

Lourdes Public 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.

Lourdes Public Charter School

Code: GAB

Adopted:

Job Descriptions

Job descriptions serve to:

1. 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. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help the public charter school administrator determine which candidates to recommend for appointment; and
5. Assist the administrator 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 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 their 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 administrator 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 the school office. The document will be available for inspection by any public charter school employee or patron. Each employee shall receive a copy of their job description. Each employee shall affix their 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 administrator.

END OF POLICY

Legal Reference(s):

[ORS 338.115 \(2\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBA

Adopted:

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The administrator 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. The administrator will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. 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 administrator will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 338.115](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 652.210 - 652.220](#)

[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)

[ORS 659A.147](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)
[ORS 659A.820](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)

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

² This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

³ 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.

⁴ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)

[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)

[OAR 839-006-0465](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBA-AR

Revised/Reviewed:

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' preference¹ a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

The public charter school is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The 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 the individual 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 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 certification³ of eligibility for preference, in addition to other requested materials.

Selection Procedures⁴

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

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions of veteran and disabled veteran.

³ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

⁴ 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 administrator will review the application materials using the 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 administrator shall evaluate whether the skill experience obtained in the military are transferable to the posted position. 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 administrator 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 administrator shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.
- Step 6: The administrator 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. 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 school 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.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBC

Adopted:

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

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

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$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.

The employee may receive public charter school logo apparel as part of the employee's compensation package.

Public charter school employees will not engage in, or have a personal financial interest in, any activity that raises a reasonable question regarding the use of their official position in regards to their duties and responsibilities as school employees. This would also apply to any personal financial benefit for the school employee's relative or member of household of the employee, or any business with which the school employee or a relative or member of the household of the school employee is associated.

This means that:

1. Employees, relatives or members of the school employee's household will not use the employee's position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be 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 regular working hours or during the additional time needed 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 a school employee has a potential or actual conflict of interest, the school employee must notify their supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. This must be done on each occasion the school employee is met with a conflict of interest.

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

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

In order to avoid violation of nepotism provisions and school policy, public charter school employees must abide by the following rules when an employee’s relative or member of the household of the school employee, 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 they comply with the conflict of interest requirements of Oregon Revised Statute (ORS) Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A 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.

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

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling or child-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling or child-in-law of the spouse of the employee.^{2}

¹ The term spouse includes domestic partner.

² {ORS 244.020(16) uses the terms “son-in-law” and “daughter-in-law” in the definition of relative.}

Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits³ 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. A gift may be received by the school employee from, but not limited to, another school employee, a student or parent of a student or a vendor. Except for exclusions in ORS 244.040(2), an item received by an employee from the school is prohibited.

“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.

“Relative” means: the spouse⁴, parent, step-parent, child, sibling, step-sibling or child-in-law^{5} of the employee; or the parent, step-parent, child, sibling, step-sibling or child-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 benefits⁶ 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, the employee’s relatives or members of the employee’s household should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee’s personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in 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 \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

³ 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.

⁴ Ibid. p. 2

⁵ {ORS 244.020(16) uses the terms “son-in-law” and “daughter-in-law” in the definition of relative.}

⁶ Ibid. p. 3

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.

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

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.

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

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

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source

more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not 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.

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

- a. Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (1) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
 - (a) The giver is a unit of a:
 - (i) Federal, state, or local government;
 - (ii) An Oregon or federally recognized Native American Tribe; OR
 - (iii) Nonprofit corporation.
 - (2) The employee is representing the public charter school:

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

The purpose of the exception in a. above 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. An item received by the employee as part of the usual or customary practice of the employee’s private business, employment or position as a volunteer that bears no relationship to the employee’s 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

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, *A Guide for Public Officials*.

Lourdes Public Charter School

Code: GBC-AR

Revised/Reviewed:

Staff Ethics

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

1. Employees will not use public charter school equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the public charter school's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. Public charter school vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

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

2. When employees are traveling on official public charter school business, any gift given because of this travel must be either declined or passed on to the public charter school for use for future public charter school travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the public charter school for future public charter school travel. The frequent flyer miles earned when traveling on official public charter school business can only be used for public charter school travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for public charter school travel or other public charter school business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office

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

supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal

items. Teachers may use the discount to purchase items for public charter school use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.

5. Employees may accept free passes to public charter school extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the public charter school may include free passes in employees' official compensation packages or employees may be reimbursed by the public charter school for the cost of admission.
6. The employee's public charter school position is not to be used to take official action that could have a financial impact on a private business with which the employee, a relative or member of the employee's household are associated. For example, if the employee's sibling owns a pest-control business which is seeking a contract with the public charter school, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest, in writing, describing the nature of the conflict, and provide this to the employee's supervisor.
7. Confidential information gained as a public charter school employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in their class is falling behind in math to provide the parents a referral to the employee's sibling's tutoring business.
8. Public charter school employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the public charter school, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. Public charter school employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the public charter school employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, public charter school employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use public charter school facilities for this purpose only if they comply with the public charter school's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBCA

Adopted:

Staff Dress and Grooming

The Board believes that staff members set an example in dress and grooming for students and standards of professionalism for the public charter school. A staff member who understands this precept and adheres to it enlarges the importance of their task, presents an image of professionalism and encourages respect for authority. These factors act in a positive manner towards the maintenance of discipline.

The public charter school retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

All staff, when on duty, shall:

1. Be physically clean, neat and well groomed;
2. Dress in a manner consistent with their assigned duties;
3. Dress in a manner that communicates to students a pride in personal appearance;
4. Be groomed in such a way that does not disrupt the educational process nor cause a health or safety hazard;
5. Be allowed to wear religious attire in accordance with the employee's sincerely-held beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

Staff are subject to disciplinary action up to and including dismissal for violating the terms of this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(7\)](#)
[ORS 327.109](#)

[ORS 338.115\(2\)](#)
[ORS 339.351](#)

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

OR. CONST., art. I, § 5.
U.S. CONST. amend. I.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBEA

Adopted:

Workplace Harassment

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

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

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

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

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

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

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

The public charter school may not require or coerce a public charter school employee to enter into a nondisclosure² or nondisparagement³ agreement.

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

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

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

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

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

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

END OF POLICY

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 338.115](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.370](#)
[ORS 659A.375](#)

[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBEA-AR

Revised/Reviewed:

Workplace Harassment Reporting and Procedure

Any public charter school employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administration regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the administrator.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, 659A.112 or ORS 659A.370 must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the public charter school as a separate confidential file and stored in the public charter school office.

Investigation Procedure

The administrator is responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves administrator, the employee may report to Board chair. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include public charter school-provided assistance services available to the public charter school employee;
3. Provide a copy of the public charter school's Board policy GBEA - Workplace Harassment and this administrative regulation to the public charter school employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The investigator shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The Board will review the findings and conclusion in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the administrator’s decision as the public charter school’s final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the decision in Step 1 is final.

