

# Portland Public School District 1<sup>st</sup> Reading

**DATE: October 2, 2018**

**Public Comment for:  
Policy 8.70.040-P:  
Preservation, Maintenance, and Disposition of  
District Real Property**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

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**1<sup>st</sup> Reading by: Rita Moore, Chair**, Portland Public School Board  
**Summary:** Preservation, Maintenance, and Disposition of District Real Property.

**Draft Policy Web Site:** <http://www.pps.net/Page/boardpolicies>  
(click on blue "draft policy" box)

**Recommended for 1st Reading by:** Board of Education

**Policy Contact:** Rosanne Powell, Board Office Manager

**Last Date for Comment:** October 23, 2018

**Address:** P.O. Box 3107, Portland, OR 97208-3107

**Telephone:** 503-916-3741

**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)

**Last Date for Comment: October 23, 2018**



# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Real Estate Policies:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/8.70.040-P.pdf>

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/8.70.041-P.pdf>

## **BACKGROUND**

In Spring 2017, the FAO Committee began the process of reviewing and amending Policies 8.70.040-P (Disposition of Surplus Real Property) and 8.70.41-P (Real Estate Transaction Process). Those changes were designed to clarify the District's duty to maintain and preserve its real property assets, to clarify the objectives of any real estate transaction, and to solidify the process for real estate transactions. FAO did not complete the policy work before the committee was suspended. The Policy & Governance Committee has resumed review of the policies and recommends amending 8.70.040 and rescinding 8.70.041.

## **RELATED POLICIES/BEST PRACTICES**

These two policies are the policies that govern real estate transactions. Staff consulted existing policies from other school districts in crafting the proposed language to meet the committee objectives.

## **ANALYSIS OF SITUATION**

Benefits of adopting the recommended policy changes include:

- One policy instead of two governing real estate transactions
- Emphasizing the expectation for flexibility in leasing District property to ensure the District's long-term facilities needs can be met
- Ensuring a transparent and public process in determining whether to sell District property.
- Establishing an explicit presumption of maximizing market value in real estate transactions.

## **FISCAL IMPACT**

No immediate fiscal impact, although policy has strong presumption of maximum market value in any real property transaction.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

PPS Real Estate team provided input.

**TIMELINE FOR IMPLEMENTATION/EVALUATION**

Will be implemented immediately. Administrative Directive to be revised and posted within 60 days of policy revision.

**BOARD OPTIONS WITH ANALYSIS**

Existing policies without suggested revisions provides guidance, but do not contain explicit benefits of changes as identified, above.

**STAFF RECOMMENDATION**

Staff recommends adoption of the Preservation, Maintenance, etc. policy as amended and rescission of the Real Estate Transaction policy. Staff also recommends that additional language be added to the Preservation, Maintenance property to continue to allow staff to approve without Board vote real estate transactions (excluding sales) with a value of less than \$150,000 and that can be terminated in 30 days or less to facilitate the administration of the District's short-term leasing/licensing of facilities.

**I have reviewed this staff report and concur with the recommendation to the Board.**



**Guadalupe Guerrero**  
**Superintendent**  
**Portland Public Schools**

September 27, 2018

**Date**

**ATTACHMENTS**

*(List all supporting documentation, including resolution, etc.)*

A. Red-lined policy



BOARD POLICY

8.70.040-P

**PRESERVATION, MAINTENANCE,  
AND DISPOSITION OF SURPLUS  
DISTRICT REAL PROPERTY**

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**8.70.040-P Preservation, Maintenance, and Disposition of Surplus District Real Property**

~~Under ORS 332.155, the Portland Public School District may lease, sell and convey all property of the District that is not, in the judgment of the School Board, required for school purposes.~~

~~The Portland Public Schools Board of Education has a fiduciary responsibility to preserve and maintain the District's real property assets to serve current students and to ensure the District can serve its students for decades to come. For that reason, transactions involving the District's real property shall preserve as much as possible the District's ability to use assets for its own students and educational services now and in the future and, only on rare occasions, will the District sell a property without replacing that property with an equivalent or better property.~~

**Duty to Maintain and Preserve Real Property**

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~~The Board of Education recognizes that the District's real property assets must be maintained in a sufficient physical condition to preserve their value and utility. The Board shall take necessary steps, taking into account budgetary constraints, to preserve and maintain the physical integrity of District real property.~~

**Objectives in Real Property Transactions**

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~~The Portland Public School Board affirmatively acknowledges its support for managing the District's real property consistent with the District's mission and the principle that public property is a legacy to be protected for the public interest and the public interest. District properties that are not currently needed for District purposes will be managed to carry out the following objectives:~~

~~• Reflect the District's short-, intermediate-, and long-term educational and operational needs, considering long-term population and enrollment projections for the Portland area;~~

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~~• Maintain flexibility in lease terms (e.g., for leases) to allow for early termination to adjust to enrollment fluctuations or other District needs for the property permits; and~~

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~~• Provide revenue and other support for District needs: in this case, the District will must seek maximum long-term financial and other benefits.~~

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The District recognizes that conveyance of real property rights-of-way or easements may be imposed as a condition of approval of District development projects without compensation or may occur for other good or valuable consideration.

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### Sale of Real Property

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Under ORS 332.155, the District may lease, sell, and convey all property of the District that is will not, in the judgment of the School Board, be required for the District's educational purposes in the long term. In the unlikely event that District property does not support the District's mission now or in the future, the Superintendent shall recommend to the Board the disposal of such property, including a thorough analysis of the implications of any property sale for on fulfillment of the District's educational mission over the long term. Selling a District property without replacing it with an equivalent or better property shall be a last resort. The Superintendent shall use an open and inclusive public input process in the development of any final recommendation to declare property surplus, and the findings from that process shall be provided to the Board prior to any Board decision. This public process will be in addition to the Board's public hearing to declare property surplus.

