BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT 8R, HERMISTON

There will be a Regular Meeting of the
Board of Education of the Umatilla County School District 8R
at Hermiston School District Offices
Boardroom
305 S.W. 11th Street.
Hermiston, Oregon 97838
Monday, September 14, 2020, 6:30
PM

Briana Cortaberria
Executive Assistant to the
Superintendent and Board of Education

AGENDA

1. **CALL TO ORDER REGULAR MEETING*** ***(6:30 p.m.)*** *Chair Goller*
2. **INTRODUCTORY ITEMS** ***(6:30 p.m.)*** *Chair Goller*
    1. Pledge of Allegiance 3
    2. Adoption of Agenda
    3. Approval of Minutes 4
3. **PRESENTATIONS AND RECOGNITIONS** ***(6:35 p.m.)***
    1. Hermiston Police Department Presentation *Captain Eynon*
4. **COMMUNICATIONS AND ANNOUNCEMENTS** ***(6:55 p.m.)***
    1. Public Comments*** *Chair Goller* 11
    2. Oregon School Employees Association *Ms. Larson*
    3. Hermiston Association of Teachers *Ms. Woodward*
5. **REPORTS** ***(7:10 p.m.)***
    1. Board of Education *Chair Goller*
    2. Superintendent's Office *Ms. Browning*
        1. Enrollment Report 12
    3. Business Office *Ms. Saul*
        1. Financial Reports 15
6. **CONSENT ITEMS**** ***(7:30 p.m.)***
    1. Human Resources Department
        1. Personnel Appointments 18
        2. Personnel Resignations 19
        3. Extra Responsibility Contracts 20
    2. Business Office
        1. Acceptance of Gifts 21
        2. Grant Fund Establishment 24
    3. Superintendent's Office
        1. Policy Review - First Reading 26
7. **ACTION ITEMS** ***(7:35 p.m.)***
    1. ITB 001-2020 HHS Softball Facility Project

* Timing of agenda is not meant to be time specific. Instead the time identified is for pacing purposes only. The Board of Education may modify the agenda and the order in which items are taken for consideration. 92

** Consent agenda items are considered for action as an entire group. Details for these items are available for public inspection at the District Office.

*** Members of the public who wish to address the Board of Education should notify the Board Chairman or Superintendent prior to the meeting. The Board of Education normally accepts public comment only at its regularly scheduled meetings. Public comment is not normally accepted at Special Meetings/work sessions.

2. New Elementary School Name 93

8. **CALENDAR/FUTURE ITEMS** ***(7:55 p.m.)*** *Ms. Cortaberria* **94**

9. **ADJOURN** ***(8:00 p.m.)***

Meeting will be held virtually via Zoom:
Dial by your location
+1 253 215 8782 US (Tacoma)
Meeting ID: 953 9923 0849
Passcode: 072571

* Timing of agenda is not meant to be time specific. Instead the time identified is for pacing purposes only. The Board of Education may modify the agenda and the order in which items are taken for consideration.
** Consent agenda items are considered for action as an entire group. Details for these items are available for public inspection at the District Office.
*** Members of the public who wish to address the Board of Education should notify the Board Chairman or Superintendent prior to the meeting. The Board of Education normally accepts public comment only at its regularly scheduled meetings. Public comment is not normally accepted at Special Meetings/work sessions.

REGULAR MEETING
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
August 10, 2020

1 CALL TO ORDER

Chair Goller called the meeting to order at 6:30 p.m.
Hermiston School Board members present: Ms. Karen Sherman, Mr. Josh Goller, Ms. Ginny Holthus, Ms. Bonnie Luisi, Mr. Brent Pitney, and Mr. Bryan Medelez
Also in attendance were: Superintendent of Schools Dr. Tricia Mooney, Director of Business Services Katie Saul, and Executive Assistant to the Superintendent and Board Briana Cortaberria
Absent Members: Mr. Mark Gomolski

2 INTRODUCTORY ITEMS

2.1 Pledge of Allegiance

Chair Goller led everyone in the Pledge of Allegiance.

2.2 Adoption of Agenda

Dr. Mooney requested study item 5.1 Boardbook Premier Introduction be moved to follow the calendar item, allowing Dr. Mooney to depart the meeting and address the city council.

2.3 Approval of Minutes

Regular Meeting, July 13, 2020 – A motion was made by Ms. Luisi and seconded by Mr. Medelez that the Board of Education approves the minutes of the regular meeting held on July 13, 2020.
The motion passed 6-0
Special Meeting, July 27, 2020 – A motion was made by Mr. Pitney and seconded by Ms. Holthus that the Board of Education approves the minutes of the special meeting held on July 27, 2020.
The motion passed 6-0.

3 COMMUNICATIONS AND ANNOUNCEMENTS

3.1 Public Comments

Chair Goller read the public comment guidelines as posted to the meeting agenda.
Ms. Cortaberria shared a list of individuals who provided public comments received by 12:00 pm this afternoon.
In-person public comments were provided by John Fisher regarding a perceived rift between district administration and staff.

3.2 Oregon School Employees Association

OSEA Chapter 10 President Ms. Larson addressed the board, stating classified staff members are busy working in the buildings and improving the grounds. She stated union members concerns about the future of classified jobs and their duties.

3.3 Hermiston Association of Teachers

HAT President Laurel Woodard spoke to the board, stating HAT's goal of teaching students in a classroom and sharing of a union member survey, which identified concerns around returning to work.

4 REPORTS

4.1 Board of Education

The Board members shared of events and activities in which they participated or attended since the last Board meeting, noting board committee meetings, how district administration is addressing state and district planning, and how plans are proceeding for fall instruction per state guidance.

4.2 Superintendent's Office

4.2.1 Enrollment Report

Last week, following a return to baseline guidelines, the district had about 2700 students registered. Dr. Mooney reminded the board of the expectation that all students register for school. Building secretaries are making calls to families, who have not registered.

Onsite registration continues this week. As of today, the district has over half its students registered.

Dr. Mooney stated her belief that student enrollment as a whole will be less than last year.

4.2.2 Elementary Name Survey

Dr. Mooney shared the three name finalists for the new elementary school. Following community feedback, it was suggested that the name reference a local geographical or environmental feature. Dr. Mooney stated the process of arriving at the final three suggestions.

The board reviewed the presented names, discussing the name format.

4.2.3 Operational Blueprint for Reentry

Per state guidance and prior to August 15, Dr. Mooney provided the Hermiston School District Operational Blueprint for Reentry, confirming that the district will begin the school with a fully comprehensive distance learning platform.

She stated that a guidance update will be provided tomorrow and about the end of the week guidance should be released by the early learning division.

4.3 Business Office

4.3.1 Financial Reports

Director of Business Services Saul shared the 2020-21 financial forecast reports, including projections for revenue, expenditure, and the ending fund balance.

Ms. Saul stated the difficulty of drafting the projections with so many unknown factors at this point. She informed the board that the documents will likely change during the year as guidance and state estimates are released.

DRAFT

5 STUDY ITEMS

5.1 Boardbook Premier Introduction

Item moved to follow the calendar report.

6 CONSENT ITEMS

A motion was made by Ms. Sherman, seconded by Ms. Holthus, and passed 6-0 that the Board of Education approves consent items 6.1.1 thru 6.2.1.

6.1 Human Resources Department

6.1.1 Personnel Appointments

Approve the hiring of the following employees:

Tavin Hamm	Language Arts	Armand Larive Middle
Erin Kautzman	Grade 3 Teacher	Rocky Heights Elementary
Elsy Spears	ELL Assistant	Rocky Heights Elementary
Perla Vargas Pena	Attendance Secretary	Hermiston High School

6.1.2 Personnel Resignations

Approve the resignation of the following employees:

Tiear Bailey	Special Education Assistant	Rocky Heights Elementary
Amberlea Doyle	Language Arts Teacher	Armand Larive Middle
Amy Dyck	School Counselor	Desert View Elementary
Christopher Ian Hampton	Special Education Facilitator	District Office

6.2 Business Office

6.2.1 Acceptance of Gifts

Accept the following gifts:

SCHOOL/PROG	GIFT	VALUE	DONOR
Hermiston School District	Cash	$1,500.00	Swire Coca Cola USA

7 CALENDAR/FUTURE ITEMS

Upcoming calendars were reviewed.

8 STUDY ITEMS

8.1 Boardbook Premier Introduction

Ms. Cortaberria presented the new Boardbook platform to the board, reviewing the menus and view options.

9 ADJOURN

A motion was made by Mr. Pitney and seconded by Mr. Medelez to adjourn the meeting. The motion passed 6-0.

DRAFT

Chair Goller adjourned the regular meeting at 7:43 p.m.

