

# HANDBOOK OF EMPLOYEE EXPECTATIONS AND IMPORTANT NOTICES

Teachers  
Support Staff  
Administrators  
Coaches  
Substitutes

North Clackamas School District

This constitutes official annual notice

August 2022

For a list and text of all policies and administrative regulations, please go to:  
<https://policy.osba.org/nclack/index.asp>

## **Statement From the NCSD Superintendent and the Leadership of NCEA, OSEA, NCAA and the Confidential/Non-Rep. Group**

North Clackamas School District Colleagues,

The North Clackamas School District Equity policy guides our work by stating: *“As each student enters a North Clackamas school, dreams are nurtured, history and cultural heritage are celebrated, love of learning is fostered, educational, physical, emotional and social needs are supported.”* This requires a safe and engaging school setting for every student and employee.

Therefore, employees of the North Clackamas School District are expected to always engage in appropriate professional conduct in relations with all students and colleagues. This includes, but is not limited to, abstaining from comments or actions that are intended to cause or could reasonably be expected to cause emotional harm, based on references to a student or colleague’s gender, gender identity, physical appearance, ability/disability, sexual orientation or cultural, racial or linguistic background. While it has long been acknowledged that physical harm can have lasting effects, so too can comments targeting an individual’s country of origin, resident status, personal or family identity.

In conjunction with this expectation, the North Clackamas Schools, North Clackamas Education Association, Oregon Schools Employee Association, North Clackamas Administrators Association and our Confidential/Non-Represented employees, endeavor to provide multiple options for learning and growth regarding language and actions that affect the school environment and an individual’s emotional safety. When an individual’s emotional safety is eroded as a result of the actions of an employee, the District will investigate (in accordance with collective bargaining agreements, other work agreements and district policies) and address through education and/or discipline as appropriate.

Thank you for your continued support of our equity work and ensuring that each student and every staff member is safe and supported.

### **General Workplace Expectations**

All employees are expected to:

1. Comply with all State issued COVID-19 requirements and North Clackamas Schools COVID-19 Workplace Guidelines.
2. Immediately contact your supervising administrator or Human Resources, if experiencing COVID-19 symptoms, have tested positive for COVID-19, or have been in close contact with an infected individual.
3. Staff will participate in required professional learning opportunities in support of District-wide mission, vision and goals.
4. As applicable, complete benefit enrollment process within the period of time established by the District. Failure to do so will result in the loss of health insurance.
5. Use time during working hours and during time on authorized leave for the intended purpose.
6. Perform in accordance with the employee’s current position description, performance goals, authorized directives, policies, rules and regulations from supervisory authority.
7. Perform at a level, in the judgment of the Board, demonstrates that consideration of continued employment, renewal of contract or election to permanent status, as the case may be, is justified with respect to licensed and administrative probationary and temporary personnel.
8. Use District vehicles/property for personal use only with expressed permission.
9. Have regular attendance at work and additional work-required activities.
10. Work their full work schedule as approved by the supervisor and be punctual to all work-related responsibilities (e.g. meetings, parent conferences, supervisory duties).
11. Check work email each workday since District email is the primary mode of communication.
12. Maintain the integrity of confidential information relating to a student, family, colleague, or district patron. [ORS 342.850(8), ORS 192.502(2), OAR 581-021-0220(6)]
13. Maintain professional boundaries in his or her relationships with students, including use of appropriate language, appropriate physical contact, and in the use of technology such as email, text message or social networking Internet sites.
14. Not use position or relationship with students for private gain.
15. Maintain relationships with other staff members that are characterized by mutual support, cooperation and respect, and that build a school culture of collaboration focused on student learning free of coercion.
16. Use Internet, e-mail and electronic communication with student only for educational purposes or sharing information about school-sponsored events.
17. Be truthful at all times. This includes but is not limited to personnel investigations, working with colleagues, other district staff, supervisor and parents.

**\*The Ethical Educator—See O.A.R. 584-20-035**

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the District, and the profession.

1. The ethical educator, in fulfilling obligations to the student, will:
  - a. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and family;
  - b. Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues;
  - c. Maintain an appropriate professional student-teacher relationship by:
    - i. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
    - ii. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
    - iii. Reporting to the educator's supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator;
    - iv. Honoring appropriate adult boundaries with students in conduct and conversations at all times.
2. The ethical educator, in fulfilling obligations to the District, will:
  - a. Apply for, accept, offer, or assign a position of responsibility only on the basis of professional qualifications, and will adhere to the conditions of a contract or the terms of the appointment;
  - b. Conduct professional business, including grievances, through established lawful and reasonable procedures;
  - c. Strive for continued improvement and professional growth;
  - d. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties;
  - e. Not use the District's or school's name, property, or resources for non-educational benefit without approval of the educator's supervisor or the appointing authority.
3. The ethical educator, in fulfilling obligations to the profession, will:
  - a. Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
  - b. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities;
  - c. Respond to requests for evaluation of colleagues and keep such information confidential as appropriate.

\*For all Licensed and Administrative Staff

**Licensed and/or Professionally Certified Educators and Administrators**

You are responsible for monitoring, maintaining and fulfilling the requirements of your Teacher Standards and Practices Commission (T.S.P.C.) licensure, or required professional certification. It is also your responsibility to update T.S.P.C., or other appropriate professional authority, with any changes to your contact information.

Under Oregon statute, T.S.P.C. licensed educators and administrators are ineligible to report to work without the required licensure and are not paid during this time period. Based on individual circumstances, Human Resources determines the educator's ability to meet employment requirements and approval of all requests for leave without pay. Failure to maintain T.S.P.C., or other required appropriate professional certification or reporting to work while on an expired license for any period of time, may result in immediate termination.

**District Equity Policy**  
(Policies: GCCB/GDCB/IKAAA)

As each student enters a North Clackamas school, dreams are nurtured, history and cultural heritage are celebrated, love of learning is fostered, educational, physical, emotional and social needs are supported.

The North Clackamas School District is a community of learners committed to equity and the success of each student. This commitment means that student success will not be predicted nor predetermined by race, ethnicity, family economics, mobility, language, marital status, gender, sexual orientation, gender identity, disability, initial proficiencies or religion.

The principle of equity goes beyond formal equality where all persons are treated the same. Instead, equity fosters an inclusive and barrier-free environment in which everyone will fully benefit. The district will apply this principle of equity to all policies, programs, operations, practices and resource allocations. All students will have access and opportunity to a high-quality education.

The North Clackamas School District is committed to the following foundational beliefs:

1. Each student can learn with adequate support at the highest levels when all staff provide equitable access and opportunity for learning, and hold each student to high expectations;

2. Maximizing the academic achievement of every child requires allocating resources equitably, not necessarily equally;
3. Everyone in the district will act to eliminate disparities to prepare all students for college and career and;
4. An inclusive and welcoming environment plays a critical role in supporting a child's educational goals.

To realize our beliefs the North Clackamas School District will:

1. Systematically use district-wide and individual school level data, disaggregated by race, ethnicity, language, special education, gender, sexual orientation, socioeconomic background and mobility to inform district decision-making;
2. Provide students with equitable access to high quality curriculum, programs, teachers and administrators, extracurricular activities and support services, even when this means differentiating resource allocation;
3. Affirm the identity of each student, acknowledge and celebrate differences to create a sense of belonging for each student;
4. Incorporate the voice, culture and perspectives of students, staff, families and communities that reflect student demographics to support and enhance student success;
5. Identify and counteract biased practices that perpetuate achievement disparities and lead to disproportionate levels of student success;
6. Provide multiple and varied opportunities in order to meet the needs of the diverse student body;
7. Actively recruit, hire, and retain staff that reflect student demographics at all organizational levels and support employees to engage in culturally responsive practices and delivery of quality instruction and service; and
8. Ensure that the North Clackamas District Strategic Plan embraces the principle of equity as a key feature and presents measurable outcomes to prepare all students for college, career and life.

### **Nondiscrimination (Policy AC)**

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 Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which community members 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. These procedures will be available at the district's administrative office and 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.

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

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

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault<sup>2</sup> or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

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

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a nondisclosure<sup>3</sup> or nondisparagement<sup>4</sup> agreement.

