

ADMINISTRATIVE GUIDELINES:

EMPLOYEE CODE OF CONDUCT



OAK RIDGE SCHOOLS

VERSION CONTROL

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LAST SCHOOL SYSTEM REVIEW	

Administrative Guidelines: Employee Code of Conduct (TN) for Web - TSBA Version
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ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (TN)

ECOC

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DISCLAIMERS

COMPANY

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THIS PRODUCT VERSION CONTAINS CITATIONS OF A THIRD-PARTY POLICY SOURCE ("TENNESSEE SCHOOL BOARDS ASSOCIATION"), AND WAS DEVELOPED FOR THOSE SCHOOL SYSTEMS THAT HAVE LICENSED POLICY SERVICES FROM THE THIRD-PARTY POLICY SOURCE IN THE SUBJECT STATE. THE COMPANY IS NOT AFFILIATED WITH THE THIRD-PARTY POLICY SOURCE, AND THE THIRD-PARTY POLICY SOURCE HAS NOT ENDORSED THESE MATERIALS FOR USE BY THE LICENSEE FOR ANY PURPOSE.

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INTRODUCTION

April 28, 2015

Dear Oak Ridge Schools Employee:

Throughout its history, the Oak Ridge Schools Board of Education has maintained and enforced high standards for ethical conduct and professional competency. The ORS Employee *Code of Conduct* (ECOC) is one tool for assisting all staff in meeting these standards.

Because staff conduct has the potential to either support or undermine the stated mission, vision, and goals of the school system, the ECOC was developed to provide all Oak Ridge Schools employees with a better understanding of:

- The school system's expectations for ethical staff behavior outlined in ORS policies 1.106, 5.600, and 5.611
- Their responsibilities to our community for meeting these expectations;
- The types of incidents that demonstrate a failure to meet these expectations;
- The rationale for the school system's approach to staff misconduct; and
- Their rights before, during and after any disciplinary action where applicable.

Where applicable, disciplinary action will be taken:

- In accordance with federal law, state statute and Oak Ridge Schools Board of Education policy;
- In a reasonable, fair, and consistent manner; and
- Without regard to race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or any other basis in federal or state law, in accordance with ORS policies 1.802, 5.104, 5.500, and 5.600.

The ECOC is intended to support existing Oak Ridge Schools Board of Education policies and administrative procedures that address staff conduct, staff ethics, and employee discipline. The ECOC does not establish new administrative procedures in these areas.

Finally, the ECOC is not a substitute for good judgment, nor does it cover every possible conduct or disciplinary situation that may be encountered by a staff member or a supervisor during his or her career. When in doubt about any specific action or behavior, please consult with your direct supervisor or Human Resources.

Sincerely,



Dr. Bruce Borchers, Superintendent
Oak Ridge Schools



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1.0 STATEMENTS OF PURPOSE AND INTENT

The following guidelines were developed to assist all employees in their understanding of the purpose and intent of the School System *Employee Code of Conduct* (ECOC).

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT

The purpose of the ECOC is to ensure that each Employee is aware of his or her responsibility for supporting the mission, vision, and goals of the School System as follows:

- **Mission.** The mission of the School System is success for every Oak Ridge student.
- **Vision.** The School System will ensure success for every student through high quality standards-based curriculum, highly effective instruction, balanced and reliable measurement, and targeted responses to learning.
- **Goals.** The Board has established goals for the School System in the following operational areas:
 - **Operations [ORS 1.700]**
 - To make every effort to secure adequate funding for the educational program in support of the stated goals.
 - To maintain an adequate system of fiscal and business management.
 - To develop plans for the efficient use of school facilities.
 - To ensure appropriate communication between the Superintendent and the Board of Education.
 - **Fiscal management [ORS 2.100]**
 - To engage in advance planning, with broad-based staff and community involvement.
 - To establish levels of funding which will provide quality education for the School System's students.
 - To use the available techniques for budget development and management.
 - To provide timely and appropriate information to all staff with fiscal management responsibilities.
 - To establish efficient procedures for accounting, reporting, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.
 - **Business management [ORS 3.100]**
 - To develop a plan for the management of buildings and grounds which provides a safe, secure, comfortable, and clean environment for instruction and administration.
 - To provide a building maintenance program that protects the taxpayer's investment in facilities and ensures their continued use.
 - To provide sufficient supplies and equipment for effective teaching and learning.
 - To provide a student transportation system which meets state requirements.
 - To design and implement a program of food services which emphasizes nutritional needs of children as the basis of growth and development of bodies and minds.
 - To collect and maintain data pertinent to educational planning.
 - To provide a sound program of insurance protection for system employees, students, and property.
 - **Instruction [ORS 1.700 and 4.100]**
 - To promote a plan for the organized improvement of school curriculum, including the articulation between elementary and secondary schools.
 - To provide offerings which explore a wide range of career and service opportunities.
 - To promote an integration of academic, physical, social and emotional growth experiences for each student.

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1.0 STATEMENTS OF PURPOSE AND INTENT (CONT'D)

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT (CONT'D)

- To promote the recognition of achievement in all endeavors (example, academic, athletic).
 - To acquire the knowledge and attitude necessary to achieve and maintain good physical and mental health.
 - To develop the skills necessary to function as a self-directed person.
 - To develop the capacity to cope with change through an understanding of the arts, humanities and scientific processes.
 - To know the principles involved in making moral and ethical choices.
 - To develop the basic skills of reading, writing, computation, spelling, speaking and problem solving.
 - To develop a positive attitude toward learning as a lifelong endeavor.
 - To learn to identify personal talents and interests, make appropriate career choices, and develop career skills.
 - To acquire knowledge and to develop skills in the management of personal and public resources necessary for meeting obligations to self, family and society.
 - To learn to act in a responsible manner.
 - To learn of the rights and responsibilities of citizens of the community, state, nation, and world.
 - To learn to understand, respect, and interact with people of different cultures, generations, and races.
- **Personnel [ORS 1.700 and 5.100]**
 - To recruit and employ the best qualified individuals to staff the school system.
 - To provide compensation, benefits, and working environments sufficient to attract and retain qualified employees.
 - To provide high quality performance by the staff, including both Professional Personnel and Support Personnel.
 - To establish acceptable performance standards for all personnel.
 - To provide in-service training and professional growth experiences for teachers and administrators.
 - To provide an in-service training program for all employees to improve their performance.
 - To maintain an evaluation system for the improvement of the instructional system.
 - To conduct an evaluation program that will contribute to the continuous improvement of staff performance.
 - To ensure that personnel are assigned so that they are utilized as effectively as possible.
 - **Students [ORS 1.700 and 6.100]**
 - To structure the overall instructional program to provide sufficient alternatives to meet a variety of individual needs and aspirations.
 - To ensure that each student's interests, capacities and objectives are considered in his/her learning program.
 - To develop a comprehensive program for disabled students providing the least restrictive programs.
 - To help students gain understanding of themselves, as well as skills and techniques in living and working with others and being responsible citizens.
 - To assure all students the same educational opportunities regardless of race, color, creed, religion, ethnic origin, sex, disabilities, or gender identity, or sexual orientation.
 - To protect and observe the legal rights of students.
 - To educate students with respect and encouragement.
 - To provide an environment where students can learn personal and civic responsibility for their actions through meaningful experiences.
 - To discipline students in a fair and constructive manner.

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1.0 STATEMENTS OF PURPOSE AND INTENT (CONT'D) *PURPOSE OF THE EMPLOYEE CODE OF CONDUCT (CONT'D)*

- To provide for the safety, health and welfare of students.
- To promote faithful attendance and diligent effort.

Employees fulfill this responsibility when their actions and behaviors - both professionally and personally - reflect the following general standards for ethics and conduct:

- **Legal expectations for conduct.** All employees are expected to remain familiar with, and abide by, applicable federal laws, state statutes, and local ordinances.
- **Professional expectations for conduct.** Each certificated Employee is expected to comply with the TCE [ORS 5.600].
- **Board expectations for conduct.** All employees are expected to conduct themselves in a manner consistent with the Board *Code of Ethics Policy* (CEP) [ORS 1.106], the Board *Staff Rights & Responsibilities Policy* (SRRP) [ORS 5.600], the Board *Employee Ethics Policy* (EEP) [ORS 5.611], and all other policies, rules, procedures, and routines established by the School System and the Superintendent or his/her designee(s).

INTENT OF THE EMPLOYEE CODE OF CONDUCT

The Board: specifically retains unto itself all Management Rights as defined by law, except as specifically provided within any existing MOU [TCA §49-5-604(b) and §49-5-609]. Therefore, consistent with its purpose, the intent of the ECOC is:

- To alert employees to the types of actions and behaviors that most commonly represent violations of the general standards for ethics and conduct, and as such, grounds for Employee discipline; and
- To define a rational course of action for addressing the inappropriate or unacceptable actions or behaviors of employees in a manner consistent with federal law, state statute, and Board policy.

Neither the ECOC nor these guidelines are intended to address every possible type of misconduct. School System personnel should not conclude that disciplinary action cannot arise out of actions or behaviors not specifically referenced herein where supported by federal law, state statute, local ordinance, and/or Board policy.

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The logo for the Employee Code of Conduct (ECOC) is a small red graphic with the letters "ECOC" in white.

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1.0 STATEMENTS OF PURPOSE AND INTENT (CONT'D) *INTENT OF THE EMPLOYEE CODE OF CONDUCT (CONT'D)*

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2.0 EMPLOYEE CODE OF CONDUCT

OAK RIDGE SCHOOLS BOARD OF EDUCATION EMPLOYEE CODE OF EXPECTED BEHAVIORS

Oak Ridge Schools Board of Education-Approved Employee Code of Conduct Expected Behaviors

Each Oak Ridge Schools Board of Education employee shall:

1. Report to work acceptable for duty, and remain suitable while on duty, as articulated in the employee's job description.
2. Prepare for and perform all assigned duties as required by, and related to, the employee's job description.
3. Comply with justifiable directives issued by established lines of authority.
4. Identify, report, and/or control, if possible, unsafe conditions and/or safety hazards to maintain safe and secure working and/or learning environments.
5. Demonstrate respect and integrity when interacting with students, parents, staff, community members, and other stakeholders.
6. Comply with federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures that prohibit coercive, harassing, threatening, retaliating, or discriminating conduct.
7. Communicate in a truthful and timely manner about any matter of interest to the School System.
8. Acquire, use, maintain, and dispose of School System assets in an ethical and responsible manner in accordance with federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
9. Maintain the confidentiality of information as required under federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
10. Report actions that may represent violations of federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.
11. Refrain from unethical activities that may reasonably interfere with either the employee's ability to effectively perform his or her duties as assigned or the legitimate operational interests of the School System.
12. Comply with all other federal laws/implementing regulations, state statutes/implementing regulations, Board policies, and School System administrative procedures.

Approved this 27 day of April, 2015.

Signed:



Keys Fillauer, Chairman, Oak Ridge Schools Board of Education

Signed:



Robert Eby, Vice Chair, Oak Ridge Schools Board of Education


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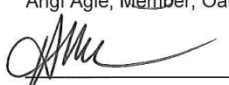
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2.0 EMPLOYEE CODE OF CONDUCT (CONT'D)

Signed: 
Angi Agle, Member, Oak Ridge Schools Board of Education

Signed: 
Paige Marshall, Member, Oak Ridge Schools Board of Education

Signed: 
Laura McLean, Member, Oak Ridge Schools Board of Education

Signed: 
Dr. Bruce Borchers, Superintendent, Oak Ridge Schools

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3.0 CONDUCT MANAGEMENT OVERVIEW

The following guidelines were developed to ensure that staff ethics or conduct issues are managed Consistent with the purpose and intent of the ECOC.

RATIONALE FOR DISCIPLINARY ACTIONS

It is essential that prompt, corrective action is taken when standards for ethics or conduct are not being met by an Employee. If it is determined that a violation of the ECOC was involved, disciplinary action: 1) Will be considered; and 2) Will reflect the following School system goals for the disciplinary process:

GOALS FOR EACH DISCIPLINARY ACTION

- | | |
|----------|---|
| 1 | REASONABLENESS: For the purpose of the ECOC, <i>reasonableness</i> means the management of incidents of comparable severity in a similar manner (i.e., “ <i>like penalties for like offenses in like circumstances</i> ”). |
| 2 | FAIRNESS: For the purpose of the ECOC, <i>fairness</i> means the full consideration of all relevant case facts before a specific action is selected or recommended in response to any specific incident. Because no two disciplinary situations are completely identical, the ECOC was designed to support the consideration of all pertinent aggravating and mitigating circumstances before a specific action is selected or recommended to ensure that the accused is treated in a just manner before, during, and after any disciplinary action. |
| 3 | CONSISTENCY: For the purpose of the ECOC, <i>consistency</i> means the use of the same or substantially similar actions in situations involving the same or substantially similar incidents. As such, the ECOC was designed to ensure a high level of internal consistency between disciplinary cases under these circumstances. |

Any disciplinary action taken: 1) Will be in proportion to the Employee’s offense or misconduct and 2) Will be consistent with any applicable Due Process required under state statute and/or Board policy. Each such action will be taken equitably and without regard to race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or any other basis in federal law, state statute, and/or Board policy, and the private and confidential nature of each such action will be respected at all times [TCA §4-21-401; ORS 1.802, 5.104, 5.500, and 5.600].

An overview of the general incident management workflow is as follows (see [Resource 3.01](#)):

- **Step #1: Establish the ECOC violation.** The specific grounds for Employee discipline must be determined. Where required, Cause must be established.
- **Step #2: Verify the ECOC violation.** The grounds for Employee discipline must be substantiated or refuted by either an informal inquiry or a formal investigation conducted under presumption of innocence (see [Form 3.01](#), [Form 3.02](#), [Form 3.03](#), and [Form 3.04](#)). If the allegation(s) is/are substantiated, the specifics of a charge must be described in as much detail (e.g., the “who”, “what”, “where”, “when” and “how”) as possible supported by all relevant evidence.

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action [NLRB v. *Weingarten, Inc.*, 420 U.S. 251 (1975)].

- **Step #3: Determine a course of action.** If the allegation(s) has/have been substantiated, one of the following general courses of action will be determined: 1) **Verbal Redirection**; 2) **Informal Action**; or

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) RATIONALE FOR DISCIPLINARY ACTIONS (CONT'D)

3) **Formal Action.** For the purposes of the ECOC, a “reasonable” course of action means one that “fits” both the specific offense and the disciplinary record of the Employee involved where applicable (i.e., presence or absence of the same or substantially similar disciplinary events in the past).

Supervisor Tip: Consider the relative severity of an offense

Each offense listed in the ECOC is assigned to one of the following six (6) classifications based on its severity relative to all other ECOC violations:

CLASS	DEFINITION
Alert	This term means a very low level ECOC violation managed on first offense with Verbal Redirection only.
Minor	This term means a low level ECOC violation managed on first offense with mostly Informal Action (Formal Action in more serious cases only).
Moderate	This term means a mid-level ECOC violation managed on first offense with mostly Formal Action (Informal Action in less serious cases only).
Major	This term means a high-level ECOC violation managed on first offense with Formal Action only.
Severe	This term means a very high level ECOC violation that always places the Employee in jeopardy of Dismissal upon second offense.
Disqualifying	This term means a very high level ECOC violation managed on first offense with Dismissal only per state statute.

The classification assigned to each ECOC violation determines the case management strategy for either an initial offense or repeat offenses (if applicable), and the range of disciplinary options permitted by the School System for each ECOC violation / event interval pairing shown herein.

NOTE: A connection should be made for the Employee between the charge(s) and the School system's mission, vision, and goals if applicable (See [Section 1.0](#)).