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The School Board shall make a final determination as to which properties are surplus appropriate for sale in a transparent, public process that includes the results of the analysis, full disclosure of the terms of the sale/lease, and a statement of how relinquishing property promotes the both the district's mission and the public interest.

In all cases of sale, is obligated In the unlikely event that District property does not support the District's mission now or in the future, Tthe Superintendent shall recommend to the Board the disposal of any such surplus property that is not essential to the District's mission now or in the future. An action declaring the property surplus must be based on a thorough analysis presented by the Superintendent to the School Board. The Board shall make the final determination as to which properties are surplus.

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The Superintendent shall use an open and inclusive public input process in the development of any final recommendation to declare property surplus, and the findings from that process shall be provided to the Board prior to any Board decision. This public process will be in addition to the Board's public hearing to declare property surplus.

The Board of Education policy directs the following:

1. Superintendent's Surplus-Real Property Sale Recommendation: The Superintendent shall develop and adopt an administrative directives establishing a process for developing recommendations to the Board on surplus the sale of any District propertyies. The process shall include at a minimum the following components:
  - a) Notification of the Portland Public School-Board of Education.
  - b) Notification to the City and County, and other public agencies as appropriate, providing an opportunity to purchase the property, and notification to the local neighborhood association, and the public at large. The District retains sole authority to determine the use of its properties.
  - e) A minimum of 60 days for public response or comment.
  - d)b) A summary of the factors considered in the development of the recommendation, including a market and needs analysis.

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Surplus

2. Sale of District Property Recommendations-Public Hearing: Any process to consider the sale of the property shall be an transparent and public process, and at least one public hearing shall be held by the Board prior to declaring any real property or proportion thereof surplus appropriate for sale. If the Board determines that a District property is appropriate for sale, it shall pass a resolution identifying the property, how relinquishing property promotes both the District's mission and the public interest, and the terms and conditions under which it may be sold.

3. Sale process: Once the property is declared surplus appropriate for sale by the Board, the Superintendent, or such persons as may be designated by the Superintendent, shall establish and conduct a process for sale or other conveyance of the property.

The Superintendent will market and negotiate a proposed sale or other conveyance of the property and bring a recommended agreement to the Board for the Board's review and approval.

4. Presumption of Market Rate: Unless the Board makes an express finding that the disposition of District property for less than market rate confers significant benefit to the District and the communities it serves, the District shall pursue maximum market value for any sale, lease, or disposition under this policy.

Legal References: [ORS 271.330](#) [ORS 332.155](#)

History: [Adpt. 6/71](#); [Amd. 12/13/76](#); [Amd. 8/28/78](#); [Amd. 10/13/83](#); [Amd. 8/31/95](#); [Amd. 10/28/02 BA2463](#); [Amd. 1/12/09 BA 4019](#)

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**BOARD POLICY**

**8-70-040-P**

**DISPOSITION OF SURPLUS REAL PROPERTY**

~~4. Disposition of Surplus Property Suited For A Particular User Or Use: Whenever If the Board finds that a parcel of Surplus Property is especially suited for use by a particular user or use which would be beneficial to the community, the Board may declare the property surplus, identify the community benefit, and authorize the Superintendent to negotiate a sales agreement or other conveyance for this property subject to bBoard approval.~~

~~Legal References:—ORS 271.330 ORS 332.155~~

~~History:—Adpt. 6/71; Amd. 12/13/76; Amd. 8/28/78; Amd. 10/13/83; Amd. 8/31/95; Amd. 10/28/02 BA2463; Amd. 1/12/09 BA 4019~~

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## BOARD POLICY

# DISPOSITION OF SURPLUS REAL PROPERTY

**8.70.040-P**

### **8.70.040-P Disposition of Surplus Real Property**

Under ORS 332.155, the Portland Public School District may lease, sell and convey all property of the District that is not, in the judgment of the School Board, required for school purposes.

The Portland Public School Board affirmatively acknowledges its support for managing the District's real property consistent with the District's mission and the public interest.

The Superintendent shall recommend to the Board the disposal of any property that is not essential to the District's mission now or in the future. An action declaring the property surplus must be based on a thorough analysis presented by the Superintendent to the School Board. The Board shall make the final determination as to which properties are surplus.

The Superintendent shall use an open and inclusive public input process in the development of any final recommendation to declare property surplus, and the findings from that process shall be provided to the Board prior to any Board decision. This public process will be in addition to the Board's public hearing to declare property surplus.

The policy directs the following:

1. Superintendent's Surplus Real Property Recommendation: The Superintendent shall develop and adopt administrative directives establishing a process for developing recommendations to the Board on surplus properties. The process shall include at a minimum the following components:
  - a) Notification of the Portland Public School Board,
  - b) Notification to the City and County, and other public agencies as appropriate, providing an opportunity to purchase the property, and notification to the local neighborhood association, and the public at large.
  - c) A minimum of 60 days for public response or comment.
  - d) A summary of the factors considered in the development of the recommendation.
2. Surplus Property Recommendations-Public Hearing: At least one public hearing shall be held by the Board prior to declaring any real property or proportion thereof surplus.
3. Sale process: Once the property is declared surplus by the Board, the Superintendent, or such persons as may be designated by the Superintendent, shall establish and conduct a process for sale or other conveyance of the property. The superintendent will market and negotiate a sale or other conveyance of the property and bring a recommended agreement to the board for the Board's review and approval.



BOARD POLICY

**8.70.040-P**

**DISPOSITION OF SURPLUS  
REAL PROPERTY**

4. Disposition of Surplus Property Suited For A Particular User Or Use: Whenever the Board finds that a parcel of Surplus Property is especially suited for use by a particular user or use which would be beneficial to the community, the Board may declare the property surplus, identify the community benefit, and authorize the Superintendent to negotiate a sales agreement or other conveyance for this property subject to board approval.