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

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

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

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

A complaint alleging an unlawful employment practice described in ORS 659A.030, 659A.082, or 659A.112 or Section 4 of Senate Bill 479 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

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

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

<sup>1</sup> Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

Discrimination Complaint Procedure and Complaint Form: <https://policy.osba.org/nclack/AB/index.asp>

### **Workplace Harassment (Policy: GBEA)**

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

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

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race<sup>5</sup>, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault<sup>6</sup> or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

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

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a nondisclosure<sup>7</sup> or nondisparagement<sup>8</sup> agreement.

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

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the

district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

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

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

A complaint alleging an unlawful employment practice as described in ORS 243.323, 659A.030, 659A.082 or 659A.112 or 659.370 must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

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

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

Additional definitions and footnotes can be found at: <https://policy.osba.org/nclack/G/index.asp>

### **Sexual Harassment** (Policy: GBN/JBA)

The Board is committed to the district being free of sexual harassment. Sexual harassment is strictly prohibited and shall not be tolerated. This policy applies to all students, staff members and third parties who are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop.

#### **Definitions**

1. "Complainant" means current or former district students, district staff and third parties, that have filed a complaint under Policy GBN/JBA.
2. "District" includes district facilities, district premises and non-district property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function such as field trips or athletic events where students are under the jurisdiction of the district or where the staff member is engaged in district business.
3. "Third parties" mean any persons who are not students or staff members but are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official bus stop by other students or staff members.

Students whose behavior is found to be in violation of this policy will be subject to loss of privileges, and/or discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal.

Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board. The district may also report individuals to law enforcement if necessary.

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

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with person's ability to perform their job; or
3. Creates an intimidating, offensive or hostile educational or working environment.

Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, staff members or third parties.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexting, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any students, staff member or third parties who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to the principal, compliance officer or superintendent, who has overall responsibility for all investigations. Students may also report concerns to any staff member, who will promptly notify the appropriate district official.

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

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

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

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences.

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

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

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all district work sites. Posted signs shall be at least 8 1/2 inches by 11 inches in size.

The superintendent or designee will establish a process of reporting incidents of sexual harassment. The superintendent may not modify or change the 3- step complaint procedure without Board approval.

All complaints must be received by the district on the later date of (1) within two years of the alleged violation or the complainant's discovery of the alleged violation; or (2) one year after the affected student has graduated from, moved away from, or otherwise left the district.



## **Sexual Harassment Complaint Procedure (Administrative Regulation: GBN/JBA-AR-1)**

A complaint under Policy GBN/JBA alleging sexual harassment may be made in writing or may be made verbally. All information, if not done at the time the complaint was made, shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. The basis of the complaint must be related to conduct that is defined in Policy GBN/JBA as "sexual harassment." For complaints that involve a District staff member other than the Superintendent, School Board or a School Board member, the executive director of human resources will determine the appropriate administrator for Step 1. For complaints about students or from students, the executive directors of elementary, middle, or high schools are responsible for determining the appropriate administrator for Step 1. For a complaint about policies, programs or services, the Superintendent is responsible for determining the appropriate administrator for Step 1.

### **1. 3-Step Appeal Process:**

- 1.1 **Step 1 (School/Program Administrator):** After the District has received a complaint it will be referred to the appropriate administrator for investigation and resolution. The administrator responsible for Step 1 shall cause the District to provide written notice from the District to the complainant, as described in Section 11.6. It is the District's intent that a complaint would be resolved at the lowest level. The administrator will investigate the complaint, attempt to resolve the complaint and make a Step 1 decision if the complaint cannot be resolved to the complainant's satisfaction.
- (a) The administrator responsible for Step 1 has 30-calendar days to investigate the complaint, attempt to resolve the complaint and make a written decision on the complaint if the complaint is not resolved.
  - (b) The administrator responsible for the complaint at Step 1 has wide latitude to attempt to resolve the complaint by conferring with the complainant, the subject, and other parties involved. In some cases, it may involve the administrator requesting the complainant and the subject of the complaint to meet and try to resolve the dispute. In other cases, it may not be appropriate to have such a meeting.
  - (c) The 30-day time limit for Step 1 may only be extended by written agreement of the complainant.
  - (d) The administrator will include in the Step 1 decision a notice that the decision may be appealed within 7 calendar days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.
  - (e) The complainant who appeals the Step 1 decision shall provide in writing the reason(s) for the appeal.
  - (f) Athletic Issues: For complaints involving athletics (except for Title IX complaints which are not subject to this subsection), the first step in the complaint process is the coach directly responsible for the student athlete. If the issue is not resolved within 5-school days, the issue may be appealed to the high school athletic director. A decision of the athletic director may be appealed to the high school principal within 5-school days of the athletic director's decision. The decision of the high school principal is final and may not be appealed.
  - (g) Students with Disabilities: Complaints about athletics that involve students who are eligible for special education or reasonable accommodations under either the IDEA or Section 504 will be process under applicable statutory procedures under those laws. Further information on this subject may be found in the OSAA Handbook.
- 1.2 **Step 2 (Superintendent or Designee):** If the complainant disagrees with the decision of the administrator in Step 1, the complainant may appeal the decision to the administrator indicated in the Step 1 decision. Normally this administrator would be the supervisor of the Step 1 administrator.
- (a) The Superintendent determines the appropriate Step 2 administrator.
  - (b) The Step 2 administrator will review the investigation that occurred at Step 1, the Step 1 administrator's decision, and the complainant's written appeal.
  - (c) The Step 2 administrator may, but is not required, to do more investigation if that administrator determines it is necessary. This may include additional interviews of the complainant and other relevant witnesses.

- (d) The Step 2 administrator will attempt to resolve the complaint with the complainant. If this is not possible, the Step 2 administrator will issue a final decision.
  - (e) The administrator responsible for Step 2 has 30 calendar days to investigate the complaint, attempt to resolve the complaint and make a written decision on the complaint if the complaint is not resolved.
  - (f) The 30-calendar day time limit for Step 2 may only be extended by written agreement of the complainant.
  - (g) The administrator will include in the Step 2 decision a notice that the decision may be appealed within 7 calendar days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.
- 1.3 **Step 3 (School Board):** The School Board is the final step in the District's complaint process. For complaints under this policy, the School Board may hear the appeal. If the School Board decides to provide a hearing on the appeal it will render a decision within ninety (90) calendar days of initiation of the complaint. If a hearing on the appeal is granted, the process will include:
- (a) The Board will schedule a hearing on complainant's appeal. The Board leadership in consultation with the Superintendent and/ or legal counsel will determine whether the hearing will be in public session or in executive session, according to the Oregon public meeting law. The administrator will include in the Step 2 decision a notice that the decision may be appealed within 7 calendar days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.
  - (b) The appeal before the Board will be on the record developed by the Step 1 and Step 2 administrators. No witnesses may be called. The Superintendent or designee will present its position. The complainant will present their position. The Board may ask clarifying questions of the parties. The Board will make a final decision on the appeal in an open public session.
  - (c) The Board will provide a written order to the complainant following the Board decision.
  - (d) The Board has 30-calendar days from the day it receives a written appeal to make a final decision in a Board meeting. The 30-calendar day timeline may be extended with written consent from the complainant.
- 1.4 It is the District's goal that the complaint process be resolved within 90 calendar days. For example:
- (a) 30 calendar days at Step 1 to review complaint, investigate and render decision.
  - (b) 7 calendar days to appeal: Days 31-38.
  - (c) Day 38 appeal received.
  - (d) Day 68 for Step 2 decision.
  - (e) 7 calendar days to appeal: Days 69-75.
  - (f) Day 75 Step 3 appeal to the Board. The Board has 15 calendar days to have Board hearing (if applicable) and render final decision.
2. **Complaints made to Board Members:** From time to time Board members may receive complaints from community members, groups or staff by email or other means. Board members shall refer complainants to the Superintendent.
3. **Complaints filed with Public Agencies:** If the complainant chooses to engage in another complaint process with an outside agency such as the Oregon Department of Education, the Teacher Standards and Practices Commission, the Oregon Bureau of Labor and Industries, the Employment Relations Board, the Office for Civil Rights or other such agencies, the District is under no obligation to either begin or complete its complaint process.
- 3.1 If the complainant refuses to use the District complaint process and instead goes directly to a public agency with the complaint, the District is under no obligation to consider the same complaint in the future.
  - 3.2 If the complainant withdraws their complaint within the first 30-calendar days after filing the complaint with the public agency but prior to receiving a decision or a dismissal notice from the public agency, the complainant may

file a complaint under the applicable policy with the District provided that the complaint is filed with the District within the time limitation.