- **Step #4: Consider the case facts.** Unless otherwise not applicable under state statute, all relevant aggravating and mitigating factors in the case should be considered by the Supervisor or investigator before a specific action is selected or recommended. This process will be accomplished by the completion of a case evaluation using the following set of “Douglas Factors” (see [Resource 3.02](#)).

DOUGLAS FACTORS

- 1 The nature and seriousness of the offense and its relation to the Employee's duties, position, and responsibilities, including whether the offense was committed Intentionally (not technical or inadvertent), Maliciously, For Gain, or was frequently repeated.
- 2 The Employee's job level and type of employment, including any Supervisory Role or Fiduciary Role, contacts with the public, and prominence of the position.
- 3 The Employee's past disciplinary record.
- 4 The Employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- 5 The effect of the offense upon the Employee's ability to perform at a satisfactory level and its effect upon the Supervisor's confidence in the Employee's work ability to perform assigned duties.
- 6 The consistency of the penalty with those imposed upon other employees for the same or similar offenses.

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) RATIONALE FOR DISCIPLINARY ACTIONS (CONT'D)

- | | |
|----|---|
| 7 | The consistency of the penalty with any applicable agency table of penalties. |
| 8 | The notoriety of the offense or its impact upon the reputation of the agency. |
| 9 | The clarity with which the Employee was previously notified of any rules violated in committing the offense, or had previously received non-disciplinary counseling regarding the conduct in question. |
| 10 | The Employee's potential for rehabilitation (if applicable). |
| 11 | Any special circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter. |
| 12 | The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the Employee or by others. |

For the purposes of the ECOC, an “appropriate” action means one that “fits” the aggravating and mitigating case facts involved. General rules for applying the Douglas Factors to a disciplinary case are as follows:

- Aggravating factors support the selection or recommendation of a more severe action, while mitigating factors support the selection or recommendation of a less severe action.
- Any of these factors can be either mitigating or aggravating depending on the circumstances.

Supervisor Tip: Consider the need for progressive discipline

While some incidents are so grave as to warrant immediate Formal Action up to and including Dismissal, repetitive misconduct of a lesser nature may require progressively more serious sanctions. In cases of chronic Employee misconduct, progressively more serious action should be taken or recommended when it is evident that either: 1) Non-disciplinary strategies (if used) did not result in modification or suppression of the action(s) or behavior(s) involved; or 2) Previous disciplinary actions failed to correct a chronic ECOC violation.

- **Step #5: Document the action.** Accurate documentation must be maintained before, during, and after each disciplinary action to protect both the interests of the School System and the applicable rights of the Employee involved.

NOTE: Documentation of the action may be subject to applicable open records and records management provisions under state statute and board policy (see [Section 8.0](#)).

DELEGATION OF AUTHORITY

While the Board and the Superintendent are ultimately responsible for all disciplinary actions within the School System, the following lines of authority are designated for each specific type of disciplinary action:

- Authority to issue an [Acknowledged Oral Warning](#) or a [Written Warning](#) is delegated by the Superintendent to those supervisors directly responsible for planning, directing and/or overseeing the work of others.
- Authority to issue an [Official Reprimand](#) is delegated to School System level supervisors and building level principals with guidance and input from the Superintendent or his/her designee(s).
- Authority to execute a [Suspension](#) will remain with the Superintendent or his/her designee(s).
- Authority to execute a [Dismissal](#) will remain with the Board, upon recommendation of the Superintendent, where and when applicable.

Each supervisor should be aware of all disciplinary procedures, including those involving actions outside of his or her scope of authority to take that must be referred to the Superintendent or his/her designee.

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) ROLES & RESPONSIBILITIES

Responsibilities related either directly or indirectly to Employee discipline within the School System include, but are not limited to, the following [TCA §6-36-110 , §8-44-101 et seq., §8-50-108; §10-7-401 et seq., §10-7-501 et seq., §49-2-202, §49-2-203(a)(1) et seq., §49-2-205 through 207, §49-2-301(a) et seq., §49-2-303 (a)(1) et seq., §49-5-501 (10) and (11), §49-5-503 and §49-5-504, §49-5-511 through 513, §49-5-601 et seq. and §49-5-5012; ORS 1.100, 1.101, 1.103, 1.104, 1.106, 1.107, 1.201, 1.202, 1.205, 1.300, 1.301, 1.302, 1.400, 1.401, 1.402, 1.403, 1.404, 1.405, 1.406, 1.407, 1.500, 1.600, 1.601, 1.700, 1.701, 1.1061, 5.102, 5.108, 5.114, 5.1141, 5.117, 5.200, 5.201, 5.202, 5.600, 5.611, 5.700, and 5.800]:

Board. The Board is responsible for:

- Formulating, adopting, disseminating, and reviewing policies for the School System consistent with the school laws of the state [ORS 1.101].
- Employing a chief executive officer to carry out its policies [ORS 1.101, 5.800 and 5.801].
- Specifying its requirements and expectations of the Superintendent [ORS 1.205].
- Holding the Superintendent accountable by evaluating how well Board requirements and expectations have been met [ORS 1.205, 1.702, and 5.803].
- Referring complaints to the Superintendent [ORS 1.202 and 5.502].
- Abstaining from individual counsel and action in regard to staff members [ORS 1.202].
- Voting and acting impartially for the good of the School System [ORS 1.202].
- Reviewing policies, evaluating their effectiveness, and passing, revising, or deleting policies mandated by changing conditions on at least an biannual basis [ORS 1.101 and 1.600].
- Employing and dismissing teachers [ORS 1.205].
- Engaging in Collaborative Conferencing with the duly authorized Professional Employees' Organization, and comprehensively meeting its responsibilities and obligations under PECCA [ORS 5.900].
- Participating in Grievance, appeal, or review proceedings as necessary [ORS 5.1031, 5.200, 5.201, 5.202, and 5.501].

Superintendent. The Superintendent is responsible for:

- Acting as the chief executive officer of the School System [ORS 5.800].
- Being accountable to the Board [ORS 5.800].
- Drafting policy proposals, maintaining the Board's policy manual, and serving as liaison between the Board and the State Board [ORS 1.600].
- Implementing Board policies and interpreting them to staff, students, and the public [ORS 1.601].
- Developing administrative procedures as necessary to implement Board policies in consultation with principals, staff members, and other persons and groups as appropriate to the topic [ORS 1.601].
- Establishing and maintaining an orderly plan both for preserving administrative procedures and making them accessible to all employees [ORS 1.601].
- Exercising, under the direction of the Board, general supervision of all the public schools, personnel, and departments of the School System [ORS 1.702 and 5.800].
- Managing the schools under Board policies [ORS 5.800].
- Making annual reports concerning conditions of efficiency and needs of the schools [ORS 1.603].
- Delegating any of his or her responsibilities to other school personnel at his or her discretion [ORS 5.800 and 5.108].
- Specifying requirements and expectations for all School System personnel who report to him or her [ORS 1.205].
- Holding all School System personnel who report to him or her accountable for meeting these expectations [ORS 1.205 and 1.702].
- Completing investigations or inquiries of alleged ECOC violations when required.

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) *ROLES & RESPONSIBILITIES (CONT'D)*

- Using, completing, and interpreting disciplinary rubrics before taking disciplinary actions.
- Conducting a technical analysis of any recommendation for Suspension or Dismissal.
- Administering disciplinary actions in a fair, impartial, uniform, and confidential manner.
- Maintaining and regularly reviewing disciplinary data at the School System level.
- Representing the Board in Collaborative Conferencing [ORS 5.900, 5.901, and 5.902].
- Participating in Grievance, appeal, or review proceedings as necessary [ORS 5.1031, 5.200, 5.201, 5.202, and 5.501].

Designee(s). The Superintendent's designee(s) at this level are responsible for:

- Making a reasonable effort to ensure that established policies and other conditions of employment are made known to all employees at the building or site level.
- Establishing rules and procedures for the staff and students of their schools that are consistent with the policies of the Board and the regulations of the Superintendent [ORS 1.601].
- Completing investigations or inquiries of alleged ECOC violations when required.
- Using, completing, and interpreting disciplinary rubrics before taking disciplinary actions.
- Referring any case involving a potential Official Reprimand or Suspension to the Superintendent or his/her designee.
- Submitting recommendations to the Superintendent regarding the Dismissal of all personnel [TCA §49-2-303(b)(3)].
- Administering disciplinary actions in a fair, impartial, uniform, and confidential manner.
- Maintaining and regularly reviewing disciplinary data at the building/site level.
- Participating in Grievance, appeal, or review proceedings as necessary [ORS 5.1031, 5.200, 5.201, 5.202, and 5.501].

All employees are responsible for:

- Participating in the development and revision of Board policies and regulations [ORS 5.901 and 5.902].
- Reading, understanding, abiding by, and asking questions about the ECOC.
- Discharging assigned duties ethically, conscientiously, competently, and professionally [ORS 5.901 and 5.902].

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The logo consists of a red outline of the state of Tennessee with the letters "ECOC" in white text inside the outline.

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) *ROLES & RESPONSIBILITIES (CONT'D)*

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4.0 ECOC VIOLATIONS

POTENTIAL VIOLATIONS OF POLICY ALONE

The following actions and/or behaviors represent grounds for Employee discipline within the School System based on violations of Board policy alone:

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

Definition: This ECOC violation means any conduct that involves a lack of compliance with an established Board policy, approved schedule, routine, or procedure relating to an Employee's availability for duty, or time on duty.

Examples: Include, but are not limited to, the following:

- Taking leave in a manner inconsistent with Board policy and/or the MOU.
- Being absent without approved leave.
- Failing to follow proper absence notification procedures.
- Arriving late or leaving an assigned duty station early without prior authorization.

Related alignments include, but may not be limited to, the following:

Federal level: *Fair Labor Standards Act of 1938* [FLSA; 29 USC §201 et seq.] as amended; *Family Medical Leave Act of 1993* [FMLA; 29 USC §2601 et seq.; 29 CFR §825.100 et seq.]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]; 42 USC §12631

State level: TCA §4-21-408; §5-23-104; §7-51-1503; §8-33-109; §22-1-103; §22-4-106; §49-2-301(b)(1)(GG); §22-4-106; §49-5-201(a)(1) and (12); §49-5-203(b)(2); §49-5-205; §49-5-303; §49-5-408; §49-5-501(3)(C) and (8); §49-5-508; §49-5-608(a)(6); §49-5-701 et seq.; §49-5-808; §49-6-3004; §58-1-106

TRR 0520-01-02.04; 0520-01-03.02

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)

Board level: ORS 1.800; 1.801; 1.8011; 1.8012; 3.602; 5.110; 5.113; 5.200; 5.201; 5.202; 5.300; 5.301; 5.302; 5.303; 5.304; 5.305; 5.306; 5.307; 5.308; 5.309; 5.310; 5.600; 5.602; 5.603; 5.611; 5.900; 5.901; 5.902; 5.904; 5.906

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

ATTENDANCE, PUNCTUALITY, OR CONTRACT POLICY VIOLATION (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Attendance, Punctuality or Contract Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding leave-related instances of this ECOC violation, consult the Board *Employee Leave Policies* (ELPs) [ORS 5.300, 5.301, 5.302, 5.303, 5.304, 5.305, 5.306, 5.307, 5.308, 5.309, and 5.310], related administrative guidelines, the MOU, and/or [Resource 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL

Definition: This ECOC violation means any conduct that bypasses an established line of authority under Board policy without authorization.

Examples: Include, but are not limited to, the following:

- Bringing a problem to a School System level Supervisor that could have been directly addressed at the building or site level or encouraging others to do so.
- Failing to follow established Grievance channels.
- Requesting that a higher level Supervisor overrule an operational decision by a lower level Supervisor that was within the scope of his or her authority to make.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3)(D); §49-6-1018; §49-50-1408; §50-1-310; §50-1-706; §50-2-202

Professional ethics: TCA §49-5-1002(1)

Board level: ORS 1.404; 5.1031; 5.108; 5.200; 5.201; 5.202; 5.500; 5.501; 5.502; 5.600; 5.611; 5.900

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: [MODERATE](#)

Case Management Options: Breach of Chain of Command Protocol				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Appeals to and Appearance Before the Board Policy* (AABBP) [ORS 1.404] and/or related administrative guidelines: 1) The Board will not hear complaints or concerns which have not advanced through the proper administrative procedure from the point of origin; and 2) If all steps of the administrative procedure have been pursued and there is still a desire to appeal to the Board, the matter shall be referred in writing to the office of the Superintendent, and the Board shall determine whether to hear the appeal.
- Consistent with the Board *Complaints and Grievances Policy* (CGP) [ORS 5.501] and/or related administrative guidelines: 1) The Board believes that differences of opinions arising in the course of employment should be resolved as quickly as possible and at the lowest supervisory level; 2) In instances of questions by an individual staff member concerning the interpretation of policies and procedures to that staff member, administrative practices within his or her particular school, and relationships with other employees, the staff member concerned must consult the administrative or supervisory personnel to whom he or she is responsible; and 3) If a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the staff member concerned may discuss the matter with the next level of supervision up to and including the Superintendent.

NOTE: In instances where an individual staff member feels for personal reasons that he/she cannot discuss a problem with his/her immediate superior, he/she may take the problem to the Superintendent [ORS 5.501]. Additionally, if the issue or concern involves a potential civil rights or criminal violation, authorization is granted to breach protocol and go directly to the Superintendent or his/her designee, and after review of the case, the Superintendent shall take action as he or she deems appropriate and within a prompt, reasonable time shall notify all parties concerned of his or her decision [ORS 5.501].

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a verbal lack of truthfulness or deception; and 2) That is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission (e.g., misrepresenting facts in a non-criminal manner, such as the reporting of an uncompleted task as completed; or failing to make a required report, when such failure does not have potential criminal consequences).
- Engaging in an act of omission (e.g., failing to relate all pertinent details to a Supervisor, such as giving an incomplete account of an event or incident).

Related alignments include, but may not be limited to, the following:

Federal level: *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State level: TCA §12-4-101; §49-1-607; §49-2-110; §49-2-112; §49-2-301(b)(1)(GG); §49-2-601 et seq.; §49-3-314; §49-5-201(a)(12); §49-5-501(3)(C); §49-6-2003

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(3); §49-5-1004(b)(1-4)(7)

Board level: ORS 1.106; 1.108; 2.200; 2.202; 2.300; 2.400; 2.401; 2.402; 2.500; 2.601; 2.700; 2.800; 2.801; 2.804; 2.809; 2.900; 3.400; 4.701; 5.108; 5.200; 5.201; 5.202; 5.600; 5.601; 5.605; 5.611; 6.410; 6.415

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Dishonesty (Non-Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the *Tennessee Comprehensive Assessment Program* (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions will be grounds for Dismissal, including the Dismissal of an Employee with Tenure. Such actions shall be grounds for revocation of state license [TCA §49-1-607].
- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DRESS CODE VIOLATION

- Definition:** This ECOC violation means any unauthorized deviation from the expectations for Employee attire, appearance, or hygiene outlined in Board or School System Staff Dress and Grooming Guidelines While on Duty.
- Examples:** Include, but are not limited to, the following:
- Failing to be physically clean, neat, and well-groomed While on Duty.
 - Dressing in a manner inconsistent with one's professional responsibilities While on Duty.
 - Dressing in a manner that does not communicate pride in personal appearance to students While on Duty.
 - Dressing in a manner that causes damage to School System property While on Duty.
 - Being groomed in such a way that hair style or dress disrupts the educational process While on Duty (e.g., wearing items that display abusive, vulgar or offensive language; wearing items that contain offensive symbols; wearing items that advertise Alcohol or tobacco products; wearing or items that promote drug use or other illegal activity; wearing items that cause a health or safety hazard, such as clothing that causes an unsafe working environment; or neglecting to wear safety equipment when required).
 - Failing to wear a uniform, if required, While on Duty
 - Neglecting to wear a Board-issued ID badge, if required, While on Duty.