Legal References: ORS 271.330 ORS 332.155

History: Adpt. 6/71; Amd. 12/13/76; Amd. 8/28/78; Amd. 10/13/83; Amd. 8/31/95; Amd. 10/28/02 BA2463; Amd. 1/12/09 BA 4019

## 8.70.041-P Real Estate Transaction Process

Portland Public Schools requires the ongoing ability to transact the purchase, lease, conveyance, permit, and dedication of real property or an interest in real property in a timely manner to adequately and efficiently support the changing enrollment and space requirements of the District.

The process articulated herein will be taken by the District in any transaction of real property or interest in real property by the District, with the exception of the surplus and sale of District owned real property not needed for public use governed by Board Policy 8.60.040-P.

The District reserves the right to apply the policy and process set forth herein in a flexible, prudent, and strategic manner to best meet the needs and interests of the District

It is a goal of the District to achieve the maximum market rate value in the transaction of any real property the District owns, and to pay no more than market rate for property leased or acquired. The District recognizes that conveyance of real property, right-of-way or easements may be imposed as a condition of approval of District development projects without compensation or may occur for other good or valuable consideration.

The Board delegates authority to the Superintendent or his/her designee to approve and execute real estate transactions in which the total value of the transaction is at or below applicable delegation thresholds for District expenditure and revenue contracts, as set forth in PPS Public Contracting Rule 45-0200 (Authority to Approve and Execute District Contracts). All other real estate transactions shall be presented to the Board for approval.

Adopted 7/11/2017

# Portland Public School District 1<sup>st</sup> Reading

**DATE: October 2, 2018**

## **Public Comment for: Policy Professional Conduct between Staff and Students**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

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**1<sup>st</sup> Reading by: Rita Moore, Chair**, Portland Public School Board  
**Summary:** Professional Conduct between Staff and Students

**Draft Policy Web Site:** <http://www.pps.net/Page/boardpolicies>  
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**Recommended for 1st Reading by:** Board of Education

**Policy Contact:** Rosanne Powell, Board Office Manager

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**Last Date for Comment: October 23, 2018**



# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Professional Conduct between Staff and Students Policy

## **BACKGROUND**

The development of this policy was spurred by one of the recommendations in the Whitehurst Investigation Report. The investigators determined that the District had not provided clear guidance to employees as to what were appropriate boundaries between staff and students. This policy seeks to remediate this concern.

## **RELATED POLICIES/BEST PRACTICES**

As noted above, one of the recommendations coming out of the Whitehurst Investigation Report was to develop a boundary policy to provide clear expectations for adults working with students. We looked to a variety of sources to help us to develop this policy, including looking at the boundary policies of other school districts. We also relied on the U.S. Department of Education's Training Guide to help us to craft this policy. The guide can be found here: <https://rems.ed.gov/docs/ASMTtrainingGuide.pdf>

## **ANALYSIS OF SITUATION**

A key finding in the Whitehurst report was the "District's failure to recognize an educator's sexual conduct with students, failure to investigate it thoroughly, and failure to take action to ensure a safe educational environment by removing the offending educator." Report at p. 9. Approval of this policy will provide an important component in remediating the failures identified in the report. The policy outlines expectations for personal behavior as well as training to all employees to better ensure a safe educational environment for our students. Failure to approve this policy would leave the District without an important tool for self-regulation and enforcement.

## **FISCAL IMPACT**

The policy provides for mandatory training for all employees. The District has already begun this work with improvements of our online training. The cost of updating the system as well as providing District-wide training to all employees will be significant in the first few years of implementation.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

General Counsel's office worked with the following stakeholders in developing this policy:

- Students
- Principals and vice-principals
- Human Resources

- Director of athletics and coaches
- Virtual Scholars outreach coordinators
- Multiple Pathways administrators
- Special education department
- Senior Directors and Area Superintendents
- Joy Ellis, co-author of the Whitehurst Investigation Report
- Title IX Coordinator
- OSBA
- Community members

We also provided copies of the policy to PAT, PAPSA and PFSP and invited their input.

**TIMELINE FOR IMPLEMENTATION/EVALUATION**

The District has already begun training employees of the expectations outlined in this policy. Our web-based professional learning platform has been updated to include enhanced mandatory training videos, and we have begun training various departments within the District. Administrators received an initial training in August and School Compliance Officers will have receive a more intensive training in early October. Athletic Directors received a training in September, and Nutrition Services will be trained in late October. Scheduling of additional training is ongoing.

**BOARD OPTIONS WITH ANALYSIS**

- Approve the policy in its current iteration.
- Approve the policy after changes are made based on public and employee comment.
- Reject the policy and require further revision with stakeholder engagement.
- Reject the policy.

**STAFF RECOMMENDATION**

The Whitehurst Implementation committee, the Chief of Staff’s Office, the Department of Human Resources, and the General Counsel’s Office recommend approval of this policy.

**I have reviewed this staff report and concur with the recommendation to the Board.**

\_\_\_\_\_  
**Guadalupe Guerrero**  
**Superintendent**  
**Portland Public Schools**

\_\_\_\_\_  
 September 27, 2018  
**Date**

**ATTACHMENTS**

- A. Policy
- B. Resolution



# Professional Conduct between Staff and Students

### 1. PURPOSE

The Board recognizes the extraordinary dedication and care provided by staff in their daily work with students. A hallmark of this commitment is the development of strong relationships between staff and students. Unfortunately, these relationships can sometimes be misused. The purpose of this policy is to provide all staff interacting with our students with information to increase their awareness of their role in protecting children from inappropriate conduct or boundary violations. It is also to establish clear expectations of staff in their interactions with students. For purposes of this policy, staff includes all District employees, coaches, substitutes, contracted service providers working directly with students, and volunteers in their interactions with students in District schools and programs.