_____
Date

_____
Chairman

_____
Superintendent/Clerk

_____
Secretary

DRAFT

SPECIAL MEETING/WORK SESSION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
August 24, 2020

1 CALL TO ORDER

Chair Josh Goller called the meeting to order at 6:33 p.m.
Hermiston School Board members present: Mr. Josh Goller, Ms. Karen Sherman, Ms. Bonnie Luisi, Mr. Brent Pitney, and Ms. Ginny Holthus
Also in attendance were: Superintendent of Schools Dr. Tricia Mooney, Assistant Superintendent Bryn Browning, Director of Business Services Katie Saul, and Executive Assistant to the Superintendent and Board Briana Cortaberria
Absent members: Mr. Bryan Medelez, Mr. Mark Gomolski

2 INTRODUCTORY ITEMS

2.1 Pledge of Allegiance

Chair Goller led everyone in the Pledge of Allegiance.
He welcomed those viewing via livestream, reminding the members to turn their microphones while speaking, and stated that the meeting is being recorded for preservation.

2.2 Adoption of Agenda

Dr. Mooney noted the addition of consent item 4.2.1 2020-21 School Lunch Prices.

3 REPORTS

3.1 Board of Education

The board members spoke on activities and events in which the participated or attended, since the last board meeting, sharing of OSBA webinars, the start of the school year, and a meeting with union leadership.

3.2 Superintendent's Office

Dr. Mooney reported that teachers returned to work today and students return two weeks from tomorrow. She stated that enrollment is about 4500, and she expects families will continue to register. Dr. Mooney commented on kinder numbers, which are large at Desert View Elementary School.
Ms. Saul commented on school lunches for the year. When school begins, meals will only be served to HSD enrolled students. Saul explained the recommended meal prices, which the board will address in its consent agenda. Meals will be distributed at each school site and by a minimal bus route, which is a shift from the Seamless Summer meal program.
Mooney spoke of a partnership with Champions for day-long childcare during school. The district is offsetting the weekly price by $50, to bring it down to $140. The coverage will be provided at EOTEC in partnership with the City of Hermiston.
Chromebook check out will be next week. A news release will be put out this week with further information.

DRAFT

The high school announced, earlier today, that yearbook pick up will be this Friday.

3.3 Teaching & Learning Department

3.3.1 Comprehensive Distance Learning Model

Ms. Browning shared the district's fall Comprehensive Distance Learning (CDL) model, starting with a comparison between last spring's model and this fall's CDL. She continued by reviewing a school day snapshot – for both students and teachers. Browning explained state-required academic conditions for teaching and learning, instructional time, teacher-facilitated learning, and applied learning. She also commented on the instructional delivery model, student and family support, and operational conditions (including attendance).

4 CONSENT ITEMS

A motion was made by Ms. Sherman and seconded by Ms. Luisi that the board of education approves consent items 4.1.1 through and including 4.2.1.
The motion passed 5-0.

4.1 Human Resources

4.1.1 Personnel Appointments

Approves the appointment of the following employees:

Sara Brown	Custodian Roamer	Maintenance Department
Dulcie Gutierrez	ELL Assistant	Armand Larive Middle
Lila Hackenberg	Special Education Assistant	Hermiston High School
Sydney Moore	Counselor	Desert View Elementary
Cierra Simon	Special Education Assistant	Armand Larive Middle
Priscilla Solis	Title I Assistant	Desert View Elementary

4.1.2 Personnel Resignations

Approves the resignation of the following employees:

Belinda Barahona-Duran	Special Education Assistant	Rocky Heights Elementary
Marilee Cottrell	Education Assistant	Hermiston High School
Cassie Poumele-Hamilton	Special Education Assistant	Sunset Elementary

4.2 Business Office

4.2.1 2020-21 School Lunch Prices

Approve the following food service prices for the 2020 21 school year.

	2019-20 Prices	2020-2021 Recommended Prices
Lunch		
Elem	$2.45	$2.45
MS	$2.70	$2.45
HS	$2.95	$2.95
Adult	$3.85	$4.00 Required Adjustment

DRAFT

Breakfast

All Students	$0.00*	$0.00*
Adult	$2.60	$2.65 Required Adjustment

*Each enrolled student is eligible for one (1) no-cost breakfast per day. Each student breakfast is equivalent to $2.65.

5 CALENDAR/FUTURE ITEMS

Ms. Cortaberria shared future calendars.

6 ADJOURN

A motion was made by Ms. Holthus and seconded by Mr. Pitney to adjourn the meeting. The motion passed 5-0.

Chair Goller adjourned the regular meeting at 7:16 p.m.

_____ Date

_____ Chair

_____ Superintendent/Clerk

_____ Secretary to the Board

DRAFT

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 14, 2020

4.0 COMMUNICATIONS AND ANNOUNCEMENTS

4.1 TOPIC: Public Comment

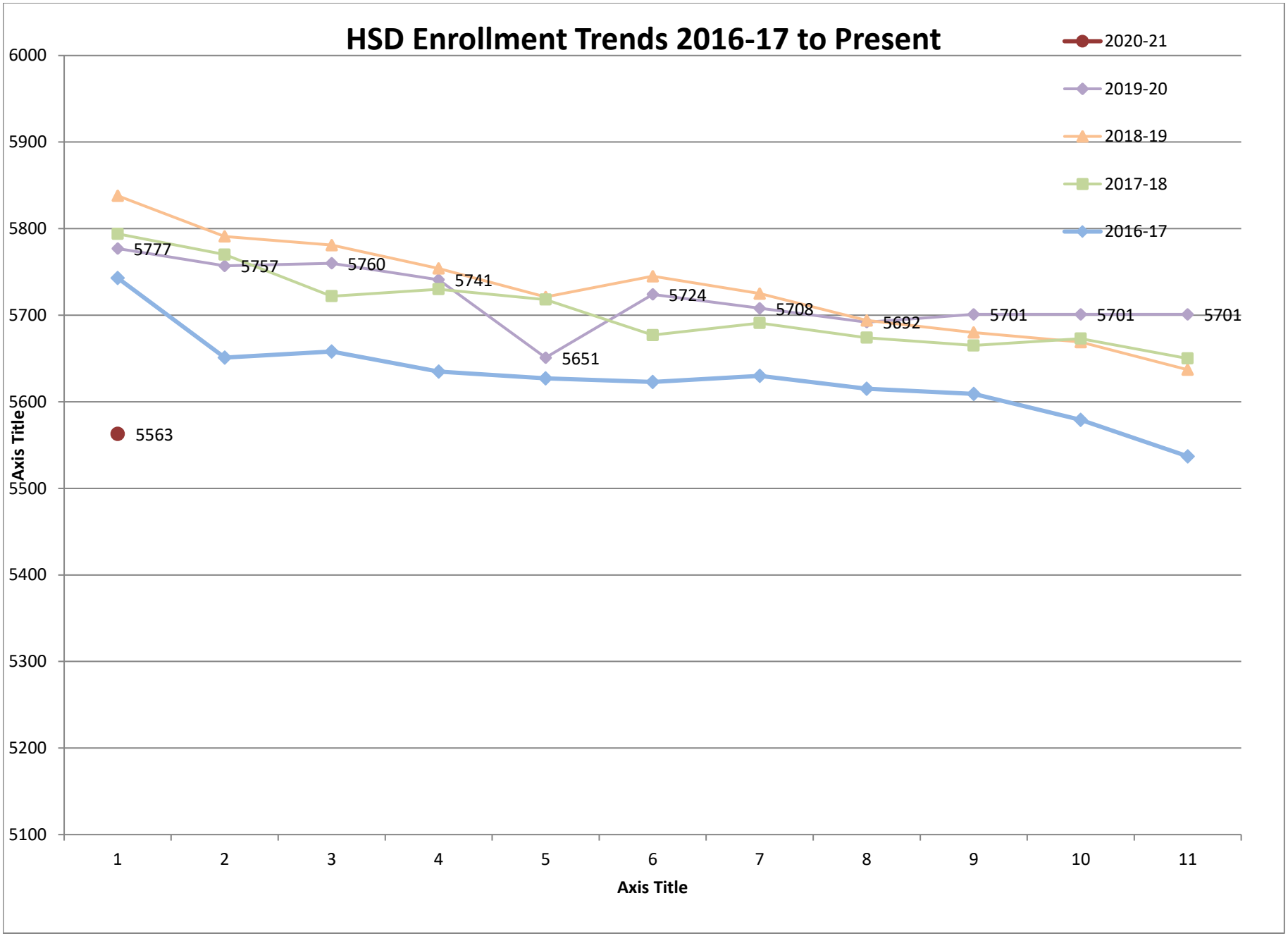
Welcome. This is the time we reserve in our meeting for public comment. Anyone wishing to address the board should stand and be recognized, then move forward to the microphone at the center table. Prior to making your comments, please state your first and last name, home address, and school or topic. Please limit your comments to a maximum of three (3) minutes and address them to me.