Related alignments include, but may not be limited to, the following:

- Federal level:** *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.]
- State level:** TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3(D); §50-3-101 et seq.
- Professional ethics:** NONE
- Board level:** ORS 3.201; 5.200; 5.201; 5.202; 5.600; 5.611

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DRESS CODE VIOLATION (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [ALERT](#)

Case Management Options: Dress Code Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Verbal Redirection	Verbal Redirection	Not Applicable	Not Applicable
Relatively Equal	Verbal Redirection	Acknowledged Oral Warning	Not Applicable	Not Applicable
Mostly Aggravating	Verbal Redirection	Written Warning	Not Applicable	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the responsibility to wear appropriate dress for work according to Board guidelines and local school rules.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation.
- For management guidelines beyond a second occurrence, see [Insubordination](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a non-verbal lack of truthfulness or deception; and 2) That is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Misrepresenting one's professional qualifications.
- Falsifying documentation related to the completion of in-service or continuing education credit hours.
- Making a non-disqualifying false statement on an application for employment.
- Writing a recommendation for employment, promotion, admission, or a scholarship known to contain incorrect information.
- Knowingly making a false statement on a written performance evaluation.
- Knowingly assigning an improper grade to a student.
- Knowingly filing an inaccurate report.
- Failing to account for the receipt, deposit, or disbursement of funds in a manner required by policy and/or procedure.

Related alignments include, but may not be limited to, the following:

Federal level: *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State level: TCA §49-1-607; §49-2-110; §49-2-112; §49-2-301(b)(1)(GG); §49-2-601 et seq. §49-3-314; §49-4-904 and 905; §49-5-201(a)(4), (10), (11) and (12); §49-5-406; §49-5-413; §49-5-501 (3)(C) and (8); §49-3-101 et seq.; §49-6-5001 et seq.; §49-50-1401 et seq.; §49-6-901 et seq.; §49-6-3017; §49-50-1401 et seq.; §55-50-501 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(2-4)

Board level: ORS 1.603; 2.200; 2.300; 2.400; 2.402; 2.500; 2.700; 2.701; 2.702; 2.800; 2.801; 2.804; 2.807; 2.810; 2.900; 4.600; 4.701; 5.200; 5.201; 5.202; 5.501; 5.600; 5.611; 6.203; 6.600

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

FALSIFICATION OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Falsification of or Failure to Accurately Provide Information (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Although no criminal consequences are associated with the act, any person found to have not followed security guidelines for administration of the *Tennessee Comprehensive Assessment Program* (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions or otherwise compromising the integrity of the testing process shall be placed on immediate Suspension, and such actions will be grounds for Dismissal, including the Dismissal of an Employee with Tenure. Such actions shall be grounds for revocation of state license [TCA §49-1-607].
- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- Consistent with the Board *Employment-Related Complaints or Grievances Policy* (ERCGP) [ORS 5.300] and/or related administrative guidelines, no adverse personnel action will be taken against an Employee for reporting a bona fi de incident of discrimination or harassment or for assisting in the investigation of a complaint; however, disciplinary action may be taken against any individual providing false information in connection with a complaint.
- Consistent with the Board *Sick Leave Policy* (SLP) [ORS 5.302] and/or related administrative guidelines, a falsified statement on a Sick Leave request form shall be grounds for Dismissal.
- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the responsibility to keep all records and prepare and submit promptly all reports that may be required by state law, state board regulations, board policy and administrative procedures.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

- Definition:** This ECOC violation means any demonstration of substandard and/or inconsistent use of required skills or resources to fulfill the duties established in one's job description(s).
- Examples:** Include, but are not limited to, the following:
- Failing to prepare for the optimal execution of job responsibilities as assigned.
 - Remaining unwilling or unable to plan for the optimization of allotted time.
 - Failing to plan for and provide adequate direction during an absence.
 - Remaining unwilling but able to use equipment or resources appropriately.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §10-7-504; §49-1-214; §49-1-606(a) and (b); §49-2-203(a)(13); §49-2-301(b)(1)(J) and (GG); §49-2-303(b)(1) and (b)(3); §49-5-111; §49-5-201(a)(12); §49-5-401 et seq.; §49-5-501(5), (6) and (11); §49-5-504; §49-5-5601 et seq.; §49-5-5703; §49-6-3004(c)(1)
TRR 0520-02-01.01 and .02

Professional ethics: TCA §49-1-302; §49-5-414; §49-5-608(b)(3); §49-5-1003(b)(1); §49-5-1003(b)(2)

Board level: ORS 1.700; 1.702; 3.208; 4.200; 4.211; 4.702; 5.100; 5.102; 5.103; 5.1031; 5.108; 5.109; 5.1101; 5.113; 5.1141; 5.117; 5.200; 5.201; 5.202; 5.501; 5.600; 5.603; 5.611; 5.701; 5.702; 5.801; 5.802; 5.803; 6.100; 6.405; 6.4051; 6.4061; 6.413; 6.414; 6.415

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MODERATE](#)

Case Management Options: Inadequate Preparation for Employee Job Responsibilities				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- See also the State Board *Curriculum Frameworks Policy* (CFP) [TCA §49-1-302(a)(8)].
- See also the Board *Evaluation Policy* (EP) [ORS 5.109].
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STAFF

Definition: This ECOC violation means any conduct involving the neglect or failure to provide reasonable monitoring, guidance, oversight, or direction to subordinates, substitutes, student teachers, or volunteers While on Duty.

Examples: Include, but are not limited to, the following:

- Failing to properly orient new employees to their work environments.
- Failing to ensure that subordinates are provided sufficient opportunities to demonstrate the skills needed to perform their job duties as required.
- Neglecting performance evaluation responsibilities.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §49-2-301(b)(1)(GG); §49-2-303(b)(1); §49-5-201(a)(3) and (12); §49-5-501(8); §49-6-3004(c)(2)

TRR 0520-02-03.11

Professional ethics: TCA §49-5-1001; §49-5-1002; §49-5-1003; §49-5-1004

Board level: ORS 4.200; 4.501; 4.502; 5.108; 5.109; 5.200; 5.201; 5.202; 5.501; 5.600; 5.611; 5.701; 5.702

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE SUPERVISION OF STAFF (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Inadequate Supervision of Staff				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS

Definition: This ECOC violation means any conduct involving the neglect or failure to provide assigned monitoring, oversight, direction, and/or guidance to students While on Duty.

Examples: Include, but are not limited to, the following:

- Knowingly leaving students unsupervised during a school-related event or activity (e.g., an athletic function, an athletic practice, an approved activity, a field trip, during recess, or while performing an assigned duty).
- Knowingly placing students in a hallway during instructional time without proper oversight.
- Knowingly engaging in actions or behaviors on assigned duty that distract from supervision responsibilities.
- Knowingly neglecting to address a *Student Code of Conduct* (SCOC) violation when required to do so by the School System.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §36-6-105; §49-1-104; §49-2-120; §49-2-203(a)(7); §49-2-301(b)(1)(GG); §49-5-201(a)(4) and (12); §49-5-501(8); §49-6-2008; §49-6-2904; §49-6-3007; §49-6-3401; §49-6-4102; §49-6-4215; §49-5-414; §37-10-101 et seq.; §49-3-302; §49-6-801 et seq.; §49-6-4011 et seq.

Professional ethics: TCA §49-5-1003 (b)(4)

Board level: ORS 1.8011; 1.8012; 2.601; 3.219; 3.401; 3.403; 3.500; 4.211; 4.300; 4.301; 4.302; 4.406; 4.407; 4.409; 4.607; 5.200; 5.201; 5.202; 5.600; 5.602; 5.611; 6.100; 6.200; 6.208; 6.209; 6.301; 6.306; 6.307; 6.308; 6.309; 6.310; 6.300; 6.311; 6.312; 6.313; 6.405; 6.4051; 6.4081; 6.410; 6.500; 6.502; 6.704; 6.413; 6.414; 6.415

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE SUPERVISION OF STUDENTS (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Inadequate Supervision of Students				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That is inappropriate or unacceptable in the environment in which it occurs; and 2) That is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in conduct directed toward supervisors, employees or students that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive, or disruptive act(s).
- Failing to follow an established operational procedure.
- Engaging in an act of retaliation not prohibited by law.

Related alignments include, but may not be limited to, the following:

Federal level: *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.]; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State level: TCA §5-21-121; §6-36-115; §7-51-1501; §8-19-101 through 103; §12-4-106; §29-20-403; §36-6-104; §49-1-104; §49-1-203; §49-1-214; §49-1-302; §49-1-605; §49-1-617; §49-2-120; §49-2-203; §49-2-206; §49-2-110; §49-2-112(a); §49-2-114; §49-2-120; §49-2-301(b)(1)(L), (EE) and (GG); §49-2-303; §49-2-305; §49-2-601 et seq.; §49-3-310; §49-3-359; §49-2-601 et seq.; §49-2-301(b)(1)(D); §49-3-310; §49-4-904 through 907; §49-5-201(a)(2), (5), (7), (8), (9), (10), (11) and (12); §49-5-414; §49-5-501(3)(D) and (8); §49-5-510; §49-5-606; §49-6-801 et seq.; §49-6-901 and 902; §49-6-1001 et seq.; §49-6-1201 et seq.; §49-6-1301 et seq.; §49-6-2006; §49-6-2008; §49-6-2101 et seq.; §49-6-2201 et seq.; §49-6-2301 et seq.; §49-6-2901 et seq.; §49-6-3001 et seq.; §49-6-3101 et seq.; §49-6-3201 et seq.; §49-6-3301 et seq.; §49-6-3401 et seq.; §49-6-3501 et seq.; §49-6-4001 et seq.; §49-6-4101 et seq.; §49-6-4201 et seq.; §49-6-4301 et seq.; §49-6-4401 et seq.; §49-6-5001 et seq.; §49-6-5101 et seq.; §49-6-6001 et seq.; §49-6-6101 et seq.; §49-6-7001 et seq.; §49-6-8001 et seq.; §49-6-8101 et seq.; §49-6-8201 et seq.; §49-6-8301 et seq.; §49-10-103; §49-10-107; §49-10-108; §49-10-109; §49-10-1301; §49-17-101 et seq.; §49-50-201

TRR 0520-01-04.01

Professional ethics: TCA §49-3-314; §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)(2)(4-5)(7); §49-5-1004(b)(8); §49-6-3401 et seq.

Board level: ORS 1.407, 1.501; 1.502; 1.503; 1.603; 1.700; 1.8011; 1.805; 2.200; 2.201; 2.202; 2.300; 2.400; 2.401; 2.402; 2.403; 2.500; 2.600; 2.601; 2.700; 2.701; 2.702; 2.703; 2.704; 2.800; 2.801; 2.802; 2.803; 2.804; 2.805; 2.806; 2.807; 2.808; 2.809; 2.810; 2.900; 3.100; 3.200; 3.201; 3.202; 3.203; 3.205; 3.206; 3.208; 3.210; 3.211; 3.214; 3.217; 3.218; 3.219; 3.300; 3.301; 3.400; 3.401; 3.403; 3.404; 3.405; 3.500; 4.200; 4.201; 4.202; 4.206; 4.208; 4.209; 4.210; 4.211; 4.300; 4.301; 4.302; 4.303; 4.400; 4.401; 4.402; 4.403; 4.406; 4.407; 4.408; 4.500; 4.501;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL) (CONT'D)

4.502; 4.600; 4.601; 4.603; 4.604; 4.605; 4.606; 4.607; 4.700; 4.701;
4.702; 4.800; 4.801; 4.802; 4.803; 4.804; 4.805; 5.105; 5.114; 5.115;
5.200; 5.201; 5.202; 5.400; 5.401; 5.402; 5.600; 5.605; 5.606; 5.610;
5.611; 5.900; 5.901; 5.902; 5.904; 5.906; 6.100; 6.200; 6.201; 6.202;
6.203; 6.204; 6.205; 6.206; 6.207; 6.208; 6.209; 6.300; 6.301; 6.302;
6.303; 6.305; 6.306; 6.307; 6.3071; 6.308; 6.309; 6.310; 6.312; 6.313;
6.314; 6.316; 6.317; 6.318; 6.319; 6.400; 6.4001; 6.402; 6.403; 6.4031;
6.404; 6.405; 6.4051; 6.4061; 6.4081; 6.410; 6.411; 6.413; 6.414;
6.500; 6.502; 6.503; 6.504; 6.505; 6.600; 6.601; 6.602; 6.604; 6.704;
6.709; 6.710

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Teachers shall not be assigned or expected to perform, supervise, or otherwise complete those duties usually associated with maintenance, repairs or janitorial functions; however, teachers may, in the interest of safety and cleanliness, assist with these duties on a voluntary basis in an emergency or to temporarily expedite necessary operations within a school.
- No professional educator shall be assigned or expected to perform medically prescribed procedures as outlined in the TCA § 49-5-414].
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

- Definition:** This ECOC violation means any conduct: 1) That violates Board or School System Acceptable Use of Technology Guidelines (AUTGs); and 2) That is a matter of interest to the School System only.
- Examples:** Include, but are not limited to, the following:
- Using School System technology resources excessively for personal reasons; providing authentication data to unauthorized parties (e.g., giving a student the password to a computer or program).
 - Accessing online websites deemed unacceptable by the School System during the work day (e.g., using Social Media for personal reasons While on Duty).
 - Accessing or displaying materials, content, or information deemed unacceptable by the School System using the Network.
 - Failing to monitor student use of technology or failing to limit student access to the Internet and/or World Wide Web as required.
 - Compromising Network security either intentionally or through neglect.
 - Knowingly failing to monitor the safety and security of minor students using electronic mail, chat rooms or other forms of direct electronic communications.
 - Connecting personal equipment to hardware or the Network in a manner that violates Board policy.
 - Loading unapproved software on computers owned by the School System.
 - Transferring or permitting the transfer of School System software to personal computers.

Related alignments include, but may not be limited to, the following:

- Federal level:** *Communications Act of 1934; Family Educational Rights and Privacy Act of 1974 [FERPA; 20 USC §1232g]; 20 USC §9134; Children's Online Privacy Protection Act of 1998 [COPPA; 15 USC §6501 et seq.]; Children's Internet Protection Act of 2000/Neighborhood Children's Internet Protection Act of 2002/Protecting Children in the 21st Century Act of 2008 [CIPA; 47 USC §254; Public Law 106-554; FCC Order 03-188]*
- State level:** TCA §10-7-512; §49-1-221; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(8); §49-6-1014 through 1019
- Professional ethics:** TCA §49-5-1003 (b)(4)
- Board level:** ORS 1.805; 3.300; 4.400; 4.401; 4.402; 4.406; 4.407; 4.409; 5.200; 5.201; 5.202; 5.600; 5.610; 5.611; 6.100; 6.704

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Inappropriate Use of Technology Resources				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION

Definition:

This ECOC violation means engaging in any of the following prohibited actions or behaviors:

- Refusal or continued failure: 1) To obey the school laws of Tennessee; 2) To comply with the rules and regulations of the Board; or 3) To carry out specific assignments made by the Board, the Superintendent or the principal, each acting within its own jurisdiction, when such rules, regulations and assignments are reasonable and not discriminatory [TCA §49-5-501(7)(A)].
- Failure to participate in an in-service program as set up by the local board of education and approved by the State Board [TCA §49-5-501(7)(B)].
- Treason or any effort to sabotage or overthrow the government of the United States [TCA §49-5-501(7)(C)].
- Refusal of a Teacher to disclose to the Board whether or not such Teacher is, or has been, a member of the Communist or any other party which advocates the overthrow of the government [TCA §49-5-501(7)(D)].