Reports involving the administrator should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Follow-up Procedures

The administrator will follow up with the public charter school employee of the alleged harassment once every three months for the calendar year following the date on which the administrator received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The administrator will document the record of this follow-up. The administrator will continue follow-up in this manner until and unless the employee directs the administrator in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

¹ Provide information about legal resources and counseling and support services, which may include public charter school-provided assistance services available to the public charter school employee, and a copy the public charter school’s Board policy GBEA - Workplace Harassment and this administrative regulation to the public charter school employee.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Muddy Creek Charter School
39059 Jordan Road, Scio, OR 97374 | 503-394-3340

WORKPLACE HARASSMENT REPORTING OR COMPLAINT FORM

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace 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: _____

Muddy Creek Charter School
39059 Jordan Road, Scio, OR 97374 | 503-394-3340

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: _____

Corrected 1/06/25

Lourdes Public Charter School

Code: GBEB

Adopted:

Communicable Diseases in Schools

The public charter school shall provide reasonable protection against the risk of exposure to communicable disease for students and employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance for Schools* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

A student or employee may not attend school or work, respectively, while in a communicable stage of a restrictable disease or when an administrator has reason to suspect the student or employee has or has been exposed to any disease for which exclusion is required in accordance with law. The public charter school may provide an educational program in an alternative setting. Services will be provided to students as required by law.

Employees shall comply with all other measures adopted by the public charter school and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

The public charter school shall protect the confidentiality of each student's and employee's health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator may inform employees with a legitimate educational interest.

The public charter school will include, as part of its general emergency plans, a description of the actions to be taken by school staff in buildings and by the school in response to medical emergencies.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(1\)\(z\)](#)
[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.004](#)
[ORS 433.010](#)

[ORS 433.110](#)
[ORS 433.235 - 433.284](#)
[OAR 333-018](#)
[OAR 333-019-0010](#)

[OAR 333-019-0014](#)
[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance for Schools*. Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2024).
Health Insurance Portability and Accountability Act, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2024).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBEB-AR

Revised/Reviewed:

Communicable Diseases in Schools

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule¹ and include but are not limited to COVID-19, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection in a child who, in the opinion of the local health officer, poses an unusually high risk to other children (e.g., exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health.
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. “Susceptible” for a school employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. A student or employee of the public charter school will not attend school or work, respectively, at a public charter school facility while in a communicable stage of a restrictable disease, unless authorized to do so under Oregon law. When an administrator has reason to suspect that a student or employee has a restrictable disease, the administrator shall send them home.
2. An administrator shall exclude a susceptible student or employee if the administrator has reason to suspect they have been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator or designee may report the occurrence to the local health department.
3. A student or employee will be excluded in such instances until such time as the student or employee, respectively, presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the student or employee does not have or is not a carrier of any restrictable disease. An exclusion for chickenpox, scabies,

¹ OAR 333-019-0010 lists restrictable diseases.

staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.

4. More stringent exclusion standards for students or employees from school or work may be adopted by the local health department.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the public charter school and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate response when the administrator is notified that an employee or a student has been exposed to a restrictable disease which is also a reportable disease.
3. Public charter school staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance².
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate education interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the public charter school's nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All public charter school personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).

Corrected 1/06/25

² Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

Lourdes Public Charter School

Code: GBEC

Adopted:

Drug-Free Workplace

The public charter school shall provide a drug-free workplace.

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

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.

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

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

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

Definitions

1. "Controlled substance" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
2. "Alcohol" shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction" means 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.
4. "Criminal drug statute" means a federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
5. "Drug-free workplace" means 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.

Sanctions and Remedies¹

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 the section below), of an employee's 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 appropriate action which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of learning of an employee's criminal drug statute conviction for a violation occurring in the workplace, the public charter school shall:

1. Take appropriate action, 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.

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:

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

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.

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.

¹ Public charter school's directly receiving grants or contracts from the federal government are required to meet this obligation.

Establishment of Drug-Free Awareness Program

The public charter school shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of, and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction²

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

Notification by the Public Charter School of an Employee Conviction

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

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 338.115](#)

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659A.127](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

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

Corrected 1/06/25

² Ibid. p. 1

Lourdes Public Charter School

Code: GBG

Adopted:

Staff Participation in Political Activities

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All school employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of school duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the school's official viewpoint.

No employee will use school facilities, equipment or supplies in connection with political activities, nor will use any time during the work day for such political activities.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

[ORS 338.115](#)

OR. CONST., art. XV, § 8.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBH/JECAC

Adopted:

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student's education records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the school will adhere to all conditions specified and ordered by the court.

The public charter school will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)

[ORS 107.102](#)

[ORS 107.106](#)

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 - 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBI
Adopted:

Internet-sourced Crowdfunding and/or Solicitations

Internet-sourced crowdfunding and/or solicitations may be allowed.

A staff member will submit a proposal for any internet-sourced crowdfunding to solicit funds in the name of the school to the administrator at least 45 days prior to beginning the activity. The administrator will submit the proposal to the Board for approval.

The administrator or designee shall monitor the internet-sourced crowdfunding site to ensure that no student information is disclosed improperly and no images are used without permission, and ensure that the internet-sourced crowdfunding site is legitimate, and that the terms of the site are being followed.

All fund raising will be on the public charter school's system and shall follow appropriate policies and use guidelines. All technology purchases or request for purchase will be approved by the administrator or designee.

All non-monetary items obtained become property of the public charter school and all inventory procedures apply. All monetary donations shall be recorded in the proper school fund. No school banking information shall be given out. A check will be requested to be mailed to the school, in the name of the school and not to the individual.

A file will be maintained by the administrator that documents the approval, details of the project, a print out of the website, copies of all agreements and permission forms, copies of any checks of monetary donation received as well as the inventory listing non-monetary donations.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the schools without the administrator's approval. Staff members may not be made responsible or assume responsibility for collecting money or distributing any fund-drive literature within the school without the administrator's approval.

The soliciting of staff by sales people, other staff or agents during on-duty hours is prohibited. Any solicitation should be reported at once to the administrator. Advertising is not allowed in the building without the administrator's approval.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400
[ORS 339.880](#)

[OAR 199-005-0005](#) to -199-020-0020
[OAR 584-020-0000](#) to -0045

Corrected 1/06/25

Lourdes Public Charter School

Code:
Adopted:

GBJ

Weapons in Schools - Staff

Keep in for board-level conversation. Decide whether to add to the policy manual for adoption. Review in connection with sample policy KGBB – Firearms. OPTIONAL POLICY

Employees, school contractors and/or their employees and school volunteers shall not possess a dangerous or deadly weapon or firearm on school property or at school-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, as defined by state and federal law, weapon includes:

1. “Dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The administrator will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the school and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)

[ORS 166.210 - 166.370](#)

[ORS 338.115\(1\)\(a\)](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).
Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

Lourdes Public Charter School

Code: GBK/KGC

Adopted:

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

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on 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 or school district and at all school-sponsored or district-sponsored activities.

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

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

Violation of this policy by staff will result in discipline up to and including dismissal. Violation of this policy by the public 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.

This policy shall be enforced at all times.

END OF POLICY

Legal Reference(s):

[ORS 336.227](#)

[ORS 338.115\(1\)\(x\)](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

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

Corrected 1/06/25

Lourdes Public Charter School

Code: GBL
Adopted:

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 or 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 administrator will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions 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, school employees'¹ personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the school office to inspect the contents of their personnel file on any day the school office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their 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 administrator and other staff designated by the administrator;
6. School administrators and supervisors who currently or prospectively supervise the employee;
7. Attorneys for the school or the school's designated representative on matters of school business;
8. Upon receiving a request from a prospective employer issued under ORS 339.374(1)(b), the public charter school, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the school pursuant to Oregon Revised Statute

¹ Includes former employees.

