EDDYVILLE CHARTER SCHOOL

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The following symbol is used on some policies:

** 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.
Job Descriptions

Job descriptions serve:

1. To describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;

2. To describe attendance standards;

3. To help applicants determine the qualifications needed to fill a position;

4. To help the public charter school superintendent determine which candidates to recommend for appointment; and

5. To assist the superintendent in the evaluation of the employee’s performance of position responsibilities.

“Essential functions” as used in this policy means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;

2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or

3. The function may be highly specialized so that the individual is hired for his or her expertise or ability to perform the particular function.

“Attendance standards” as used in this policy means the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the public charter school.

Job descriptions will be developed under the supervision of the superintendent for each position in the public charter school. Each job description shall be dated. As job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled *Job Descriptions for the Eddyville Charter School*. The document will be available for inspection by any public charter school employee or patron. Each employee shall receive a copy of his or her job description. Each employee shall affix his or her signature and date after having read the job description.
Job descriptions will be reviewed annually. Initial or revised job descriptions will be approved by the superintendent and will be presented to the Board for a resolution rescinding those that have been replaced and accepting new ones.

END OF POLICY

Legal Reference(s):

ORS 338.115 (2)

Title II of the Genetic Information Nondiscrimination Act of 2008.
Equal Employment Opportunity
(Required if public charter school is the employer)

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race, color, religion, sex, sexual orientation\(^1\), national origin, marital status, age, veterans' status\(^2\), genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The public charter school superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The public charter school superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the public charter school alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

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

END OF POLICY

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

\(^2\)The public charter school grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.
Legal Reference(s):

ORS 174.100  ORS 659A.003  ORS 659A.409
ORS 192.630  ORS 659A.006  ORS 659A.805
ORS 243.672  ORS 659A.009
ORS 326.051  ORS 659A.029  OAR 581-021-0045
ORS 332.505  ORS 659A.030  OAR 581-022-1720
ORS 338.115  ORS 659A.109  OAR 839-003-0000
ORS 342.934  ORS 659A.142  OAR 839-006-0435
ORS 408.225  ORS 659A.145  OAR 839-006-0440
ORS 408.230  ORS 659A.233  OAR 839-006-0450
ORS 408.235  ORS 659A.236  OAR 839-006-0455
ORS 659.850  ORS 659A.309  OAR 839-006-0460
ORS 659.870  ORS 659A.321  OAR 839-006-0465

Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

AC - Nondiscrimination
Veterans’ Preference

Oregon’s Veterans’ Preference Law requires the public charter school to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans’ preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans’ preference a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law.

The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The public charter school is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if he or she is equal to or better than the top candidate after the veterans’ preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position. The public charter school shall provide the reasons for not selecting the candidate when requested.

**Recruitment Procedures**

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the public charter school’s policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.

**Selection Procedures**

Step 1: Before the review of any applications the superintendent will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.

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1 Oregon Revised Statute (ORS) 408.225: definition of veteran.

2 Oregon Revised Statute (ORS) 408.230(5)

1 **Verification of Veteran’s Preference**

A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.

4 OSBA recommends use of a scored system. If the public charter school chooses not to use a scored system the law requires that the public charter school give special consideration in the public charter school’s hiring decision to veterans and disabled veterans and the public charter school will need to be able to demonstrate the method used for providing special consideration.” ORS 408.230(2)(c).
Step 2: The superintendent will review the application materials using the above evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the superintendent shall evaluate whether the skill experience obtained in the military are transferable to the posted position. In this step the public charter school does not apply a veterans’ preference. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.

Step 3: Based on Step 2, the superintendent determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.

Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.

Step 5: Following completion of the interviews, the superintendent shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans’ preference points must be applied by adding 5 points to an eligible veteran and 10 points to an eligible disabled veteran.\(^5\)

Step 6: The superintendent makes the offer to the applicant with the highest final score. The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

The public charter school is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans’ preference has been applied.

A veteran may submit a written request to the public charter school for an explanation of the reasons why they were not selected for the position.\(^6\) The public charter school shall provide the reasons for not selecting the candidate when requested.

**Filing a Complaint**

A veteran or disabled veteran is encouraged to contact the office if they have any concerns or questions concerning the application of or the process used for veterans’ preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

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\(^5\) The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the public charter school must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.