Due to the COVID-19 state-wide restrictions and Governor Brown's “Stay Home, Save Lives” order, the Hermiston School District Board of Education also accepted public comment in writing prior to this meeting. Members of the community wishing to provide public comment submitted those statements via email to the district by 12:00 pm today.

According to Board policy KL, any complaint regarding a specific employee of the Hermiston School District must be routed through the superintendent’s office.

Is there anyone here tonight who would like to address the board?

bc


HSD Enrollment Trends 2016-17 to Present
2020-21
2019-20
2018-19
2017-18
2016-17
6000
5900
5800
5700
5600
5500
5400
5300
5200
5100
Axis Title
5777
5757
5760
5741
5651
5724
5708
5692
5701
5701
5701
5563
1
2
3
4
5
6
7
8
9
10
11
Axis Title

9/11/2020		HERMISTON SCHOOL DISTRICT 8R - ELEMENTARY ENROLLMENT BY TEACHER								
Desert View	**537**	**Highland Hills**	**428**	**Rocky Heights**	**432**	**Sunset**	**579**	**West Park**	**524**	
Kinder				K. Scott (Team)	0					**Total**
Ramirez	20	K. Carlson	3	Fredricks	14	Escobedo	17	Diaz	2	**345**
D. Smith	20	Adams	20	Godby	6	Faircloth	17	Kellison, A	18	
Pollick	20	Culligan	20	Moore	13	Newton	17	McCoy	17	
Wells	19	Koenig	18	Wilson, M	14	Trigg Linderman	17	Pena	18	
						Trotter	16	Rodriguez	18	
Hermiston Online!	1	Hermiston Online!	0	Hermiston Online!	0	Hermiston Online!	0	Hermiston Online!	0	**Avg,**
Total	**80**		**61**		**47**		**84**		**73**	**17.3**
1st grade										**Total**
Bennett	19	Carlson, K	1	K.Scott (Team)	1	Diaz	17	Diaz	1	**396**
Frazier	19	Liebe	21	Badillo-Juarez	10	Milligan	19	Hamilton, N	19	
Lillie	22	Seibel	22	Dunkel	21	Mosher	19	Schaefer	19	
McCann	21	Watson	21	James	21	Sloan	16	Wattenburger	20	
				Powell	21	Torres	21	Posten	19	
Hermiston Online!	1	Hermiston Online!	1	Hermiston Online!	2	Hermiston Online!	2	Hermiston Online!	0	**Avg,**
Total	**82**		**66**		**76**		**94**		**78**	**19.8**
2nd grade				K. Scott (Team)	4			(Soc. Com) Skirvin	2	**Total**
Lowry	23	K. Carlson	3	Badillo-Juarez	7	Colbray	24	Diaz	2	**451**
Rettkowski	23	Cooley,Sam	21	Hancock	16	Navarrete Campos	24	Gorham	24	
Scott, V	23	Gilstrap	18	Hayden	18	Nicodemus, A	23	Johnston	24	
Zumaya	23	Meade	18	Hofbauer	17	Pridmore	22	Neddo	23	
				Shira	16	Spencer	23	Springstead	23	
Hermiston Online!	2	Hermiston Online!	2	Hermiston Online!	2	Hermiston Online!	0	Hermiston Online!	1	**Avg.**
Total	**94**		**62**		**80**		**116**		**99**	**22.6**
3rd grade								**Diaz**	**2**	**Total**
Artz	22	K. Carlson	4	Eckblad (Able)	1	Mulkey	18	(Soc. Com) Skirvin	2	**418**
Dynes	24	Hall	21	Basso	24	Sorey	19	Anderholm	21	
Hill	24	Juul	22	Kautzman	23	Smith	17	Degan	21	
Strehlou	22	Moore	21	Rodriguez, A	23	Weber	18	Morgan	19	
		Newcomers	3			White	19	Purswell	21	
Hermiston Online!	1	Hermiston Online!	4	Hermiston Online!	1	Hermiston Online!	1	Hermiston Online!	0	**Avg.**
Total	**93**		**75**		**72**		**92**		**86**	**22.0**
4th grade		K. Carlson	1					Diaz	2	**Total**
Mills	21	Barr	20	Eckblad (Able)	2	Elliott	24	(Soc. Com) Skirvin	3	**427**
Thurmond	23	Cooke	19	Bailey	22	Frazier	24	Dopps	22	
Wellsandt	23	Plum	21	Lindeman	23	Rouska	26	MacKenzie	22	
Winn	21			McElrea	23	Zuniga	24	Maloy	22	
		Newcomers	10					Peterson	22	
Hermiston Online!	3	Hermiston Online!	2	Hermiston Online!	1	Hermiston Online!	1	Hermiston Online!	0	**Avg.**
Total	**91**		**73**		**71**		**99**		**93**	**23.7**
5th grade		Carlson, K	1					Diaz	1	**Total**
Kramer	23	Cook, J	22	Eckblad (Able)	4	Frink	23	(Soc. Com) Skirvin	1	**439**
Lomas	22	Hamann	21	Lathim	24	Long	21	Lambert	22	
McCormack	23	Moody	22	Linn	24	Sexton	21	Nycz	22	
Nicodemus	22	Wood	19	Sparks	25	Stephens	20	Schultz	22	
		Newcomers	4					Smith, B	21	
Hermiston Online!	3	Hermiston Online!	3	Hermiston Online!	2	Hermiston Online!	1	Hermiston Online!	0	**Avg.**
Total	**93**		**92**		**79**		**86**		**89**	**23.1**
Dean-Kennedy		**Dean-Davis**		**Dean-Voelker**		**Dean-Andreason**		**Dean-Terjeson**		

9/11/2020

CUMULATIVE SCHOOL ENROLLMENT -- HERMISTON SCHOOL DISTRICT 8R

	Part Time	Kg	1st grade	2nd grade	3rd grade	4th grade	5th grade	6th grade	7th grade	8th grade	9th grade	10th grade	11th grade	12th grade	Total
DESERT VIEW		80	82	94	93	91	93								533
HIGHLAND HILLS		61	66	62	75	73	91								428
ROCKY HEIGHTS		47	76	80	71	71	79								424
SUNSET		84	94	116	91	99	86								570
WEST PARK		73	78	99	86	93	89								518
Elementary Total		345	396	451	416	427	438								2473
ALMS								253	272	262					787
SMS								181	185	198					564
HHS											449	442	435	413	1739
COMBINED TOTAL		345	396	451	416	427	438	434	457	460	449	442	435	413	5563

		Increase/
Last month's total enrollment:	5701	-138
Same month one year ago:	5777	-214

GENERAL FUND REVENUE DATA ENTRY REPORT

MONTH	TAXES	INTST/FEES	INTER	STATE SSF	STATE OTH	FEDERAL	OTHER	TOTAL PROJ.	TOTAL ACT.	VARIANCE	
JUL PRO	$ -	$ 47,642	$ 210,913	$ 8,671,965	$ -	$ -	$ -	$ 8,930,520		$ (227,914)	-2.55%
JUL ACT	$ -	$ 30,641	$ -	$ 8,671,965	$ -	$ -	$ -	$ -	$ 8,702,606	$ (227,914)	YTD
AUG PRO	$ 45,055	$ 65,685	$ 105,456	$ 4,334,942	$ -	$ -	$ -	$ 4,551,138			0.00%
AUG ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
SEP PRO	$ 28,931	$ 89,254	$ 105,456	$ 4,334,942	$ -	$ -	$ -	$ 4,558,583			0.00%
SEP ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
OCT PRO	$ 191,039	$ 89,766	$ 105,456	$ 4,334,942	$ -	$ -	$ -	$ 4,721,203			0.00%
OCT ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
NOV PRO	$ 8,473,307	$ 68,510	$ 105,456	$ 4,334,942	$ -	$ -	$ -	$ 12,982,215			0.00%
NOV ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
DEC PRO	$ 282,595	$ 87,533	$ 1,403,239	$ 4,334,942	$ -	$ -	$ -	$ 6,108,309			0.00%
DEC ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
JAN PRO	$ 121,144	$ 100,625	$ 280,456	$ 4,068,460	$ 280,782	$ 10,000	$ -	$ 4,861,467			0.00%
JAN ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
FEB PRO	$ 175,236	$ 86,988	$ 105,456	$ 4,068,460	$ -	$ -	$ -	$ 4,436,140			0.00%
FEB ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
MAR PRO	$ 102,897	$ 81,023	$ 105,456	$ 4,068,460	$ -	$ -	$ -	$ 4,357,836			0.00%
MAR ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
APR PRO	$ 37,133	$ 87,134	$ 105,456	$ 4,068,460	$ -	$ -	$ -	$ 4,298,183			0.00%
APR ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
MAY PRO	$ 230,327	$ 87,526	$ 105,456	$ 4,068,460	$ 35,000	$ -	$ -	$ 4,526,769			0.00%
MAY ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
JUN PRO	$ 124,961	$ 70,314	$ -	$ -	$ 280,782	$ -	$ -	$ 476,057			0.00%
JUN ACT	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -		YTD
Projected	**$ 9,812,625**	**$ 962,000**	**$ 2,738,258**	**$ 50,688,975**	**$ 596,564**	**$ 10,000**	**$ -**	**$ 64,808,422**			
Budget Book	**$ 9,812,625**	**$ 1,002,000**	**$ 2,746,247**	**$ 52,196,519**	**$ 618,771**	**$ 10,000**	**$ 1,155,000**	**$ 67,541,162**			
Variance	**$ -**	**$ (40,000)**	**$ (7,989)**	**$ (1,507,544)**	**$ (22,207)**	**$ -**	**$ (1,155,000)**	**$ (2,732,740)**			
TOT ACT	$ -	$ 30,641	$ -	$ 8,671,965	$ -	$ -	$ -	$ 8,702,606	**FORECAST ACT**	**$**	**64,580,508**
% collected	0.00%	3.19%	0.00%	17.11%	0.00%	0.00%	#DIV/0!	13.43%			