4. **Complaints that cannot be processed within 90-calendar days:** There may be situations where it is not practical that a complaint can go through the 3-step process from start to finish within the 90-day time period. An example of such a complaint might require an unusual amount of investigation at Step 1 that makes it impossible to complete Step 1 within 30-calendar days. Another example might be a complainant who raises an issue that can only be decided by the Superintendent or Board. A third example is a situation where the Board is not able to schedule a Board hearing within the 90-day window because of an event outside the control of the Board (e.g., a snow day closure with cancellation of the Board meeting, or a necessary party to the hearing being unavailable because of illness).
  - 4.1 It is important that both the District personnel who are responsible for responding to the complaint as well as the complainant understand that there are many possible events that could delay the 3-step process that leads to a final Board decision within 90-calendar days of the date the complaint is filed. In these instances, the District will work with complainant to come to a mutual agreement on the path forward, which may include the following modification of the 3-step complaint procedures:
    - (a) Mutual agreement on an extension of time for the complaint process: complainant must confirm such an agreement in writing.
    - (b) Waive Step 1 and go directly to Step 2: Both the complainant and the District must mutually agree in writing to this process. The Step 2 process will complete the investigation and render a decision within 60-calendar days. Any appeal to the Board under Step 3 must be completed with a Board decision by day 90.
    - (c) If a complaint is received at the end of the school year, and an investigation must include interviews of staff and students who may be unavailable during the summer months, it may be necessary for the District to request an extension of time to complete the investigation. If the complainant refuses the extension of time for the investigation at Step 1, the District may skip Step 1 to give the investigator the amount of time needed for the investigation. The process will then begin at Step 2 so that the investigation can be completed so there is enough time for a Step 2 decision and a Step 3 appeal.
    - (d) If the complainant has not otherwise agreed to an extension of time and the District has not been able to render a final decision at the Board level in Step 3 within 90-calendar days, the complainant may appeal directly to the Deputy Superintendent of Public Instruction as outlined below.
5. **Final Decisions of the School Board that may be appealed:** Certain Step 3 final decisions by the Board may be appealed to the Deputy Superintendent of Public Instruction, as allowed in OAR 581-002-0001 to 581-002-0023. The Board's final decision regarding complaints of discrimination under Policy AC, complaints about restraint and seclusion of students, complaints about harassment of students in OAR Division 22 Standards and complaints of retaliation in ORS 659.852 may be appealed. All other decisions of the Board are final and may not be appealed to the Deputy Superintendent of Public Instruction.
  - 5.1 In those complaints that may be appealed to the Deputy Superintendent of Public Instruction, a complainant may appeal if the Board has failed to render a decision within 90 calendar days of the initial filing of the complaint, unless the District and the complainant have agreed in writing to a longer period.
  - 5.2 The appeal to the Deputy Superintendent of Public Instruction must be received by the Oregon Department of Education no later than one year after the date of the final decision by the District, or if the District fails to issue a final decision, not later than two years after the date the complainant first filed the underlying complaint with the District.
6. **Investigations:** Investigations will normally occur at Step 1 after a complaint is received. The Step 1 administrator may be the investigator, or a third-party investigator may conduct the investigation. The investigator will not be a person who is the subject of the complaint or who is directly involved in the subject matter of the complaint. The District staff responsible to determining the sufficiency of the complaint in Section 3.1 will normally determine who will investigate the complaint.
  - 6.1 **Investigations involving District's Legal Counsel:** At the sole discretion of the Superintendent or designee, it may become necessary to request the District's legal counsel to assist the District in an investigation.

- 6.2 **Investigation Process:** There is no set investigative process. Each complaint should be investigated in a manner that makes the most sense, but should include interviews of the complainant, the subject of the complaint, and any relevant fact witnesses who know something about the issue.
- 6.3 **Burden of Proof:** The complainant has the burden of proof in determining the truth of the matter asserted. The subject of the complaint (for example, the staff person who is alleged to have done something wrong) bears the burden of proving a defense to the complaint. The investigator is entitled to make credibility findings based upon the demeanor of the interviewees.
- (a) The burden of proof is a preponderance of the evidence, whether it is more likely than not that the issue complained about is true, and whether it violates a District policy.
  - (b) Sometimes it will not be possible for an investigator to determine which version of the facts is correct, such as when there are only two witnesses and the witnesses have contrary testimony. In this situation the investigator may but is not required to determine which witness is more believable. The investigator may also determine that neither witness is more believable than the other and the evidence is therefore inconclusive. In this case the complaint will be deemed denied.
- 6.4 **Investigation Timeline:** The District's goal at each step is to conclude each step within 30 calendar days, for a total complaint process of 90 calendar days. Some complaints will have relatively simple issues to be investigated. Complaints that contain many issues over a period of several years may present challenges for the completion of an appropriate investigation within the 30 calendar day time frame. The Step 1 administrator responsible for initiating an investigation shall notify the complainant of any delays or impediments to a timely investigation.
- (a) **Agreement to Extend Investigation Timeline:** There may be circumstances that arise that make it impossible to complete an investigation with 30-calendar days, such as summer break, the unavailability of witnesses to participate in an interview, or the complexity or large number of issues to be investigated. If a delayed or prolonged investigation is necessary, the District will contact the complainant and explain the situation with the goal of getting consent for an extension of time. All extensions of time for the investigation will be put in writing and sent to the complainant.
  - (b) If the complainant refuses to allow for an extension of time for an investigation and it appears that an investigation cannot be completed within the time period allowed, the District may conclude the investigation and inform the complainant that the complainant may advance to the next level of appeal.
- 6.5 **Investigation regarding Sexual Harassment Complaints:** All complaints alleging sexual harassment shall be investigated by the District.
- 6.6 **Investigations Reports:** Complaint investigations will be concluded with a written investigation report. Depending about the investigation, the District may be required to keep the investigation report confidential pursuant to state or federal law.
- (a) The District will respond to public records requests for investigation reports consistent with the Oregon Public Records law in ORS Chapter 192.
  - (b) The District will notify complainants and the subject of the complaint regarding the results of an investigation. This will include (a) whether the complaint is substantiated and (b) the District's intended action for a substantiated complaint.
  - (c) The District will determine on a case-by-case basis whether the actual investigation report is subject to disclosure to the complainant, subject of the complaint, or the public according the applicable District policy, state law, federal law and collective bargaining agreements with the associations.
7. **Complaints about the Superintendent:** A complaint that is directly against the Superintendent is not subject to the 3-step complaint process above. Any complaint received by the District under any complaint policy will be referred directly to the Board Chair.
- 7.1 The Board Chair shall notify the Vice Chair and District's legal counsel about the complaint. The District's legal counsel will notify the full Board of Directors about the complaint and the general nature of the complaint. The Board Chair will notify the Superintendent about the complaint.
- 7.2 The Board Chair and Vice Chair will determine how to conduct a preliminary investigation of the complaint in consultation with the District's legal counsel. The Board Chair will keep the Board of Directors apprised of the status of the investigation.

