identity is different from their gender assigned at birth.
- c. "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- d. "Gender non-binary" is an umbrella term for gender identities used by people whose gender is not exclusively male or female.
- e. "Gender nonconforming" or "gender variant" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
- f. "Sex" is the physical makeup of a human being, referred to as their biological or natal sex. A person's biological sex is sometimes also referred to as their "assigned gender."

### 2. Names/Pronouns

Transgender and gender nonconforming students have the right to be addressed and referred to by a name and pronoun that corresponds with the student's gender identity, consistently asserted by the student at school. Transgender and gender nonconforming individuals often use pronouns such as he/him or she/her but may prefer pronouns such as "they/their." District employees may not intentionally refuse to refer to a student by the name or pronoun identified as corresponding with the student's affirmed gender identity.

### 3. Registration Forms and Student Information System Records

There is a process for handling name and gender changes in the student information system, which is outlined in the district's Request for Student Gender/Name Change in Student Records form. Forms for requesting these changes are available from a school counselor or administrator, or from the District's Equity, Instruction and Partnership Administrator.

#### 4. Confidentiality of Information

Students have the right to keep their transgender status private. Staff may not disclose information that may reveal a student's transgender identity except as allowed under the Family Education Rights Privacy Act (FERPA) or as authorized by the student. Under FERPA, only those school employees with a legitimate educational interest may have access to a student's records or the information contained in those records.

In some circumstances, a student who identifies as transgender may not want their parents to know the identity they are expressing at school. Administrators should consult their level director, the Equity, Instruction and Partnership Administrator, and legal counsel for guidance on confidentiality issues.

#### 5. Dress Code

Students have the right to dress in accordance with the gender identity they consistently assert at school, in conformance with the dress and grooming standards contained in the *Student Rights & Responsibilities Handbook*.

#### 6. Restroom Accessibility

Students shall have access to a restroom that corresponds to the gender identity they consistently assert at school.

Where available, a single stall bathroom may be used by any student – transgender or not – who desires increased privacy, regardless of the reason. The use of a single stall bathroom shall be a matter of choice for a student, and no student shall be compelled to use a single stall bathroom because the student is transgender.

#### 7. Locker Room Accessibility

A student shall have access to a locker room that is congruent with the gender identity consistently asserted by the student at school.

Any student – transgender or not – may request increased privacy, regardless of the reason, and should be provided with a reasonable alternative. Reasonable alternatives include:

- a. Use of a private area in the locker room (e.g., a bathroom stall with a door; an area separated
- b. by a curtain; a physical education instructor's office in the locker room).
- c. A separate changing schedule (e.g., using the locker room before or after other students).
- d. Use of a nearby private area (e.g., a nearby restroom; a nurse's office).

#### 8. Physical Education, Athletics and Activities

Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics in accordance with the gender identity they consistently assert at school.

Participation in high school interscholastic athletics and sports is governed by the Oregon School Activities Association, which has its own policy with respect to participation by students who identify as transgender.

9. Overnight School Trips

Schools should work with the student, family, level director and equity administrator to create an accommodations plan for a particular trip so that the needs of all students are considered.

Students should be provided overnight accommodations that are congruent with the gender identity they consistently assert at school and should not be compelled to stay in single-occupancy accommodations or to disclose personal information when not required of other students. In no case should a student who identifies as transgender be denied the right to participate in an overnight field trip because of the student's transgender status.

10. Gender Segregation

As a general rule, schools should consider options to avoid separating students by gender when there is a reasonable alternative. For example, instead of having students form two lines by gender, instruct students to form two lines based on the first letter of their name. In the circumstances where students are separated by gender for safety or privacy reasons, such as overnight field trips, students shall be permitted to participate in accordance with the gender identity consistently expressed by the student at school.

11. Student Safety

Schools shall promote the safety of students while honoring the right of students to be treated respectfully in their gender of identification. Studies have established that transgender and gender nonconforming students experience violence and harassment at a higher rate than their peers. Administrators will consider convening a safety team and developing a safety plan whenever circumstances indicate the need.

Staff shall intervene to stop harassing behavior against a transgender or gender nonconforming student, and will report to administration any incidents of bullying or harassment against students as required by Board Policy JFCF. Administrators will investigate and document the incident, determine corrective and remedial actions, and monitor to prevent a recurrence of the behavior.

# Eugene School District 4J

Code:                   ACB  
Adopted:               12/02/20  
Revised/Readopted:  2/23/22  
Orig. Code:            ACB

## Hate Symbols and Bias Incidents

Student safety and inclusion are foundational, necessary conditions for educational equity – a guiding value and core responsibility of the district. All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

Similarly, all employees are entitled to work, and visitors entitled to participate, in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Symbol of hate” means nooses, swastikas and other symbols of neo-Nazi ideology, and the confederate flag. It also includes a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin whose display is reasonably likely to cause a substantial disruption of or material interference with school activities, or to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

A “hate crime” or “bias crime” is a crime motivated by bias against another person’s race, color, religion, gender identity, sexual orientation, disability or national origin.