NOTE: **Estimating reduced ADMw for lower than budget Kindergarten enrollment**

LEGEND	Above or within 2.00% of projection	Between 2.01% & 5.00% below	Below 5.01% of projection

GENERAL FUND EXPENDITURE DATA ENTRY REPORT

MONTH	PROJ. P/R	ACTUAL P/R	PROJ. A/P	ACTUAL A/P	TOTAL		VARIANCE	
JULY PROJECTED	768,855		$ 1,129,783		$ 1,898,638	MONTHLY	$ (51,037)	-2.69%
JULY ACTUAL		$ 757,881		$ 1,089,720	$ 1,847,601	YTD	$ (51,037)	-2.69%
AUGUST PROJECTED	905,595		$ 913,713		$ 1,819,308	MONTHLY	$ (1,819,308)	-100.00%
AUGUST ACTUAL		$ -		$ -	$ -	YTD	$ (1,870,345)	-50.31%
SEPTEMBER PROJECTED	4,414,916		$ 864,615		$ 5,279,531	MONTHLY	$ (5,279,531)	-100.00%
SEPTEMBER ACTUAL		$ -		$ -	$ -	YTD	$ (7,149,876)	-79.47%
OCTOBER PROJECTED	4,424,916		$ 1,118,651		$ 5,543,567	MONTHLY	$ (5,543,567)	-100.00%
OCTOBER ACTUAL		$ -		$ -	$ -	YTD	$ (12,693,443)	-87.29%
NOVEMBER PROJECTED	4,496,843		$ 986,603		$ 5,483,446	MONTHLY	$ (5,483,446)	-100.00%
NOVEMBER ACTUAL		$ -		$ -	$ -	YTD	$ (18,176,889)	-90.77%
DECEMBER PROJECTED	4,424,916		$ 979,899		$ 5,404,815	MONTHLY	$ (5,404,815)	-100.00%
DECEMBER ACTUAL		$ -		$ -	$ -	YTD	$ (23,581,704)	-92.73%
JANUARY PROJECTED	4,424,916		$ 894,680		$ 5,319,596	MONTHLY	$ (5,319,596)	-100.00%
JANUARY ACTUAL		$ -		$ -	$ -	YTD	$ (28,901,300)	-93.99%
FEBRUARY PROJECTED	4,424,916		$ 923,374		$ 5,348,290	MONTHLY	$ (5,348,290)	-100.00%
FEBRUARY ACTUAL		$ -		$ -	$ -	YTD	$ (34,249,590)	-94.88%
MARCH PROJECTED	4,695,539		$ 938,943		$ 5,634,482	MONTHLY	$ (5,634,482)	-100.00%
MARCH ACTUAL		$ -		$ -	$ -	YTD	$ (39,884,072)	-95.57%
APRIL PROJECTED	4,489,021		$ 1,183,308		$ 5,672,329	MONTHLY	$ (5,672,329)	-100.00%
APRIL ACTUAL		$ -		$ -	$ -	YTD	$ (45,556,401)	-96.10%
MAY PROJECTED	7,735,836		$ 1,646,562		$ 9,382,398	MONTHLY	$ (9,382,398)	-100.00%
MAY ACTUAL		$ -		$ -	$ -	YTD	$ (54,938,799)	-96.75%
JUNE PROJECTED	8,255,234		$ 2,400,932		$ 10,656,166	MONTHLY	$ (10,656,166)	-100.00%
JUNE ACTUAL		$ -		$ -	$ -	YTD	$ (65,594,965)	-97.26%
PROJECTED	$ 53,461,503		$ 13,981,063		$ 67,442,566			
BUDGET BOOK	$ 56,755,853		$ 14,122,286		$ 70,878,139			
VARIANCE	$ 3,294,350		$ 141,223		$ 3,435,573	(proj. difference in budgeted expenditures)		
TOTAL ACTUAL		$ 757,881		$ 1,089,720	$ 1,847,601	**FORECAST ACT**	**$**	**67,391,529**
% spent to date		1.42%		7.79%	2.74%			

Note:

LEGEND MONTHLY	**Below or within 2.00%**	**Between 2.01% & 5.00% above**	**Above 5.01% of projection**
LEGEND YTD	**Below or within 2.00%**	**Between 2.01% & 5.00% above**	**Above 5.01% of projection**

GENERAL FUND MONTHLY ENDING FUND BALANCE REPORT

DATE		Revenue	Expenditure	Ending Fund Balance	Variance		EFB Monthly Projection for Year End
1-Jul-20	PROJECTED			$ 11,950,000			
	ACTUAL			$ 11,950,000			
31-Jul-20	PROJECTED	$ 8,930,520	$ 1,898,638	$ 18,981,882			
	ACTUAL	$ 8,702,606	$ 1,847,601	$ 18,805,004	$ (176,877)	-0.93%	11.94%
31-Aug-20	PROJECTED	$ 4,551,138	$ 1,819,308	$ 21,713,712			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
30-Sep-20	PROJECTED	$ 4,558,583	$ 5,279,531	$ 20,992,764			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
31-Oct-20	PROJECTED	$ 4,721,203	$ 5,543,567	$ 20,170,401			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
30-Nov-20	PROJECTED	$ 12,982,215	$ 5,483,446	$ 27,669,170			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
31-Dec-20	PROJECTED	$ 6,108,309	$ 5,404,815	$ 28,372,664			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
31-Jan-21	PROJECTED	$ 4,861,467	$ 5,319,596	$ 27,914,535			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
28-Feb-21	PROJECTED	$ 4,436,140	$ 5,348,290	$ 27,002,385			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
31-Mar-21	PROJECTED	$ 4,357,836	$ 5,634,482	$ 25,725,740			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
30-Apr-21	PROJECTED	$ 4,298,183	$ 5,672,329	$ 24,351,594			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
31-May-21	PROJECTED	$ 4,526,769	$ 9,382,398	$ 19,495,965			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
30-Jun-21	PROJECTED	$ 476,057	$ 10,656,166	$ 9,315,856			
	ACTUAL	$ -	$ -	$ 18,805,004		0.00%	
INITIAL FORECASTED EFB		**$ 64,808,422**	**$ 67,442,566**	**$ 9,315,856**			12.14%
ACTUALS TO DATE		**$ 8,702,606**	**$ 1,847,601**				
ANTICIPATED ACTUALS*		**$64,580,508**	**$67,391,529**	**$ 9,138,979**			11.94%
Monthly Comp.	Above or within 2.00% of projection		Between 2.01% & 5.00% below projection	Below 5.01% of projection			
	***Calculated using actuals through the current month and projected revenue and expenditures for future months**						
NOTE:	Estimated; amount may change, depending on 2019-2020 fiscal year end adjustments						
ENDING FUND BALANCE LEGEND		8.00% to 9.00% and above	Between 7.99% to 7.50%	7.49% and below			

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

August 10, 2020

SUPERINTENDENT'S RECOMMENDATION

6.1 CONSENT: Human Resources Department

6.1.1 TOPIC: Personnel Appointment

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education approves the appointment of the following employees:

Maritsa Alvarrez	English Learningers Teacher	Highland Hills Elementary
Jaycee Barron	Title I Assistant	Rocky Heights Elementary
Larissa Castellanos	ELL Assistant	Highland Hills Elementary
Andrea Kennedy	Title I Assistant	West Park Elementary
Zayda Zepeda Marin	Custodian	Hermiston High School
Stephanie Nelson	Speech Language Pathology Assistant	District Office
Katie Teegarden	Speech Language Pathology Assistant	District Office
Carol West	Special Education Assistant	Sandstone Middle School

bc

5BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

August 10, 2020

SUPERINTENDENT'S RECOMMENDATION

6.1 CONSENT: Human Resources Department

6.1.2 TOPIC: Personnel Resignation

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education approves the resignation of the following employees:

Jamie Cleaver	Special Education Assistant	Rocky Heights Elementary
Pelenatete Faaeteete	Custodian	Maintenance Department
Tawny Haskett	Special Education Assistant	Highland Hills Elementary
Shelby Moody	Grade 5 Teacher	Highland Hills Elementary
Colleen Muldowney	English Learners Teacher	Highland Hills Elementary
Lamara Snyder	Custodian	Hermiston High School
Carol West	Special Education Assistant	Sandstone Middle School
Brandon Wilson	Special Education Assistant	Hermiston High School

bc

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 10, 2020

SUPERINTENDENT'S RECOMMENDATION

6.1 CONSENT: Human Resources Department

6.1.3 TOPIC: Extra Responsibility Contract

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education approves the following extra responsibility contracts:

Melody Bustillos	Generation College Asst Advisor	Hermiston High School**
Melody Bustillos	Link Crew Asst Advisor	Hermiston High School
Benjamin Dagley	DECA Advisor	Hermiston High School
Kelly Dynes	Leadership Team	Desert View Elementary
John Fisher	Skills USA Advisor	Hermiston High School**
Maggie Hughes Boyd	Link Crew Advisor	Hermiston High School
Krysta Marlow	Leadership Team	Desert View Elementary
Elizabeth Marvin	College Club Asst Advisor	Hermiston High School**
Jessica Mccann	Leadership Team	Desert View Elementary
Amy Moon	Little Steps Coordinator	District-wide
Michelle Munro	College Club Advisor	Hermiston High School**
Melissa Nitz	Leadership Team	West Park Elementary
Delfino Osorio Garcia	HOSA Advisor	Hermiston High School**
Anna Reuter	Link Crew Asst Advisor	Hermiston High School
Nathaniel M Scott	Skills USA Asst Advisor	Hermiston High School**
Janet L Sexton	Key Club Advisor	Hermiston High School
Emilee Strot Smith	Fall Strength & Conditioning Coach	Hermiston High School
Janci L Spoo	HOSA Asst Advisor	Hermiston High School**
Denise Thornton	Assistant DECA Advisor	Hermiston High School
Angie Treadwell	FCCLA Advisor	Hermiston High School

**Grant Funded Stipend

bc

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

August 10, 2020

DIRECTOR OF BUSINESS SERVICES' RECOMMENDATION

6.2 CONSENT ITEMS: Business Office

6.2.1 TOPIC: Acceptance of Gifts

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education accepts the following gifts:

SCHOOL/PROG	GIFT	VALUE	DONOR
Highland Hills Elementary School- Music Department	Cash	$538.58	PGE Employee Giving Campaign
Sandstone Middle School	Cash	$140.00	PGE Employee Giving Campaign

bc

Hermiston School District 8R
305 SW 11TH Street, Hermiston, Oregon 97838-2103
Phone: (541) 667-6000 Fax: (541) 667-6050
www.hermiston.k12.or.us

APPLICATION FOR ACCEPTANCE OF GIFT

Unit to be presented with Gift/Donation: Sandstone Middle School

Name of Donor: PGE Employee Giving Campaign

Donor Address: 6111 W. Plano Parkway, Ste 1000YC, Plano, TX 75093

Donor Telephone Number: _____

Description of gift(s)/donation(s) including Serial #, purchase date, original purchase price and current cash value: $140.00 CK#1290026204

Purpose of gift/donation: Does not specify a certian purpose other than for Sandstone Middle School.

Signature of Donor: Not Available

Date: 08/31/2020

Authority to accept a gift, donation, emolument, favor, or gratuity to the School District is vested in the Board of Education. All such gifts shall become property of the School District.

Gifts will be considered for acceptance, with full District responsibility for maintenance, if they are of a type appearing on approved standard equipment lists or are closely related in instructional value.

Recommendation of Unit Administrator _____ Date: 9/1/2020

Recommendation of Business Manager _____ Date: 9/4/2020

Recommendation of Superintendent _____ Date: 9/8/2020

Action of the Board of Education: Accepted _____ Not Accepted_____

Secretary to the Board of Education _____ Date: _____

Hermiston School District 8R

305 SW 11TH Street, Hermiston, Oregon 97838-2103
Phone: (541) 667-6000 Fax: (541) 667-6050
www.hermiston.k12.or.us

APPLICATION FOR ACCEPTANCE OF GIFT

Unit to be presented with Gift/Donation: Highland Hills Music Department

Name of Donor: PGE Employee Giving Campaign

Donor Address: 6111 W Plano Parkway, Ste 1000YC, Plano, TX 75093

Donor Telephone Number: N/A

Description of gift(s)/donation(s) including Serial #, purchase date, original purchase price and current cash value: Check in the amount of $538.58

Purpose of gift/donation: Donation to Highland Hills Music Department for general music supplies and purchases

Signature of Donor: N/A

Date: 09/01/2020

Authority to accept a gift, donation, emolument, favor, or gratuity to the School District is vested in the Board of Education. All such gifts shall become property of the School District.

Gifts will be considered for acceptance, with full District responsibility for maintenance, if they are of a type appearing on approved standard equipment lists or are closely related in instructional value.

Recommendation of Unit Administrator _____ Date: 9/2/2020

Recommendation of Business Manager _____ Date: 9/4/2020

Recommendation of Superintendent _____ Date: 9/8/2020

Action of the Board of Education: Accepted _____ Not Accepted _____

Secretary to the Board of Education _____ Date: _____

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 14, 2020

DIRECTOR OF BUSINESS SERVICES' RECOMMENDATION

6.2 CONSENT ITEMS: Business Office

6.2.1 TOPIC: Grant Fund Establishment

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education approve Resolution 20-21-01, as attached, authorizing the administration to establish Grant Fund 203.

bc

HERMISTON SCHOOL DISTRICT #8R
RESOLUTION # 20-21-01

2020-2021 Grant Fund 203

WHEREAS, Oregon Revised Statue allows special revenue funds to be established by the Board of Directors to appropriate and expend such funds for specific purposes; and

WHEREAS, Hermiston School District #8R wishes to create such a fund to be used to support efforts required to account for operations of a grant received from ODE within the district; and

WHEREAS, the funds for the Comprehensive Distance Learning (CDL) Grant would be received from district claim process; and

WHEREAS, once the Fund is established, operation could begin immediately and continue through fiscal year 2020-2021; now

THEREFORE, BE IT RESOLVED by the Board of Education of Hermiston School District #8R, Umatilla County, Oregon, to authorize the administration to establish the Comprehensive Distance Learning (CDL) Grant fund immediately for the purposes stated above.

2020-2021 Supplemental Budget:

Revenue:	203	R4500	$ 192,000
Appropriations:		2000	$ 192,000

Considered and enacted at the meeting of the Board of Directors of the Hermiston School District #8R, on the 14th day of September 2020.

Board Chairman **Hermiston School District #8R**	**Secretary to the School Board** **Hermiston School District #8R**

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 14, 2020

SUPERINTENDENT'S RECOMMENDATION

6.3 CONSENT ITEMS: Superintendent's Office

6.3.1 TOPIC: Policy Review – First Reading

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education adopt the list of policies under review, as included:

GBEB - Proposed	Communicable Diseases – Staff
GBEB-AR - Proposed	Communicable Diseases – Staff
GBN/JBA - Delete	Sexual Harassment
GBN/JBA - Proposed	Sexual Harassment
GBN/JBA-AR 1 - Proposed	Sexual Harassment Complaint Procedure
GBN/JBA-AR 2 - Proposed	Federal Law (Title IX) Sexual Harassment Complaint Procedure
GBN/JBA-AR - Delete	Sexual Harassment Complaint Procedure
JBA/GBN - Delete	Sexual Harassment
JBA/GBN - Proposed	Sexual Harassment
JBA/GBN-AR 1 - Proposed	Sexual Harassment Complaint Procedure
JBA/GBN-AR 2 - Proposed	Federal Law (Title IX) Sexual Harassment Complaint Procedure
JBA/GBN-AR - Delete	Sexual Harassment Complaint Procedure
JHCC	Communicable Diseases – Students
JHCC-AR	Communicable Diseases – Student

bc

Hermiston School District 8R

Code: GBEB
Adopted:

Communicable Diseases – Staff

(A proposed highly recommended policy)
The district shall provide reasonable protection against the risk of exposure to communicable disease for 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* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

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

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The district shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 431.150 - 431.157
ORS 433.001 - 433.526

OAR 333-018
OAR 333-019-0010
OAR 333-019-0014
OAR 333-019-1000

OAR 437-002-0360
OAR 437-002-0377
OAR 581-022-2220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).