- 7.3 If the nature of the complaint appears to the Board Chair and Vice Chair to be a complaint that could be resolved between the complainant and the Superintendent, the Board Chair will notify the Board of Directors that an informal resolution may be possible. The Board Chair shall complete an investigation and informal resolution within 30 calendar days of the filing of the complaint.
- (a) The Board Chair shall contact the complainant and determine if the complainant is willing to engage in an informal resolution.
- 7.4 If the complainant is unwilling to engage in an informal resolution, or if the nature of the complaint alleges serious misconduct of the Superintendent or appears to the Board Chair and Vice Chair not to be a complaint that may be informally resolved, the Board of Directors shall be notified of this conclusion.
- (a) The Board Chair shall present the complaint to the Board of Directors with a plan on how the allegations in the complaint will be investigated.
  - (b) At the conclusion of the investigation, the Board Chair will provide a summary of the investigation to the Board of Directors, the Superintendent, and the complainant.
  - (c) The Board Chair will schedule a hearing on the complaint before the Board of Directors at the next regularly scheduled Board meeting, or a special Board meeting.
    - i. The Board Chair shall provide written notification to the complainant and the Superintendent of the time and place of the hearing. The hearing will be conducted in public or executive session as determined by Oregon public meeting law.
    - ii. The Board will make a final decision on the complaint in an open public session and provide a written order of its decision to the complainant and the Superintendent.
    - iii. The complainant's right to appeal the Board's decision is subject to Section 5 above.
  - (d) The timeline to process a complaint shall be a total of 90-calendar days from the date of the complaint was received by the Board Chair.
8. **Complaints about the School Board or Individual Board Members:** Complaints about the Board or individual Board members should be filed with the Board's Secretary in the Superintendent's office. Complaints against the School Board or individual School Board members are not subject to the 3-step complaint process as described above. This is subject to resolution within 90 calendar days. This is because Board members are elected officials and not subject to the direction and control of the District administration.
- 8.1 Any complaint received by the District under any complaint policy will be referred directly to the Board Chair. The Superintendent will be notified of the complaint within 3 calendar days.
- 8.2 The Board Chair shall notify the Vice Chair and District's legal counsel about the complaint within 3 calendar days of receipt of the complaint. The District's legal counsel will notify the full Board of Directors about the complaint if the complaint is about the full Board within 7 calendar days of legal counsel's receipt of the complaint.
- 8.3 If the complaint is against one or more individual Board members, the Board Chair will notify the Board of Directors that a complaint has been filed against named Board member and the general nature of the complaint within 3 calendar days of the Chair's receipt of the complaint.
- (a) The Board Chair shall offer to meet with the individual Board members who are the subject of the complaint and will provide a copy of the complaint to the Board member(s). The District's legal counsel may be included in meetings with Board members.
- 8.4 The Board Chair in consultation with the Vice Chair will determine whether and how to conduct a preliminary investigation of the complaint in consultation with the District's legal counsel. The Board Chair will keep the Board of Directors apprised of the status of the investigation.
- 8.5 In all complaints against individual Board members, the Board has an interest in providing named Board members with some informal resolution process such as the Step 1 process that is afforded to complainants and

subjects of complaints as described above. If at all possible, complaints directed at Board members should be resolved on an informal basis with the cooperation and participation of the complainant and the named Board member. The ultimate decision about whether an informal process occurs is at the discretion of the complainant, not the Board member about whom the complaint is made.

- (a) If an informal resolution is reached between a complainant and Board member(s), the informal resolution will be reduced to writing and the writing will be provided to the complainant and the involved Board member(s). The full Board will be notified that the complaint has been resolved.

8.6 If either the Board of Directors or the complainant determine that an informal resolution of the complaint is not possible, the Board will schedule the complaint for a hearing before the Board of Directors.

- (a) The Board Chair will schedule a hearing on the complaint before the Board of Directors at the next regularly scheduled Board meeting, a subsequent Board meeting if the agenda has already been published, or a special Board meeting.
  - i. The Board shall provide reasonable prior written notification to the complainant of the time and place of the hearing. The hearing will be conducted in public or executive session as determined by the Oregon public meeting law.
  - ii. The hearing before the Board will include:
    - A. An opportunity for the Board member who is the subject of the complaint to respond to the complaint;
    - B. An opportunity for the Board to review any investigative report that has been done on the complaint;
    - C. An opportunity for the complainant to address the Board;
    - D. An opportunity for Board members who will be deciding the complaint to ask questions of the complainant and the Board member who is the subject of the complaint; and
    - E. The Board Chair, or other Board member presiding at the hearing shall consult with the complainant to mutually agree on the order of presentation of the hearing. The Board Chair or Board member presiding at the hearing shall make the final decision on the order of presentation.
  - iii. The District's legal counsel will assist the Board during the hearing.
  - iv. The Board will make a final decision on the complaint in an open public session and provide a written order of its decision to the complainant.
  - v. The complainant's right to appeal the Board's decision is subject to Section 5 above.
- (b) Complaint against Board Chair or Vice Chair: In the event the Board Chair or Vice Chair is individually the subject of a complaint (as opposed to all Board members being the subject of a complaint), the Board Chair or Vice Chair shall not be involved in the complaint process in Section 8. Other Board members may be appointed to process the complaint against the Board Chair or Vice Chair.
- (c) Complaints against both Board Chair and Vice Chair: In the event both the Chair and Vice Chair are the sole subjects of a complaint (as opposed to a complaint against all Board members), the Board member with the most seniority on the Board will be appointed by the Board to process the complaint.

9. **Complaints by and against District Staff:** Special consideration is required in processing complaints by staff or against staff. These complaints will be evaluated by the appropriate District administrators.

9.1 **Complaints made by staff:** Complaints filed by District staff under a District complaint policy may be subject to the collective bargaining agreement of which the staff person is a member. If the matter complained about is a matter that is covered by the applicable collective bargaining agreement, that agreement controls, and the staff complaint will not be permitted.

- (a) Staff complaints under Policy KL: Although a District staff person may be a resident of the District, or be the parent of a student in the District, that alone does not give a staff person standing to file a public complaint under Policy KL unless the staff person is doing so either (a) because the complaint relates to their own child who is a student in the District; or (b) because the complaint relates to being a resident in the District, not a staff member of the District.
  - (b) Staff Complaint under Policy GBM: Complaints under Policy GBM may only be made by current employees of the District. The complaint procedure will not be available to resolve disputes and disagreements related to the provisions of any collective bargaining agreements, nor in any other instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning the dismissal, nonrenewal or nonextension of any employee are not subject to Policy GBM. The Board's decision is final and may not be appealed to the Oregon Department of Education.
- 9.2 **Complaints about staff:** Complaints about District staff by District staff or third persons are confidential personnel matters subject to state law and applicable collective bargaining agreements. The complaint processes outlined above are all subject to applicable law and collective bargaining agreements.
- 9.3 Complaints about staff or staff performance shall be directed to the District's human resources office.
- 10. **Complaints Made by District Board Members:** District Board members have the right to use the District complaint policies. In doing so, the complainant/Board member waives the right to participate as a decision-maker in the appeal process outlined in Section 1.3.
  - 10.1 Board members have the same protections as staff, students and third parties to not experience discrimination, harassment or other forms of conduct prohibited by District policy.
  - 10.2 Board members are residents of the District. However, as a Board member they are in a unique position to challenge District policies and procedures in their role on the School Board. Unless the District makes a decision that directly affects a Board member as a District resident, or as the parent of a District student, Board members may not make a complaint under Policy KL.
    - (a) Board member complaints about District staff: A complaint made by a Board member about a District staff person will be made directly to the Superintendent. The Superintendent will consult with the Board Chair and District legal counsel about the appropriate next steps, including notification to the staff person that is consistent with any applicable collective bargaining agreement and how the complaint will be investigated.
    - (b) Complaints will begin at Step 2 at the Superintendent or designee level. Appeals from the Superintendent's decision shall be heard at the Step 3 level by the School Board. The complaining Board member(s) shall not participate in the Board decision at the Step 3 level.
  - 10.3 Board members will refrain from filing complaints under the District complaint policies because of disagreement with policy decisions the Board has voted on or for decisions that have been delegated to the administration. Board members shall use the Board meetings to address policy concerns.
  - 10.4 Board members agree that if a Board member is a complainant under a District complaint policy, that complaining Board member and the Board member who is the subject of the complaint agrees not to do the following:
    - (a) Participate in the selection of an investigator;
    - (b) Communicate with fellow Board members outside of a Board meeting about the complaint;
    - (c) Lobby any fellow Board member to support a position on the complaint;
    - (d) Deliberate on the complaint as a Board member;
    - (e) Vote on a decision about the complaint; or
    - (f) Retaliate against the complainant, District staff or other Board members in any way.