The district prohibits the use or display of any symbols of hate, bias incidents and hate crimes on school property<sup>1</sup> or in an educational program<sup>2</sup>, except where used in teaching curriculum that is aligned with state standards of education for public schools.

The district prohibits retaliation against an individual because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The district will use administrative regulation ACB-AR – Hate Symbol and Bias Incident Response procedures to process reports or complaints of bias incidents.

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<sup>1</sup> “School property” means any property under the control of the district.

<sup>2</sup> “Education program” includes any program, service, school or activity sponsored by the district

## END OF POLICY

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### Legal Reference(s):

[ORS 174.100](#)  
[ORS 339.347](#)  
[ORS 659.850](#)

[ORS 659.852](#)  
[OAR 581-002-0005](#)  
[OAR 581-022-2312](#)

[OAR 581-022-2370](#)  
House Bill 2697 (2021)  
House Bill 3041 (2021)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).  
*Dariano v. Morgan Hill Unified Sch. Dist.*, 767 F.3d 764 (9th Cir. 2014).  
*State v. Robertson*, 293 Or. 402 (1982).

### Cross Reference(s):

AC - Nondiscrimination  
GBN/JBA - Sexual Harassment  
JBA/GBN - Sexual Harassment  
JFCF - Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student

# Eugene School District 4J

Code: ACB-AR  
Adopted: 8/03/21

## Hate Symbol and Bias Incident Response

### Purpose

Board policy ACB prohibits the bias incidents, hate crimes, and displays of symbols of hate, on district or school grounds and in any school program, service or activity sponsored by the district. Exceptions are made when symbols are used in teaching curriculum. This regulation provides administrative direction for implementing board policy ACB and is intended to promote a safe, inclusive learning environment, free from hate and oppression, by prioritizing education, restoration and transformation.

### Definitions

The term “bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

A hate or bias crime is a crime motivated by bias against another person’s race, color, religion, gender identity, sexual orientation, disability or national origin.<sup>1</sup>

“Symbol of hate” or “hate symbol” means a symbol, image or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including the noose, confederate flag, swastika or symbol of neo-Nazi ideology, and whose display is reasonably likely to cause a substantial disruption or material interference with school activities or is reasonably likely to interfere with the rights of students by denying them full access to the service, activities and opportunities offered by a school or program.

### Education and Notice

Administration shall ensure appropriate bias incident training and educational materials about policy ACB and this regulation are developed and provided to all students and employees on at least an annual basis. The training will make known policy ACB, this regulation and related practices, including reporting procedures, educational processes potential consequences.

### Staff Responsibility

Every staff member who has knowledge of a potential bias incident, display of a hate symbol or hate crime shall immediately report it to the school administrator and will prioritize the safety and well-being of all persons impacted.

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<sup>1</sup> Effective January 1, 2022, the intentional displaying of a noose for purposes of intimidation is a crime. SB 398 (2021).

Teachers and other staff who observe students engaging in acts in violation of this policy are responsible for taking action to stop the behavior and address its negative effects, as further described in this regulation.

The school administrator has overall responsibility for compliance with policy ACB, this administrative regulation, and investigations of and responses to bias incidents and hate symbols at the school level.

### **Reporting a Bias Incident, Hate Crime or Display of Hate Symbol**

A person who believes that the district's policy against hate symbols, bias incidents and hate crimes has been violated is encouraged to report the matter promptly to the school administrator or department director. Students may use an optional Student Safety Reporting Form, available from the school and on the district website. Information about alternate reporting is provided below.

### **Administrative Actions Upon Receipt of a Report**

Upon a report or knowledge of a potential bias incident, hate crime or display of a hate symbol, the school administrator, department director or designee shall:

1. Acknowledge receipt of the report and inform the person(s) at whom the behavior was directed, the person alleged to have committed the behavior if known, and students in the school community likely to be impacted by the incident that an investigation has been initiated;
2. Recognize the experience of and impact of the incident on all persons impacted, and commit to immediate action;
3. Take interim actions necessary to maintaining a safe learning environment and preventing further harm against persons impacted by bias incidents;
4. Assess the allegation and consider whether the behavior implicates other district policies or civil rights laws, including but not limited to polices AC – Nondiscrimination, JBA/GBN – Sexual Harassment, JFCF – Harassment and Intimidation; and JFCM – Threats of Violence, and if so, respond accordingly;
5. If applicable, report suspected hate crimes to law enforcement;
6. Conduct a prompt and appropriate investigation;
7. Find the facts and determine responsibility;
8. For substantiated incidents, plan and ensure implementation of an appropriate remedial and/or corrective response designed to prevent the recurrence of the behavior and address its negative effects in the educational or work environment. Remedial and corrective procedures, if any, will:
  - a. Include educational components that address the history and impact of bias and hate, and promote accountability and transformation for people who cause harm, as well as transformation of conditions that perpetuated the harm<sup>2</sup>; and

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<sup>2</sup> Persons impacted by a bias incident or hate symbol display may not be compelled to attend a restorative conference meeting.