PROPOSED

Hermiston School District 8R

Code: GBEB-AR
Revised/Reviewed:

Communicable Diseases – Staff

(A proposed highly recommended administrative regulation)

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 rule and include but are not limited to COVID-19[1], 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 if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that 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. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public's health.

2. "Susceptible" for an employee means lacking evidence of immunity to the disease.

3. "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. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19[2], unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.

2. An administrator shall exclude an employee if the administrator has reason to suspect that an employee has 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 will report the occurrence to the local health department.

3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

PROPOSED

[1] Added per OAR 333-019-1000(2).

[2] "Communicable stage of COVID-19" means having a positive presumptive or confirmed test of COVID-19.

4. An employee will be excluded in such instances until such time as the employee 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 employee does not have or is not a carrier of any restrictable disease.

5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.

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

7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district 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 district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.

3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance[3].

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 educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, 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 district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.

3. All district 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). (*See* policy EBBAA).

PROPOSED

[3] Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.

Hermiston School District 8R

Code: **GBN/JBA**
Adopted: 11/10/14
Revised/Readopted: 7/10/17; 10/08/18
Orig. Code: GBN

Sexual Harassment

(Version 1)

(This version is recommended for deletion; see new)

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members or third parties who are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop, by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes district facilities, district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

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

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;

2. Submission to or rejection of the conduct or communication is used as the basis for employment or assignment of staff members or educational decisions affecting a student;

3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with a staff member's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to: (a) did the individual view the environment as hostile; (b) was it reasonable to view the environment as hostile; (c) the nature of the conduct; (d) how often the conduct occurred and how long it continued; (e) age and sex of the complainant; (f) whether the alleged harasser was in a position of power over the subject of the harassment; (g) number of individuals involved; (h) age of the alleged harasser; (i) where the harassment occurred and under what conditions; (j) other incidents of sexual harassment in the district involving the same or other students, staff members or third parties.

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

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Complaints about behavior that may violate this policy should be filed using AC-AR - Complaint Procedure. All complaints shall be promptly investigated.

Any students, staff members or third parties who have knowledge of conduct in violation of this policy or who feels they are a victim of sexual harassment must immediately report their concerns to the building principal, compliance officer or superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

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

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

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

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or counseling or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

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

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all grade 6 through 12 schools. Posted signs shall be at least 8 1/2 inches by 11 inches in size.

DELETE

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

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2019).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

DELETE

Hermiston School District 8R

Code: GBN/JBA
Adopted:

Sexual Harassment
(Version 2)

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

The district processes complaints{[1]} 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 district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions 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 district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures{[2]}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[3] 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 school or district staff member's ability to perform their job; or

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{[1] Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "complainant" is defined under federal law.}

{[2] Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNAA/JHFF)

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

PROPOSED

c. Creates an intimidating, offensive or hostile environment.

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member of third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.{[4]}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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 action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, {[5]}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):

Name	Position	Phone	Email
_____	_____	_____	_____
[_____	_____	_____	_____]

This/These individual(s) is/are 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.]{[6]} *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district 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

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{[4] The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.}

{[5] OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

{[6] This must be communicated elsewhere, but it is a good reason to specify it here as well.}

PROPOSED

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 district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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.{[7]}

The district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.]

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

PROPOSED

{[7] OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be…" 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district 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 school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

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

Notice

When a person[8] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district 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 include[9]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

PROPOSED

[8] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[9] Remember confidentiality laws when providing any information.

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

4. Notice that civil and criminal remedies that are not provided by the school or district 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 school or district, 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 school or district;

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 district'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 district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

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 district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[10];

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 district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district 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.

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.{[11]}

PROPOSED

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

{[11] Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[12] The district shall treat complainants and respondents equitably by providing supportive measures[13] to the complainant and by following a grievance procedure[14] 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.[15]

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.[16] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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

PROPOSED

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

[13] (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 district's educational environment, or deter sexual harassment.[13] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

[14] 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).

[15] The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

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

No Retaliation
Neither the district or any person may retaliate[17] 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 district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the 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 shall be prominently published in the student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

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

PROPOSED

[17] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Hermiston School District 8R

Code: GBN/JBA-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

(Version 2)

(New proposed administrative regulation)

{[1]}Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____
[_____	_____	_____	_____]

The district 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 district 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 superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent designee shall provide a written decision to the complainant within 10 working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant 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 will review the decision of the superintendent or designee in a

{[1] Align with same positions identified in policy.}

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 superintendent's or designee'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 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final[2].

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

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause 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, within 20 days, in open session what action, if any, is warranted. The Board chair 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.

Complaints against the Board chair may start at Step 3 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, within 20 days, in open session what action, if any, is warranted. The Board vice chair 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.

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.

PROPOSED

[2] [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

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

PROPOSED

Hermiston School District 8R
305 S.W. 11th St., Hermiston, Oregon 97838 | Ph: 541-667-6000

PROPOSED

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

_____

Description of misconduct: _____

_____

_____

Name of witnesses (if any): _____

_____

_____

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

_____

Any other information: _____

_____

_____

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

Signature: _____ Date: _____

Hermiston School District 8R
305 S.W. 11th St., Hermiston, Oregon 97838 | Ph: 541-667-6000

PROPOSED

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: _____

Hermiston School District 8R

Code: GBN/JBA-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

(New proposed administrative regulation)

Additional Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, 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 respondent[2] and requesting that the district 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 district's educational environment, or deter sexual harassment.[4] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties[5] written notice of the following:

1. Notice of the district's grievance process, including any informal resolution process.

PROPOSED

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[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 district 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.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details[6] 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 district's code of conduct{[7]} 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 district'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 district and not on the parties.[8]

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 the advisor of their choice.[9] The district 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.

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[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 district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.}

[8] The district 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 district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

[9] 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.

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.[10] Prior to completion of the investigative report, the district 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 district 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 questions[11] 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 district 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.

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

At no point in the process will the district, or anyone participating on behalf of the district, 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.

PROPOSED

[10] This includes the evidence upon which the district does not intent 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 district 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.

[11] 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.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence[12] 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 district'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 district imposes on the respondent; and
   c. Whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and

6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

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 sanctions[13] 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;

PROPOSED

[12] 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.

[13] Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.[14]

Other remedies may include:

1. Educational programming

Dismissal of a Formal Complaint

The district 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 district's education program or activity[15]; or

3. Did not occur against a person in the United States.

The district 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;

2. The respondent is no longer enrolled or employed by the district; 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 district 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 district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district 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.

PROPOSED

[14] It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

[15] Includes locations, events, or circumstances over which the district 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))

Informal Resolution

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

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 toa 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.

4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district 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.

PROPOSED

Timelines

The district 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 cause[16] 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).[17]

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 district'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 evident, 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 district's website.{[18]}

PROPOSED

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[16] 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))

[17] This includes creating a record for each investigation. This record must include:

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

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

{[18] If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.}

Hermiston School District 8R

Code: **GBN/JBA-AR**
Revised/Reviewed: 7/10/17; 10/08/18

Sexual Harassment Complaint Procedure

(Version 1)

(See new proposed administrative regulations)

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights;

2. Information about the internal complaint processes available through the school or district that the complainant may pursue;

3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;

4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;

5. Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and

6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

1. Be written in plain language that is easy to understand;

2. Use print that is of the color, size and font that allow the notification to be easily read; and

3. Include that this information is made available to students, students' parents, staff members and members of the public on the school or district website.