\(^6\) Oregon Revised Statute (ORS) 408.230(5)
I. Conflict of Interest

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

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

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

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

2. Any device, publication or any other item developed during the employee’s paid time shall be public charter school 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 public charter school employee may serve as a Board or budget committee member for the sponsoring district;

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

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

If an employee has a potential or actual conflict of interest, the employee must notify his or her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.
In order to avoid both potential and actual conflicts of interests, public charter school employees must abide by the following rules when an employee’s relative or member of the household is seeking and/or holds a position with the public charter school:

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

2. A public charter school 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 public charter school employee. In accordance with Oregon law, however, the public charter school may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

In the conflict of interest context:

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

“Relative” means: the spouse\(^1\), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits\(^2\) to the employee, or who receives any benefit from the employee’s public employment.

II. Gifts

Public charter school employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of $50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school 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.

\(^1\)The term spouse includes domestic partner.

\(^2\)Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.
“Relative” means: the spouse\(^1\), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits\(^2\) to the employee, or who receives any benefit from the employee’s public employment.

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

**Determining the Source of Gifts**

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

**Determining Legislative and Administrative Interest**

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

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

**Determining the Value of Gifts**

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

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

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

\(^{1}\)Ibid. p. 2

\(^{2}\)Ibid. p. 2
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.

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

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

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

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

**Entertainment**

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

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

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

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

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

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

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

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

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

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

   i) The giver is a unit of a:

   a) Federal, state, or local government;
   b) An Oregon or federally recognized Native American Tribe; OR
   c) Nonprofit corporation.

   (b) The employee is representing the public charter school:

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

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

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

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);

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

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

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

**Honoraria**

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

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

**END OF POLICY**

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**Legal Reference(s):**

ORS 244.010 to -244.400  
ORS 332.016  
ORS 659A 309  

OAR 199-605-0001 to -199-020-0020  
OAR 584-020-0040

*Or. Ethics Comm’n, Or. Gov’t Ethics Law, A Guide for Public Officials.*
Mother Friendly Workplace
(Required if the public charter school employs 25 or more employees)

The public charter school recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breast-feeding or expressing milk in the workplace. The Board directs the public charter school superintendent to take measures and develop regulations to ensure that all public charter school employees shall be provided with an adequate location for the expression of milk or breast-feeding.

The public charter school superintendent shall see that the public charter school makes a reasonable effort to provide a room or other location in close proximity to the employee’s work area, other than a restroom, where an employee can breast-feed her child or express milk in privacy. This policy directs the public charter school superintendent to include the following in the development of a regulation to ensure the provisions for employees required by this policy:

1. The advice of a school nurse or health professional in determining the most reasonable facility accommodation;

2. The plan shall include an accessible, private room with a lock that would allow a mother:
   a. To breast-feed a child brought in during a lunch or other break period; or
   b. To pump breast milk to be stored for later use.

3. The room shall include:
   a. Electrical outlets for electric pumps;
   b. Sanitation facilities including a sink close by for hand washing and the rinsing of containers; and
   c. A sign up sheet and a sign posting the room as “private during use.”

A reasonable effort will be made to provide a flexible work schedule in consideration of the requirements of the staff member’s responsibility.

The public charter school shall provide the employee a 30-minute rest period to breast-feed or express milk during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the public charter school.

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1Public charter schools should refer to their work agreements to determine if the “rest period” is paid, nonpaid or a combination. The statute states the rest period is unpaid unless the public charter school has language in employee work agreements that addresses paid breaks.
This policy and a list of designated locations will be published in the employee handbook. A list of designated locations must be readily available, upon request, in the central office of each public charter school facility and at the public charter school office.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 338.115
ORS 653.077
ORS 653.256

QAR 839-020-0051

OREGON HEALTH AUTHORITY, HOW TO BECOME A BREASTFEEDING FRIENDLY EMPLOYER (2015).

Cross Reference(s):

GCBDD/GDBDD - Sick Time
Staff - HIV, AIDS and HBV

The public charter school will strictly adhere in its policies and procedures, to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV.

The public charter school recognizes a staff member has no obligation under any circumstance to report his or her condition to the public charter school and the staff member has a right to continue working.