- b. Implement as needed measures that promote the safety, healing, and agency of those impacted by hate. When a bias incident harms a student’s or employee’s educational access or opportunity, the district will work with the person to identify and implement restorative actions that support recovery and that ensure equitable access to the district’s educational programs.
9. Notify all person(s) impacted by the act and the person who committed the behavior of the findings and final determination of the investigation, including the actions taken to prevent recurrence and, to the extent allowed under state and federal law, the actions taken with respect to the person who committed the behavior to remedy the behavior. If any information described in this paragraph cannot be shared, a citation to the law prohibiting the release of information and an explanation of how that law applies shall be provided.<sup>3</sup>

### **Other Considerations**

1. When responding to a hateful act that has hurt the school community, the administrator should consider an immediate and public denunciation of the act which reiterates the school’s values and commitment to safety and inclusion and notifies the community that an investigation is underway.<sup>4</sup> Considerations in community communication include the needs of the victim(s) of the bias incident, the severity of the incident, and the primacy of restoring safety and need for transformation versus punishment of the perpetrator.
2. An administrator may request bias response resources from the district to help identify and promote educational, restorative, and communication opportunities, to increase community capacity to address bias, and to connect with community resources.
3. A bias incident as defined in Oregon law is not a hate or bias crime. If an administrator learns of a bias or hate crime that has occurred on a district or school property or within a district program or activity, it should be reported to law enforcement, and when appropriate should be investigated and responded to under policy ACB, this regulation and other applicable district policies and codes of conduct. Administrators may need to delay administrative investigation pending completion of law enforcement investigation.

### **Anonymous Incidents**

Staff who see graffiti or other concerning display in violation of policy ACB or this regulation should immediately notify the building administrator, and if possible, document the incident by taking pictures or a copy of materials. While the content should be covered as soon as possible, the building principal should decide whether removal of the graffiti or other concerning display would interfere with a potential school or law enforcement investigation. The response protocols above apply to anonymous incidents.

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<sup>3</sup> See policies GBL - Personnel Records, JOA - Directory Information and JOB - Personally Identifiable Information and district legal counsel for guidance in these situations. Possible laws include, but are not limited to, 34 C.F.R. § 99.31 and ORS 342.850.

<sup>4</sup> For additional guidance, see *Response to Hate and Bias at School* (Teaching Tolerance 2017) at <https://www.tolerance.org/sites/default/files/2017-07/Responding%20to%20Hate%20at%20School%202017.pdf>



## **Retaliation Prohibited**

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

## **Appeal**

If a person is dissatisfied with the school or district's action or inaction in responding to a bias incident, or if the school fails to render a decision within 30 days of the bias incident report, they may appeal by filing a formal complaint with the superintendent's office, using the district complaint form available on the district website at [www.4j.lane.edu/contact/complaints](http://www.4j.lane.edu/contact/complaints) or from the superintendent's office. In such a case, the formal complaint procedures and timelines in administrative regulation KL-AR will apply.<sup>5</sup> These procedures provide for an appeal of final district decisions to the Oregon Deputy Superintendent of Public Instruction as provided in OAR 581-002-0001 to 581-002-00231.

## **Concurrent Remedies**

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. Hate crimes may be also reported to law enforcement directly.

## **Alternate Reporting**

No person should be required to report a bias incident to a person believed to have a conflict of interest. If the administrator is believed to be involved or to have a conflict of interest, the report should be made to the district Title IX coordinator ([titleixcoordinator@4j.lane.edu](mailto:titleixcoordinator@4j.lane.edu) or 541-790-7558) who will determine next steps. Employees may also report to the Human Resources Director, who serves as the district's Equal Employment Opportunity coordinator for employees (541-790-7668 or [eeo@4j.lane.edu](mailto:eeo@4j.lane.edu)). A person may also make a report by submitting a formal, district level complaint form, available on the district website, to the superintendent's office. Reports against the superintendent, a member of the board, or the board as a whole may be directed to the chair of the board of directors. Reports against the board chair may be brought to the vice-chair.

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<sup>5</sup> When a violation of policy ACB is initially reported through the filing of a formal complaint at step one, the appeal shall be heard by the superintendent at step two.