(ORS) 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The school may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

9. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
10. Upon request from a prospective employer or a former employee, authorized public charter school officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.

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

Release of personnel records to parties other than those listed above, will be in line with Board policy KBA - Public Records.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)

[ORS 338.115](#)

[ORS 339.370 – 339.374](#)

[ORS 339.378](#)

[ORS 339.388](#)

[ORS 342.143](#)

[ORS 342.850](#)

[ORS 652.750](#)

[ORS Chapter 659](#)

[ORS Chapter 659A](#)

[OAR 581-026-0600](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

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

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBM

Adopted:

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 581-022-2405](#)

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

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBMA

Adopted:

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 a 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 in¹administrative 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

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

Legal Reference(s):

[ORS 192.501 - 192.505](#)

[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

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

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBN/JBA

Adopted:

Sexual Harassment

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

The public charter school processes complaints or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the public charter school, the public charter school will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The public charter school may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

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

¹ "Third party" means a person who is not a student or a school staff member and who is: 1) on or immediately adjacent to school grounds or public charter school property; 2) at a school-sponsored activity or program; or 3) off school grounds or public charter school property if a student or a public charter school staff member acts toward the person in a manner that creates a hostile environment for the person while on public charter school property, or at a school-sponsored activity.

3. Assault when sexual contact occurs without consent².

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

Examples of sexual harassment may include, but not be limited to, 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 sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Karly Allen, Administrator at 503-349-3340 or kallen.loudes.scio@gmail.com

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a public charter school official so the public charter school official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the public charter school official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to public charter school officials, this includes officials such as the administrator, Title IX Coordinator, or civil rights coordinator. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school official.

Investigation

² "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

All reports and complaints about behavior that may violate this policy shall be investigated. The public charter school may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The public charter school will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The public charter school may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for public charter school electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding public charter school procedures and resources.

When a student or staff member is harassed by a third party, the public charter school will consider the following:

1. Removing that third party's ability to contract or volunteer with the public charter school, or be present on public charter school property;
2. If the third party works for an entity that contracts with the public charter school, communicating with the third party's employer;
3. If the third party is a student of another public charter school or school, communicate information related to the incident to the other public charter school, school or school district;
4. Limiting attendance at public charter school events; and
5. Providing for additional supervision, including law enforcement if necessary, at public charter school events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a public charter school staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

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

Notice

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the public charter school shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

1. Name and contact information for all person designated by the public charter school to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the public charter school that the person who filed the complaint may pursue, including the person designated for the public charter school for receiving complaints and any timelines;

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the public charter school should consider when to contact the person's parent.

⁴ Remember confidentiality laws when providing any information.

4. Notice that civil and criminal remedies that are not provided by the public charter school may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the public charter school, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the public charter school;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the public charter school's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the public charter school office and on the website of the public charter school.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the public charter school conditioning the provision of an aid, benefit, or service of the public charter school on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the public charter school’s education program or activity⁵;
3. “Sexual assault”: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. “Dating violence”: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. “Domestic violence”: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or
6. “Stalking”: engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person’s own safety or the safety of others, or suffer substantial emotional distress.

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

Federal Procedures

The public charter school will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX coordinator receiving the person’s verbal or written report. The report can be made at any time.

The administrator is designated as the Title IX coordinator. The Title IX coordinator will coordinate the public charter school’s efforts to comply with its responsibilities related to this policy. The public charter school prominently will display the contact information for the Title IX coordinator on the public charter school website and in each handbook.

⁵ “Education program or activity” includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. § 106.44(a))

Response

The public charter school will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.⁶ The public charter school shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁹

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁰ The public charter school must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The public charter school shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the public charter school of the following:

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

⁶ (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A public charter school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

⁷ (Title 34 C.F.R. § 106.44(a)) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school's educational environment, or deter sexual harassment.⁷ The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

⁸ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

⁹ The Title IX coordinator may also discuss that the Title IX coordinator has the ability to file a formal complaint.

¹⁰ The public charter school may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

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

No Retaliation

Neither the public charter school or any person may retaliate¹¹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The public charter school must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

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

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 338.115](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

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

[ORS 659A.030](#)

[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

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

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

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

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

Corrected 1/17/25; Corrected 2/18/25

¹¹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Lourdes Public Charter School

Code: GBN/JBA-AR(1)

Revised/Reviewed:

Sexual Harassment Complaint Procedure

Reports and complaints of sexual harassment should be made to the following individual(s):

Karly Allen, Administrator at 503-349-3340 or kallen.loudes.scio@gmail.com

The public charter school official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The public charter school official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the administrator.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The Board will review the decision of the administrator in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the administrator's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 days following receipt of the appeal.

If the Board chooses not to hear the complaint, the administrator's decision in Step 1 is final.

The administrator is authorized to amend these procedures (including timelines) when the administrator feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the administrator or a Board member (other than the Board chair) may start at step 2 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted. The Board chair shall notify the parties in writing within 30 days of receipt of the complaint or report that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 2 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing within 30 days of receipt of the complaint or report that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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 Second Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the public charter school administrator 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 administrator 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.

Corrected 1/17/25

Lourdes Public Charter School

Code: GBN/JBA-AR(2)

Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the public charter school’s Title IX Coordinator or any official of the public charter school who has authority to institute corrective measures on behalf of the public charter school, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the public charter school investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the public charter school’s educational environment, or deter sexual harassment.⁴ The public charter school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the public charter school will provide the parties⁵ written notice of the following:

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the public charter school with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

1. Notice of the public charter school’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the public charter school’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the public charter school’s investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the public charter school and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The public charter school cannot access, consider, disclose, or otherwise use a party’s records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s capacity, and which are maintained in connection with the provision of treatment to the party, unless the public charter school obtains the party’s (or eligible student’s parent’s) voluntary, written consent to do so.

the advisor of their choice.⁸ The public charter school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the public charter school must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the public charter school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the public charter school to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

⁹ This includes the evidence upon which the public charter school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The public charter school must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

If, in the course of an investigation, the public charter school decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the public charter school must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the public charter school, or anyone participating on behalf of the public charter school, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the public charter school’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the public charter school imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the public charter school’s education program or activity will be provided by the public charter school to the complainant; and
6. The public charter school’s procedures and permissible bases for the complainant and respondent to appeal.

The public charter school must provide the written determination to the parties simultaneously.

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Other remedies may include:

1. Educational programming .

Dismissal of a Formal Complaint

The public charter school must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the public charter school’s education program or activity¹⁴; or
3. Did not occur against a person in the United States.

The public charter school may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;

¹² Public charter schools should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁴ Includes locations, events, or circumstances over which the public charter school exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs[, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution]. (Title 34 C.F.R. §106.44(a))

2. The respondent is no longer enrolled or employed by the public charter school; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the public charter school must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the public charter school from continuing any investigation and taking action under a different process. The public charter school may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The public charter school may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the public charter school receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the public charter school may offer an optional informal resolution process, provided that the public charter school:

1. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

When an appeal is filed, the public charter school must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-makers(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The public charter school will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility: 90 days;
2. Appeals (from receipt of appeal): 60 days;
3. Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁶

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁶ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the public charter school's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the public charter school's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the public charter school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the public charter school's website.