### 2. GENERAL STANDARDS

The Board expects staff to maintain the highest professional, moral, and ethical standards when interacting with students. In a school-related setting, the interactions and relationships between staff and students must be based upon mutual respect and trust, as well as an understanding of the appropriate boundaries between staff and students in and outside the educational setting.

The Board also recognizes the unique role volunteers play in students' lives and that many have relationships outside the school setting. As such, volunteers are not subject to some of the provisions of this policy, however, the District still expects them to maintain appropriate conduct with students when they are engaged in District authorized activities.

### 3. GUIDELINES FOR INTERACTIONS BETWEEN STAFF AND STUDENTS

Staff is required to complete annual training provided by the District on sexual conduct prevention to establish appropriate professional boundaries for student-staff interactions. Staff is expected to use good judgment in their relationships with students at all times. This includes when staff interact with students beyond the staff's work responsibilities and/or outside the school setting. Staff must avoid any appearance of impropriety, including excessive informal and social involvement with individual students.

Staff members are expected to recognize potential boundary violations and are encouraged to discuss issues with the Title IX Director or their school compliance officer whenever they are unsure whether particular conduct may constitute a violation of this policy. Staff members are also expected to bring their concerns to their supervisor's attention when he/she has reason to believe a student is or may be becoming overly attached to or interested in them.



# Professional Conduct between Staff and Students

### 4. BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by a staff member with a student that has no legitimate educational purpose and has the potential to abuse or cause harm to the student. Staff is expected to refrain from boundary violations, a.k.a. “boundary invading” behavior.

#### **A. ROMANTIC OR SEXUAL RELATIONSHIPS:**

Staff is strictly prohibited from dating a student or entering or attempting to enter into a romantic or sexual relationship with a student, regardless of that student’s age. The following conduct is prohibited at all times:

1. Having any sexual physical contact with a student;
2. Engaging in a romantic or sexual relationship with a student, even if the student is no longer a minor;
3. Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum, making sexual jokes or innuendos or engaging in inappropriate banter with a student;
4. Flirting with or propositioning a student;
5. Any type of conduct that would be considered sexual harassment under the District’s Non-Discrimination/Anti-Harassment Policy (1.80.020-P).

#### **B. OTHER PROHIBITED SOCIAL INTERACTIONS:**

The following interactions have serious potential to abuse the staff-student relationship and are prohibited at all times:

1. Inviting individual students to the staff’s home without proper chaperones and parental notice and approval;
2. Maintaining personal contact with a student outside of school in person or by phone, email, Instant Messenger, or Internet chat rooms, social networking web sites, or letters (beyond homework or other legitimate educational purpose) without notice and approval of District administrator/supervisor and parent/guardian;
3. Favoring a student or students by giving them special privileges, or exchanging gifts or other favors;
4. Socializing where students are consuming alcohol, drugs, or tobacco;
5. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;



# Professional Conduct between Staff and Students

6. Disclosing intimate, sexual, or other private matters to a student;
7. Sharing personal secrets with a student;
8. Addressing certain students or permitting certain students to address staff with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
9. Permitting students to engage in boundary-invading behaviors with staff, *e.g.*, students giving shoulder massages to staff, or letting students over the 2<sup>nd</sup> grade sit on a Staff's lap.

### **C. SOCIAL MEDIA INTERACTION:**

As with all forms of communication, staff is expected to maintain professional boundaries with students when communicating via social media. All communication between staff and students must be for legitimate education-related purposes only and as transparent as possible. Staff shall not communicate with students, for any reason, through use of a medium that is designed to eliminate all traces or records of the communication (*e.g.*, Snapchat). Staff should have no expectation of privacy when communicating to students on a social media platform.

District staff must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from current students, or non-staff former students, only through their professional social media presence established consistent with the requirements set forth in the Social Media Administrative Directive (X.XX.XX).

All communications with students must be through a PPS-provided email address or on District-approved social media platforms, as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive (X.XX.XXX). District staff are prohibited from communicating with current students through social media directly or through private messaging tools without both District approval and parental notice. Likewise, when communicating for professional purposes with other staff or community members, District staff must use their PPS-provided email address and other communication systems and may not use private messaging.

The use of group text messaging has become a convenient tool for coaches and other staff working with students to relay information. Staff shall use this method of communication only with both District approval and parental notice. Text messages to individual students shall contain only information with a legitimate educational purpose and with notice to the District and to parents/guardians.

### **D. IN-PERSON INTERACTION:**



# Professional Conduct between Staff and Students

- **One-on-one access to students:**

There may be times when staff members are alone with a student. Staff should avoid one-on-one meetings with students out of the view of others and take care to meet students in a public space, such as libraries or open classrooms, whenever possible. If this is not possible, staff members should meet in places observable by others, such as offices or classrooms with windows and unlocked, ajar doors. To maintain transparency, it is also good practice to let others know when and where meetings with a students will occur, *e.g.*, giving notice of when students can come in for additional help.

- **Overly personal communication with students:**

While connecting with students and building a rapport is an important component to the staff-student relationship, staff should take care not to demonstrate or express professionally inappropriate interest in a student's personal life. Staff is expected to promote equitable treatment of all students. Staff should not pull students out of class without a legitimate educational purpose.

Unless in a counseling position or for a legitimate educational purpose, staff should not encourage students to disclose to them significant details about their personal or family problems or relationships. We recognize that forming a relationship with students is an important aspect of teaching; however, staff should not engage in these discussions with students when its purpose is to meet the staff's personal needs rather than the student's needs.