# Eugene School District 4J

Code: JHCD/JHCDA-AR  
Adopted: 4/15/19

## Medications\*\*

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

### 1. Definitions

- a. “Medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies.
- b. “Prescription medication” means any medication that under federal or state law requires a prescription by a prescriber.
- c. “Nonprescription medication” means medication that under federal law does not require a prescription from a prescriber.
- d. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- e. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS 433.800.
- f. “Notice of a diagnosis of adrenal insufficiency” means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- g. “Prescriber<sup>1</sup>” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- h. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- i. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.
- j. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- k. “Designated personnel” means the school personnel designated to administer medication pursuant to district policy and procedure.

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<sup>1</sup> A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

## 2. Designated Staff/Training

- a. The principal will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by Oregon law is provided to designated personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. A copy of the district's policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- e. A statement that the designated personnel has received the required training will be signed by the staff member and maintained by the school nurse.

## 3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

## 4. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;
- b. The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health Authority;
- c. The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;

- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

## 5. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
  - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
    - (a) The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
    - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
      - (i) Name of the student;
      - (ii) Name of the medication;
      - (iii) Method of administration;
      - (iv) Dosage;
      - (v) Frequency of administration;
      - (vi) Other special instructions from the prescriber, if any; and
      - (vii) Signature of the prescriber.

The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

- (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:
  - (a) The nonprescription medication is necessary for the student to remain in school;
  - (b) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;
  - (c) The written instruction from the student's parent or guardian for the administration of the nonprescription medication includes:
    - (i) Name of the student;
    - (ii) Name of the medication;
    - (iii) Method of administration;
    - (iv) Dosage;
    - (v) Frequency of administration;
    - (vi) Other special instructions, if any; and
    - (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:
  - (i) Name of the student;
  - (ii) Name of the medication;
  - (iii) Dosage;
  - (iv) Method of administration;
  - (v) Frequency of administration;
  - (vi) A statement that the medication must be administered while the student is in school;
  - (vii) Other special instructions, if any; and
  - (viii) Signature of the prescriber.

- b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- d. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;
- f. Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent, and documentation will be made in the medical log for that student. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- g. Medication shall not be administered until the necessary permission form and written instructions have been submitted as required by the district.

#### 6. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer medication to themselves without assistance from designated personnel and is subject to the following:
  - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
    - (a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, and other documentation requested by the district must be submitted for self-medication of all prescription medications;

- (b) If the student has asthma, diabetes and/or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
  - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a school setting.
- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
  - (b) The student's name affixed to the manufacturer's original container; and
  - (c) The permission to self-administer medication from a building administrator.
- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
  - (b) A written order from the student's prescriber that includes:
    - (i) Name of the student;
    - (ii) Name of the medication;
    - (iii) Dosage;
    - (iv) Method of administration;
    - (v) Frequency of administration;
    - (vi) A statement that the medication must be administered while the student is in school;
    - (vii) Other special instructions, if any; and
    - (viii) Signature of the prescriber.
- b. The student may have in his/her possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
  - c. Sharing and/or borrowing of any medication with another student is strictly prohibited;
  - d. For a student who has been prescribed bronchodilators or epinephrine, the designated personnel will request that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
  - e. Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;
  - f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;

- g. Permission for a student to administer medication to themselves may be revoked if the student violates the Board policy and/or this administrative regulation;
  - h. A student may be subject to discipline, up to and including expulsion, as appropriate;
  - i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.
7. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students
- a. Medication administered by designated personnel to a student or self-administered by a student, must be delivered to the school in its original container, accompanied by the permission form and written instructions, as required above.
  - b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
  - c. Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian, and training guidelines as may be recommended by the ODE for administering all forms of prescription and/or nonprescription medications.
  - d. Medication will be secured as follows:
    - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box;
    - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
    - (3) Access to medication storage keys will be limited to the principal and designated personnel.
  - e. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
  - f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.
8. Emergency Response
- a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian, school nurse and principal will be notified immediately.
  - b. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.
  - c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.
9. Disposal of Medications
- a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a nonrecoverable fashion as follows:

- (1) Medication will be removed from its original container and personal information will be destroyed;
- (2) Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water; and
- (3) Mixed with an undesirable substance, e.g., coffee grounds, kitty litter, flour; and
- (4) Placed in impermeable non-descriptive containers, e.g., empty cans or sealable bags, and placed in the trash.

Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so.

Other medication will be disposed of in accordance with established training procedures including sharps and glass.

- b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in Section 10, below.

#### 10. Transcribing, Recording and Record Keeping

- a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:
  - (1) The name of the student, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
  - (2) Student refusals of medication;
  - (3) Errors in administration of medication;
  - (4) Incidents of emergency and minor adverse reaction by a student to medication;
  - (5) Discrepancies in medication supply;
  - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. All records relating to administration of medications, including permissions and written instructions, will be maintained in a separate medical file apart from the student's education record file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- c. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and his/her parent or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.