Corrected 1/17/25

Most records (including training) must be retained for at least seven years.

Lourdes Public Charter School

Code: GBN/JBA-AR(3)

Revised/Reviewed:

Sexual Harassment Complaint and Witness Forms

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: _____

Corrected 1/17/25; Corrected 3/04/25

Lourdes Public Charter School

Code: GBNA

Adopted:

Hazing, Harassment, Intimidation, Bullying, Menacing, or 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 staff or third parties by students, staff, or third parties are strictly prohibited and shall not be tolerated in the public charter school.

Retaliation against the victim, any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is also strictly 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.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include 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 the Board. Students found in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

The public charter school administrator is directed to develop administrative regulations to implement this policy. The regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure 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 - 166.165](#)

[ORS 174.100](#)

[ORS 338.115](#)

[ORS 339.250](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[ORS 659A.103 - 659A.143](#)

[ORS 659A.199 - 659A.224](#)

[OAR 839-003-0000](#)

[OAR 839-005-0021](#)

[OAR 839-005-0030](#)

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

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).

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

OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019), <<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBNA-AR

Revised/Reviewed:

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

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, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
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 perception of the other’s race, color, religion, national origin, disability, sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to harass, intimidate, or bully. Staff will refrain from using personal electronic devices or school equipment to harass or stalk another person or people.

8. “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.

Reporting Procedures

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

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF –Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report 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 they have been hazed, harassed, intimidated, bullied, menaced, or cyberbullied in violation of Board policy or this administrative regulation is encouraged to immediately report concerns to the designated public charter school official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to public charter school administrator. Reports against the public charter school administrator 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 report shall promptly investigate. Parents will be notified of the nature of any report 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 report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The public charter school official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, 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 person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board shall, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 30 days of receipt of the complaint or appeal by the Board.

Timelines may be extended by the public charter school for good cause. Any extension will be communicated to the parties and include a reason for the delay in writing.

Reports against the administrator should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board

may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted.

Direct complaints of discriminatory harassment 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 reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the public charter school office.

Corrected 1/06/25

Lourdes Public Charter School

Code: GBNAA/JHFF

Adopted:

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by public charter school employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All public charter school employees, contractors, agents, volunteers, and students⁴ are subject to this policy.

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the public charter school or any applicable employment agreements.

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

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

¹ “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any public charter school employee, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another public charter school employee, contractor, agent or volunteer, or that another public charter school employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the administrator, or to the Scio School District superintendent or designee in the event the administrator is the alleged perpetrator. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

A report of suspected sexual conduct about the school administrator will be reported to the Scio School District superintendent or designee who shall also report same to the Board chair.

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

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

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

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

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

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

[ORS 338.135\(7\)\(a\)](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 4160 (2024).

Corrected 1/06/25

Lourdes Public Charter School

Code: GBNAA/JHFF-AR(1)

Revised/Reviewed:

Suspected Sexual Conduct Report Procedures

The public charter school posts in each school building and on the school website the names and contact information of the school employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator receives a report of suspected sexual conduct that may have been committed by a commission licensee¹, the designee shall notify the Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the administrator is the alleged perpetrator the report shall be submitted to the Scio School District superintendent or designee, and shall also report to the Board chair of Lourdes Public Charter School.

When the designee receives a report of suspected sexual conduct by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave² and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC³ or ODE⁴ determines that the report is substantiated and the public charter school takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the public charter school determines either: 1) an employment policy was violated and the public charter school will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the public charter school. If the public charter school determines there is reasonable cause to support a report of suspected sexual conduct, the public charter school shall prohibit the contractor, agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

¹ "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

² The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

³ TSPC investigates reports on commission licensees.

⁴ ODE investigates reports on persons who are not commission licensees.

Upon request from ODE or TSPC the public charter school will provide requested documents or materials to the extent allowed by state and federal law.

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

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a public charter school employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend their investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public charter school will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the public charter school decides to take an employment action, the public charter school will inform the public charter school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

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

Training

The public charter school shall provide information and training each school year to public charter school employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees.

The public charter school shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of public charter school employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The public charter school shall make available each school year training that is designed to prevent sexual conduct to students attending public charter school-operated schools.

Lourdes Public Charter School

Code: GBNAA/JHFF-AR(2)

Revised/Reviewed:

Suspected Sexual Conduct Reporting Forms

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., 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: _____

Lourdes Public Charter School

Code: GBNAB/JHFE
Adopted:

Suspected Abuse of a Child Reporting Requirements**

Any public charter school employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall make a report to the Oregon Department of Human Services (DHS) through its centralized child abuse reporting system² or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Any public charter school employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report in the same manner.

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

Abuse of a child by public charter school employees, contractors⁴, agents⁵, volunteers⁶, or students is prohibited and will not be tolerated. All public charter school employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulations.

Any public charter school employee who has reasonable cause to believe that another public charter school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another public charter school employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency, and to a designated licensed administrator.

The public charter school designates the administrator and the Scio School District superintendent or designee, in the event that the designated administrator is the suspected abuser, to receive reports of suspected abuse of a child by public charter school employees, contractors, agents, volunteers or students.

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

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

⁴ "Contractor" means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁵ "Agent" means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

⁶ "Volunteer" means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

If the administrator is the alleged abuser the report shall be submitted to the Scio School District superintendent or designee who shall also report to the Board chair.

The public charter school will post the names and contact information of the designees for each school building, in the respective school if applicable, designated to receive reports of suspected abuse and the procedures in GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for making a report to law enforcement or the centralized child abuse reporting system of DHS, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to the designated licensed administrator. This information will be posted in the respective school building and on the school’s website.

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

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

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

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

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

The public charter school shall provide information and training each school year to public charter school employees on the prevention and identification of abuse, the obligations of public charter school employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The public charter school shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending public charter school-operated schools, and will be made available separately from the training provided to public charter school employees. The public charter school shall provide each school year information on the prevention and identification of abuse, the obligations of public charter school employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The public charter school shall make available each school year training that is designed to prevent abuse to students attending public charter school-operated schools.

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

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

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

The public charter school shall make available to students, public charter school employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

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

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

END OF POLICY

Legal Reference(s):

[ORS 338.125](#)
[ORS 339.370 - 339.400](#)

[ORS 418.257 - 418.259](#)
[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).

Lourdes Public Charter School

Code: GBNAB/JHFE-AR(1)

Adopted:

Reporting Suspected Abuse of a Child

Reporting

Any public charter school employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall make a report immediately to the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system² or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any school employee who has reasonable cause to believe that **any person**³ with whom the employee is in contact has abused a child shall immediately report in the same manner.

Any public charter school employee who has reasonable cause to believe that another school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another school employee, contractor, agent, volunteer or student shall immediately report such to DHS through its centralized child abuse reporting system or to a law enforcement agency pursuant, and to the designated licensed administrator or alternate licensed administrator for their school building.

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

If the administrator is the alleged abuser the report shall be submitted to the Scio School District superintendent or designee who shall also make a report to the Board chair of Lourdes Public Charter School.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of the school administrator who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

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

² How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)

³ "Person" could include adult, student or other child.