DELETE

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. 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 information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation 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. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the 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 superintendent.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at Step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint 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. The Board chair 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. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

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 principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

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

DELETE

Hermiston School District 8R
502 W Standard Ave., Hermiston, Oregon 97838 | Ph: 541-667-6000

Sexual Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

_____

Description of misconduct: _____

_____

_____

Name of witnesses (if any): _____

_____

_____

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

_____

Any other information: _____

_____

_____

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

Signature: _____ Date: _____

DELETE

Hermiston School District 8R
502 W Standard Ave., Hermiston, Oregon 97838 | Ph: 541-667-6000

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: _____

DELETE

Hermiston School District 8R

Code: **JBA/GBN**
Adopted: 11/10/14
Revised/Readopted: 7/24/17; 10/08/18
Orig. Code: JBA/GBN

Sexual Harassment

(Version 1)

(This version is recommended for deletion; see new)

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff members or third parties who are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop, by other students, staff members, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events. "District" includes district facilities, district premises and nondistrict property if the student or staff member is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the jurisdiction of the district or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

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

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;

2. Submission to or rejection of the conduct or communication is used as the basis for employment or assignment of staff members or educational decisions affecting a student;

3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with a staff member's ability to perform job responsibilities; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to: (a) did the individual view the environment as hostile; (b) was it reasonable to view the environment as hostile; (c) the nature of the conduct; (d) how often the conduct occurred and how long it continued; (e) age and sex of the complainant; (f) whether the alleged harasser was in a position of power over the subject of the harassment; (g) number of individuals involved; (h) age of the alleged harasser; (i) where the harassment occurred and under what conditions; (j) other incidents of sexual harassment in the district involving the same or other students, staff members or third parties.

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

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Complaints about behavior that may violate this policy should be filed using AC-AR - Complaint Procedure. All complaints shall be promptly investigated.

Any students, staff members or third parties who have knowledge of conduct in violation of this policy or who feels they are a victim of sexual harassment must immediately report their concerns to the building principal, compliance officer or superintendent, who has overall responsibility for all investigations. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

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

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

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

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or counseling or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

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

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff members and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available upon request to all students, parents of students, staff members and third parties, posted on the district's website and published in student/parent and staff handbooks. The district's policy shall be posted on a sign in all grade 6 through 12 schools. Posted signs shall be at least 8 1/2 inches by 11 inches in size.

D E L E T E

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

END OF POLICY

Legal Reference(s):

ORS 243.706	ORS 342.850	ORS 659A.030
ORS 332.107	ORS 342.865	OAR 581-021-0038
ORS 342.700	ORS 659.850	OAR 584-020-0040
ORS 342.704	ORS 659A.006	OAR 584-020-0041
ORS 342.708	ORS 659A.029	

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 (2019).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

DELETE

Hermiston School District 8R

Code: JBA/GBN
Adopted:

Sexual Harassment
(Version 2)

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

The district processes complaints{[1]} 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 district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures{[2]}.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties[3] 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 school or district staff member's ability to perform their job; or

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{[1] Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "complainant" is defined under federal law.}

{[2] Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

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

PROPOSED

c. Creates an intimidating, offensive or hostile environment.

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member of third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.{[4]}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district 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 action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, {[5]}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):

Name	Position	Phone	Email
_____	_____	_____	_____
[_____	_____	_____	_____]

This/These individual(s) is/are 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.]{[6]} *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall [immediately] report to a district official. The district 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

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{[4] The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.}

{[5] OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.}

{[6] This must be communicated elsewhere, but it is a good reason to specify it here as well.}

PROPOSED

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 district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to immediately report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district 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 district 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.{[7]}

The district 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 district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.]

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

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

PROPOSED

{[7] OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be…" 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;

3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;

4. Limiting attendance at district events; and

5. Providing for additional supervision, including law enforcement if necessary, at district 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 school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

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

Notice

When a person[8] who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district 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 include[9]:

1. Name and contact information for all person designated by the district to receive complaints;

2. The rights of the person that the notification is going to;

PROPOSED

[8] Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

[9] Remember confidentiality laws when providing any information.

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.

4. Notice that civil and criminal remedies that are not provided by the school or district 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 school or district, 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 school or district;

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 district'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 district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

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 district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

PROPOSED

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity[10];

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 district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district 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* JBA/GBN-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.

[Person or position] is designated as the Title IX Coordinator [and can be contacted at [insert phone number]]. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.{[11]}

PROPOSED

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

{[11] Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.}

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.[12] The district shall treat complainants and respondents equitably by providing supportive measures[13] to the complainant and by following a grievance procedure[14] 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.[15]

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.[16] The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);

2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

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

PROPOSED

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

[13] (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 district's educational environment, or deter sexual harassment.[13] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

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

[15] The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

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

No Retaliation
Neither the district or any person may retaliate[17] 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 district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the 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 shall be prominently published in the district student handbook and on the [school][district] website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 332.107
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).
Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

PROPOSED

[17] Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Hermiston School District 8R

Code: JBA/GBN-AR(1)
Revised/Reviewed:

Sexual Harassment Complaint Procedure

(Version 2)

(New proposed administrative regulation)

{[1]}Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____
[_____	_____	_____	_____]

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

Step 1 The district 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 JBA/GBN - 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 superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant 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 will review the decision of the superintendent or designee in a

{[1] Align with same positions identified in policy.}

PROPOSED

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 superintendent's or designee'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] working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final[[2]].

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

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause 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, within 20 days, in open session what action, if any, is warranted. The Board chair 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.

Complaints against the Board chair may start at Step 3 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, within 20 days, in open session what action, if any, is warranted. The Board vice chair 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.

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.

PROPOSED

[2] [If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).]

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

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

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

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

PROPOSED

Hermiston School District 8R
305 S.W. 11th St., Hermiston, Oregon 97838 | Ph: 541-667-6000

PROPOSED

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

_____

Description of misconduct: _____

_____

_____

Name of witnesses (if any): _____

_____

_____

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

_____

Any other information: _____

_____

_____

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

Signature: _____ Date: _____

Hermiston School District 8R
305 S.W. 11th St., Hermiston, Oregon 97838 | Ph: 541-667-6000

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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: _____

Hermiston School District 8R

Code: JBA/GBN-AR(2)
Adopted:

Federal Law (Title IX) Sexual Harassment Complaint Procedure

(New proposed administrative regulation)

Additional Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, 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 respondent[2] and requesting that the district 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 district's educational environment, or deter sexual harassment.[4] The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties[5] written notice of the following:

1. Notice of the district's grievance process, including any informal resolution process.

PROPOSED

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[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 district 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.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details[6] 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 district's code of conduct{[7]} 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 district'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 district and not on the parties.[8]

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 the advisor of their choice.[9] The district 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.

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[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 district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.}

[8] The district 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 district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

[9] 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.

PROPOSED

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.[10] Prior to completion of the investigative report, the district 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 district 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 questions[11] 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 district 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.

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

At no point in the process will the district, or anyone participating on behalf of the district, 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.

PROPOSED

[10] This includes the evidence upon which the district does not intent 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 district 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.

[11] 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.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence[12] 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 district'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 district imposes on the respondent; and
    c. Whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and

6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

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 sanctions[13] 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;

PROPOSED

[12] 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.

[13] Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.[14]

Other remedies may include:

1. Educational programming.

Dismissal of a Formal Complaint

The district 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 district's education program or activity[15]; or

3. Did not occur against a person in the United States.

The district 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;

2. The respondent is no longer enrolled or employed by the district; 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 district 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 district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district 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.

PROPOSED

[14] It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

[15] Includes locations, events, or circumstances over which the district 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))

Informal Resolution

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

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 toa 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.

4. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district 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.

PROPOSED

Timelines

The district 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 cause[16] 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).[17]

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 district'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 evident, 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 district's website.{[18]}

PROPOSED

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[16] 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))

[17] This includes creating a record for each investigation. This record must include:

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

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

{[18] If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.}

Hermiston School District 8R

Code: **JBA/GBN-AR**
Revised/Reviewed: 7/24/17; 10/08/18

Sexual Harassment Complaint Procedure

(Version 1)

(See new proposed administrative regulations)

Principals, the compliance officer and the superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the principal, compliance officer or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. Their rights;

2. Information about the internal complaint processes available through the school or district that the complainant may pursue;

3. Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;

4. Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;

5. Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and

6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

1. Be written in plain language that is easy to understand;

2. Use print that is of the color, size and font that allow the notification to be easily read; and

3. Include that this information is made available to students, students' parents, staff members and members of the public on the school or district website.

Step 2 The district official receiving the information or complaint shall promptly initiate an investigation. 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 information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The official conducting the investigation 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. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the 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 superintendent.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at Step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will 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. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint 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. The Board chair 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. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

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 principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

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

DELETE

Hermiston School District 8R
502 W Standard Ave., Hermiston, Oregon 97838 | Ph: 541-667-6000

Sexual Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

_____

Description of misconduct: _____

_____

_____

Name of witnesses (if any): _____

_____

_____

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

_____

Any other information: _____

_____

_____

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

Signature: _____ Date: _____

DELETE

Hermiston School District 8R
502 W Standard Ave., Hermiston, Oregon 97838 | Ph: 541-667-6000

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: _____

DELETE

Hermiston School District 8R

Code: **JHCC**
Adopted: 1/08/08
Revised/Readopted: 7/24/17; 12/11/17
Orig. Code: JHCC

Communicable Diseases – Students

The district shall provide reasonable protection against the risk of exposure to communicable disease for students. 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* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will be provided to students as required by law.