10.5 A Board member's failure to abide by this section may subject the Board member to the consequences of public censure.

11. **Notification to Complainants and Subjects of Complaints:** All notifications to complainants shall adhere to the following requirements:

11.1 Shall be sent regular mail and by email at the last known address of the complainant;

11.2 Be written in the language preferred and spoken by the complainant;

11.3 Clearly describe the decision;

11.4 Clearly describe the appeal process with identification of the time for appeal, and the person and address to whom the appeal must be addressed; and

11.5 Clearly identify any other agency to whom an appeal of the final decision may be appealed.

11.6 **Notification to Complainants Alleging Sexual Harassment:** The District will provide specific notifications to a complainant alleging sexual harassment, which includes:

- (a) Their rights;
- (b) Information about the internal complaint processes available through the school or District that the complainant may pursue;
- (c) Notice that civil and criminal remedies that are not provided by the school or District may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
- (d) Information about services available to the complainant through the school or District, including any counseling services, nursing services, or peer advising;
- (e) Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or District; and
- (f) Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.
- (g) This written notification must:
  - i. Be written in plain language that is easy to understand;
  - ii. Use print that is of the color, size and font that allow the notification to be easily read; and
  - iii. Include a statement that this information is made available on the school or District website.

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.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

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 and documentation will be maintained as a confidential file and stored in the district office.

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.

As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

All complaints must be received by the District on the later date of: (1) within two years of the alleged violation or the complainant's discovery of the alleged violation, or (2) one year after the affected student has graduated from, moved away from, or otherwise left the District. If the alleged violation is continuing, the time limitation must run from the date of the most recent incident.

Sexual Harassment Complaint Form: [https://policy.osba.org/nclack/G/GBN\\_JBA%20R%202%20D1.PDF](https://policy.osba.org/nclack/G/GBN_JBA%20R%202%20D1.PDF)

### **Hazing/Harassment/Intimidation/Bullying/Menacing – Staff** (Policy: GBNA)

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing or bullying and acts of cyber-bullying of staff, students or third parties by students, staff or third parties is strictly prohibited and shall not be tolerated. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Individuals may also be referred to law enforcement officials. Licensed staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

### **Reporting of Suspected Abuse of a Child** (Policy: JHFE)

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse 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** 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, agents, volunteers, 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 the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The district will designate a licensed administrator 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 executive director of human resources who shall also report to the Board chair.

The district will post the names and contact information of the designees for each school building, in the respective school, designated to receive reports of suspected abuse and the procedures in JHFE-AR(1) - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a 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-AR(1) - Reporting of Suspected Abuse of a Child. 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 of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined 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, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

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 they attempt 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 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, district employees, contractors, agents, and volunteers a policy of appropriate

electronic communications with students.

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

Please go to policy JHFE for definitions and footnotes: <https://policy.osba.org/nclack/J/index.asp>

## **Reporting of Suspected Abuse of a Child** (Administrative Regulation: JHFE-AR)

### **Reporting**

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse 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 a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person** 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 Oregon Revised Statute (ORS) 419B.010.

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 the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

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.

If the superintendent is the alleged perpetrator the report shall be submitted to the Executive Director of Human Resources who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student 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 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; date and time that the report was made; and name of district administrator who received a copy of the written report. 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 retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee 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 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 been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district may 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. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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.

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, if any.

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 Oregon Revised Statute (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.

### **Definitions**

4. Oregon law recognizes these and other types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;
  - d. Threat of harm;
  - e. Sexual abuse and sexual exploitation.
5. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
6. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

### **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.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

### **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.

### **Cooperation with Investigator**

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

7. 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 appropriate form (See JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. 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 officials wishing to remove a student from the premises shall present themselves at the office and

- contact the administrator or designee. The law enforcement officer shall sign the student out in accordance with district procedures;
8. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
  9. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
  10. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or 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.

Please go to the administrative regulation (JHFE-AR) for definitions and footnotes: <https://policy.osba.org/nclack/J/index.asp>

### **Reporting Requirements for Suspected Sexual Conduct with Students (Policy: GBNA/JHFF)**

Sexual conduct by district employees, contractors, agents, and volunteers 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.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

Any district employee, contractor, agent 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 designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNA/JHFE – Suspected Abuse of a Child Reporting Requirements. If the superintendent is the alleged perpetrator the report shall be submitted to the executive director of human resources who shall report the suspected sexual conduct to the Board chair.

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

When a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation 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 such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

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

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

The district will 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.

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

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

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

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

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

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

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

Please go to policy GBNA/JHFF for definitions and footnotes. Additional information can also be found in the administrative regulation for this same policy. For both, go to <https://policy.osba.org/nclack/G/index.asp>.

## **Staff and Volunteer - Student Relations** (Policy: GBO)

For the purpose of this policy “staff” or “staff member” includes district employees as well as volunteers. Staff will maintain the highest professional, moral and ethical standards in their conduct with students. The interactions and relationships between staff and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in an educational setting; and consistent with the educational mission of district schools. Although staff should have a sincere interest in helping students succeed, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and will not be tolerated.

### **Guidelines for Staff Behavior**

Staff are expected to use good judgment in their relationships with students both inside and outside of the school context. Staff shall refrain from certain behaviors recognized as “boundary invading” behaviors that could lead to inappropriate staff -student relationships. Staff should maintain an appropriate professional student-staff relationship by:

1. Not demonstrating or expressing professionally inappropriate interest in a student’s personal life;
2. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
3. Reporting to staff member’s supervisor if staff member has reason to believe a student is or may be becoming romantically attached to the staff member; and
4. Honoring appropriate adult boundaries with students in conduct and conversations at all times. Staff shall promote the equal treatment of all students and shall not have “special” relationships with a particular student.
  - a. For example, but not limited to, staff shall not:
    - (1) Favor students by giving them special privileges, exchanging gifts or other favors or having secrets with students;
    - (2) Take the student on unsupervised outings;
    - (3) Show pornography to the student;
    - (4) Discuss/write about sexual topics unrelated to curriculum with students, make sexual jokes and innuendos or engage in inappropriate banter with students;
    - (5) Invade the child’s privacy (e.g. walking in on him/her in the bathroom);
    - (6) Make inappropriate physical contact;
    - (7) Talk to students about problems that would normally be discussed with adults (e.g. marital problems);
    - (8) Inviting individual students to the staff member’s personal home without proper chaperones;
    - (9) Going to the student’s home without parent/guardian supervision;
    - (10) Use e-mail, text-messaging, or instant messaging to discuss personal topics or interests with individual students;
    - (11) Transport students in the staff member’s personal vehicle;
    - (12) Meet with individual students behind closed doors and out of “line of sight” supervision;
    - (13) Date students.

Staff are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

### **Responsibility to Report Possible Violations**

Staff are required to promptly notify the appropriate building administrator or superintendent if they become aware of a situation that may constitute a violation of this policy.

Students and/or parents/guardians are strongly encouraged to notify the principal or other appropriate administrator if they believe a staff member may be engaging in conduct that violates this policy.

Any staff who has reasonable cause to believe that another staff member has engaged in sexual conduct with a student (Board policy JHFF - Reporting Requirements Regarding Sexual Conduct with a Student) must immediately notify his/her

immediate supervisor or a human resource administrator. The immediate supervisor is required to report any notification by an employee to a human resources administrator.

Any staff member who has reasonable cause or reasonable suspicion to believe that any child with whom he/she has come in contact has suffered abuse or neglect, as defined in Board policy JHFE - Reporting of Suspected Abuse of a Child, or that any adult with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services, Community Human Services, or the local law enforcement agency. The school employee shall also immediately inform his/her administrative supervisor, principal or superintendent.

### **Disciplinary Action**

Staff violations of this policy shall result in disciplinary action up to and including dismissal.

## **Staff Ethics and Conflict of Interest** (Policy: GBC)

### **I. Definitions**

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

“Relative” means the employee’s spouse (including domestic partner); the employee’s or the spouse of the employee’s: parent; step-parent; child; sibling; step-sibling; son-in-law; or daughter-in-law.

Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits to the employee, or who receives any benefit from the employee’s public employment.