When the designee receives a report of suspected abuse of a child by a public charter school employee, and there is reasonable cause to support the report, the school shall place the school employee on paid administrative leave⁴ and take necessary actions to ensure the student’s safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the school takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the school determines that either 1) an employment policy was violated and the school will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the school against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the public charter school may prohibit the contractor, agent or volunteer from providing services to the school. If the school determines there is reasonable cause to support the report of suspected abuse, the school shall prohibit the contractor agent or volunteer from providing services. The school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁵ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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

If, following the investigation, the public charter school decides to take an employment action, the school will inform the school employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

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

Definitions

1. Oregon law defines “abuse” in ORS 419B.005(1).
2. “Child” means an unmarried person who is under 18 years of age or is a child in care, as defined in ORS 418.257.
3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

⁴ The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ The public charter school will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

Confidentiality of Records

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

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

Failure to Comply

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

Cooperation with Investigator

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

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

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the student out in accordance with school procedures;

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

Nothing prevents the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the school to suspend their investigation, or taking an employment action based on information available to the school before an investigation conducted by another agency is completed. The school will cooperate with agencies assigned to conduct such investigations.

Lourdes Public Charter School

Code: GBNAB/JHFE-AR(2)
Revised/Reviewed:

Abuse of a Child Investigations Conducted on School Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

Investigator refused to sign. School staff should not deny entry based on refusal to sign.

FOR COMPLETION BY SCHOOL STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

Lourdes Public Charter School

Code: GCA

Adopted:

License Requirements

The Board, in adhering to Oregon Revised Statutes, shall require all applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The public charter school must be able to verify the current license of applicants offered employment before the Board will consider approving their employment.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach with Board approval for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The public charter school will complete a review of the applicant's employment history prior to beginning employment.

The public charter school will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the public charter school.

The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the administrator's office.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)
[ORS 339.374](#)

[ORS 342.120 - 342.203](#)
[OAR 584-050-0035](#)

[OAR 584-200-0020](#)

Corrected 1/21/25

Lourdes Public Charter School

Code: GCAB

Adopted:

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 administrator. 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 a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on public charter school property or while a staff member is on duty in public charter school-sponsored activities, unless as expressly authorized by the administrator 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.

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

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.

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”² for purposes of this policy includes but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school, and/or a threatened or actual negative impact on the learning environment.

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

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

END OF POLICY

Legal Reference(s):

[ORS 167.057](#)
[ORS 163.432](#)
[ORS 163.433](#)
[ORS 163.684](#)
[ORS 163.686](#)

[ORS 163.687](#)
[ORS 163.688](#)
[ORS 163.689](#)
[ORS 163.693](#)
[ORS 163.700](#)

[ORS 326.011](#)
[ORS 326.051](#)
[ORS 336.840](#)
[ORS 338.115\(2\)](#)

Copyrights, Title 17, as amended, United States Code; 19 C.F.R. Part 133 (2014).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

² Ibid. p. 1

Lourdes Public Charter School

Code: GCBDC/GDBDC

Adopted:

Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave)

(Applies to employers who employ six or more employees in Oregon and meet the definition of “covered employer.”)

When applicable, the public charter school will comply with the provisions of protected leave identified in ORS 659A.272 to address domestic violence, harassment, sexual assault, bias, or stalking.

The public charter school (covered employer¹) shall allow an eligible employee² to take reasonable leave from employment 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 dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment or stalking of, or the commission of a bias crime against the eligible employee or the employee’s minor child or dependent;
3. To obtain, or to 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, bias, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee’s minor child or dependent.

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

The public charter school shall not deny leave to an eligible employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion,

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

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

³ “Relocate” is described in OAR 839-009-0345 (5).

compensation or other terms, conditions or privileges of employment because the employee makes inquiries about, applies for, or takes such leave.

The eligible employee shall give the public charter school reasonable advanced notice of the employee's intention to take leave unless giving advance notice is not feasible.

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

1. The employee or employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

The eligible employee shall provide a certification within a reasonable time after receiving the public charter school's request for the certification.

Sufficient certification to support a request for such leave includes:

1. A copy of a report from law enforcement indicating the eligible employee or the employee's minor child or dependent was a victim of domestic violence, harassment, sexual assault, bias, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking; or
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider that the eligible employee or employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, bias, or stalking.

All records and information kept by the public charter school regarding the employee's leave under ORS 659A.270 - 659A.285, including the fact the employee has requested or obtained such leave, are 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 accrued paid leave, including sick leave, vacation leave or any other paid leave offered by the public charter school.

Definitions

1. "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.
2. "Victim of bias" means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.

3. “Victim of domestic violence” means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.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.
7. “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, bias or stalking.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)

Corrected 1/21/25

OSBA Model Charter School Sample Administrative Regulation

Code: GCBDC/GDBDC-AR

Revised/Reviewed:

Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave

(Applies to employers who employ six or more employees in Oregon and meet the definition of “covered employer.”)

When 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 unless giving advance notice is not feasible. When it is not feasible, oral or written notice as soon as practical is allowed.

PLEASE PRINT

Name of employee _____

Department _____ Title _____

Effective Date of the Leave _____

Status: Full-time Part-time Temporary Hire Date _____

The requested leave is for:

- Myself
- A minor child or dependent for which I am a parent or guardian

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, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
- To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment or stalking of or the commission of a bias crime against the eligible employee or the eligible employee’s minor child or dependent.
- To obtain, or to 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, bias, or stalking.
- To obtain services from a victim services provider for the eligible employee or the eligible employee’s minor child or dependent.
- To relocate¹ or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

¹ “Relocate” is described in OAR 839-009-0345 (5).

The following has been provided to certify the need for the requested leave:

- A copy of a report from law enforcement indicating that myself or my minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking.
- A copy of a protective order or other evidence from a court, administrative agency or attorney that I or my minor child or dependent appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, employee of the Department of Justice division providing victim or survivor services or victim services provider that I or my minor child or dependent is receiving services.

I understand I may use any accrued paid leave, including sick leave, vacation leave or any other paid leave that is offered by the public charter school.

If my request for a leave is approved, I understand 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 if I am unable to return to work following the period of authorized leave I will notify the public charter school as soon as practical and provide any required information which will allow the school to determine my eligibility for an extension of leave.

I authorize the public charter school to deduct from my paychecks or seek to recover any amounts paid for insurance coverage by the school on my behalf which remain unpaid after my leave, consistent with state law.

Signature of employee: _____ Date: _____

Corrected 1/21/25

OSBA Model Charter School Sample Policy

Code: GCBDD/GDBDD

Adopted:

Sick Time *

{The recommendation for highly recommended comes from the requirement for schools to implement a sick time policy (ORS 653.606) and provide notice to employees of sick time policies and procedures.}

“Employee” means an individual who renders personal services at a fixed rate to the district if the district either pays or agrees to pay for personal services or permits the individual to perform personal services. 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 and are eligible to use sick time beginning on the 91st calendar day of employment with the school and may use sick time as it is accrued.

[The public charter school employs ^{1} 10 or more employees and therefore shall allow an eligible employee to access up to 40 hours of paid sick time per year. [Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.] [Paid sick time of 40 hours shall be ^{2} front-loaded to an employee at the beginning of each year.]]