Examples:

Include, but are not limited to, the following:

- Refusing to complete a reasonably assigned task.
- Acting in defiance of an established authority.
- Failing to recognize or refusing to submit to an established authority to which the Employee is subordinate.
- Disobeying the legal directive of an established authority.
- Defying an established authority.
- Being involved in an illegal revolt against established authority.

Related alignments include, but may not be limited to, the following:

Federal level:

NONE

State level:

TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-202; §49-5-405; §49-5-501(7)

Professional ethics:

TCA §49-5-1002(1); §49-5-1004(a)

Board level:

ORS 5.200; 5.201; 5.202; 5.600; 5.611

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Insubordination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation (see [Form 3.04](#)). Evidence gathered during the course of the investigation should be able to support a conclusion regarding whether the Employee is unable or unwilling to adhere to the Board policy or policies involved.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK

Definition: This ECOC violation means any conduct involving a refusal: 1) To work cooperatively with others; or 2) To implement agreed-upon strategies with a designated or assigned team.

Examples: Include, but are not limited to, the following:

- Refusing to share resources as appropriate with team members.
- Remaining unavailable for planning activities with other team members.
- Refusing to cooperate with other team members.
- Failing to communicate with others in advance of an expected absence when required.
- Refusing to offer or render assistance to other employees, substitutes, or parents/guardians as needed, when requested, and/or without reason.
- Impeding the progress of a work team without any rational basis.
- Neglecting to communicate with parents, stakeholders, or community partners as expected.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §49-5-201(a)(12); §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(5), (6) and (8); §49-6-7001 et seq.

Professional ethics: TCA §49-5-1003 (b)(1); §49-5-1003 (b)(4); §49-5-1003 (b)(5)

Board level: ORS 4.502; 4.601; 5.200; 5.201; 5.202; 5.600; 5.603; 5.611; 6.100; 6.500

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Lack of Teamwork				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the responsibility to be courteous and helpful in interacting and responding to parents, visitors, and members of the public.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT

Definition: This ECOC violation means any conduct: 1) That occurs outside of the Workplace, contract day, or work day that impacts the ability of an Employee to perform his or her job duties, undermines the legitimate interests of the School System, or creates a disruption of School System operations; and 2) That is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Accepting part-time employment that creates either an actual or potential conflict of interest or a disruption for the Employee.
- Selling or publishing works containing the intellectual property of the School System without prior written approval.
- Engaging in outside activities that create undue notoriety for the School System.
- Speaking on behalf of the School System without authorization.
- Misrepresenting the School System in person, in print, on a website, or by other means.
- Posting information on Social Media that disrupts, interferes with the goals of, or unduly harms the School System.

Related alignments include, but may not be limited to, the following:

Federal level: NONE

State level: TCA §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-407; §49-5-410; §49-5-501; §49-5-201(a)(12); §49-5-501(3)(D) and (8)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

Board level: ORS 1.805; 2.601; 4.405; 4.406; 4.407; 5.200; 5.201; 5.202; 5.600; 5.601; 5.606; 5.607; 5.608; 5.610; 5.611; 5.900; 5.906

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: NO

Initial classification: [MODERATE](#)

Case Management Options: Off-Duty Misconduct				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension	Dismissal
Relatively Equal	Official Reprimand	Suspension	Dismissal	Dismissal
Mostly Aggravating	Suspension	Dismissal	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- While the School System does not wish to become involved in the personal lives of employees, disciplinary action may result when a “rational nexus” can be established between any off-duty or “mixed duty” incident and the legitimate interests of the School System. As such:
 - Consistent with the School System *Fundraising Activities Policy* (FAP) [ORS 2.601] and/or related administrative guidelines, employees: 1) Shall not engage in online fundraising in their official capacities as employees; and 2) Shall not make any references to non-school sponsored fundraisers, online or otherwise, that would lead another to believe such activity is an approved school fundraiser.
 - Consistent with the School System *Employee-Developed Materials Policy* (EDMP) [ORS 4.405] and/or related administrative guidelines: 1) Materials developed as part of regular employment are equally the properties of the School System and the Employee; 2) School-owned equipment, including computers, may be used for developing and writing programs that will be used as part of the instructional program or for administrative purposes; 3) The School System shall maintain full use of all educational or administrative materials, software, manuals and related materials developed by School System employees during which time they are being compensated with no requirement of additional compensation; 4) The Superintendent shall ensure that a contractual agreement shall be executed between the Employee and the Board when requested by the Board and/or the Employee; and 5) Educational materials created by the Employee during the Employee’s leisure hours when the Employee is not fulfilling contractual duties to the School System are the property of the Employee.
 - Consistent with the School System *Staff-Student Relations Policy* (SSRP) [ORS 5.610] and/or related administrative guidelines, staff members: 1) Shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting; 2) Shall avoid excessive informal and social involvement with individual students; and 3) Shall avoid any appearance of impropriety.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION

Definition: This ECOC violation means any conduct that violates the Board *Tobacco-Free Schools Policy* (TFSP).

Examples: Include, but are not limited to, the following:

- Using smokeless tobacco, tobacco substitutes, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, electronic cigarettes ("e-cigarettes"), vapor cigarettes or other lighted smoking devices in a school building.
- Using such products in any public seating areas, including, but not limited to, bleachers used for sporting events or public restrooms.
- Using such products in any vehicle owned, leased, or operated by the School System.
- Using such products while participating in any class or activity in which the Employee represents the School System.

Related alignments include, but may not be limited to, the following:

Federal level: *Pro-Children Acts of 1994* [20 USC §6081 et seq.; Public Law 103-227] and *2001* [20 USC §7181; Public Law 107-110]; 20 USC §7161; 20 USC §7184; *Food, Drug, and Cosmetic Act of 1938*, as amended [21 USC §321 et seq.]

State level: TCA §39-17-1501 et seq.; *Children's Act for Clean Indoor Air* [§39-17-1601 et seq.]; §39-17-1801 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-501(3)(D)

Professional ethics: TCA §49-5-1003(b)(4)

Board level: ORS 1.803; 3.206; 5.200; 5.201; 5.202; 5.600; 5.611

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Tobacco Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the School System *Tobacco-Free Schools Policy* (TFSP) [TCA §39-17-1604 (6) and (10); ORS 1.803] and/or related administrative guidelines, smoking is not permitted, and no person shall smoke: 1) In all public and private kindergartens, elementary schools, and secondary schools; or 2) On school grounds.

NOTE: Adult staff members may be permitted to smoke outdoors, but not within fifty (50) feet of any entrance to any building [TCA §39-17-1604 (6)]. Adults may also smoke in any fully enclosed adult staff residential quarters, but not in the presence of children attending the school [TCA §39-17-1604 (6)]. After regular school hours, adults are allowed to smoke on the property surrounding the institution, but not blocking any entrance to any building [TCA §39-17-1604 (10)]. The property shall not include any public seating areas, including, but not limited to, bleachers used for sporting events, or public restrooms [TCA §39-17-1604 (10)].

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That involves neglect or failure to follow a policy, rule, or procedure of the school or School System; and 2) That is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Engaging in an action or behavior that violates a Board policy or an established administrative procedure.
- Engaging in an action or behavior that violates a regulatory directive of the Superintendent or his/her designee of which the Employee has been made duly aware.

Related alignments include, but may not be limited to, the following:

Federal level: Includes any federal level statutes or implementing regulations (non-criminal/non-civil) not otherwise specified

State level: Includes any state level statutes (non-criminal/non-civil) not otherwise specified

Includes any state level implementing regulations (non-criminal/non-civil) not otherwise specified

Professional ethics: VARIABLE

Board level: Includes ORS 5.200, 5.201, 5.202, 5.60, 5.611 and any Board level policies (non-criminal/non-civil) not otherwise specified

Includes any School System level administrative guidelines (non-criminal/non-civil) not otherwise specified

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: BUILDING OR SITE LEVEL

Mandatory reporting: NO

Initial classification: [MINOR](#)

Case Management Options: Other Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Dismissal
Mostly Aggravating	Official Reprimand	Suspension	Dismissal	Dismissal



USE DECISION SUPPORT RUBRIC

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE

The following actions and/or behaviors represent grounds for Employee discipline within the School System based on violations of Board policy that may also involve violations of federal and/or state civil law:

BREACH OF CONFIDENTIALITY

Definition: This ECOC violation means any act, or failure to act: 1) That involves the inappropriate access, use, disclosure, misuse, lack of protection, or improper disposition of private, confidential, restricted, secure, or proprietary information, data, or records; and 2) That may be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Compromising financial, payroll, personnel, student, or health records.
- Disclosing identifiable educational data or other information under FERPA, IDEA or HIPAA in an improper manner.
- Accessing or using information contained within an IEP, Section 504 Plan, ADA Plan or other confidential record without a “need to know”.
- Disclosing potentially sensitive School System operational information without proper authorization.
- Assisting an unauthorized user to access secure information.
- Leaving confidential information unattended in a non-secure area.
- Removing sensitive data from the School System either physically or electronically regardless of purpose or stated intent.
- Disposing of protected information in a manner contrary to established routine or Board policy.
- Disclosing PI about staff or PII about a student on Social Media.

Related alignments include, but may not be limited to, the following:

Federal level: 5 USC §552a; *Fair Credit Reporting Act* [15 USC §1681 et seq.; 20 USC §1232f; *Family Education Rights Privacy Act of 1974* [FERPA; 20 USC §1232g; 34 CFR §99 et seq.]; *Protection of Pupil Rights Act of 1998* [PPRA; 20 USC §1232h]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; 20 USC §6311 et seq.; 20 USC §7908; Section 504 of the *Rehabilitation Act of 1973* [29 USC §701 et seq.; Public Law 93-112]; *Health Insurance Portability and Accountability Act of 1996* [HIPAA; 29 USC §1181 et seq.; 45 CFR §160 and §164]; 42 USC §13942; *Children’s Internet Protection Act of 2000* [CIPA; 47 USC §254; FCC Order 03-188]; 47 CFR §54.503; 47 CFR §54.520

State level: TCA §8-50-108; §10-7-501 et seq.; §33-3-103; §33-10-408; §36-3-623; §36-6-101 et seq.; §49-5-413; §49-6-902; §37-1-403; §37-1-605; §37-1-612; §37-5-107; §40-38-111; §49-2-124; §49-1-302; §49-2-211; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-404; §49-5-501(3)(D), (5) and (8); §49-5-608(a)(7); §49-5-608(b)(6); §49-5-608(c); §49-6-303; §49-6-406; §49-6-902; §49-6-1601; §49-6-2301 et seq.; §49-6-3051; §49-6-3109; §49-6-3114; §49-6-5001 et seq.; §49-6-5101 et seq.; §49-

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

10-101 et seq.; §50-6-131; §68-10-113

Professional ethics: TCA §49-5-1003 (b)(8); §49-5-1004 (b)(6)

Board level: ORS 1.407; 1.502; 1.503; 1.802; 1.805; 1.808; 2.802; 2.803; 2.806; 3.100; 3.219; 3.405; 3.500; 3.600; 3.602; 4.202; 4.205; 4.206; 4.301; 4.406; 4.407; 4.502; 4.601; 4.700; 5.108; 5.114; 5.1141; 5.118; 5.200; 5.201; 5.202; 5.400; 5.401; 5.402; 5.403; 5.500; 5.501; 5.600; 5.611; 5.900; 5.902; 6.100; 6.203; 6.209; 6.300; 6.301; 6.304; 6.305; 6.307; 6.3071; 6.309; 6.313; 6.316; 6.400; 6.4001; 6.402; 6.403; 6.4031; 6.404; 6.405; 6.4051; 6.411; 6.415; 6.500; 6.503; 6.504; 6.505; 6.600; 6.601; 6.602; 6.604

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Breach of Confidentiality				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with IDEA Part B, all persons collecting or using PII must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the School System must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreements* (AUA), and/or [Resource 4.02](#). Consistent with the Board *Background Investigations Policy* (BIP) [ORS 5.118] and/or related administrative guidelines: 1) The Superintendent is responsible for ensuring that authorized personnel receive related records access, maintenance, processing, dissemination, and destruction training within sixty (60) days of employment or job assignment and every three (3) years; 2) All persons directly associated with the accessing, maintaining, processing, dissemination, or destruction of related records must sign an awareness statement and shall indicate that they have

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

been specially trained on the subject; and 3) Such records shall be stored in a location that meets the security requirements established therein.

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Will be investigated and resolved in accordance with Board policy. In all cases, a "Reasonable Person Standard" should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to a student, Employee, or the interests of the School System.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.

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POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION

Definition:

This ECOC violation means any act, or failure to act: 1) That unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, creed, color, gender, religion, age, national origin, disability, veteran status, military status, citizenship status, gender identity, or any other basis in federal law, state statute, or Board policy; and 2) That may be a matter of interest to an outside agency.

Examples:

Include, but are not limited to, the following:

- Making inappropriate comments referencing any of the above.
- Seeking Dismissal of an Employee based on his or her age.
- Excluding student subgroups from opportunities available to other students.
- Harassing an individual on the basis of his or her faith.
- Denying a promotion opportunity to a subordinate on the basis of his or her membership (or non-membership) in a labor organization.
- Disparaging a student or staff member based on his or her real or perceived sexual orientation or gender identity.

Related alignments include, but may not be limited to, the following:

Federal level:

Amendment XIV, U.S. Constitution; *Immigration Reform and Control Act of 1986* [IRCA; 8 USC §1324(a) et seq.; Public Law 99-603]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.; 34 CFR §106.1 et seq.]; 20 USC §1684; 20 USC §1703 et seq.; *General Education Provisions Act* [GEPA; 20 USC §1221 et seq.]; *Equal Access Act of 1984* [20 USC §4071 et seq.; 28 CFR §36.101 et seq.]; *Elementary and Secondary Education Act of 1965*, as amended [20 USC §6301 et seq.; Public Law 17-110]; *Boy Scouts of America Equal Access Act of 2002* [20 USC §7905; 34 CFR §108.1 et seq.]; 29 USC §158(a)(3) and (4); *Equal Pay Act of 1963* [29 USC §206(d)]; 29 USC §660; Sections 501 through 505 of the *Rehabilitation Act of 1973* [29 USC §701 et seq.; Public Law 93- 112]; 29 USC §794; *Age Discrimination in Employment Act of 1967* [ADEA; 29 USC §621; 29 CFR §1625.1 et seq.]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]; *Civil Rights Act of 1991* [42 USC §1981 et seq.; Public Law 102-166]; Title VI of the *Civil Rights Act of 1964* [42 USC §2000d; Public Law 88-352]; Title VII of the *Civil Rights Act of 1964* [42 USC §2000e et seq.; 29 CFR §1604.1 et seq.]; *Pregnancy Discrimination Act of 1978* [Public Law 95-555]; *Genetic Information Non-Discrimination Act of 2008* [GINA; 42 USC §2000ff et seq.; 29 CFR §1635 et seq.]; *McKinney-Vento Homeless Assistance Act of 1987* [42 USC §11301 et seq.; Public Law 100-77]; *Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments of 2008* [ADA and ADAAA; 42 USC §12101 et seq.; 42 USC §12631; 7 CFR §15b.1 et

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

seq.; 7 CFR §15d.1 et seq.; 7 CFR §15e.101 et seq.; 28 CFR §35.101 et seq.; 28 CFR §37.1 et seq.; 28 CFR §38.1 and §38.2; 28 CFR §39.101 et seq.; 28 CFR §41.1 et seq.; 28 CFR §42.1 et seq.; 29 CFR §1600.101 et seq.; 34 CFR §100.1 et seq.; 34 CFR §200.1 et seq.; 45 CFR §86.1 et seq.