### **II. Prohibited Use of District Position for Financial Gain**

No district employee will attempt to use their district position to obtain financial gain or avoidance of financial detriment for themselves, relatives, members of household or for any business with which the employee, household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the district employee’s employment with the district.

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

District employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their district position in regard to their duties and responsibilities as district employees. This would also apply to any personal financial gain or avoidance of financial detriment for the district employee’s relative or member of household of the employee, or any business with which the district employee or a relative or member of the household of the district employee is associated.

This means that:

1. Employees, relatives or members of the district employee’s household will not use the employee’s position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee’s paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board or budget committee member in the district;
5. An employee will not perform any duties related to an outside job during their regular working hours or during the additional time that the employee needs to fulfill the position’s responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;



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

### **III. Conflict of Interest**

If a district employee has a potential or actual conflict of interest, the district employee must notify their supervisor in writing of the nature of the conflict and request that the supervisor resolve the matter giving rise to the conflict. This must be done on each occasion the district employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by a district employee that could result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest” means any action or any decision or recommendation by a district employee that would result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions and district policy, district employees must abide by the following when an employee’s relative or member of the household of the district employee is seeking and/or holds a position with the district:

1. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless the employee complies with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position.
2. A district employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee.
3. More than one member of an employee’s family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

No household member or relative of the superintendent may be hired by the district without a super majority (2/3) vote of the Board at a public Board meeting.

### **IV Gifts**

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that could reasonably be known to have a legislative or administrative interest in any matter subject to the decision or vote of the district employee. All gift related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee’s relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

“Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

#### **Determining the Source of Gifts**

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

#### **Determining Legislative and Administrative Interest**

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

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

As it relates to purchasing, a district employee is considered a decision-maker in the purchasing process if the employee official makes decisions or recommendations in regard to the drafting of the procurement, the solicitation process, the opening, review or scoring of the solicitation, or a recommendation or decision to award, correct or reject a solicitation, or response to or resolution of a protest.

### **Determining the Value of Gifts**

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

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

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

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

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee’s meal or reception will use reasonable methods to determine the per person value or benefit conferred.

The following examples are deemed reasonable methods of calculating value or benefit conferred:

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

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

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

### **Value of Unsolicited Tokens or Awards: Resale Value**

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

### **Entertainment**

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

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

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

## Exceptions

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

1. Gifts from relatives and members of the household to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties.
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:

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

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
  - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
    - (a) The giver is a unit of a:
      - (i) Federal, state, or local government;
      - (ii) An Oregon or federally recognized Native American Tribe; OR
      - (iii) Nonprofit corporation.
    - (b) The employee is representing the district:
      - (i) On an officially sanctioned trade-promotion or fact-finding mission; OR
      - (ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the superintendent.
      - (iii) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting if held by an organization and if the employee is at the event to give a speech or answer questions as part of a scheduled program.

"Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(\$7)(b)(I)(i).
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
7. An item received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's district employment.
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

## Honoraria

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

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

### **Staff Ethics and Conflict of Interest** (Administrative Regulation: GBC-AR)

District employees are allowed financial benefits as identified in ORS 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use their district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Electronic communication devices, technology equipment, infrastructure and services are provided to support district work. Limited personal use of these services is permitted if there is no additional cost to the district, and if personal use does not interfere with student learning, conflict with employee work responsibilities, violate the professional code of conduct or the Handbook of Employee Expectations and Important Notices, result in personal financial advantage or violate Board policy or administrative regulations. This includes, but is not limited to, the personal use of the district's:
  - a. Fax machine;
  - b. Phones to make long distance personal calls;
  - c. District vehicles;
  - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD);
  - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

<sup>1</sup>The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for district use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public employees.
5. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission.
6. The employee's district position is not to be used to knowingly take official action that could have a financial impact on a private business with which the employee or a relative or member of the employee's household are associated. For example, if the employee's brother owns a pest-control business which is seeking a contract with the district, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest in writing, describing the nature of the employee's conflict, and provide this to the employee's supervisor.

7. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the public official's household or a business with which any are associated. For example, the employee should not use the information that a student in their class is falling behind in math to provide the parents a referral to the employees' sister's tutoring business.
8. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. Any payment provided by the college or university will go to the district.
9. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip. These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

### **Private Instruction/Tutoring for Pay** (Policy GCQAB)

Private instruction such as music lessons and other enrichment activities may be given for remuneration when the following conditions are met:

1. The instruction or enrichment is offered clearly outside of the regular school hours and the employee's workday;
2. The instructor must follow Board policy KJA - Materials Distribution for any advertising of the instruction or enrichment opportunity;
3. The instructor must follow Board policies KG - Community Use of District Facilities and KGF/EDC - Authorized Use of District Equipment and Materials for facility and equipment usage and fees; and
4. The instructor must follow Board policy GBC - Staff Ethics and accompanying administrative regulation.

This policy does not apply to teachers who are providing instruction/tutoring to students on a district-assigned homebound instructional program.

### **Drug-Free Workplace** (Policy: GBEC)

The district shall provide a drug-free workplace.

1. Definitions
  - a. "Controlled substance": A controlled substance shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under ORS 475.035.
  - b. "Alcohol": Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
  - c. "Conviction": A finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
  - d. "Criminal drug statute": A federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
  - e. "Drug-free workplace": A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

#### 2. Purpose

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

### 3. Applicability

This policy applies to all employees.

### 4. Prohibitions

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

5. No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances or knowingly endorse or suggest the use of such substances.

### 6. Compliance with Policy

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

### 7. Sanctions and Remedies

- a. The district, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion, under section 8. of this policy, of employee unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include transfer, granting of leave with or without pay or suspension with or without pay.
- b. Within 30 days of an employee's conviction for a violation of a criminal drug statute occurring in the workplace, the district shall:
  - (1) Take action with regard to the employee determined to be appropriate which may include discipline up to and including termination; and/or
  - (2) Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

### 8. Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

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

- a. Observed abnormal behavior or impairment in mental or physical performance (for example, slurred speech or difficulty walking);
- b. Direct observation of use in the workplace;
- c. The opinion of a medical professional;
- d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
- e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

### 9. Employee Assistance Program

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

### 10. Leave for Participation in Abuse Assistance or Rehabilitation Program

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

### 11. Establishment of Drug-Free Awareness Program

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

- a. Dangers of drug abuse in the workplace;
- b. Existence of and content of this policy for maintaining a drug-free workplace;
- c. Availability of drug-counseling, rehabilitation and employee assistance programs; and

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

### 13. Notification by Employee of Conviction

- a. An employee shall, as a condition of employment, notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- b. The district shall notify the appropriate federal granting or contracting agency of an employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than 10 days after receiving notice of such conviction.

## **Personal Communication Devices and Social Media - Staff** (Policy: GCAB)

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

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

3. Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment.

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

5. Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social network sites, public websites, blogs and other social media, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal.

6. Social Media is an effective method of communicating and highlighting the events of school activities. Staff shall not create or use social media accounts for school or business purposes without proper authorization. Any staff wishing to create an account must follow procedures outlined by the district's community relations department, including registering the account with the district. Only district-issued email accounts shall be used to create social media accounts.

7. All electronic communications with students shall be appropriate and professional. When possible, all electronic communication should utilize district email. Any other electronic method of communication shall include at least three (3) people total or the subject and method of the communication shall be shared with the staff member's supervisor in a timely manner. Repeated private communications with the same student(s) may be investigated for evidence of potential grooming behavior or other sexual conduct, and may result in a report to TSPC or ODE for further investigation.

8. All electronic communications with students while off duty is strongly discouraged.

The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

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

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

## **Network Use Policy**

The District recognizes with the spread of telecommunications that employees will shift the ways they share ideas, transmit information and contact others. As staff members are connected to the North Clackamas School District network, their use of new tools and systems brings new responsibilities as well as opportunities.

As employees are granted access to the District network it is expected that they will learn to use electronic mail and telecommunications tools and apply them to the performance of tasks associated with their position and assignments. Technology & Information Services will provide staff with training in the proper and effective use of telecommunications and electronic mail when requested or appropriate.