OR

[The public charter school employs ^{3} 10 or more employees and has established and invokes the “undue hardship” exception of ORS 653.261 (1)(b); therefore, 56 hours of paid sick time shall be ^{4} front-loaded to eligible employees at the beginning of each year.]

OR

[The public charter school employs fewer than 10 employees and therefore shall provide access for an eligible employee at least 40 hours of unpaid sick time or unpaid time off. [Unpaid sick time or time off shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-

¹ {If the school is located in a city with a population exceeding 500,000, the threshold is whether the school employs at least six employees working anywhere in this state.}

² {For employees employed by an employer for less than a full year, “front-load” means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)}

³ {If the school is located in a city with a population exceeding 500,000, the threshold is whether the school employs at least six employees working anywhere in this state.}

⁴ {For employees employed by an employer for less than a full year, “front-load” means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)}

1/3 hours for every 40 hours the employee works.] [Unpaid sick time or time off shall be {⁵} 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. [{⁶} An employee is limited to [accruing no more than 80 hours of sick time] [and] [using no more than 40 hours of sick time in a year].]

[Sick time shall be taken in hourly increments] [{⁷} Sick time shall be taken in increments of more than [one] hour[s]] [Sick time may be used in increments of less than one hour] and may be used for the employee's or a family member's⁸ 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 qualifying Family Medical Leave (FMLA) or, Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272. [When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the public charter school employee is the equivalent of a family relationship, the school requires an attestation form signed and submitted by the employee.]

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 an employee uses sick time for more than [three] consecutive scheduled workdays], to require verification or certification in accordance with law of the need for the sick time, including a medical verification or certification⁹ paid for by the school. If an employee fails to provide verification or certification or fails to provide other evidence as required by the school, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

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

⁵ {For employees employed by an employer for less than a full year, "front-load" means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)}

⁶ {If 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. The application of these limits need not be applied to employers with less than 10 employees and who front-load at least 40 hours of unpaid sick time or unpaid time off at the beginning of each year used to calculate the accrual and usage of sick time or time off. (ORS 653.606 (1)(d))}

⁷ {This bracketed option only applies if the public charter school claims "undue hardship" (as is defined in OAR 839-007-0000(7)) and front-loads 56 hours of paid sick time per year. The school may require the employee to use paid sick time in increments of more than one hour; however in the case of front-loading 56 hours of paid sick time, the school cannot require an employee to use sick time in increments that exceed four hours, however the employee may choose to do so. OAR 839-007-0025}

⁸ "Family member" is defined in OAR 839-007-0000.

⁹ Which in the case of need for leave under ORS 659A.272, the public charter school may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

If the reason for sick time is a foreseeable absence, the public charter school requires an employee to provide advance notice of the intention to use sick time ^{10} 10 days of when the requested sick time is to begin or as soon as otherwise practicable. When an employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the school (e.g., grading deadlines, inservice training, mandatory meetings). [The school may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the school.]

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the public charter school [consistent with the reporting time established by the school] [at least 24 hours in advance] [before the start of the employee’s shift], or when circumstances prevent the employee from providing notice as required, as soon as practicable.

[The public charter school may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.]

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 342.545](#)
[ORS 342.610](#)

[ORS 653.601 - 653.661](#)
[ORS 659A.150 - 659A.186](#)

[OAR 839-007-0020 - 0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

¹⁰ {ORS 653.621(3): “...not to exceed 10 days”}

OSBA Model Charter School Sample Policy

Code: GCBDF/GDBDF

Adopted:

Paid Family and Medical Leave Insurance

The public charter school participates in Paid Family and Medical Leave Insurance (PFMLI) and Paid Leave Oregon¹. This includes submitting employee and employer contributions to the Oregon Employment Department (“Department”) as required by state law.² The public charter school does not administer PFMLI or Paid Leave Oregon. All applications and related questions should be directed to the Department.

Definitions

1. “Family leave” means leave from work taken by a covered individual:
 - a. To care for and bond with a child during the first year after the child’s birth or during the first year after the placement of the child through foster care or adoption; or
 - b. ³To effectuate the legal process required for placement of a foster child or the adoption of a child; or
 - c. To care for a family member with a serious health condition.
2. “Family leave” does not mean:
 - a. Leave described in Oregon Revised Statute (ORS) 659A.159 (1)(a) (i.e., care for a child who is suffering from an illness, injury or condition that requires home care or who requires home care due to closure of the child’s school or child care provider as a result of a public health emergency) except for leave to care for a child who requires home care due to an illness, injury or condition that is a serious health condition;
 - b. Leave described in ORS 659A.159 (1)(b) (death of a family member); or
 - c. Leave authorized under ORS 659A.093 (leave for spouses of members of the military upon deployment or call to active duty).
3. “Family member” means:
 - a. The spouse of a covered individual;
 - b. A child or the child’s spouse or domestic partner;
 - c. A parent or the parent’s spouse or domestic partner;
 - d. A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner;

¹ Paid Leave Oregon is the program developed by the Oregon Department of Employment to administer Paid Family and Medical Leave Insurance.

² The overall contribution will be determined by the Department director, and is initially set at 1 percent (up to \$132,900). The employee contribution is 60 percent of this amount and the employer contribution is waived. The amount will be set annually by November 15. See ORS 657B.150.

³ This provision becomes effective on January 1, 2025.

- e. A grandparent of a covered individual or the grandparent’s spouse or domestic partner;
 - f. A grandchild of a covered individual or the grandchild’s spouse or domestic partner;
 - g. The domestic partner of a covered individual; or
 - h. Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
4. “Medical Leave” means leave from work taken by a covered individual that is made necessary by the individual’s own serious health condition.
 5. “Safe leave” means leave related to domestic violence, harassment, sexual assault, bias, or stalking and relocation for health and safety reasons as provided in ORS 659A.272.
 6. “Serious health condition” means:
 - a. An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility;
 - b. An illness, disease or condition that in the medical judgement of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
 - c. Any period of disability due to pregnancy, or period of absence for prenatal care; or
 - d. Any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Eligibility

1. To be eligible for Paid Leave Oregon benefits, an individual must:
 - a. Be an employee of the public charter school⁴;
 - b. Earn at least \$1,000 in the base or alternate base year⁵;
 - c. Contribute to Paid Leave Oregon in accordance with state law;
 - d. Experience an event qualifying the employee for:
 - (1) Family leave;
 - (2) Medical leave; or
 - (3) Safe leave.
 - e. Submit an application to Department;
 - f. Have not exceeded maximum paid leave in the active benefit year; and
 - g. Have no current disqualifications⁶.

⁴ PFMLI is a state-wide benefit, and not unique to the public charter school. An eligible individual does not need to be an employee of the public charter school in order to be eligible for PFMLI, but this policy only applies to employees of the public charter school.

⁵ Pay could come from another Oregon employer.

⁶ Disqualifications may include eligibility for Workers’ Compensation or Unemployment or determination of a willful false statement or failure to report a material fact in order to obtain benefits. See OAR 471-070-1010(1)(h).

Leave

Paid Leave Oregon can be used for family leave, medical leave or safe leave. Up to 12 weeks of paid leave can be taken per benefit year.⁷ Leave can be taken in one-day increments and can be consecutive or nonconsecutive.