If the staff member reports his or her condition to the public charter school, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon Revised Statutes.

When informed of the infection, and with written, signed permission from the staff member, the public charter school will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member’s condition.

Accommodations for a staff member infected with HIV, AIDS or HBV shall be the same as with any other illness.

The public charter school shall also develop policies and/or procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

ORS 243.650 ORS 433.045 OAR 333-018-0000
ORS 338.115(w) ORS 433.260 OAR 333-018-0005
ORS 342.850(7) OAR 333-017-0000 OAR 581-022-0705
ORS 433.008

1HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus
Drug-Free Workplace
(Required if public charter school is their own fiscal agent for federal grant funds)

The public charter school 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 controlled substance.
   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, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions

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

5. No public charter school employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee’s public charter school duties; or knowingly endorse or suggest the use of such drugs.
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 public charter school, 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 an 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 criminal drug statute conviction for a violation occurring in the workplace, the public charter school 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 (e.g., 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 the 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 public charter school shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

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1Public charter schools directly receiving grants or contracts from the federal government are required to meet this obligation.
11. Establishment of Drug-Free Awareness Program

The public charter school 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
d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

12. Notification by Employee of Conviction

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

13. Notification by Eddyville Public Charter School of Employee Conviction

The public charter school shall notify the appropriate federal granting or contracting agency of an employee’s criminal drug statute conviction for a violation occurring in the workplace no later than 10 days after receiving notice of such conviction.

14. Provision of Copy of Policy to Employees

The public charter school shall provide to each employee a copy of this policy.

END OF POLICY

Legal Reference(s):

ORS 243.650  
ORS 336.222  
ORS 338.115  
ORS Chapter 475  
ORS 657.176  
OAR 584-020-0040(5)(e)

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

It is the public charter school’s obligation to protect the health, welfare and safety of students. To be consistent with Oregon law and the school’s curriculum, student possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form on or off public charter school premises, at public charter school-sponsored activities, on all school grounds, including parking lots, in public charter school-owned, rented or leased vehicles or otherwise, or while a student is under the jurisdiction of the public charter school is prohibited.

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

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include USFDA-approved tobacco products or therapy products used for the purpose of cessation.

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

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a student with disabilities, the public charter school must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination and an interim alternative educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the public charter school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the public charter school superintendent, attendance and completion of such programs or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.
Violation of this policy by nonstudents may result in the individual’s removal from public charter school property. The public charter school reserves the right to restrict access to public charter school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):


Cross Reference(s):

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

An official personnel file will be established for each person employed by the public charter school. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers’ compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The director will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions to be placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher’s personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, public charter school employees’ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the office to inspect the contents of his/her personnel file on any day the office is open for business;

2. Others designated in writing by the employee;

3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;

4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;

5. The director and members of the central administrative staff;

6. Public charter school administrators and supervisors who currently or prospectively supervise the employee;

7. Attorneys for the public charter school or the public charter school’s designated representative on matters of public charter school business;
8. The disciplinary records of a public charter school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and shall be released to any person upon request. Prior to the release of disciplinary records the public charter school shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a public charter school employee who is not the subject of the disciplinary record;

9. Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, a public charter school shall provide the records of investigations of suspected child abuse by a public charter school employee.

The director may permit persons other than those specified above to use and to inspect personnel records when, in his/her opinion, the person requesting access has a legitimate official purpose. The director will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

END OF POLICY

Legal Reference(s):
ORS 342.850
ORS 652.750
ORS 342.143
ORS 339.370 - 339-375


1Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.
Staff Complaints

The administrator will develop a complaint procedure which will be available for all employees who believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of public charter school personnel policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority; or believe there is evidence the public charter school created a substantial and specific danger to public health and safety by its actions. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of public charter school personnel policies.