Employees are encouraged to make use of these telecommunications tools to explore educational topics, contact others in the educational world and apply these principles to their teaching strategies in the classroom or position within the District.

Users should not expect that communications over networks are private. All incoming and outgoing email messages are archived. Network supervisors may review and inspect directories, files and communications to maintain system integrity and insure that users are accessing the system responsibly. The District reserves the right to access stored records **at all times**.

When communicating through the District network, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyrights.

**The following activities are not permitted on the District network:**

- a. Attempts to use the district's system for:
  1. Unauthorized solicitation of funds;
  2. Distribution of chain letters;
  3. Unauthorized sale or purchase of merchandise and services;
  4. Use of the network for financial gain for any commercial or illegal activity
  5. Collection of signatures;
  6. Membership drives;
  7. Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, or software, or file share music, videos, or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt, spread computer viruses or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change, or exceed resource quotas or disk usage quotas;
- e. Attempts to connect teachers or students personal web sites to school or district web sites without the express consent of the school principal. Any questionable issues should be referred to the Director of Technology.
- f. Attempts to send, intentionally access, or download any text file or picture or engage in any communication that includes material which may be interpreted as:
  1. Harmful to minors;
  2. Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
  3. A product or service not permitted to minors by law;
  4. Harassment, intimidation, menacing, or threatening activities;
  5. Disruptive to the proper and orderly operation of the school or school activity;
  6. Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy, and/or administrative regulation.
- g. Attempts to gain unauthorized access to any service via the district's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- h. Attempts to post or publish personal student contact information unless authorized by the parent according the Internet Publishing Parent Permission and consistent with applicable Board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- i. Attempts to use the district's name in external communication forums such as chat rooms without prior district authorization;



- j. Attempts to use another individual's account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been given access.
- k. Attempts to encrypt passwords to district computers or networks. All district computers and servers must be fully accessible to designated district Technology staff.
- l. Any violation of the Children's Internet Protection Act (CIPA)

The network supervisor will report inappropriate behaviors to the employee's supervisor who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations, or complaints will be routed to the employee's supervisor for appropriate action. Violations may result in a loss of access and/or disciplinary action **up to and including termination**. When applicable, law enforcement agencies may be involved.

### **North Clackamas School District Device Use Agreement**

**(This agreement pertains to NCSD staff who have been provided a mobile device to use as part of assigned work duties)**

As a part of your work duties in the NCSD, you may have had an individual mobile device issued to you. When accessing District's technology hardware and network, you agree to use it in a responsible, ethical, and legal manner in support of teaching, learning, District work, and the attainment of the Board's goals. Use implies acceptance of the terms of this regulation. Failure to follow these guidelines, District policy, and administrative regulations governing use of the District's system may result in the suspension and/or revocation of system access, and disciplinary action up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines, or other charges may also be imposed.

#### **General Guidelines**

- 1. Keep your device safe and secure.
- 2. Do not leave your device unattended and visible in a vehicle.
- 3. Keep devices away from liquids.
- 4. Use network systems to back up your data. *Remember that the Technology Department only backs up your documents and desktop folders, not pictures, videos, or music.*
- 5. Users shall maintain personal responsibility for all non-approved financial obligations incurred while using the District's technology.
- 6. Users are accountable for personal behaviors that are illegal, destructive, or that are not directly related to the District's work.
- 7. Users shall act in a manner that protects the security, integrity, and reliability of technology equipment, infrastructure, and services.
- 8. Users are advised not to share passwords with others or use another person's password. Doing so is a breach of security that threatens District's information, services, and fiscal controls.

#### **Acceptable Use of Technology Equipment**

Acceptable use includes activities that directly relate to the District's work, teaching, and learning, or that support the attainment of Board goals and priorities. Such use may include electronic or voice mail, real time electronic conferencing, reading or posting messages on device bulletin boards, accessing internal information databases and other shared resources, and access to external resources through the Internet or commercial services.

- 1. You may update system software. You assume responsibility for any additional software installed, including copyright compliance. The District will not provide technical support for this software. The District may remove software if necessary for District purposes when conflicts occur.
- 2. You may install printers. District printers use IP addresses only.
- 3. You may update browser plugins.
- 4. Electronic communication devices, technology equipment, infrastructure, and services are provided to support District work. Limited personal use of these services is permitted if there is no additional direct cost to District, and if personal use does not interfere with student learning, conflict with employee work responsibilities, violate the professional code of conduct, result in personal financial advantage, or violate Board policy or administrative regulations.

#### **Replacement of lost, stolen, or damaged devices**

In the event that your technology equipment is lost, stolen, or damaged such that a replacement is needed, staff members will not be held responsible for problems resulting when the above guidelines are followed.

However, staff members will be held financially responsible for any problems caused by their negligence as deemed by District administration. Examples of negligence include:

- 1. The device was left unattended in an unsecured area that should have been secured.
- 2. The device was left visible and unattended in a vehicle.

3. The device was being used in hazardous to device areas such as around water, in the rain, near unguarded containers of liquid, or in a bag with a container of liquid.
4. The device was damaged while being used (for personal use) by a person other than the employee.
5. The device was lost, stolen, or damaged during non-work-related use.

**In the event of lost, stolen, or significantly damaged devices:**

1. If stolen, immediately contact the police and complete a police report.
2. Contact the Technology Department at 503.353.6100 to obtain needed information for insurance and police reports (model, bar code number, serial number, purchase price, purchase date, replacement cost).
3. Within 48 hours, complete the Vandalism, Fire, and Theft Report and route to Risk Management (961).

**Response to Chronic Student Misconduct**  
(Administrative Regulation: JFC-AR)

The safety of the students and staff in all district facilities is a critical priority in the North Clackamas School District. The following flowchart has been developed to clarify procedures and to create consistency across buildings:

**Short-Term Flow Chart - General Education Procedures**

1. Disciplinary referrals for behavioral incidents must be documented on the district incident report form and submitted to the appropriate administrator or dean of students for processing.
2. Disciplinary referrals for behavior issues will be addressed within three school days of the referral being submitted by a staff member. The staff member will be provided a copy of the processed referral or an update on the status of the investigation within these three school days.
3. Students with 10 disciplinary referrals that resulted in disciplinary action (as outlined in the *K-12 Guidelines for Student Behavior* document) within a school year, will attend a required meeting with an administrator, parents/guardians, teachers, specialists (as appropriate) and other relevant staff members (e.g., a campus monitor).
  - a. At this meeting, the team will develop a plan to support and respond to the student's behavior.
  - b. If the student is already on a formal Behavior Support Plan (BSP), this plan will be reviewed and revised (if appropriate) at this meeting.
  - c. The support plan and/or revisions will be distributed to all relevant staff members and to the parents/guardians within three school days of the meeting.
4. Additional services such as a referral to the site CARE team, RTI team, levels team, etc., may be included in the Behavior Support Plan.
5. Approximately 30 days following the meeting, the site team will review the support plan to check the status of the student's progress. The plan may be revised/rewritten up to two times within a school year. If the student's behavior warrants a third revision of the support plan, the administrator will review the support plan with her/his direct supervisor prior to the meeting. After the administrator/supervisor review, the team will reconvene to determine the next steps.
6. A staff member may consult with an administrator regarding a student's behavior prior to the 10-referral mark. If a student's behavior warrants immediate action, the protocol described above can be expedited.
7. If a site team has evidence that a student may have a disability, the team will make a referral to Special Education.
8. The Special Education referral protocol requires the use of the designated procedures for the district. All staff will be trained in and required to follow the special education referral protocol.
9. If there is a concern for student or staff safety, the Special Education evaluation process will be expedited to be completed within 30 school days barring circumstances beyond the school district's control.

**Long-Term Systems**

Each site will have an effective system in place to intervene with student behavior. Systems may include: Effective Behavior Instruction System Support (EBIS); Positive Behavior Intervention Systems; or other similar systems.