Any family leave or medical leave taken under Paid Leave Oregon must be taken concurrently with any leave taken by an eligible employee under the federal Family and Medical Leave Act of 1993 (P.L. 103-3, FMLA) for the same purposes. Leave taken under Paid Leave Oregon is in addition to, and may not be taken concurrently with, any leave taken pursuant to ORS 659A.150 - 659A.186 (Oregon Family Leave Act (OFLA)).

The public charter school will maintain an employee's existing health benefits while the employee is using leave. The employee will be required to pay the employee's contribution to premiums.

END OF POLICY

Legal Reference(s):

[ORS 657B](#)

[ORS 659A.162](#)

[OAR 471-070](#)

[Senate Bill 1515](#) (2024).

Corrected 1/21/25

⁷ In some pregnancy-related situations (e.g., pregnancy, childbirth, or a related medical condition), employees may be able to take two additional weeks, for a total for 14 weeks per benefit year.

Lourdes Public Charter School

Code: GCBDF/GDBDF-AR
Revised/Reviewed:

Paid Family and Medical Leave Insurance (PFMLI)

Application

Employees may submit applications for Paid Leave Oregon¹ to the Oregon Employment Department (“Department”).² Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.³ The Department may require verification from the employee.⁴ The Department will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁵ The public charter school cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department in accordance with Oregon Revised Statute (ORS) 657B.010 and Oregon Administrative Rule (OAR) 471-070-2220.

Employee Notice to Public Charter School

If the leave is foreseeable⁶, the employee must provide the public charter school with written notice⁷ at least 30 calendar days prior to the leave. If the leave is not foreseeable⁸ the employee must give oral notice to the public charter school within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.⁹ The public charter school requests as much advanced notice as possible.

¹ “Paid Leave Oregon” means the Paid Family and Medical Leave Insurance program described in ORS 657B.

² For application requirements see Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at <https://frances.oregon.gov/> to the Employment Department through the Paid Leave Oregon program.

³ Exceptions may be granted when the applicant can demonstrate good cause for late submission.

⁴ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁵ The benefit may be less than the employee’s salary. See ORS 657B.050.

⁶ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310(1).

⁷ Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁸ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

⁹ An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual’s intention to take safe leave, unless giving the advance notice is not feasible. If other leave also applies, notice requirements for those types of leave may also apply.

The notice must include:

1. The employee's first and last name;
2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the public charter school as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon to satisfy the notice requirements. Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(10).

Concurrent Use of Public Charter School-Provided Paid Leave

The employee will be allowed to use available school-provided paid leave (e.g., sick, vacation or otherwise) for days that Paid Leave Oregon is received. The total combined amount received by using accrued leave and Paid Leave Oregon may exceed the employee's full wage replacement during the period of leave.

Example: The Department determines that the rate of pay will be 75 percent of the employee's regular salary. The employee will be allowed to use available school-provided paid leave (sick, vacation or otherwise), subject to other agreement for days Paid Leave Oregon benefits are received. The employee will be able to choose how much other paid leave to use (which may result in the employee receiving more than 100 percent of their typical salary).

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the public charter school prior to the leave, if that position still exists and if the employee had been employed in the public charter school for 90 days prior to taking leave. If the position no longer exists, the employee may be placed in a different position with similar job duties and with the same employment benefits and pay.

Communications Between the Public Charter School and the Department

Upon receipt of an application or update in information from a public charter school employee for Paid Leave Oregon, the Department will notify the public charter school. The public charter school may provide additional information to the Department within 10 days. This information may include, but is not limited to, information about the employee's notice to the public charter school or verification of the employee's continued employment with the public charter school. If the public charter school does not report such information to the Department, the Department will proceed using available information. The public charter school can provide additional information to the Department as it becomes available.

If the Department requests additional information from the public charter school, the public charter school will respond within 10 calendar days.

Once the Department has issued a decision regarding an application submitted by an employee of the public charter school, the Department will notify the public charter school regarding the approval or denial and any applicable dates and periods of leave.

Public Charter School Notice to Employees

At the time of hire and each time the policy or procedure changes, the public charter school must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;
2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the public charter school before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or Paid Leave Oregon program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or Paid Leave Oregon benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the public charter school by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹⁰

The public charter school will display the Department's notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The public charter school will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

Public Charter School Filings

The public charter school will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the public charter school fails to submit required filings or report,

¹⁰ Paid Leave Oregon has provided a model notice, <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>.

or fails to pay all required contributions, the public charter school may be penalized in accordance with OAR 471-070-8520.

The public charter school may apply for an assistance grant.¹¹

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or Paid Leave Oregon, giving notification of leave under Paid Leave Oregon, taking such leave or claiming such benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

Any health information related to family leave, medical leave or safe leave provided to the public charter school by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

Corrected 1/21/25

¹¹ See OAR 471-070-3705 - 3710 for eligibility and application requirements.

Lourdes Public Charter School

Code: GCDA/GDDA

Adopted:

Criminal Records Checks and Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the public charter school shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers and others.

Requirements for Employees not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

All newly hired employees¹ not identified under Oregon Revised Statutes (ORS) 342.223² are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the public charter school has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district³, or private school, and has not resided outside the state between the two periods of employment.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the public charter school. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the school and not requiring licensure shall be paid by the school.

The public charter school shall not begin the employment of an individual before the return and disposition of the required criminal records checks.

When the criminal records check indicates an individual has been convicted of any crimes⁴ prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual will not be employed by the school, or if employed by the school will be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the school as provided by law will not be employed by the school. Employment termination shall remove the individual from any school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Requirements for TSPC Licensed, Certified or Registered Individuals

¹ Any individual hired within the last three months. This does not include an employee hired within the last three months if the public charter school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

³ As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

⁴ See OAR 581-021-0511(8).

Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.

Requirements for Contractors

All individuals employed as or by a contractor and considered by the public charter school to have direct, unsupervised contact with students⁵ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The administrator will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the public charter school upon:

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification⁶ from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual will be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

Requirements for Volunteers

The public charter school shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Volunteer coach(es);
2. Overnight chaperone(s).

The service of a volunteer into a position identified by the public charter school as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

All other volunteers allowed by the public charter school into a volunteer position designated by the school shall submit to an in-state criminal records check.

The service of any volunteer will not begin before the return and disposition of a criminal records check.

⁵ “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

A volunteer who knowingly made a false statement on a public charter school volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the school.

Fees associated with a required fingerprinting for volunteers shall be paid by the individual. Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the public charter school.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the public charter school.

Requirements for Others

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Notification

The public charter school will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or [volunteer] forms.

The public charter school will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the public charter school;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the public charter school may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contracts, or ODE forms (written or electronic) will result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
7. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate

termination from the ability to volunteer in the public charter school. The public charter school will remove the volunteer from the position allowing direct, unsupervised contact with students.

Processing and Reporting Procedures

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the public charter school. The school shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing school staff;
2. Contracted agent of employing school;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the public charter school of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime or has a conviction of a crime prohibiting employment, contract or volunteering.