State level:

TCA §37-5-116; §49-2-114; §49-2-120; §49-2-203(b)(4); §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-404; §49-5-409(c); §49-5-501(3)(A) and (D); §49-5-511(b)(1) and (4); §49-5-606; §49-6-1008; §49-6-1014 through 1019; §49-6-2302 and 2303; §49-6-2901 et seq.; §49-6-3001; §49-6-3016; §49-6-3102(b); §49-6-3109; §49-6-4014; §49-6-5001; §49-6-8001 et seq.; §49-10-101 et seq.; §50-2-201 et seq.

Professional ethics:

TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(6); §49-5-1004(b)(7)

Board level:

ORS 1.703; 1.802; 1.805; 3.206; 3.218; 4.201; 4.202; 4.206; 4.207; 4.300; 4.301; 4.400; 4.401; 4.402; 4.406; 4.502; 4.603; 4.606; 4.802; 4.803; 4.804; 4.805; 5.104; 5.105; 5.200; 5.201; 5.202; 5.401; 5.402; 5.500; 5.501; 5.600; 5.610; 5.611; 6.100; 6.204; 6.205; 6.300; 6.301; 6.304; 6.305; 6.306; 6.307; 6.309; 6.313; 6.316; 6.404; 6.500; 6.502; 6.503; 6.504; 6.601; 6.709

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Discrimination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the right to a work environment free from racial, ethnic, and religious discrimination or harassment.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and*

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

System Websites Policy (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this ECOC violation: 1) Must be reported to the designated complaint manager using the required forms; and 2) Will be investigated and resolved by the designated complaint manager in accordance with Board policy and/or related administrative guidelines. In all cases, a “Reasonable Person Standard” should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT

Definition:

This ECOC violation means any act, or failure to act: 1) That involves the unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that may be a matter of interest to an outside agency when: 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or educational development; 2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work (or educational) performance or creating an intimidating, hostile, or offensive work (or educational) environment [29 CFR §1604.11(a)]; and 2) That may be a matter of interest to an outside agency.

Examples:

Include, but are not limited to, the following:

- Engaging in prohibited physical actions or behaviors (e.g., unwelcome sexual advances; touching; indecent exposure; or sexual contact).
- Engaging in prohibited verbal actions or behaviors (e.g., unwelcome requests for sexual favors; propositions or pressure for sexual activity; continued suggestions for a date or social activity outside the workplace after it has been made clear that such suggestions are unwelcome; unwanted or offensive flirtations; offensive jokes; suggestive remarks; sexual innuendos or double entendres; lewd comments; inquiring about someone's sexual preferences, fantasies or activities; and sexually harassing communications).
- Engaging in prohibited non-verbal actions or behaviors (e.g., the display of pornographic or sexually suggestive images, objects, written materials, emails, text-messages or faxes; leering; whistling, or sexually suggestive gestures, movements, or facial expressions).
- Engaging in prohibited gender-specific actions or behaviors (e.g., conduct that denigrates, ridicules, or intimidates another person; conduct that leads to physical abuse of a person because of his or her sex; or derogatory/degrading remarks or insults about a person's gender or body).
- Engaging in prohibited job-specific actions or behaviors (e.g., explicit or implicit pressure for sexual activity as a condition of hire, continued employment, or potential for advancement).

Related alignments include, but may not be limited to, the following:

Federal level:

Title VI of the *Civil Rights Act of 1964* [42 USC §2000d]; Title VII of the *Civil Rights Act of 1964* [42 USC §2000e et seq.]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.; 34 CFR §106.1 et seq.]; 29 CFR §1604.11

State level:

TCA §4-3-124; §4-3-1416; §49-2-120; §49-5-201(a)(12); §49-2-301(b)(1)(GG); §49-5-501(3)(A) and (D); §49-6-3109; §49-6-1014

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

through 1019

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(7)

Board level: ORS 1.805; 3.211; 4.301; 4.406; 5.200; 5.201; 5.202; 5.500; 5.501; 5.600; 5.611; 6.100; 6.304; 6.305; 6.601

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Sexual Harassment				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the right to a work environment free from sexual harassment.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this ECOC violation: 1) Must be reported to the designated complaint manager using the required forms; and 2) Will be investigated and resolved by the designated complaint manager in accordance with Board policy and/or related administrative guidelines. In all cases, a "Reasonable Person Standard" should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION

Definition:

This ECOC violation means any act, or failure to act, not specified elsewhere in this section of the ECOC: 1) That negatively impact(s) the work or learning environment, or the rights of one or more students, employees, or other parties; and 2) That may be a matter of interest to an outside agency.

Examples:

Include, but are not limited to, the following:

- Disregarding established student search procedures.
- Endangering students, staff, or the interests of the School System.
- Failing to take reasonable action to protect students, other employees, or the interests of the School System.
- Creating or contributing to a hostile work environment.
- Engaging in harassing, intimidating, or bullying acts that substantially interfere with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, that have the effect of: 1) Physically harming a student or damaging a student's property; 2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or 3) Creating a hostile educational environment [TCA §49-6-1015].
- Failing to address a hostile environment (e.g., bullying, harassing, or intimidating behavior) in a manner that has neither a discriminatory nor a sexually harassing effect in the Workplace, on Social Media, or elsewhere.
- Engaging in an act of retaliation prohibited under federal law and/or state statute.
- Taking, neglecting to take, or refusing to take, any action that results in the unreasonable denial of an individual's right under law.
- Copying software purchased by the School System for personal use.
- Using a technological resource in a manner that violates federal or state law relating to copyrights, trademarks, or public records (e.g., failing to acquire the permission of a copyright owner prior to copying copyrighted material, unless "fair use" conditions are met).
- Restricting student access to ideas, perspectives, or viewpoints motivated solely by personal disapproval of such.
- Taking action in violation of an active MOU.

Related alignments include, but may not be limited to, the following:

Federal level:

Includes U.S. Constitution Amendments I, IV, V, VI and XIV, 5 USC §552b, *Asbestos Hazard Emergency Response Act* [AHERA; 15 USC §2641 et seq.; 40 CFR §763.80 et seq.], 17 USC §101 et seq., the *Elementary and Secondary Education Act of 1965*, as amended [20 USC §6301 et seq.; Public Law 17-110], *National Labor Relations Act* [NLRA; 29 USC §151-169], *Fair Labor Standards Act of 1938* [FLSA; 29 USC §201 et seq.] as amended, 29 USC §660, *Occupational Safety*

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

& *Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.], 36 USC §101 et seq., *National School Lunch Act of 1946*, as amended [42 USC §1751 et seq.; 7 CFR §210.1 et seq.], *Healthy, Hunger-Free Kids Act of 2010* [Reauthorization of the *Child Nutrition Act of 1966*; 42 USC §1771 et seq.; Public Law 111-296], 49 USC §30125 and §30165, 34 CFR §200.55 et seq., and any federal level statutes or implementing regulations (civil) not otherwise specified

State level:

Includes TCA §4-5-401 et seq., §8-36-102 et seq., §8-50-108, §10-7-501 et seq., §40-38-111, §49-1-203, §49-1-302(d), §49-2-203, §49-3-301 et seq., §49-5-414, §49-5-601 et seq., §49-5-701 et seq., §49-6-1015, §49-6-3401 et seq., and any state level statutes (civil) not otherwise specified

Includes TRR 0520-01-03.02, 0520-01-05.01, 0520-02-01.01(4), and any state level implementing regulations (civil) not otherwise specified

Professional ethics:

VARIABLE

Board level:

Includes ORS 1.407, 1.501, 1.502, 1.603, 1.703, 1.8011, 1.8012, 1.805, 2.202, 2.601, 2.802, 2.803, 2.808, 3.201, 3.202, 3.203, 3.205, 3.206, 3.208, 3.211, 3.214, 3.218, 3.219, 3.400, 3.401, 3.403, 3.404, 3.405, 3.600, 3.601, 3.602, 4.202, 4.206, 4.208, 4.210, 4.300, 4.301, 4.302, 4.303, 4.400, 4.401, 4.402, 4.404, 4.405, 4.406, 4.407, 4.409, 4.501, 4.606, 4.607, 4.800, 4.801, 4.802, 5.1031, 5.110, 5.1101, 5.112, 5.114, 5.115, 5.200, 5.201, 5.202, 5.300, 5.301, 5.302, 5.303, 5.304, 5.305, 5.306, 5.309, 5.400, 5.403, 5.500, 5.501, 5.600, 5.602, 5.606, 5.610, 5.611, 5.900, 5.901, 5.902, 5.904, 5.906, 6.100, 6.201, 6.202, 6.205, 6.208, 6.209, 6.300, 6.301, 6.302, 6.303, 6.304, 6.305, 6.306, 6.307, 6.3071, 6.309, 6.310, 6.312, 6.313, 6.314, 6.316, 6.317, 6.318, 6.319, 6.402, 6.403, 6.4031, 6.404, 6.405, 6.4051, 6.4081, 6.410, 6.413, 6.414, 6.415, 6.500, 6.503, 6.504, 6.505, 6.601, 6.602, 6.704, 6.709, and any Board level policies (civil) not otherwise specified

Includes any School System level administrative guidelines (civil) not otherwise specified

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

Case Management Options: Other Civil Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Staff Rights and Responsibilities Policy* (SRRP) [ORS 5.600] and/or related administrative guidelines, each staff member has the right to academic freedom, within the confines of state law and Board policy, in order to create an atmosphere of freedom in the classroom.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging bullying, harassment, or intimidation-related instances of this ECOC violation: 1) Must be reported to the designated complaint manager using the required forms; and 2) Will be investigated and resolved by the designated complaint manager in accordance with Board policy and/or related administrative guidelines. In all cases, a "Reasonable Person Standard" should be used to establish such ECOC violations; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant.
- All incidents potentially involving other forms of this ECOC violation must be reported to the Superintendent or his/her designee.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.

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The logo consists of a red horizontal bar with the white text "ECOC" centered within it.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CRIMINAL LAW*

The following actions and/or behaviors represent grounds for Employee discipline within the School System based on violations of Board policy that may also involve violations of federal and/or state criminal law:

ALCOHOL OR DRUG POLICY VIOLATION

Definition: This ECOC violation means any conduct that violates one or more of the Board Alcohol, Drug, or Intoxicant Policies (ADIPs); and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Possessing, using, selling, distributing, dispensing, or manufacturing Alcohol, or engaging in the illegal possession, use, sale, distribution, dispensing, or manufacture of drugs: 1) While on Duty; 2) While in the Workplace; 3) While operating a Board-owned or Board-operated vehicle; or 4) While performing a Safety-Sensitive Function [ORS 1.804 and 5.403].
- Performing a Safety-Sensitive Function or operating a Board-owned or Board-operated vehicle: 1) After using Alcohol; or 2) After illegally using drugs [ORS 5.403].
- Reporting for duty, or remaining on duty, when using a Controlled Substance, except when the use is prescribed by a physician who has advised the Employee that the Controlled Substance does not adversely affect the Employee's ability: 1) To safely perform the functions and duties of his or her employment; 2) To operate a Board-owned vehicle; or 3) To perform a Safety-Sensitive Function.
- Neglecting to report to the Superintendent or his/her designee prescribed medical treatment with any drug or Controlled Substance that may impair the Employee's physical or mental ability, or failing to provide written doctor's approval of such when requested to do so.
- Being indicted or convicted under any criminal drug statute for a violation occurring: 1) In the Workplace; or 2) Outside of the Workplace.
- Failing to notify the Board within five (5) days of a conviction under any criminal drug statute for an event occurring in the Workplace (a condition of employment) [34 CFR §84.205(2); ORS 1.804 and 5.403].
- Reporting for duty, or performing work: 1) While being under the influence of a prohibited drug; or 2) While having an Alcohol Concentration in excess of the state limit (or a blood or urine test corresponding to such); or 3) While testing positive for using a prohibited drug.
- Refusing to submit to Alcohol and/or drug testing when required under federal law of state statute.
- Altering, attempting to alter, or unduly influencing Alcohol and/or drug testing results.
- Failing to remain readily available for post-accident testing (e.g., leaving the scene of an accident prior to the submission of a post-

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

accident test, unless emergency care is needed, or failing to notify one's Supervisor of his or her location).

- Failing to enroll, when requested by the Board, in an Alcohol or drug treatment or counseling program, or failing to adhere to the requirements of such a program.
- Failing to comply with any other regulation promulgated under any testing program.
- Possessing, using, selling, distributing, or dispensing any drug paraphernalia (e.g., accessories, chemical precursors, or equipment) as defined by federal law and/or state law.
- Possessing, using, selling, or involvement with an Illegal Drug or Alcohol off the job in a manner that, as determined solely by the Board: 1) Leads to, or has the potential to lead to, adverse publicity; 2) Impacts, or has the potential to impact, the Board's credibility with any outside concern.

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §341 et seq.; *Drug-Free Schools and Communities Act Amendments of 1989* [20 USC §1145g; 34 CFR §86.1 et seq.]; 20 USC §7101 et seq.; 20 USC §7912; 34 CFR §200.44; *Comprehensive Drug Abuse Prevention and Control Act of 1970* ["Controlled Substances Act" or "CSA"]; 21 USC §801 et seq.; 21 CFR §1300.01 et seq.; *Mental Health Parity and Addiction Equity Act of 2008* ["MHPAEA"; 29 USC §1185a]; *Drug Free Workplace Act of 1988* [41 USC §8101 et seq.; 34 CFR §84.100 et seq.; Public Law 100-690]; 42 USC §12644; 42 USC §12645g; *Omnibus Transportation Employee Testing Act of 1991* [49 USC §31301 et seq.; 49 CFR §382.01 et seq.; 49 CFR §40.1 et seq.

State level: *Tennessee Drug Control Act of 1989* [TCA §39-17-401 et seq.]; TCA §39-17-310; §39-17-715; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (D) and (E); §49-6-2107; §49-6-2108; §49-6-2110; §49-6-2117; §50-9-101 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)

Board level: ORS 1.804; 3.206; 3.405; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.403; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: VARIABLE

Initial classification: [MAJOR](#)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

Case Management Options: Alcohol or Drug Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding this ECOC violation, see the Board *Drug-Free Workplace Policy* (DFWP) [ORS 1.804], *Drug and Alcohol Testing Policy* (DATP) [ORS 5.403], related administrative guidelines, and/or [Resource 4.03](#).
- Consistent with the DFWP: 1) The Superintendent shall be responsible for providing a copy of the DFWP to all employees; and 2) Any Employee who violates the terms of the DFWP shall be suspended, and shall be subject to Dismissal and referral for prosecution.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).

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The logo consists of a red outline of the state of Tennessee with the letters "ECOC" in white inside.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE

Definition: This ECOC violation means any conduct that violates one or more of the Board Sexual Misconduct Policies (SMPs); and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Engaging in an inappropriate relationship with a student or other minor.
- Touching a staff member, student or other person in a sexually inappropriate manner.
- Engaging in sexual conduct with a minor student or other minor regardless of location or consent.
- Possessing, distributing, or accessing child pornography.
- Committing any other act of sexual misconduct prohibited under federal, state, or local criminal law.