Disputes concerning an employee’s dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary. The public charter school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

END OF POLICY

Legal Reference(s):

ORS 338.115
ORS 659A.199 to -659A.224

OAR 581-022-1720

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Cross Reference(s):

GBMA - Whistleblower

1If the district created and has a GBM-AR - Staff Complaints, it may want to consider inserting that language here.
Whistleblower

When an employee has good faith and reasonable belief the public charter school 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 public charter school 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 public charter school 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 public charter school will use the complaint process in administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

The public charter school shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY
Legal Reference(s):
ORS 192.501 to 192.505
ORS 659A.199 to 659A.224
OAR 581-022-1720

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Cross Reference(s):
GBM - Staff Complaints
Sexual Harassment
(Required if the employer is the public charter school)

The public charter school board is committed to the elimination of sexual harassment in public charter schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, public charter board members or third parties. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school’s control at interschool athletic competitions or other public charter school events. “Public charter school” includes public charter school facilities; public charter school premises and nonpublic charter school property if the student or employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school; or where the employee is engaged in public charter school business. The prohibition also includes off duty conduct which is incompatible with public charter school job responsibilities.

Sexual harassment of students, staff or third parties 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. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;

3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance or with an employee’s ability to perform his/her job; or 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 or staff.

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; 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 student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the public charter school superintendent or compliance officer who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school superintendent. The student and the student’s parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the public charter school 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 public charter school board that appropriate, corrective action will be taken by the public charter school 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. Employees 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 public charter school superintendent or public charter school board.

Additionally, the public charter school 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 public charter school superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of public charter school officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff in student/parent and staff handbooks. The public charter school’s policy shall be posted in the public charter school. Such posting shall be by a sign of at least 8½” by 11”.

The public charter school superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY
Legal Reference(s):

<table>
<thead>
<tr>
<th>ORS 243.706</th>
<th>ORS 342.865</th>
<th>OAR 581-021-0038</th>
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<td>ORS 342.700</td>
<td>ORS 659.850</td>
<td>OAR 584-020-0040</td>
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<td>ORS 659A.006</td>
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<tr>
<td>ORS 342.850</td>
<td>ORS 659A.030</td>
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Cross Reference(s):

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff
JBA/GBN - Sexual Harassment
JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence/Domestic Violence – Student
Sexual Harassment Complaint Procedure

(Required if the employer is the public charter school)

The public charter school superintendent or compliance officer have responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1  Any sexual harassment information (complaints, rumors, etc.) shall be presented to the public charter school superintendent or compliance officer. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the compliance officer is the subject of the complaint, the complaint will be submitted to the public charter school superintendent. If the superintendent is the subject of the complaint, the complaint will be submitted to the public charter school board.

Step 2  The public charter school official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

Step 3  If a complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the public charter school board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The public charter school board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The public charter school board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

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 public charter school superintendent or compliance officer.

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 public charter school office.
The public charter school 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, Community Human Services, as possible abuse of a child. In the event the public charter school superintendent is the subject of the investigation, reports, when required, shall be made by the public charter school board chair.
SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: __________________________________________________________

Position of complainant: ______________________________________________________

Date of complaint: ____________________________________________________________

Name of alleged harasser: ______________________________________________________

Date and place of incident or incidents: __________________________________________

Description of misconduct: ______________________________________________________

Name of witnesses (if any): _____________________________________________________

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____________________________

Any other information: __________________________________________________________

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _______________________________ Date: ________________________________
WITNESS DISCLOSURE FORM

Name of Witness: ____________________________________________________________

Position of Witness: _________________________________________________________

Date of Testimony/Interview: _________________________________________________

Description of Instance Witnessed: _____________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Any Other Information: ________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: ___________________________ Date: __________________________

Sexual Harassment Complaint Procedure - GBN/JBA-AR
4-4
Eddyville Charter School

Code: GBNA
Adopted: 9/21/17

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying of students, staff or third parties by students, staff or third parties toward staff are strictly prohibited and shall not be tolerated in the public charter school. 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. 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 public charter school administrator or Board. Students found in violation of this policy will be subject to discipline up to and including expulsion.

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.

The public charter school administrator is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures and provisions to ensure [annual] notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):
ORS 163.190
ORS 163.197
ORS 166.065
ORS 166.155 to 166.165
ORS 332.072
ORS 332.107
ORS 659A.030


Cross Reference(s):
GBN/JBA - Sexual Harassment
JFCM - Threats of Violence

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff - GBNA
1-1
Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying
Complaint Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control at interschool and intraschool athletic competitions or other public charter school events.