- **Traveling with or transporting students:**

Coaches, chaperones, and other staff should take care when transporting students to athletic events and other extracurricular activities. Staff needs to notify the District and the student's parent/guardian of the travel itinerary and may not transport students in a personal vehicle in a non-emergency situation without advance authorization by the District. (If an emergency situation arises that requires a staff member to transport a student without prior approval, the staff member shall alert a direct supervisor and the parent of the situation as soon as practicable.)

When traveling out of town, staff must follow the procedure outlined in the Field Trips Administrative Directive (6.50.011-AD). Staff is prohibited from entering a student's hotel room without another staff member or chaperone present absent an emergency.

- **Physical contact with students:**

Staff should not touch students or initiate any physical contact without a legitimate educational



# Professional Conduct between Staff and Students

purpose. For example, staff should not initiate hugs, touch student's torso or hair, or pat buttocks. There are times when staff have a legitimate educational purpose to initiate physical contact with a student. For example, staff members may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, staff members may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Staff needs to be aware of a student's physical boundaries and limit physical contact to only that which is necessary. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion procedures.

- **Respecting student privacy:**

Staff must honor a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose or an emergency. For example, staff members should not invade a student's privacy by entering a restroom unless it falls within a staff member's regular job duties under an established written protocol.

### E. EXCEPTIONS

An emergency or a legitimate educational purpose may justify a deviation from the professional boundaries set out in this policy. Any staff who deviates from the policy should be prepared to articulate the reason for the deviation and must demonstrate that an appropriate relationship was maintained with the student at all times. Staff must ensure that any deviation is narrowly tailored to the circumstances and must report the deviation to their supervisor within 24 hours. For purposes of this policy, "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, safety, treatment of a student's physical injury or other medical needs, or other purposes within the scope of the staff member's job or volunteer duties.

The District recognizes that a staff member may have a pre-existing personal relationship with a student's family that originated independently of the staff member's role at the District. This policy is not intended to interfere with or restrict the ability to maintain these healthy relationships; however, staff is strongly encouraged to maintain professional boundaries appropriate to the nature of the relationship.

### 5. DUTY TO REPORT POSSIBLE VIOLATIONS

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



# Professional Conduct between Staff and Students

Staff is required to promptly notify the School Compliance Officer, the Title IX Director, and Human Resources if they believe this policy has been violated.

Any staff member who has reasonable cause to believe that another staff member has engaged in grooming or sexual conduct with a student must immediately notify Human Resources and the Title IX Director. Additionally, any staff member who has reasonable cause to believe that another staff member has engaged in sexual abuse with a student must fulfill the mandatory reporting requirements to the Department of Human Services.

Staff who fail to report violations of this policy, or any other policies regarding grooming, sexual conduct, or sexual abuse of students, may be subject to discipline up to and including dismissal. Violations of this policy may result in disciplinary action up to and including dismissal, consistent with the District's policies, acceptable use agreement, and collective bargaining agreements, as applicable. Violations of this policy by volunteers or contracted service providers may result in a prohibition from working or serving in school programs, trespass, or contract cancellation. The District shall notify law enforcement of any potentially unlawful conduct, as appropriate.

### 6. CONFIDENTIALITY AND RETALIATION

Reporting staff members are specifically advised the following:

1. Reporting staff members are neither permitted nor responsible for investigating whether the conduct is inappropriate;
2. Reporting staff members are required to maintain confidentiality; and
3. Reporting staff members must directly notify a supervisor, not a peer, of the conduct.

Confidentiality protects both the student(s) and the staff member who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors.

False reports are regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any staff who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

The Superintendent or his/her designee shall develop an annual training for all staff and ensure ongoing review of procedures to support this policy.

# Portland Public School District 1<sup>st</sup> Reading

**DATE: October 2, 2018**

**Public Comment for:  
Recission of Policies:  
Public Information Program,  
Teacher Transfers,  
Non-contractual Grievance Procedures  
Administrative Recommendations on Employment  
of Relatives**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

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**1<sup>st</sup> Reading by: Rita Moore, Chair**, Portland Public School Board

**Summary:** Recission of Policies: Public Information Program, Teacher Transfers, Non-contractual Grievance Procedures, and Administrative Recommendations on Employment of Relatives

**Draft Policy Web Site:** <http://www.pps.net/Page/boardpolicies>  
(click on blue "draft policy" box)

**Recommended for 1st Reading by:** Board of Education

**Policy Contact:** Rosanne Powell, Board Office Manager

**Last Date for Comment:** October 23, 2018

**Address:** P.O. Box 3107, Portland, OR 97208-3107

**Telephone:** 503-916-3741

**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)

**Last Date for Comment: October 23, 2018**



# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Public Information Program Policy 7.30.010-P

## **BACKGROUND**

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

## **RELATED POLICIES/BEST PRACTICES**

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

## **ANALYSIS OF SITUATION**

The Public information Program policy, <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/7.30.010-P.pdf>, was adopted in 1994 to create the Communications Department and has not been amended since that time. That Department still exists and has significant responsibilities to maintain communication among schools, families, and the community. Because the policy has been fully implemented it is no longer needed (and rescinding the policy will not eliminate the function). In addition, other critical functions of the District are not similarly contained in policy.

Keeping this policy does no harm, other than to create unnecessary bulk to the policy manual, making it harder to find other critical policies.

## **FISCAL IMPACT**

None.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

None.

## **TIMELINE FOR IMPLEMENTATION/EVALUATION**

Nothing to implement if rescinded.

## **BOARD OPTIONS WITH ANALYSIS**

See above.

**STAFF RECOMMENDATION**

Staff recommends rescinding the policy.