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §2241; 18 USC §2242; 18 USC §2243 to §2248; 18 USC §2250 et seq.; 18 USC §2421; 18 USC §3600a; 20 USC §7912; 34 CFR §200.44; 42 USC §12645g; *Adam Walsh Child Protection and Safety Act of 2006* [AWA; 42 USC §16902; Public Law 109-248]; *Sex Offender Registration and Notification Act* [SORNA; 42 USC §16911 et seq.]; *Children's Internet Protection Act of 2000* [CIPA; 47 USC §254; FCC Order 03-188]; 47 CFR §54.520

State level: TCA §39-13-501 et seq.; §39-17-1001 et seq.; §40-35-501(i)(2); §40-39-201 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (B) and (D)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)(7)

Board level: ORS 1.808; 4.406; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.600; 5.601; 5.611; 5.701; 5.702; 5.802; 6.100

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Commission of a Sex Offense				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the School System *Staff-Student Relations Policy* (SSRP) [ORS 5.610] and/or related administrative guidelines, sexual relationships between employees and students shall be prohibited [ORS 5.610].
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.
- Many examples of this ECOC violation are incompatible with initial or continued employment by the School System; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a verbal lack of truthfulness or deception; and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Engaging in an act of commission (e.g., the criminal misrepresentation of facts, such as initiating a false complaint alleging criminal activity or making false statements to law enforcement during the course of an investigation).
- Engaging in an act of omission (e.g., the failure to relate all pertinent details to an investigator, such as neglecting mandatory reporting responsibilities regarding suspected child abuse or withholding knowledge of the existence of contradictory evidence).

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §201 et seq.; 18 USC §663; 18 USC §911; 18 USC §1001 et seq.; 18 USC §1169; 18 USC §1501 et seq.; 18 USC §1621 et seq.; 18 USC §2258; 18 USC §3600a; 42 USC §5119; 42 USC §12645g; 42 USC §13031; 42 USC §16990; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]; 47 CFR §54.503

State level: TCA §5-1-125; §5-14-114; §8-50-501; §37-1-401 et seq.; §37-1-605; §39-15-401 through 402; §39-16-101 et seq.; §39-16-404; §39-16-701 et seq.; §40-39-211; §49-2-301(b)(1)(GG) and (c); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A) through (D)

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(3); §49-5-1004(b)(1-4)(7)

Board level: ORS 1.501; 1.808; 2.200; 2.202; 2.300; 2.400; 2.402; 2.500; 2.601; 2.700; 2.800; 2.801; 2.804; 2.809; 2.900; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 6.100; 6.409; 6.415

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Dishonesty (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.

NOTE: An Employee must notify the Superintendent within twenty-four (24) hours if he or she has been named by the Department of Children's Services (DCS) as an indicated perpetrator of child abuse [ORS 5.108].

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a non-verbal lack of truthfulness or deception; and 2) That may be a matter of interest to a law enforcement agency

Examples: Include, but are not limited to, the following:

- Submitting a signed testimony known to contain false information.
- Knowingly filing a report required by federal, state or local authorities containing false, missing, incomplete or incorrect information.
- Altering official applications or records after their submittal.
- Presenting forged credentials relating to eligibility for initial or continued employment.
- Making a false disqualifying statement on a fingerprint clearance card.
- Accounting for the receipt, deposit, or disbursement of funds in a manner prohibited by federal, state, or local criminal law.

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §285 et seq.; 18 USC §470 et seq.; 18 USC §1001 et seq.; 18 USC §1341 et seq.; 18 USC §1426; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State level: TCA §39-14-114; §39-14-136; §39-16-501 through 504; §39-17-112; §49-2-301(b)(1)(GG); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-413; §49-5-501(3)(A), (B) and (D); §49-5-403; §49-50-1401 et seq.

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1004(b)(2-4)

Board level: ORS 2.200; 2.300; 2.400; 2.402; 2.500; 2.700; 2.701; 2.800; 2.801; 2.804; 2.807; 2.900; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.802; 6.100

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Falsification of or Failure to Accurately Provide Information (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That is inappropriate or unacceptable in the environment in which it occurs; and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Committing violence in the Workplace.
- Causing injury or endangering a person directly or through Neglect of Duty.
- Assaulting or battering a person.
- Threatening or injuring a person, or damaging property, in an act of criminal harassment or civil rights intimidation.
- Stalking a person.
- Committing an act of indecent exposure.
- Engaging in an act of retaliation prohibited under federal, state, or local criminal law.

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §1513; 18 USC §2231 et seq.; 18 USC §2261; 20 USC §7912; 34 CFR §200.44; 42 USC §12645g

State level: TCA §20-14-101 et seq.; §29-20-310(e); §39-13-101 et seq.; §39-13-511; §39-13-901 et seq.; §39-16-403; §39-17-308 through 309; §39-17-314 through 317; §49-2-301(b)(1)(GG); §49-5-201(a)(12) and (b); §49-5-406; §49-5-501(3)(A) through (D); §49-5-606; §49-6-1014 through 1019; §49-6-2008; §49-6-2113; §49-6-3051; §49-6-4105

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(1)(2)(4-5)(7); §49-5-1004(b)(8)

Board level: ORS 3.219; 4.406; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.500; 5.501; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100; 6.304; 6.305; 6.314; 6.601

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: This ECOC violation means any conduct: 1) That involves the stealing, wrongful appropriation, improper diversion, misuse, or destruction of property belonging to the Board, an Employee, a student, or other party; and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Stealing funds from a petty cash account.
- Diverting School System technology or other assets for personal use.
- Damaging property in an act of vandalism or retaliation.
- Misusing a vehicle owned by the School System.
- Using School System-owned equipment after hours without proper authorization or approval.
- Knowingly including unauthorized personal expenses on an expense report.

Related alignments include, but may not be limited to, the following:

Federal level: 18 USC §641 et seq.; 18 USC §871 et seq.; 18 USC §891 et seq.; 18 USC §2311 et seq.; 42 USC §12645g; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State level: TCA §12-2-401 et seq.; §39-14-101 through 110; §39-14-114 through 154; §39-14-408; §49-2-301(b)(1)(GG); §49-3-314; §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (B) and (D); §49-2-203(b)(4); §49-50-1408; §49-6-2006

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

Board level: ORS 1.805; 2.400; 2.402; 2.403; 2.500; 2.600; 2.700; 2.702; 2.800; 2.801; 2.804; 2.900; 3.205; 3.300; 3.301; 3.400; 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 6.100

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE OR UNAUTHORIZED USE OF PROPERTY (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Theft, Abuse or Unauthorized Use of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- See also the *State Department Office of Local Finance Standardized System of Accounting & Reporting* and the *State Internal School Uniform Accounting Policy Manual*.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION

Definition: This ECOC violation means any conduct that violates one or more of the Board *Weapons Policies* (WPs); and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- **Dangerous Weapon.** Consistent with TCA §49-6-4202(1), a dangerous weapon is any instrument or substance that is capable of inflicting any injury on any person. As such, possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting or using any of the following is prohibited:
 - Ammunition for a firearm (e.g., a bullet, shotgun shell or other round).
 - Sporting or recreational equipment without authorization (e.g., a BB gun, Air Soft gun, paintball gun, pellet gun, flare gun, starter gun, slingshot, bow or crossbow).
 - Fireworks or other flammable items (e.g., sparklers, “pop bottle” rockets or Black Cats®).
 - Combustibles (e.g., road flares or flammable liquids).
 - Objects which emit noxious gases (e.g., tear gas, a smoke bomb or stink bomb).
 - Electrically charged stun devices (e.g., a Taser®).
 - Defensive repellants (e.g., mace, “pepper spray”, other a similar chemical spray).
 - Office implements (e.g., a letter opener or a pen).
- **Deadly Weapon.** Consistent with TCA §39-11-106(5), a deadly weapon is 1) A firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury; or 2) Anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. As such, the following are prohibited:
 - Possessing or carrying any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use [TCA §39-11-106(11)] not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by the Board, whether openly or concealed, with or without the intent to go armed [TCA §39-17-1309(b) and TCA §39-17-1309(c)] and whether loaded or unloaded (i.e., without ammunition in the chamber, cylinder, clip or magazine, and no clip or magazine is in the immediate vicinity) [TCA §39-17-1301(18)], like:
 - A handgun (i.e., any firearm with a barrel length of less than twelve inches that is designed, made or adapted to be

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

- fired with one hand [TCA §39-11-106(16)].
- A rifle (i.e., any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger) [TCA §39-17-1301(14) and §39-17-1309(b)(1)].
- A shotgun (i.e., any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger) [TCA §39-17-1301(16) and §39-17-1309(b)(1)].
- A machine gun (i.e., any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger) [TCA §39-17-1301(11) and §39-17-1309(b)(1)].
- Components of these weapons (e.g., a stock, barrel, frame or receiver).
- Certain accessories for these weapons (e.g., a silencer made or adapted to muffle the report of a firearm) [TCA §39-17-1301(5) and §39-17-1309(b)(1)].
- Items represented as such weapons (e.g. a concealed object shaped like a gun or referred to as a gun, or an object such as a stick concealed under clothing being portrayed as a firearm).
- Simulations, imitations or facsimiles of such weapons (i.e., any object or device substantially similar in coloration and overall appearance to a firearm, as defined in TCA §39-11-106(a), as to lead a reasonable person to perceive that the object or device is a firearm) [TCA §39-17-1362 (a)(1) and §39-17-1362].
- Possessing or carrying any explosive or explosive weapon (i.e., containing any explosive, incendiary or poisonous gas), like:
 - A bomb, grenade, rocket or mine [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
 - A shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
 - Any sealed device containing dry ice or other chemically reactive substances for the purposes of causing an explosion by a chemical reaction [TCA §39-17-1301(4)].
 - A "hoax device" (i.e., any device that reasonably appears to be or is purported to be an explosive or incendiary device and is intended to cause alarm or reaction of any type by an official of a public safety agency or a volunteer

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

- agency organized to deal with emergencies) [TCA §39-17-1301(4)].
- A commercial explosive (e.g., dynamite, blasting caps or chemical oxidizing agents) [TCA §39-17-1301(4) and §39-17-1309(b)(1)].
- Any combination of parts either designed or intended for use in converting any device into any destructive device described above, and from which a destructive device may be readily assembled.
- Possessing or carrying any other kind of “deadly weapon” under state statute and/or Board policy, like:
 - Any club (i.e., any instrument that is specially designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument) such as blackjacks/slapjacks, leaded canes or Nunchaku karate sticks [TCA §39-17-1301(2) and §39-17-1309(b)(1)].
 - Any knife (i.e., any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument) such as a bowie knives, hawk bill knives, daggers, Shuriken “Death Stars”, pocket knives or box cutters [TCA §39-17-1301(9), §39-17-1309(b)(1)].
 - Any switchblade knife (i.e., any knife that has a blade which opens automatically by hand pressure applied to a button or other device in the handle or operation of gravity or inertia) [TCA §39-17-1301(17) and §39-17-1309(b)(1)].
 - Any artificial knuckles (i.e., any instrument that consists of finger rings or guards made of a hard substance and that is designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles) such as “Brass Knuckles” [TCA §39-17-1301(10) and §39-17-1309(b)(1)].
 - Any “weapon of like kind” (except those used solely for personal shaving; sharp pointed or edged instruments, except unaltered nail files and clips and tools used solely for preparation of food, instruction or maintenance) such as razors, razor blades, ice picks or slingshots [TCA §39-17-1309(a) and §39-17-1309(b)(1)].
 - “Look-alikes”, simulations or facsimiles of such weapons (e.g., a rubber knife).

Related alignments include, but may not be limited to, the following:

Federal level:

Gun Free Schools Act of 1994; 18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; *Gun Control Act of 1968* [GCA; 18 USC §921 et seq.; Public Law 90-618]; *Gun Free School Zones Act of 1990* [GFSZA; 18 USC §922 and 924]; 20 USC

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

§7912; 34 CFR §200.44; 42 USC §12645g; 27 CFR §447.1 et seq.

State level:

TCA §39-11-106(5) and (18); §39-12-101 et seq.; §39-14-702; §39-16-604; §39-17-1301 et seq.; §49-2-301(b)(1)(GG); §49-5-201(a)(12); §49-5-406; §49-5-501(3)(A), (B) and (D); §49-6-801 et seq.; §49-6-1024; the *School Security Act of 1981* [TCA §49-6-4201 et seq.]; *School Security Act of 2013* [TCA §49-6-815]

Professional ethics:

TCA §49-5-1002(1); §49-5-1004(a); §49-5-1003(b)(4)

Board level:

ORS 5.106; 5.108; 5.118; 5.200; 5.201; 5.202; 5.600; 5.611; 5.701; 5.702; 5.802; 6.100

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Weapons Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- The Superintendent shall display in prominent locations about the school (including, but not limited to, sports arenas, gymnasiums and cafeterias) a sign, at least six (6) inches high and fourteen (14) inches wide, stating: "FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY [TCA §39-17-1309(d)]."
- For important exceptions to this ECOC violation, see [Resource 4.04](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the School System; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That does not statutorily render an applicant ineligible for initial employment, or an existing Employee from continued employment; and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Breaking and entering into a Board-owned structure.
- Creating or contributing to an unlawful civil disturbance.
- Coercing a witness.
- Being convicted of Driving Under the Influence (DUI) when no transportation duties are required of the Employee.

Related alignments include, but may not be limited to, the following:

Federal level: Includes 18 USC §81, 18 USC §228, 18 USC §231 et seq., 18 USC §331 et seq., 18 USC §351 et seq., 18 USC §371 et seq., 18 USC §401 et seq., 18 USC §1071 et seq., 18 USC §1081 et seq., 18 USC §1261 et seq., 18 USC §1301 et seq., 18 USC §1361 et seq., 18 USC §1425, 18 USC §1460 through 1466, 18 USC §1470, 18 USC §1581 et seq., 18 USC §1751 et seq., 18 USC §1801, 18 USC §1831 et seq., 18 USC §1951 et seq., 18 USC §1961 et seq., 18 USC §2101 et seq., 18 USC §2111 et seq., 18 USC §2325 et seq., 18 USC §2331 et seq., 18 USC §2341 et seq., 18 USC §2381 et seq., *Electronic Communications Privacy Act of 1986* [18 USC §2510 et seq.], 18 USC §2701 et seq., 42 USC §12645g, and any federal level statutes or implementing regulations (criminal, but non-disqualifying) not otherwise specified

State level: Includes TCA §39-12-101 et seq., §39-12-201 et seq., §39-13-210 through 218, §39-13-301 through 303, §39-13-306 through 308, §39-13-401 and 404, §39-13-601 et seq., §39-13-801 et seq., §39-14-201 et seq., §39-14-301, §39-14-303 through 307, §39-14-401 et seq., §39-14-501 et seq., §39-14-601 et seq., §39-14-701 et seq., §39-14-801 et seq., §39-14-901 et seq., §39-15-101, §39-15-301 et seq., §39-15-403 and 404, §39-15-408 through 414, §39-16-301 et seq., §39-16-401 through 407, §39-16-507 et seq., §39-16-601 et seq., §39-17-101 et seq., §39-17-301 through 307, §39-17-311 and 312, §39-17-316 and 317, §39-17-501 et seq., §39-17-601 et seq., §39-17-701 et seq., §39-17-901 et seq., §39-17-1101 et seq., §39-17-1401 et seq., §39-17-1501 et seq., §49-2-301(b)(1)(GG), §49-5-201(a)(12), §49-5-406, §49-5-501(3)(A) through (D), any state level statutes (criminal, but non-disqualifying) not otherwise specified

Includes any state level implementing regulations (criminal, but non-disqualifying) not otherwise specified

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

Board level: Includes ORS 3.219, 3.400, 5.106, 5.108, 5.118, 5.200, 5.201, 5.202, 5.600, 5.611, 5.701, 5.702, 5.802, 6.100, and any Board level

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING) (CONT'D)

policies (criminal, but non-disqualifying) not otherwise specified

Includes any School System level administrative guidelines (criminal, but non-disqualifying) not otherwise specified

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [MAJOR](#)

Case Management Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Dismissal	Not Applicable
Relatively Equal	Suspension	Dismissal	Dismissal	Not Applicable
Mostly Aggravating	Dismissal	Dismissal	Dismissal	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That statutorily renders an applicant ineligible for initial employment, or an existing Employee from continued employment; and 2) That may be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Receiving a conviction that results in denial or subsequent forfeiture of a fingerprint clearance.
- Receiving a conviction on an “absolute bar” offense reportable to the State Board/State Department for major certificate action.