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Students. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The district will include, as a part of its emergency plan, a description of the actions to be taken by district personnel in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of each student'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 shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 431.150 - 431.157
ORS 433.001 - 433.526

OAR 333-018

OAR 333-019-0010
OAR 333-019-0014
OAR 333-019-1000
OAR 437-002-0360

OAR 437-002-0377
OAR 581-022-2220

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

Hermiston School District 8R

Code: **JHCC-AR**
Adopted: 12/11/17
Revised/Readopted:

Communicable Diseases – Student

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 rule and include but are not limited to COVID-19[1], chickenpox, diphtheria~~diptheria~~, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis~~ disease~~, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that 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. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by ~~Board policy[2] or by~~ the local public health administrator~~,~~ after determining that it poses~~presents~~ a danger to~~significant public health risk in~~ the public's health~~school setting~~.

2. "Susceptible" for a child means lacking documentation~~being at risk~~ of immunization required under OAR 333-050-0050~~contracting a restrictable disease by virtue of being in one or more categories described in law~~.

3. "Reportable disease~~diseases~~" means a ~~human reportable~~ disease~~, infection, microorganism~~ or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health~~ as specified in OAR Chapter 333, Division 18~~.

Restrictable Diseases

1. A student of the district will not attend a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19[3], unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.

2. An administrator ~~that~~ shall exclude a susceptible child from school if the administrator has reason to suspect that a student ~~has or~~ has been exposed to~~ any restrictable disease for which the student is required to be excluded, shall exclude that student from school and send him/her home~~ measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer

[1] Added per OAR 333-019-1000(2).

~~[2] "OAR 333-019-0010(7) Nothing in these rules prohibits a school or children's facility from adopting more stringent exclusion standards under ORS 433.284."~~

[3] "Communicable stage of COVID-19" means having a positive presumptive or confirmed test of COVID-19.

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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 will report the occurrence to the local health department.

3. An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

4. A~~The~~ student will be excluded in such instances until such time as the student or the parent or guardian of the student 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 does not have or is not a carrier of any restrictable diseases.

~~5. An administrator will exclude a susceptible student that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the diseases is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.~~

~~6.~~5. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local public health administrator~~officer~~ states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may ~~also~~ be removed by a school nurse or health care provider.

~~7.~~6. More stringent exclusion standards for students from school may be adopted by the local health department ~~or by the district through Board adopted policy~~.

~~8. A disease is considered to be a restrictable disease if it is listed in OAR 333-019-0010, or it has been designated to be a restrictable disease through Board policy or by the local health administrator, after determining that it presents a significant public health risk in the school setting.~~

~~9.~~7. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the 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 district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.

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3. An administrator shall determine other persons ~~with a legitimate educational interest~~ who may be informed of a student's~~the~~ communicable ~~nature of an individual student's~~ disease when a legitimate educational interest exists~~.~~ or for health and safety reasons in accordance with~~an employee's communicable disease, within guidelines allowed by~~ law.

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Education

1. The administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.

2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.

3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student diagnosed with a restrictable disease.

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Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, 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 district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.

3. All district personnel will be instructed annually ~~by the school health nurse~~ to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (*See* policy EBBAA).

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BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 14, 2020

SUPERINTENDENT'S RECOMMENDATION

7.0 ACTION ITEMS

7.1 TOPIC: ITB 001-2020 HHS Softball Facility Project

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education authorizes the superintendent, or her designee, to enter into a contract with Nelson Construction Corp for the base bid amount of $2,404,511, for the Hermiston High School Softball Facility Project, pursuant to Invitation to Bid 001-2020.

Draft Motion: "I move that the Board of Education authorizes the superintendent, or her designee, to enter into a contract with Nelson Construction Corp for the base bid amount of $2,404,511, for the Hermiston High School Softball Facility Project, pursuant to Invitation to Bid 001-2020."

Motion for approval: Made by _____ Seconded by _____
Motion for rejection: Made by _____ Seconded by _____
Motion for further consideration: Made by _____ Seconded by _____

bc

BOARD OF EDUCATION
UMATILLA COUNTY SCHOOL DISTRICT #8R, HERMISTON
HERMISTON, OREGON

September 14, 2020

SUPERINTENDENT'S RECOMMENDATION

7.0 ACTION ITEMS

7.2 TOPIC: New Elementary School Name

It is recommended. . . . .

RECOMMENDATION:

. . . . . that the Board of Education approve *[Insert name here.]* as the name of the new elementary school, to be constructed on Theater Lane and scheduled to begin in the spring of 2021.

Draft Motion: "I move that the Board of Education approve *[Insert name here.]* as the name of the new elementary school, to be constructed on Theater Lane and scheduled to begin in the spring of 2021."

Motion for approval: Made by _____ Seconded by _____
Motion for rejection: Made by _____ Seconded by _____
Motion for further consideration: Made by _____ Seconded by _____

bc

Board Members

Mon Sep 14, 2020

6:30pm Board Business Meeting

Calendar: Board Members
Created by: Briana Cortaberria

Tue Sep 15, 2020

8am KOHU Odds & Ends Show

Where: KOHU
Calendar: Board Members
Created by: Briana Cortaberria
Who: Tricia Mooney, Bryn Browning, Joshua Goller

12pm Policy 101 Webinar

Where:
https://us02web.zoom.us/w/84658986852?tk=myAg5Nws8azP7cRPfSrUhtmysfhy60TpyuoH-aN9BI4.DQIAAAAThthGfZBZzYTZTamhXQ1FINjN3cWVXZ0Q3UUx3AAAAAAAAAAAAAAAAAAAAAAAAAAAAA&uuid=WN_QAIOKzQKQRelewuYdH9aOg
Calendar: Board Members
Created by: Briana Cortaberria

Wed Sep 16, 2020

8am Board Debrief Meeting

Where: DO Supt's CR
Calendar: Board Members
Created by: Briana Cortaberria

Wed Sep 23, 2020

8:30am Finance Committee Meeting

Where: Superintendent Conference Room
Calendar: Board Members
Created by: Briana Cortaberria

Mon Sep 28, 2020

6:30pm Board Special Meeting

Calendar: Board Members
Created by: Briana Cortaberria

Tue Sep 29, 2020

12pm HHS Softball Field Groundbreaking

Calendar: Board Members
Created by: Briana Cortaberria

Wed Oct 7, 2020

8am Board Meeting Agenda Review

Calendar: Board Members
Created by: Briana Cortaberria

Mon Oct 12, 2020

6:30pm Board Business Meeting

Calendar: Board Members
Created by: Briana Cortaberria

Tue Oct 13, 2020

8am KOHU Odds & Ends Show

Where: KOHU
Calendar: Board Members
Created by: Briana Cortaberria
Who: Tricia Mooney

Board Members

Wed Oct 14, 2020

8am Board Debrief Meeting

Where: DO Supt's CR
Calendar: Board Members
Created by: Briana Cortaberria

Mon Oct 26, 2020

6:30pm Board Special Meeting

Calendar: Board Members
Created by: Briana Cortaberria

Wed Oct 28, 2020

8:30am Finance Committee Meeting

Where: Superintendent Conference Room
Calendar: Board Members
Created by: Briana Cortaberria

Sun	Mon	Tue	Wed	Thu	Fri	Sat
6	7	8 First Day of School	9 8am - Board Meeting Agenda	10	11	12
13	14 6:30pm - Board Business	15 8am - KOHU Odds & Ends 12pm - Policy 101 Webinar @	16 8am - Board Debrief Meeting	17	18	19
20	21	22	23 8:30am - Finance Committee	24	25	26
27	28 6:30pm - Board Special	29 12pm - HHS Softball Field	30	1	2	3

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28 6:30pm - Board Special	29 12pm - HHS Softball Field	30	1	2	3
4	5	6	7 8am - Board Meeting Agenda	8	9	10
11	12 6:30pm - Board Business	13 8am - KOHU Odds & Ends	14 8am - Board Debrief Meeting	15	16	17
18	19	20	21	22	23	24
25	26 6:30pm - Board Special	27	28 8:30am - Finance Committee	29	30	31

Board Members

Nov 2020 (Pacific Time - Los Angeles)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 8am - Board Meeting Agenda	5	6	7
8	9 6:30pm - Board Business	10 8am - KOHU Odds & Ends	11 8am - Board Debrief Meeting	12	13	14 Virtual OSBA Annual
15	16	17	18	19	20	21
22	23 6:30pm - Board Special	24	25 8:30am - Finance Committee	26	27	28
29	30	1	2	3	4	5