2. “Public charter school” includes public charter school facilities, public charter school premises and nonschool property if the employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips, athletic events or where the employee is engaged in public charter school business.

3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any public charter school-sponsored work activity, work group or work assignment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student/staff); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.

4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, sex or sexual orientation.

5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.
6. “Cyberbullying” means the use of any electronic communication device to harass, intimidate or menace.

7. “Menacing” includes, but is not limited to, any act intended to place a public charter school employee, student or third party in fear of imminent serious physical injury.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Complaint Procedures

The public charter school superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of conduct in violation of Board policy JFCF – Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence – Student shall immediately report his or her concerns to the designated public charter school official.

Any employee or third party who has knowledge of conduct in violation of Board policy or feels he or she has been hazed, harassed, intimidated, bullied, menaced or cyberbullied in violation of Board policy or this administrative regulation is encouraged to immediately report his/her concerns to the designated public charter school official.

Complaints will be promptly investigated in accordance with the following procedures:

Step 1 Any hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying information (complaints, rumors, etc.) shall be presented to public charter school superintendent. Information may be presented anonymously. Complaints against the public charter school superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The public charter school official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The public charter school official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
Step 3 If the complainant is not satisfied with the decision at Step 2, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying complaints and documentation will be maintained as a confidential file in the public charter school office.
Personal Electronic Devices and Social Media - Staff **

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

A “personal electronic device” is a device not issued by the public charter school and is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

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

The public charter school will not be liable for loss or damage to personal communication devices brought to public charter school property and public charter school-sponsored activities.

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

\(^{1}\)Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Personal Electronic Devices and Social Media - Staff ** - GCAB 1-2
Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

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

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

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

END OF POLICY

Legal Reference(s):

ORS 167.057  ORS 163.688  ORS 326.051
ORS 163.432  ORS 163.689  ORS 336.840
ORS 163.433  ORS 163.693  ORS 338.115(2)
ORS 163.644  ORS 163.700
ORS 163.646  ORS 326.011  [OAR 584-020-0000 to -0035]
ORS 163.647


Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

2Ibid. p. 1

Personal Electronic Devices and Social Media - Staff ** - GCAB 2-2
Family Medical Leave

When applicable, the public charter school will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to public charter schools with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to public charter schools that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the public charter school for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The administrator will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY
Legal Reference(s):

ORS 332.507
ORS 342.545
ORS 659A.090
ORS 659A.093
ORS 659A.096
ORS 659A.099
ORS 659A.150 to -659A.186
OAR 839-009-0200 to -0320

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Cross Reference(s):

GCBDD/GDBDD - Sick Time
Domestic Violence/Harassment/Sexual Assault/Stalking Leave
(This policy only applies if the public charter school is the employer and has six or more employees.)

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.

2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.

3. “Protective order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.

4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or an individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.

5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.

6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.

7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.

8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.
A public charter school (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;

2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee’s minor child or dependent;

3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;

4. To obtain services from victims services provider for the eligible employee or the employee’s minor child or dependent;

5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee’s minor child/dependant.

The public charter school may limit the amount of leave, if the employee’s leave creates an undo hardship on the public charter school.

The public charter school shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the public charter school reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The public charter school may require the employee to provide certification that:

1. The employee or minor child/dependent is a victim of domestic violence, harassment, sexual assault or stalking; and

2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking;

2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking;
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy or victim services provider that the employee/child/dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the public charter school regarding the employee’s leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee’s personnel file.

The employee may use any paid accrued vacation leave or may use any other paid leave that is offered by the public charter school in lieu of vacation leave. The employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available.

END OF POLICY

Legal Reference(s):

ORS 192.502(38)
ORS 659A.270 to-659A.290
Eligible Employee Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave
(For employers who employ six or more employees)

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270-659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name ___________________________________________ Effective Date of the Leave _______________________

Department/School ________________________________ Title ________________________________

Status: ☐ Full-time ☐ Part-time ☐ Temporary Hire Date _____________ Length of Service ________________

The requested leave is for:

☐ Myself

☐ My minor child or dependent

The leave is for:

☐ To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

☐ To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee’s minor child or dependent.

☐ To obtain or assist the eligible employee’s minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.

☐ To obtain services from a victim services provider for the eligible employee or the eligible employee’s minor child or dependent.