Related alignments include, but may not be limited to, the following:

Federal level: Includes 18 USC §1111 et seq., 18 USC §1201 et seq., 18 USC §1466a, 18 USC §2243, 18 USC §2250, 18 USC §2251 et seq., 18 USC §2423, 18 USC §2425, 18 USC §2427, 18 USC §3283, 20 USC §7912, 34 CFR §200.44, 42 USC §12645g, and any federal level statutes or implementing regulations (criminal and disqualifying) not otherwise specified

State level: Includes TCA §8-47-101, §39-13-202, §39-13-201 and 202, §39-13-304 and 305, §39-13-402 and 403, §39-13-501 through 504, §39-13-501 et seq., §39-14-302, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-35-501(i)(2), §40-39-201 et seq., §49-2-301(b)(1)(GG), §49-5-201(a)(12), §49-5-406, §49-5-413, §49-5-417, §49-5-501(3)(A), (B) and (D), §49-5-709, §49-6-2117 and any state level statutes (criminal and disqualifying) not otherwise specified

Includes any state level implementing regulations (criminal and disqualifying) not otherwise specified

Professional ethics: TCA §49-5-1002(1); §49-5-1004(a)

Board level: Includes ORS 4.406, 5.106, 5.108, 5.118, 5.200, 5.201, 5.202, 5.600, 5.611, 5.701, 5.702, 5.802, 6.100 and any Board level policies (criminal and disqualifying) not otherwise specified

Includes any School System level administrative guidelines (criminal and disqualifying) not otherwise specified

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

Case management considerations include, but may not be limited to, the following:

Initial responsibility: SCHOOL SYSTEM LEVEL

Mandatory reporting: YES

Initial classification: [DISQUALIFYING](#)

e Management Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Dismissal	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Dismissal	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Dismissal	Not Applicable	Not Applicable	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Email Policy* (UEP) [ORS 1.805], *Use of the Internet Policy* (UIP) [ORS 4.406], *School and System Websites Policy* (SSWP) [ORS 4.407], related administrative guidelines, the School System *Acceptable Use Agreement* (AUA), and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- Consistent with the Board *Employee Supervision Policy* (ESP) [ORS 5.108] and/or related administrative guidelines: 1) An Employee shall report being charged with any criminal offense to his or her immediate Supervisor within seventy-two (72) hours of the offense; 2) The Supervisor must report the offense to the Superintendent immediately; 3) The Superintendent must report the offense to the Board as soon as practical and 4) The Superintendent or his/her designee must report the offense to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) where mandated.
- All examples of this ECOC violation are incompatible with initial or continued employment by the School System.

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5.0 PROCEDURES FOR INFORMAL ACTIONS *ACKNOWLEDGED ORAL WARNINGS*

An Employee facing this action will receive the following:

Professional Personnel

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by an association representative, if applicable.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Personnel

- An informal meeting with his or her Supervisor in a private location.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Licensed Employee's response to the allegation(s) involved, if such a response is given.

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.01](#) and [Form 3.02](#)) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975)]. If a representative is requested, no action should be taken until the representative is present; however, the availability of the representative should not unreasonably delay the meeting(s).

- **During action.** The Supervisor will:
 - Meet with the Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Licensed Employee with the documentation of the action (see [Form 5.01](#)).
 - Review the documentation with the Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) ACKNOWLEDGED ORAL WARNINGS (CONT'D)

- **After action.** The Supervisor will:
 - Provide the Licensed Employee with a copy of the executed action.
 - Offer the Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner.

 - Inform the Licensed Employee of his or her contest rights, if applicable [ORS 5.501].
 - Retain the executed action in the USF (see [Section 8.0](#)).

[Support Personnel](#)

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Non-Licensed Employee's response to the allegation(s) involved, if such a response is given.
- **During action.** The Supervisor will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Non-Licensed Employee with the documentation of the action (see [Form 5.01](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Non-Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.
- **After action.** The Supervisor will:
 - Provide the Non-Licensed Employee with a copy of the executed action.
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the Non-Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner.

 - Inform the Non-Licensed Employee of his or her contest rights, if applicable [ORS 5.501].
 - Retain the executed action in the USF (see [Section 8.0](#)).

Post-action considerations include the following:

[Professional Personnel](#)

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *ACKNOWLEDGED ORAL WARNINGS (CONT'D)*

Support Personnel

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *ACKNOWLEDGED ORAL WARNINGS (CONT'D)*

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) WRITTEN WARNINGS

An Employee facing this action will receive the following:

Professional Personnel

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by an association representative, if applicable.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Personnel

- An informal meeting with his or her Supervisor in a private location.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Personnel

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Licensed Employee's response to the allegation(s) involved, if such a response is given.

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.01](#) and [Form 3.02](#)) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975)]. If a representative is requested, no action should be taken until the representative is present; however, the availability of the representative should not unreasonably delay the meeting(s).

- **During action.** The Supervisor will:
 - Meet with the Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Licensed Employee with the documentation of the action (see [Form 5.02](#)).
 - Review the documentation with the Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) WRITTEN WARNINGS (CONT'D)

- **After action.** The Supervisor will:
 - Provide the Licensed Employee with a copy of the executed action.
 - Offer the Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner.

 - Inform the Licensed Employee of his or her contest rights, if applicable [ORS 5.501].
 - Retain the executed action in the USF (see [Section 8.0](#)).

[Support Personnel](#)

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Non-Licensed Employee's response to the allegation(s) involved, if such a response is given.
- **During action.** The Supervisor will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Non-Licensed Employee with the documentation of the action (see [Form 5.02](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Non-Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.
- **After action.** The Supervisor will:
 - Provide the Non-Licensed Employee with a copy of the executed action.
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the Non-Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner.

 - Inform the Non-Licensed Employee of his or her contest rights, if applicable [ORS 5.501].
 - Retain the executed action in the USF (see [Section 8.0](#)).

Post-action considerations include the following:

[Professional Personnel](#)

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *WRITTEN WARNINGS (CONT'D)*

Support Personnel

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *WRITTEN WARNINGS (CONT'D)*

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6.0 PROCEDURES FOR FORMAL ACTIONS OFFICIAL REPRIMANDS

An Employee facing this action will receive the following:

Professional Personnel

- An informal meeting with the Superintendent or his/her designee in a private location.
- The option of being accompanied by an association representative, if applicable.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Personnel

- An informal meeting with his or her Supervisor in a private location.
- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that includes: 1) The specific incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific action taken; 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Formal Action are as follows:

Professional Personnel

If initiated at the building or site level, the case must be transferred to the School System level.

- **Before action.** The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s) involved, if such a response is given.

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.01](#) and [Form 3.02](#)) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975)]. If a representative is requested, no action should be taken until the representative is present; however, the availability of the representative should not unreasonably delay the meeting(s).

- **During action.** The Superintendent or his/her designee will:
 - Meet with the Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Licensed Employee with the documentation of the action (see [Form 6.01](#)).
 - Review the documentation with the Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Licensed Employee.

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) OFFICIAL REPRIMANDS (CONT'D)

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.

- **After action.** The Superintendent or his/her designee will:
 - Provide the Licensed Employee with a copy of the executed action.
 - Offer the Licensed Employee an opportunity to respond to the action in writing [ORS 5.114] within a reasonable timeframe, and inform the Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner..

- Inform the Licensed Employee of his or her contest rights, if applicable [ORS 5.1031 and 5.501].
- Retain the executed action in the OPF (see [Section 8.0](#)).

Support Personnel

If initiated at the building or site level, the case must be transferred to the School System level.

- **Before action.** The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s) involved, if such a response is given.
- **During action.** The Superintendent or his/her designee will:
 - Meet with the Non-Licensed Employee within a reasonable timeframe to deliver the action.
 - State his or her reason(s) for proceeding with the action.
 - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - Present the Non-Licensed Employee with the documentation of the action (see [Form 6.01](#)).
 - Review the documentation with the Non-Licensed Employee.
 - Request signed/initialed and dated acknowledgement of receipt from the Non-Licensed Employee.

NOTE: Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation will be noted on the documentation.

- **After action.** The Superintendent or his/her designee will:
 - Provide the Non-Licensed Employee with a copy of the executed action.
 - Offer the Non-Licensed Employee an opportunity to respond to the action in writing [ORS 5.114] within a reasonable timeframe, and inform the Non-Licensed Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed; and dated; and 2) Will be attached, if received in a timely manner.

- Inform the Non-Licensed Employee of his or her contest rights, if applicable [ORS 5.1031 and 5.501].
- Retain the executed action in the OPF (see [Section 8.0](#)).

Post-action considerations include the following:

Professional Personnel

Tenure Status

- **Records management.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *OFFICIAL REPRIMANDS (CONT'D)*

- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

Probationary Status

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted; however, a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

Support Personnel

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted; however, a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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The logo consists of a red outline of the state of Tennessee with the letters "ECOC" in white text inside it.

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *OFFICIAL REPRIMANDS (CONT'D)*

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) SUSPENSIONS

An Employee facing this action will receive the following:

Professional Personnel

- The Due Process afforded by state statute and Board policy [ORS 5.200 or 5.1031 and 5.201].

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.01](#) and [Form 3.02](#)) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975)]. If a representative is requested, no action should be taken until the representative is present; however, the availability of the representative should not unreasonably delay the meeting(s).

Support Personnel

- The Due Process afforded by state statute and Board policy [ORS 5.1031 and 5.202].

Workflows for this type of Formal Action are as follows:

Professional Personnel

If initiated at the building or site level, the case must be transferred to the School System level. The Superintendent or his/her designee will complete an investigation of the incident(s) that: 1) Includes the Certificated Employee's response to the allegation(s) involved, if such a response is given; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.

All required notices must be hand-delivered or sent by certified mail.

Tenure Status

- **Administrative Action.** The Superintendent or his/her designee may suspend a Teacher at any time that may seem necessary [TCA §49-5-511(a)(3); ORS 5.200], pending investigation or final disposition of a case before the Board or an appeal [TCA §49-5-511(a)(3); ORS 5.200].

NOTE: Notwithstanding TCA §49-5-511(a), but subject to the appeal and review provisions of TCA §49-5-512 and §49-5-513, any Teacher convicted of a felony listed in TCA §40-35-501(i)(2) or convicted of an offense listed in TCA §39-17-417 shall be immediately suspended and dismissed subject to TCA §49-5-511(c)(2) [TCA §49-5-511 (c)(1)].

In the event of an urgent situation requiring an immediate Suspension, the Due Process outlined in ORS 5.200 shall be provided after the Suspension has begun. If the matter under investigation is not the subject of an ongoing criminal investigation or a Department of Children's Services investigation, and if no charges have been made pursuant to TCA §49-5-511(a)(4), a suspension pending investigation shall not exceed ninety (90) days in duration [TCA §49-5-511(a)(3); ORS 5.200].

NOTE: Under no circumstances shall the Superintendent suspend a Tenured Teacher with pay [ORS 5.200]. If vindicated or reinstated, the Tenured Teacher shall be paid the full salary for the period during which the Teacher was suspended [TCA §49-5-511(a)(3); ORS 5.200].

- **Disciplinary Suspension.** Consistent with existing state laws and Board policies, the Superintendent may suspend all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and TCA Title 49, Chapter 5, Part 5 [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be suspended include: 1) Incompetence [TCA §49-5-501(5) and §49-5-511(a)(2); ORS 5.200]; 2) Inefficiency [TCA §49-5-501(6), §49-5-511(a)(2); ORS 5.200]; 3) Neglect of duty [TCA §49-5-501(8), and 49-5-511(a)(2); ORS 5.200]; 4) Unprofessional conduct [TCA §49-5-511(a)(2); ORS 5.200]; and 5) Insubordination [TCA §49-5-501(7) and §49-5-511(a)(2); ORS 5.200]. No Teacher shall be suspended except as provided in TCA Title 49, Chapter 5, Part 5 [TCA §49-5-511(a)(1)].

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) SUSPENSIONS (CONT'D)

- **Minor Suspension.** For the standard procedure [TCA §49-5-512(d); ORS 5.200], see [Resource 6.01A](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

NOTE: Under no circumstances shall the Superintendent suspend a Tenured Teacher with pay [ORS 5.200]. If vindicated or reinstated, the Tenured Teacher shall be paid the full salary for the period during which the Tenured Teacher was suspended [TCA §49-5-511(a)(3); ORS 5.200], unless Suspension without pay is deemed to be an appropriate penalty [ORS 5.200].

- **Major Suspension.** For the standard procedure [TCA §49-5-511(a) and §49-5-512(a) to (c); ORS 5.200], see [Resource 6.02A](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

[Probationary Status](#)

- **Administrative Action.** The Superintendent or his/her designee may suspend a Teacher at any time that may seem necessary, pending investigation or final disposition of a case before the Board or an appeal [ORS 5.201].

In the event of an urgent situation requiring an immediate Suspension, the Due Process outlined in ORS 5.201 shall be provided after the Suspension has begun. If the matter under investigation is not the subject of an ongoing criminal investigation or a Department of Children's Services investigation, and if no charges have been made, a Suspension pending investigation shall not exceed ninety (90) days in duration [ORS 5.201].

NOTE: Under no circumstances shall the Superintendent suspend a Non-Tenured Teacher with pay [ORS 5.201]. If vindicated or reinstated, the Non-Tenured Teacher shall be paid the full salary for the period during which the Non-Tenured Teacher was suspended [ORS 5.201].

- **Disciplinary Suspension.** Consistent with existing state laws and Board policies, the Superintendent may suspend all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.201]. The causes for which a Teacher may be suspended include: 1) Incompetence [TCA §49-5-501(5); ORS 5.201]; 2) Inefficiency [TCA §49-5-501(6); ORS 5.201]; 3) Insubordination [TCA §49-5-501(7); ORS 5.201]; 4) Improper (or unprofessional) conduct [ORS 5.201]; and 5) Neglect of duty [TCA §49-5-501(8); ORS 5.201]. No Teacher shall be suspended except as provided in ORS 5.201.
 - **Minor Suspension.** For the standard procedure [ORS 5.201], see [Resource 6.01B](#). The executed action will be retained in the OPF (see [Section 8.0](#)).
- NOTE:** Under no circumstances shall the Superintendent suspend a Non-Tenured Teacher with pay. If reinstated, the Non-Tenured Teacher shall be paid the full salary for the period during which the Non-Tenured Teacher was suspended, unless Suspension without pay is deemed to be an appropriate penalty [ORS 5.201].
- **Major Suspension.** For the standard procedure [ORS 5.201], see [Resource 6.02B](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

[Support Personnel](#)

If initiated at the building or site level, the case must be transferred to the School System level. The Superintendent or his/her designee will complete an investigation of the incident(s) that: 1) Includes the Non-Certificated Employee's response to the allegation(s) involved, if such a response is given; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.

All required notices must be hand-delivered or sent by certified mail.

- **Administrative Action.** The Superintendent may suspend a Non-Licensed Employee at any time when deemed necessary [ORS 5.202].

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *SUSPENSIONS (CONT'D)*

In the event of an urgent situation requiring an immediate Suspension, the Due Process outlined in ORS 5.202 shall be provided after the Suspension has begun.

NOTE: Under no circumstances shall the Superintendent suspend a Non-Licensed Employee with pay [ORS 5.202]. If reinstated, the Non-Licensed Employee shall be paid the full salary for the period during which the Non-Licensed Employee was suspended [ORS 5.202].