**I have reviewed this staff report and concur with the recommendation to the Board.**



\_\_\_\_\_  
**Guadalupe Guerrero**  
**Superintendent**  
**Portland Public Schools**

\_\_\_\_\_  
**September 27, 2018**  
**Date**

**Public Information Program Policy:**

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/7.30.010-P.pdf>

## 7.30.010-P Public Information Program

The operation of a public school system is of public interest and concern. The Board believes that the greatest benefit to the students and to the total community can be achieved by supporting the public's right to be informed as fully and accurately as possible through the dissemination of information regarding the school system.

Therefore, the Board has established a Communications Department, which will establish and maintain a reciprocal process of communication among the school system, its personnel and the community.

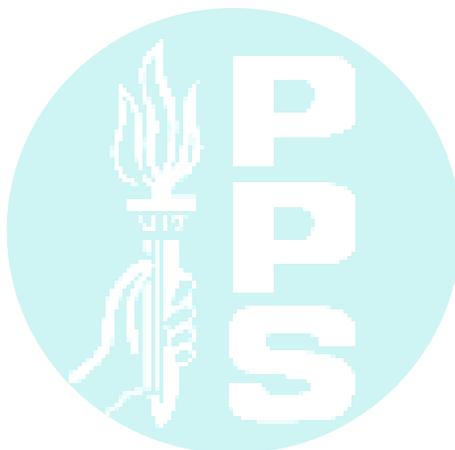
The Communications Department shall work with the Board, superintendent, administrators, district staff, students and others to prepare and disseminate news releases and encourage external media to publicize noteworthy news about events and programs originating with district schools, students and school personnel.

Legal Reference: ORS 332.107

History: Amd 9/902; BA 2422

(New Board Policy proposed.)

7/13/94\_GP





# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Teacher Transfers Policy 5.20.060-P:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.20.060-P.pdf>

## **BACKGROUND**

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

## **RELATED POLICIES/BEST PRACTICES**

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

## **ANALYSIS OF SITUATION**

The Teacher Transfers policy was adopted in 1971 and has not been amended since. It prescribes a very high-level process for making transfer requests in writing to the superintendent. Contrary to this policy, the teacher transfer process is principally governed by collective bargaining agreement, and transfer requests are not made to the superintendent. This policy is out of date and inconsistent with District practices.

## **FISCAL IMPACT**

None.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

PAT was notified of the recommended policy rescission.

## **TIMELINE FOR IMPLEMENTATION/EVALUATION**

No change to District practices or collective bargaining agreement by rescinding of the policy.

**BOARD OPTIONS WITH ANALYSIS**

See above.

**STAFF RECOMMENDATION**

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



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**Guadalupe Guerrero  
Superintendent  
Portland Public Schools**

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September 27, 2018

**Date**

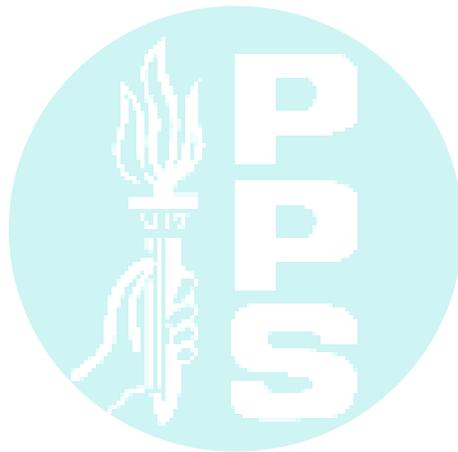
**Teacher Transfer Policy:**

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.20.060-P.pdf>

## 5.20.060-P Teacher Transfers

Any member of the district staff may request transfer for himself/herself or for any teacher for whom he/she has administrative responsibility. Requests shall be made to the office of the superintendent in writing, with an explanation of the reasons for such transfer.

History: Adpt. 6/71





# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Non-contractual Grievance Procedure 5.40.020-P:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.40.020-P.pdf>

## **BACKGROUND**

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

## **RELATED POLICIES/BEST PRACTICES**

Staff reviewed personnel policies at other urban school districts and found no commensurate policies.

## **ANALYSIS OF SITUATION**

The Non-contractual Grievance Procedure Policy creates collective bargaining-like grievance procedure for administrators or for those who claim violations of civil rights laws or assurances given by the District to governmental agencies. By its terms, it does not apply to dismissal, nonrenewal, or termination of employees or most attempts to change policies. The policy was adopted in 1997 and has not been amended since. It is not a widely used policy and creates an unnecessary grievance procedure that is not required by law or contract that allows for appeals up to the Board. There are several other ways Administrators or other employees can raise concerns about the terms and conditions of their employment.

## **FISCAL IMPACT**

Negligible.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

PAPSA has been notified of the recommendation to rescind this policy.

**TIMELINE FOR IMPLEMENTATION/EVALUATION**

Nothing to implement if rescinded.

**BOARD OPTIONS WITH ANALYSIS**

If the policy is left in place, some concerns or allegations by certain employees can have additional formal process with multiple rights of appeal in addition to other means provided by collective bargaining agreement, BOLI, and/or PPS procedures.

**STAFF RECOMMENDATION**

Staff recommends rescinding the policy.

**I have reviewed this staff report and concur with the recommendation to the Board.**



\_\_\_\_\_  
Guadalupe Guerrero  
Superintendent  
Portland Public Schools

\_\_\_\_\_  
September 27, 2018

Date

**Public Information Program Policy:**

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.40.020-P.pdf>

## 5.40.020-P Non-contractual Grievance Procedure

The purpose of this procedure is to provide an orderly resolution of an alleged grievance of an employee or group of employees. However, informal adjustment of such grievance is encouraged.