A copy of the fingerprinting results will be kept by the public charter school. The school's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 336.631](#)

[ORS 338.115](#)
[ORS 342.143](#)
[ORS 342.223](#)
[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)

[OAR 581-022-2430](#)
[OAR 584-050-0012](#)
[OAR 584-050-0100](#)

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

Corrected 1/21/25; Corrected 2/18/25

Lourdes Public Charter School

Code: GCL

Adopted:

Staff Development - Licensed

The Board recognizes the importance of continued educational experiences and other professional growth activities as a means to improve job performance. Continual work toward professional growth will be expected of all licensed staff members.

Professional development activities may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. Professional development offerings from the public charter school may be planned to help licensed employees meet the requirements of their licenses. The public charter school will provide appropriate, reasonable accommodations to ensure such training, whether provided by the public charter school or through public charter school contracts with third parties, is made available for qualified employees with disabilities.

Requests for release time for attendance at meetings or conferences may be approved by the administrator as deemed appropriate by the public charter school and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit administrator consideration; and
2. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend public charter school funds.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor [or administrator], who will verify that the licensed employee has successfully completed the professional development requirements to the administrator, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(2\)](#)
[ORS 342.138\(3\)](#)

[ORS 342.856](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 1/21/25

Lourdes Public Charter School

Code: GCN/GDN

Adopted:

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 non-licensed 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 non-extension, contract renewal or non-renewal, dismissal and discipline.

Licensed Staff

The evaluation for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the public charter school for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the teacher's professional growth path;
6. Customized by each public charter school, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards 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 individual needs of the teacher and the needs of the students and 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 the 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; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the public charter school must evaluate teachers on a regular cycle. The administrator shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the public charter school.

Non-licensed Staff

A six-month or short-term employee will be evaluated at the completion of their term of employment. All other non-licensed employees will be evaluated at least once each year.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 338.115](#)

[ORS 342.815 to -342.934](#)
[OAR 581-022-2405](#)

[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Lourdes Public Charter School

Code: GCPC/GDPC

Adopted:

Retirement of Staff

To assist the public charter school in its planning efforts, staff members considering retirement are encouraged to notify the public charter school as early as possible, preferably at the beginning of the school year in which the retirement will take place.

Retiring employees are encouraged to coordinate with PERS and the administrator to ensure that all requirements are met. The administrator will develop requirements, limitations and procedures for employment as a PERS-retiree.

When an employee of the public charter school retires under PERS, that employee's employment with the public charter school will terminate. PERS-retired individuals may apply for open positions with the public charter school.¹

Public charter school employees may also be allowed to retire under PERS and return to their position in the public charter school if available.²

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)

[ORS Chapter 238A](#)
[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2018).
Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2018).
OR. CONST., art. IX, §§ 10-13.

Corrected 1/21/25

¹ There must be a break in service for retired employees returning to work.

² There must be a break in service for retired employees returning to work.

Lourdes Public Charter School

Code: GCPD
Adopted:

Discipline and Dismissal of Staff

The Board will use due process when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

[ORS 652.140](#)

[OAR 584-020-0040](#)

Corrected 1/21/25

Lourdes Public Charter School

Code: GCPD-AR

Revised/Reviewed:

Discipline and Dismissal of Staff

The Board will use due process and comply with all relevant portions of state and/or federal law, as applicable, when disciplining and/or dismissing employees.

Discipline

Discipline may be in the form of verbal reprimand, written reprimand or suspension depending on the circumstances of each case. Staff members will be disciplined, when in the sole discretion of the administrator or designee, such action is warranted. The level of any discipline issued shall also be at the sole discretion of the administrator or designee and will be based on the severity and frequency of the conduct at issue.

1. “Verbal Reprimand”: The administrator will hold a conference with the employee. The administrator will outline the nature of the problem and consider any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if the employee fails to follow the directives given as expected. A notation of the date of the conference, the individual(s) present and the points discussed at such conference shall be maintained in the administrator’s working files.
2. “Written Reprimand”: The administrator will hold a conference with the employee. The administrator will outline the nature of the problem and consider any comments from the employee. If after considering the comments presented by the employee, the administrator determines a written reprimand is appropriate, the administrator will outline in a written “letter of reprimand” compliance with specified procedures and/or notate that cessation of certain conduct is required and/or the future consequences if the employee fails to follow any directives given as expected. The “letter of reprimand” issued shall be placed in the employee’s personnel file. The employee may choose to submit a letter of rebuttal regarding the “letter of reprimand” received; and if submitted, such rebuttal shall be placed in the employee’s personnel file.
3. “Suspension with Pay”: Employees may be suspended with pay in order to maintain the health and/or safety of other employees and/or students and pending the outcome of any related investigation. Employees may also be suspended with pay pending the outcome of an investigation of complaints regarding their job performance or conduct. Any such investigation shall be conducted promptly.
4. “Suspension without Pay”: As a result disciplinary actions against an employee, an employee may be suspended without pay. In any such instance, the administrator will hold a conference with the employee. The employee shall be given advance notice of the conference, the level of discipline being considered and the reason(s) such discipline is being considered.

If so requested by the employee, the employee may have a representative present of their choice. However, such representative may not be a school employee who is “on-duty” at the time of the conference.

During the conference, the administrator will outline the specific reason(s) for the conference including any findings reached during the school's related investigation. Comments from the employee concerning the information presented must be considered. A second meeting with the employee may be required so that in the interim, the administrator can properly consider the employee's comments and any new information presented.

If after considering the comments presented by the employee the administrator determines an unpaid suspension is appropriate, the administrator will outline in a written "letter of reprimand/suspension," compliance with specified procedures and/or notate that cessation of certain conduct is required and/or the future consequences if the employee fails to follow any directives given as expected. The "letter of reprimand/suspension" issued shall be placed in the employee's personnel file. The employee may choose to submit a letter of rebuttal regarding the "letter of reprimand/suspension" received, and if submitted, such rebuttal shall be placed in the employee's personnel file.

Dismissal

In the event dismissal is deemed warranted, the administrator will hold a conference with the employee. The employee shall be given advance notice of the conference, the level of discipline being considered and the reason(s) such discipline is being considered.

If so requested by the employee, the employee may have a representative present of their choice. However, such representative may not be a school employee who is "on-duty" at the time of the conference.

During the conference, the administrator will outline the specific reason(s) for the conference including any findings reached during the school's related investigation and any previous related discipline issued. Comments from the employee concerning the information presented must be considered. A second meeting with the employee may be required so that in the interim, the administrator can properly consider the employee's comments and any new information presented.

If after considering the comments presented by the employee it is determined dismissal is appropriate, the administrator will notify the employee in writing of such determination. This "letter of dismissal" will outline the specific reasons for the determination reached; include any supporting information considered; and any related discipline issued to the employee in the past. This letter shall be placed in the employee's personnel file. The employee may choose to submit a letter of rebuttal regarding the "letter of dismissal" received, and if submitted, such rebuttal shall be placed in the employee's personnel file.

Illness/Other Circumstances

Illness and/or other circumstances which prevent an employee from performing the essential functions of the position as expected must be considered by the school prior to disciplining or dismissing the employee. Depending on the specific situation in question, state and/or federal law may require additional procedures and/or considerations and may limit the school's ability to discipline and/or dismiss an employee.

Wages

Whenever an employee is dismissed or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of discharge or termination shall be payable no later than the end of the first business day after discharge or termination.