☐ To relocate or take step to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

The following has been provided by the employee to certify the leave:

☐ A copy of a police report indicating that the eligible employee or the eligible employee’s minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.

☐ A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.865, 107.095(1)(c), 107.700 to 107.735, 124.005 to 120.040 or 163.730 to 163.750.
☐ Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee’s minor child or dependent is receiving services.

I understand that the public charter school requires me to use any accrued sick leave, vacation, personal leave days or other paid time established by Board policy(ies) and/or employment contracts.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the public charter school may terminate my employment. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

I authorize the public charter school to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of Employee: ________________________________ Date: ________________________________
Sick Time

“Employee” means an individual who is employed by the public charter school and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the public charter school.

A public charter school employing 10 or more employees shall allow an eligible employee to access up to 40 hours of paid sick time per year. Paid sick time of 40 hours shall be front-loaded to an employee at the beginning of each year.

The employee may carry up to 40 hours of unused sick time from one year to the subsequent year. ¹ An employee is limited to using no more than 40 hours of sick time in a year.

Sick time shall be taken in minimum increments not to exceed four hours and may be used for the employee’s or a family member’s² mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The public charter school reserves the right after three consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the public charter school. An employee refusing to submit to such an examination or to provide other evidence as required by the public charter school, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

If the reason for sick time is a foreseeable absence, the public charter school may require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take

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¹If the public charter school chooses to limit the accrual or usage, the public charter school must choose language in the bracketed sentence and keep this sentence in policy.

²“Family member” is defined by the Oregon Family Leave Act (OFLA).
reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the public charter school (e.g., grading deadlines, inservice training, mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the public charter school at least 24 hours in advance or as soon as practicable.

The public charter school shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):
ORS 332.507
ORS 342.545
ORS 342.610
ORS 653.601 to -653.661
ORS 659A.150 to -659A.186


Cross Reference(s):
GBDA - Mother Friendly Workplace
GCBDA/GDBDA - Family Medical Leave
Criminal Records Checks/Fingerprinting

In a continuing effort to further ensure the safety and welfare of students and staff, the public charter school shall require criminal records checks and fingerprinting of all full-time and part-time employees. Others having direct, unsupervised contact with students shall also have criminal records checks and fingerprinting, as required by law.

“Direct, unsupervised contact” means contact with students that provides the person opportunity and probability for personal communication or touch.

In addition to the employees, such checks shall be required of the following:

1. All public charter school contractors and/or their employees, whether employed part-time or full-time;

2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;

3. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood program.

An individual who has failed to disclose the presence of criminal convictions, that would not otherwise prevent his or her employment with the public charter school as provided by law, may be employed or contracted with, by the public charter school. The public charter school’s use of criminal history must be relevant to the specific requirements of the position, services or employment.

The public charter school shall not begin the employment of an individual or terms of a public charter school contractor before the return and disposition of criminal records check and/or fingerprinting. The service of a volunteer will not begin before the return and disposition of a criminal records check.

The public charter school superintendent shall develop administrative regulations as necessary to meet the requirements of law.

END OF POLICY
Legal Reference(s):

| ORS 181A.180 | ORS 338.115(h) | OAR 414-061-0010 to -0030 |
| ORS 181A.230 | ORS 342.127    | OAR 581-021-0500           |
| ORS 326.603  | ORS 342.143    | OAR 581-022-2430           |
| ORS 326.607  | ORS 342.223    | OAR 584-050-0012           |

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher’s performance of the teaching responsibilities. It is also an important assessment of nonlicensed employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

Evaluation of licensed staff shall be conducted to conform with applicable Oregon Revised Statutes and any applicable collective bargaining provisions.

Teachers’ evaluations shall be customized based on collaborative efforts and include the core teaching standards adopted by the State Board of Education.

Evaluations must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;

2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the needs of the teacher and the needs of the public charter school;

3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including classroom and other assignments;

4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;

5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher.

Nonlicensed Staff

All nonlicensed employees will be formally evaluated by their immediate supervisor at least once during their first year of employment and at least once a year thereafter.

END OF POLICY
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<tr>
<th>Legal Reference(s):</th>
<th>ORS 243.650</th>
<th>ORS 342.815 to 342.934</th>
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