### (1) Coverage of This Grievance Procedure; Amendment.

- (a) Except as herein provided, this procedure shall be used for and only for those grievances, which are not covered or, if covered, not prosecuted under the grievance procedure of an applicable collective bargaining agreement. Specifically:
  - (A) It covers all administrators' grievances;
  - (B) It shall be the procedure followed with respect to claimed violations of state or federal civil rights laws or regulations or assurances given by the district to local, state, or federal governmental agencies;
  - (C) In certain situations it is considered more efficient to deal with employee contentions in conjunction with other procedures. Accordingly, this procedure does not apply to any of the following:
    - (i) To contest dismissal, non-renewal, or termination of, or failure to reemploy, the employee; or, if proceedings therefore have been instituted, to contest any action, evaluation, or recommendation affecting such proceedings;
    - (ii) To any event, factual circumstance or objection which is subject of a grievance prosecuted above the first level of a grievance procedure established by a collective bargaining agreement;
    - (iii) Except with respect to claimed violations of civil rights laws, to attempts to change existing policies or regulations.
- (b) This procedure may be amended or rescinded by the Board at any time in its sole discretion.

### (2) Definitions.

- (a) An "aggrieved" is an employee or group of employees who initiate a complaint, provided that the employee or group must be directly affected by the conduct complained of in the grievance. Grievances must be filed on appropriate forms within 30 days of the first knowledge of the injured party.

## 5.40.020-P Non-contractual Grievance Procedure

- (b) A "grievance" shall mean any contention by an aggrieved that there has been any violation, misinterpretation, or erroneous application of school district policies or regulations, other than a complaint that the district has violated provisions of the Collective Bargaining Agreement.
- (c) "Policies" and "Regulations" shall include only written policies and bylaws (adopted by the Board) and Regulations (issued by the Superintendent). Thus, they correspond to the policies, bylaws and regulations as defined in the volume entitled "Policies and Regulations, Portland Public Schools, Portland, Oregon."
- (d) A complaint that the employee has otherwise been improperly injured by an administrative decision (i.e., by other than a violation of a policy or regulation) may also be made and processed under this procedure. However, in such cases the standard for decision at each Level will be that which is believed to be best for that particular case and shall not be construed as establishing any precedent or as creating any rights of making the same or similar decision in any other case.
- (e) "Day" is defined as a working school day. During the summer recesses, a "day" is defined as any calendar day except Saturdays, Sundays, and legal holidays.
- (f) Grievances that are reasonably related shall be joined and processed together.
- (3) **Levels and Steps.**
- (a) **Level I - Immediate Supervisor.**
- (A) **Step 1.** The aggrieved employee shall first discuss the grievance with the supervisor or administrator who is most directly concerned with the violation set forth in the grievance.
- (B) **Step 2.** In the event no settlement occurs at Step 1, either the employee or the employee's representative may file with the employee's supervisor a formal written appeal. The supervisor shall file a written response with the employee, which shall set forth the reasons for the decision.
- (C) **Step 3.** In the event no settlement occurs at Step 2, either the employee or the employee's representative may file with the area superintendent or administrator next in line a written appeal which shall specify the portions of the response which are in disagreement and the manner in which each portion is in

## 5.40.020-P Non-contractual Grievance Procedure

error. Alleged violations not raised in the written appeal are waived and shall not thereafter be raised or considered.

- (b) Level II - Area Superintendent. A group grievance effecting employees at more than one building within an area shall be initiated in an informal writing at this Level.
  - (A) Step 1. A hearing involving the participants shall be held at a mutually agreeable time and place.
  - (B) Step 2. The Area Superintendent or administrator next in line shall notify the employee or employees of the decision in writing and the reasons therefore.
  - (C) Step 3. In the event no settlement occurs at Step 2, the employee or the employee's representative may file with the Superintendent a written appeal which shall set forth the portions of the response which are in disagreement and the manner in which each portion is in error.
- (c) Level III - Superintendent and Board.
  - (A) Step 1. The superintendent or designee of the superintendent shall review the record as submitted. The superintendent or designee thereof may elect to hold an additional hearing. If such hearing is to be held, the parties shall mutually agree to the time and place (which may be in the Education Service Center) of the hearing. Such agreement shall be confirmed in writing. The superintendent shall recommend a decision and communicate in writing this recommendation, along with supporting reasons therefore, to the parties involved and to the Board. The grievant or his or her representative may attach a written response to the superintendent's recommendation to the Board but limited to argument from the record.
  - (B) Step 2. The Board's decision shall be written, shall be furnished to the parties forthwith, and shall be binding and final.
- (4) General Procedures.
  - (a) Parties Present; Representation. An employee may choose, but not be required, to be represented by a person of his/her designation. The form of complaint submitted by the grievant shall decide whether or not the grievant chooses to be represented by the collective bargaining unit. An employee who files a grievance must be present at Level 1, Step 1, and may be present at all subsequent

## 5.40.020-P Non-contractual Grievance Procedure

Steps and, if present at any Step, may require the presence of the administrator whose action is the subject of the grievance.

- (b) Time Lines. The time lines for written appeals, responses thereto, hearings, recommendations, and decisions shall be those at the comparable Levels and Steps in the grievance procedure established by the most recent collective bargaining agreement applicable to the bargaining unit which includes the aggrieved. For administrators and confidential employees, such time lines shall be those of the collective bargaining agreement applicable to teachers. Should the time line of such agreements change so as to impair the usefulness of the foregoing formula or application thereof be found otherwise uncertain, the superintendent shall issue a regulation establishing appropriate time lines for this procedure. The time limits may be extended by mutual consent of the parties involved. The district should be lenient in extending this privilege to the grievant in that it is the Board's intent to settle grievances under this policy on their merits and not on procedural technicalities. Likewise, any Step in the grievance procedure may be eliminated by written mutual consent.
- (c) Default. Failure at any step of this procedure to communicate the decision in writing on a grievance within the specified time limit shall permit the grievant to proceed to the next Step. Failure at any Step of this procedure to appeal the decision to the next Step within the specified time limit shall be deemed to be acceptance of the decision rendered at this Step.
- (d) Contents of Grievance. The written formal grievance filed at any Level shall contain a statement of facts of the violation and the facts giving rise to the violation and the relief sought.
- (e) Meetings and Cost. Meetings held under this procedure shall be conducted at a time and place, which will afford a fair and reasonable opportunity to attend for all persons properly present. When such meetings are held during school hours, all school persons who participate shall be excused without loss of pay for that purpose. Persons proper to be present for the purpose of this section are defined as aggrieved employee(s), his/her or their representative(s), if any, qualified witness (while testifying), administrators and recorders designated by the district, and any other person agreed to by both parties.
- (f) Information for Grievance. School administrators will cooperate with the grievant and in the investigation of any grievance and further will furnish the grievant or his/her representative with such necessary,