### **Emergency Response Plan Protocol - Regular Education (Room Clears)**

1. When a “room clear” is necessary to ensure the safety of the staff and students in a class, the staff member may call for an administrator, counselor, dean of students, secretary, etc., as determined by the site protocol, who will respond within 10 minutes of the request being made.
2. Buildings will designate an “overflow” room or a safe space for any class evacuated during a “room clear.” The designated space will be identified for all staff at the beginning of the school year.
3. When a staff member has determined the need to clear a room to ensure the safety of all students, the student whose behavior necessitated the room clear will not be allowed to return for the remainder of the school day. In most cases, a reinstatement meeting to restate expectations and supports with the student, staff member and family must be held prior to the student’s return. The principal and the team have the discretion to make exceptions to this timeframe and to these procedures when they deem it appropriate.
4. When the staff member and administrator determine it is necessary, a teacher who has required a “room clear” due to the behavior of a student may be compensated appropriately to reestablish working order in the classroom, e.g., short-term Instructional Aide time support for lesson delivery, up to four hours of compensation time to reestablish room order, etc.
5. Teachers who require a “room clear” due to a student’s behavior, may request, and will be granted a counselor or appropriate person to speak to the remaining students in the class who may be experiencing anxiety over the behavior of a student. This support will be provided within one working day of the request being made.
6. When the staff member and administrator determine it is necessary, the parents/guardians of impacted students may be notified in writing by the administrator of an incident that occurs in a classroom that might cause stress to their child and will include suggested strategies for talking to their child about what happened. Rules regarding student confidentiality will be observed.
7. If a teacher has classroom items damaged during a “room clear” every effort will be made to have all essential equipment replaced within five working days of the teacher filing a request.
8. Any teacher with a student who creates the need for two room clears of that teacher’s room within one term will be included in relevant discussions related to the consequences and behavior plans for the student.

### **Emergency Response Plan Protocol - Special Education (Room Clears)**

1. When the Special Education teacher deems it appropriate, in the event of a room clear in a Special Education program, the teacher may consult with the site administrator to determine the most appropriate course of action. This can include removal of the student for an amount of time to be specified by the student’s case manager and the administrator.
2. In the event an incident involving a student with disabilities results in a room clear outside of the Special Education program, the student’s case manager will be notified as soon as is feasible and will be included in any discussions of the most appropriate response. How the BSP was implemented, or whether the BSP was followed during the incident will be reviewed as a part of the discussion.

### **Staff Safety**

1. Any student who intentionally assaults a district employee in a violent manner will be suspended up to five days pending a mandatory meeting including parents/guardians, staff, student, administrator, etc. At this point, the BSP will be created or reviewed. The student will be subject to consequences in accordance with all NCSD Board policies and procedures (e.g., JFC - Student Conduct and Discipline, JFCM - Threats of Violence, JGDA/JGEA - Discipline of Students with Disabilities) and the *NCSD Guidelines for Student Behavior*.
2. Any employee who documents an assault by a student will receive the support he/she needs to confidently resume his/her work. When the staff member and administrator determine it is necessary, support can include paid leave. If the student is on an IEP, the staff member can request that the student’s IEP team convene to consider appropriate support and placement.

### **Transition Plans for New and Current Students**

1. Teachers of a student who enters class with a current known behavior support plan or known behavioral concern will be notified before the student's first day. A copy of the BSP will be provided to the teacher as a part of notification. Rules regarding student confidentiality will be observed.
2. If the behavior is not known at the time the student first enters the class, all teachers of the student will be notified in writing within two school days of any information received at the site regarding any behavior/safety concerns or a Behavior Support Plan the student has.
3. Regular education teachers receiving a student from an SLC, TLC or similar placement with a known behavior concern or Behavior/Safety plan of any kind may ask for, and will be granted, a meeting with the appropriate parties to review the behavior/safety concern or plan as soon as is possible.

### **Whistleblower (Policy: GBMA)**

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
  - a. Any member of the Legislative assembly;
  - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
  - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The district will use the complaint process in administrative regulation KL-AR(1) - Public Complaints Procedure to address any alleged violations of this policy unless the collective bargaining agreement provides a dispute resolution procedure. The district shall deliver a written or electronic copy of this policy to each staff member.

### **Americans with Disabilities (Policy: ACA)**

The district, in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008 (ADA), is committed to offering employment practices, activities, physical facilities, communications and transportation practices that provide equal opportunity to qualified individuals with disabilities in all phases of the district's programs, services, and benefits.

When appropriate, the district will make, allow, or provide reasonable accommodations for the known disabilities of all employee applicants or current employees upon request and with appropriate advance notice. Consideration will be given to the requests of the qualified individual with a disability in the selection of appropriate auxiliary aids and services.

Reasonable accommodations provided must not present an undue hardship for the district and must not be unduly costly, extensive, or disruptive, nor present a direct threat to the health and safety of employees.

District services, programs and activities, facilities, transportation services and communications will be accessible and usable by persons with disabilities, consistent with Section 504 of the federal Rehabilitation Act of 1973 and the ADA.

In its efforts to ensure equal access for persons with disabilities, the Board directs the superintendent to develop and implement an appropriate plan that provides for district compliance with the Americans with Disabilities Act including the appointment of an ADA compliance officer and the establishment of a process for the investigation and prompt and equitable resolution of any complaint regarding noncompliance.

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws.

### **Title IX Notice**

The North Clackamas School District does not discriminate on the basis of race, color, national origin, sex, sexual orientation, marital status, religion, disability, or age in its programs and activities, and provides equal access to designated youth groups such as the Boy Scouts. The following person has been designated to handle inquiries regarding discrimination: Michelle Riddell, Title IX Coordinator; 12400 SE Freeman Way, Milwaukie, OR 97222; 503.353.6000.

### **Expression of Milk in the Workplace (Policy: GBDA)**

When possible, an employee must give reasonable notice of the intent to express milk. The district shall provide the employee a reasonable rest period to express milk each time the employee has a need to express milk. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

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

This policy only applies to employees who are expressing milk for the employee's child 18 months of age or younger.

Each site administrator is to designate a location within the work site for use by an employee to express milk and shall report the location of the designated room to the executive director of human resources.

The following locations have been identified in each facility for milk expression:

#### High Schools

Clackamas High School East Campus, textbook storage room

Milwaukie High School/MAA, Main building - Room 175; team room that is not used in Girl's Locker Room. Obtain access key from principal's secretary.

Adrienne C. Nelson High School, Room A19 in the main office

Rex Putnam High School, Private office in Career Center and private office in women's locker room

Sabin-Schellenberg Center, South Campus - conference room in main office/commons; if not available then any administrator's office

Sabin-Schellenberg Center, North Campus - PACE Child Care Center Nursing Room

Land Lab – locker room office

New Urban High School, main office or counseling conference room; storage room in staff room; administrator office

#### Middle Schools

Happy Valley Middle School, women's locker room or room 230D in main office  
Rock Creek Middle School, student store room  
Rowe Middle School, room 026  
Alder Creek Middle School, locked office in girl's locker room.

#### Elementary Schools

Ardenwald, library annex  
Bilquist, small office/conference room in library  
Beatrice Morrow Cannady, room 127  
Happy Valley, upstairs conference room, room 204; downstairs conference room, room E104  
Lewelling, room 18A  
Linwood/Sojourner, media center office  
Milwaukie/El Puente, room 115  
Mount Scott, conference room in the office  
Oak Grove, conference room in the main office  
Oregon Trail, office storage closet or principal's office  
Riverside, principal's office, health room, or downstairs conference room  
Scouters Mountain, room 111  
Spring Mountain, main office conference room, or room adjacent to principal's office  
Sunnyside, B-Wing conference room (end of B Hall)  
Verne Duncan, Main Office C  
View Acres, private office in library, or conference room by the front office  
Whitcomb, office in the library, room 151a

#### Charter Schools

Cascade Heights Public Charter School, lockable break room, science lab, or principal's office  
Clackamas Middle College, private office off of staff lounge  
Clackamas Web Academy, private office area off of break room

#### District Departments

Administration, conference room 105, or human resources conference room 118  
Bond, kitchen area with secured door off of conference room B  
Campbell, Building E, office connected to room adjacent to media center  
Distribution Center, private office  
Facility Operations, library  
Nutrition Services, any director's office or conference room  
Technology & Information Services, room 109  
Transportation, administrator conference room  
Wichita Family Support Center, any director's office or conference room