## 5.40.020-P Non-contractual Grievance Procedure

reasonable, and readily available information as is requested for the processing of any grievance. (The superintendent, as the Board's representative, shall define what is readily available.)

- (g) Minutes. Appropriate minutes shall be kept at district expense of proceedings at all Levels beyond Level 1, excluding hearings before the Board, which may or may not be kept at the discretion of the Board. Additional records or transcription of the proceedings may be made by the aggrieved or the district, the cost of which shall be paid equally by the aggrieved and the district if both request this service. If only the district requests such additional service, it shall bear the cost. If only the aggrieved requests such service, he/she shall pay the cost.
- (h) Files. All documents, communications, and records dealing with the processing of a grievance shall be filed in a separate grievance file which shall constitute a personnel file within the meaning of the confidentiality provisions of ORS 342.850 and shall not be opened for inspection by other than the staff of the Office of Personnel Services in the absence of the specific approval of the employee, the superintendent, the Board chairman, or the Board.
- (i) Privacy. Except as otherwise provided by law, meetings and hearings under this procedure shall not be conducted in public but may include the aggrieved, the involved administrators, the representatives of the aggrieved and such administrators, the witnesses while testifying, and any advisor to the presiding officer.
- (j) No employee or group of employees shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.
- (k) Individual Adjustment. Any "aggrieved" may have the grievance adjusted (including the dismissal thereof) without the intervention of a collective bargaining representative if:
  - (A) The adjustment is not inconsistent with the terms of the collective bargaining agreement; and
  - (B) The collective bargaining representative, if any, has been given an opportunity to be present at the adjustment.
- (l) The decisions made under this grievance procedure shall be final and binding on all parties, except in those instances where not permitted by law.

## 5.40.020-P Non-contractual Grievance Procedure

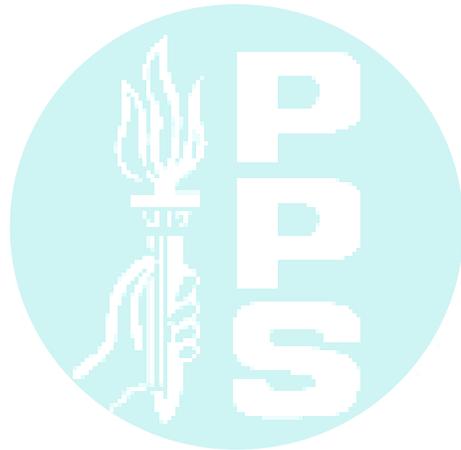
- (m) Unless otherwise provided by law, employees shall utilize the grievance procedures herein described prior to seeking redress through channels provided by law.

\* Except for those grievances concerning events prior to the approval of this document, in which case the 30 days shall begin the day following approval of this document. In any case, this document shall not be used for any grievance concerning events prior to June 1, 1979.

See also: Additional provisions in the Professional Agreement.

Legal References: ORS 332.107; ORS 342.850; ORS 652.750

History: Adpt. 12/10/97





# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Administrative Recommendations on Employment of Relatives Policy 5.60.015-P: <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.60.015-P.pdf>

## **BACKGROUND**

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

In addition, in 2018, the Board adopted the Conflict of Interest—Nepotism Policy, 5.10.065-P.

## **RELATED POLICIES/BEST PRACTICES**

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

## **ANALYSIS OF SITUATION**

The Administrative Recommendations on Employment of Relatives Policy is superseded by the Board's new policy, Conflict of Interest—Nepotism Policy. Maintaining the earlier policy potentially leads to confusion by those attempting to comply with District policy.

## **FISCAL IMPACT**

None.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

Public process with opportunities for input in adoption of Conflict of Interest—Nepotism policy.

## **TIMELINE FOR IMPLEMENTATION/EVALUATION**

No implementation other than deleting policy from website (electronic manual).

**BOARD OPTIONS WITH ANALYSIS**

See above.

**STAFF RECOMMENDATION**

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



\_\_\_\_\_  
Guadalupe Guerrero  
Superintendent  
Portland Public Schools

\_\_\_\_\_  
September 27, 2018

Date

Administrative Recommendations on Employment of Relatives Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.60.015-P.pdf>

## 5.60.015-P Administrative Recommendations On Employment Of Relatives

- (1) The Board has determined that it is in the best interest of the district in its relations with staff and the public that there should be no colorable basis for any claim that when selecting, assigning or promoting employees there is preference given to relatives of administrators of the district.
- (2) Hence, formal or informal requests or recommendations for employment or promotion of a relative by supervisory personnel of the district shall not be made to the Personnel Office, administrator or the Board of Education.
- (3) In assigning employees, the superintendent shall not place relatives or supervisory employees in the same responsibility center if it would result in a relative exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises or if it would conflict with a bona fide occupational requirement reasonably necessary to the normal operation of the responsibility center.

Legal Reference: ORS 659.340

History: Adpt. 11/8/76; Amd. 4/11/85