- **Disciplinary Suspension.** Consistent with existing state laws and Board policies, the Superintendent may suspend all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.202]. No Non-Licensed Employee shall be suspended except as provided in ORS 5.202.

Before a Non-Licensed Employee is suspended, he or she: 1) Shall be provided with the reason(s) for the Suspension [ORS 5.202]; 2) Shall be given an opportunity to respond [ORS 5.202]; and 3) Shall be given a written decision of Suspension [ORS 5.202].

NOTE: Under no circumstances shall the Superintendent suspend a Non-Licensed Employee with pay [ORS 5.202]. If reinstated, the Non-Licensed Employee shall be paid the full salary for the period during which the Non-Licensed Employee was suspended, unless Suspension without pay is deemed to be an appropriate penalty [ORS 5.202]

Post-action considerations include the following:

Professional Personnel

Tenure Status

- **Administrative Action.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** See Major Suspension or [Dismissal](#).
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).
- **Disciplinary Suspension (Minor).**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.01A](#)) [TCA §49-5-512(d); ORS 5.200].
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).
- **Disciplinary Suspension (Major).**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.02A](#)) [TCA §49-5-511(a) and §49-5-512(a) to (c); ORS 5.200].
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).

Probationary Status

- **Administrative Action.**
 - **Records management.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *SUSPENSIONS (CONT'D)*

- **Contest.** See Major Suspension or [Dismissal](#).
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).
- **Disciplinary Suspension (Minor).**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted (see [Resource 6.01B](#)); however, a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).
- **Disciplinary Suspension (Major).**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.02B](#)) [TCA §49-2-301(b)(1)(GG); ORS 5.201], and a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).

[Support Personnel](#)

- **Administrative Action.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** See Major Suspension or [Dismissal](#).
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).
- **Disciplinary Suspension.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted; however, a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
 - **Expiration of action.** See [Section 8.0](#).
 - **Withdrawal of action.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) DISMISSALS

An Employee facing this action will receive the following:

Professional Personnel

- The Due Process afforded by state statute and Board policy [ORS 5.200 or 5.1031 and 5.201].

NOTE: Upon request, an association member is entitled to the presence of representation at any investigatory interview by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.01](#) and [Form 3.02](#)) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975)]. If a representative is requested, no action should be taken until the representative is present; however, the availability of the representative should not unreasonably delay the meeting(s).

Support Personnel

- The Due Process afforded by state statute and Board policy [ORS 5.1031 and 5.202].

Workflows for this type of Formal Action are as follows:

Professional Personnel

If initiated at the building or site level, the case must be transferred to the School System level. The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Licensed Employee's response to the allegation(s) involved, if such a response is given.

All required notices must be hand-delivered or sent by certified mail.

Superintendent

Except in cases concerning allegations of criminal or professional misconduct, the Board shall not terminate the contract of or remove the Superintendent from office without giving notice at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken [TCA §49-2-203(14)(C)].

Notice of termination of a contract of the Superintendent: 1) Shall include the date, time and place of the meeting; and 2) Shall comport with all other requirements of TCA §8-44-103 and 49-2-202(c)(1) [TCA §49-2-203(14)(C)]. The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting [TCA §49-2-203(14)(C)].

Tenure Status

- **Dismissal for Cause:** Consistent with existing state laws and Board policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and TCA Title 49, Chapter 5, Part 5 [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be dismissed include: 1) Neglect of duty [TCA §49-5-501(8) and 49-5-511(a)(2)]; 2) Unprofessional conduct [TCA §49-5-511(a)(2)]; and 3) Insubordination [TCA §49-5-501(7) and §49-5-511(a)(2)]. No Teacher shall be dismissed except as provided in TCA Title 49, Chapter 5, Part 5 [TCA §49-5-511(a)(1)].

NOTE: Additional causes exist under state statute. "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, one (1) or more of the following: 1) Immorality [TCA §49-5-501(3)(A)]; 2) Conviction of a felony or a crime involving moral turpitude [TCA §39-13-509, §39-13-522 through 532, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-39-201 et seq., §40-35-501(i)(2), §49-2-301(b)(1)(GG) and §49-5-501(3)(B)]; 3) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts [TCA §49-5-501(3)(C)]; 4) Disregard of the Tennessee Teacher Code of Ethics in TCA §49 Chapter 5 Part 10 in such manner as to make one obnoxious as a member of the profession [TCA §49-5-501(3)(D)]; 5) Improper use of narcotics or intoxicants [TCA §49-5-501(3)(E)].

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) DISMISSALS (CONT'D)

- **Dismissal for Substandard Performance:** Consistent with existing state laws and Board policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.200]. The causes for which a Teacher may be dismissed are: 1) Incompetence [TCA §49-5-501(5) and §49-5-511(a)(2)]; and 2) Inefficiency [TCA §49-5-501(6) and §49-5-511(a)(2)].

NOTE: For Reduction in Force performance considerations effective July 1, 2014, see [Section 7.0](#).

For the standard procedure [TCA §49-5-511(a) and §49-5-512(a) to (c); ORS 5.200], see [Resource 6.02A](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

Probationary Status

- **Dismissal for Cause:** Consistent with existing state laws and Board policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.201]. Such action may be taken during the contract year [ORS 5.201]. The causes for which a Teacher may be dismissed include: 1) Insubordination [TCA §49-2-301(b)(1)(GG)(i) and §49-5-501(7); ORS 5.201]; 2) Improper (or unprofessional) conduct [TCA §49-2-301(b)(1)(GG)(i); ORS 5.201]; and 3) Neglect of duty [TCA §49-2-301(b)(1)(GG)(i) and §49-5-501(8); ORS 5.201]. No Teacher shall be dismissed except as provided in TCA §49-2-301(b)(1)(GG).

NOTE: Additional causes exist under state statute. "Conduct unbecoming to a member of the teaching profession" may consist of, but not be limited to, one (1) or more of the following: 1) Immorality [TCA §49-5-501(3)(A)]; 2) Conviction of a felony or a crime involving moral turpitude [TCA §39-13-509, §39-13-522 through 532, §39-15-210, §39-15-401 and 402, §39-17-417, §39-17-911 and §914, §39-17-1001 et seq., §40-39-201 et seq., §40-35-501(i)(2), §49-2-301(b)(1)(GG) and §49-5-501(3)(B)]; 3) Dishonesty, unreliability, continued willful failure or refusal to pay one's just and honest debts [TCA §49-5-501(3)(C)]; 4) Disregard of the Tennessee Teacher Code of Ethics in TCA §49 Chapter 5 Part 10 in such manner as to make one obnoxious as a member of the profession [TCA §49-5-501(3)(D)]; 5) Improper use of narcotics or intoxicants [TCA §49-5-501(3)(E)].

- **Dismissal for Substandard Performance:** Consistent with existing state laws and Board policies, the Superintendent may dismiss all personnel, licensed or otherwise [TCA §49-2-301(b)(1)(EE); ORS 5.201]. The causes for which a Teacher may be dismissed include: 1) Incompetence [TCA §49-2-301(b)(1)(GG) and §49-5-501(5)]; and 2) Inefficiency [TCA §49-2-301(b)(1)(GG) and §49-5-501(6)].

NOTE: For non-renewal of a Non-Tenured Teacher, see [Section 7.0](#). For Reduction in Force performance considerations effective July 1, 2014, see [Section 7.0](#).

For the standard procedure [TCA §49-2-301(b)(1)(GG); ORS 5.201], see [Resource 6.02B](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

Support Personnel

If initiated at the building or site level, the case must be transferred to the School System level. The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Non-Licensed Employee's response to the allegation(s) involved, if such a response is given.

All required notices must be hand-delivered or sent by certified mail.

Consistent with existing state laws and Board policies, the Superintendent may dismiss all personnel, licensed or otherwise, except as provided in TCA §49-2-203(a)(1) and §49-5-501 et seq. [TCA §49-2-301(b)(1)(EE); ORS 5.202]. All persons who are employed in a position for which no teaching license is required shall be hired at the will of the Superintendent [TCA §49-2-301(b)(1)(FF); ORS 5.202], and the Superintendent may dismiss a Non-Licensed Employee for any lawful reason [ORS 5.202].

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) DISMISSALS (CONT'D)

The local board of education shall develop a policy for dismissing such employees [TCA §49-2-301 (b)(1)(FF)].

Classified employees are employed At-Will and may be dismissed as appropriate by the Superintendent when he or she has determined their services are not satisfactory or are no longer required [ORS 5.202]. Recommendations for Dismissal shall be made by the principal or appropriate supervisor to the Superintendent, and the Superintendent: 1) Shall consider all recommendations for Dismissal; and 2) Shall be the deciding authority for all Dismissal actions regarding classified employees [ORS 5.202].

An Employee dismissed for any reason shall be paid all earnings authorized or due at the end of the next regular pay period, unless the Employee is dismissed at the end of the school year [ORS 5.202]. If the Employee is dismissed at the end of the school year, the Employee will be paid Consistent with the normal payroll calendar for summer checks [ORS 5.202].

NOTE: For Reduction in Force performance considerations effective July 1, 2014, see [Section 7.0](#).

Post-action considerations include the following:

Professional Personnel

Tenure Status

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.02A](#)) [TCA §49-5-511(a) and §49-5-512(a) to (c); ORS 5.200].

If the Dismissal is upheld in the Board and court reviews and involved conviction of a felony listed in TCA §40-35-501(i)(2) or an offense listed in TCA §39-17-417, the Superintendent shall notify in writing the Commissioner, who shall begin licensure revocation proceedings under applicable State Board rules.

- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

Probationary Status

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.02B](#)) [TCA §49-2-301(b)(1)(GG); ORS 5.201], and a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].

If the Dismissal is upheld in the Board and court reviews and involved conviction of a felony listed in TCA §40-35-501(i)(2) or an offense listed in TCA §39-17-417, the Superintendent shall notify in writing the Commissioner, who shall begin licensure revocation proceedings under applicable State Board rules.

- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

Support Personnel

- **Records management.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *DISMISSALS (CONT'D)*

- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORS 5.501] if the complaint falls within the definition of a Grievance. Appeal is not permitted; however, a complaint may be filed with the School PAB (see [Resource 6.03](#)) [ORS 5.1031].
- **Expiration of action.** See [Section 8.0](#).
- **Withdrawal of action.** See [Section 8.0](#).

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7.0 OTHER ACTIONS CONTRACTS

Professional Personnel

All teachers must make a written contracts with their boards or directors at fixed salaries per month before entering upon their duties in any public elementary or high school [TCA §49-3-306, §49-5-408, and §49-5-608(a)(1); ORS 5.110 and 5.1101]. The contracts: 1) Shall be in such form as may be furnished by the Commissioner; and 2) Shall be signed in duplicate, each party holding a copy [TCA §49-5-408].

NOTE: Failure to comply with TCA §49-5-408 by either or both parties shall subject the Teacher and the Superintendent or Board to a fine of not less than twenty-five dollars (\$25) [TCA §49-5-408].

Teachers in service and under control of the public elementary and high schools of this state shall continue in such service until they have received written notice from their boards or directors, as appropriate, of their Dismissal or failure of re-election [TCA §49-5-409(a)]. Notices of such must be received within five (5) business days following the last instructional day for the school year to be applicable for the next succeeding school year [TCA §49-5-409(b)].

NOTE: The Superintendent may transfer any Teacher from one (1) position to another at his or her option [TCA §49-5-409(b), §49-5-608(b)(4), and §49-5-608(b)(5)].

Support Personnel

Not applicable.

NON-RENEWALS

Professional Personnel

As a general rule, decisions not to re-employ should be performance-based, rather than conduct-based, in nature.

For the School System's Evaluation Procedures [TRR 0520-02-01.01 and 0520-02-01.02], see ORS 5.109.

Tenure Status

- See Dismissal.

Probationary Status

A Non-Tenured Teacher is subject to the same rules and regulations and is entitled to the same privileges of employment enjoyed by a Tenured Teacher, except that the Non-Tenured Teacher has no claim upon continuing employment or Tenure protections [ORS 5.201]. The Superintendent is under no obligation to re-employ a Non-Tenured Teacher at the end of his or her contract period [ORS 5.201].

The principal is responsible for discussing deficiencies as part of the evaluation process with the Non-Tenured Teacher and providing assistance for overcoming these deficiencies [ORS 5.201]. If the Superintendent determines not to renew the contract of a Non-Tenured Teacher, the following action shall be taken: 1) The Board shall be notified at the next regular Board meeting; and 2) Written notice of non-renewal shall be hand delivered or sent to the Employee by registered mail so that it will be received by the Employee within five (5) business days following the last instructional day for the school year [TCA §49-5-409(a) and (b); ORS 5.201].

NOTE: For the related Grievance Procedure, see TCA §49-1-302(d)(2) and TRR 0520-02-01.01(4).

Support Personnel:

As a general rule, decisions not to re-employ should be performance-based, rather than conduct-based,

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7.0 OTHER ACTIONS (CONT'D) NON-RENEWALS (CONT'D)

in nature.

For the School System's Evaluation Procedures, see ORS 5.109. There are no non-renewal provisions under state statute or Board policy.

RESIGNATIONS

Professional Personnel

A Teacher shall give the Superintendent written notice of resignation at least thirty (30) days in advance of the effective date of the resignation [TCA §49-5-411(b) and §49-5-508(a); ORS 5.200 and 5.201]. The Board may waive the notice requirement and permit a Teacher to resign in good standing [ORS 5.200 and 5.201].

The conditions under which it is permissible to break a contract with the Board are as follows:

- The incapacity on the part of the Teacher to perform the contract as evidenced by the certified statement of a physician approved by the Board [TCA §49-5-411(a)(1) and §49-5-508(c)(1); ORS 5.200 and 5.201].
- The drafting of a Teacher into military service by a selective service board [TCA §49-5-411(a)(2) and §49-5-508(c)(2); ORS 5.200 and 5.201].
- The release, by written mutual consent, by the Board of the Teacher from the contract that the Teacher has entered into with the Board [TCA §49-5-411(a)(3) and §49-5-508(c)(3); ORS 5.200 and 5.201].

NOTE: Any Teacher on leave shall notify the Superintendent in writing at least thirty (30) days prior to the date of return if the Teacher does not intend to return to the position from which he or she has taken leave [ORS 5.200 and 5.201]. Failure to render such notice may be considered a breach of contract [ORS 5.200 and 5.201].

A Teacher who breaks a contract with the Board without a justifiable reason as listed in TCA §49-5-411 shall be subject to the following penalty:

- The release, by written mutual consent, by the Board of the Teacher from the contract that the Teacher has entered into with the Board [TCA §49-5-411(a)(3) and §49-5-508(c)(3)].
- The Board upon a motion recorded in its minutes, may file a complaint with the Commissioner and request a suspension of the Teacher's license [TCA §49-5-411(b)(1); ORS 5.200 and 5.201].
- The request shall be supported by facts documenting the charge that the Teacher broke the contract contrary to TCA §49-5-411 [TCA §49-5-411(b)(2)].
- The Teacher shall receive a copy of the charges and facts at the same time they are filed with the Commissioner [TCA §49-5-411(b)(3)].
- If the Commissioner that, in fact, the contract was broken, the Commissioner shall suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days [TCA §49-5-411(b)(4); ORS 5.200 and 5.201]. A license that has been suspended because of breach of contract shall have recorded on it the date the suspension was in effect and the cause for the suspension [TCA §49-5-411(b)(6)].

NOTE: The suspension of a license according to TCA §49-5-411 shall occur only after the Commissioner has provided the Teacher an opportunity for defense, in person or by counsel, against the charges during a full and complete hearing within thirty (30) days following the filing of the complaint [TCA §49-5-411(b)(5)].

Additional considerations include the following:

- The Board may waive the notice requirement and permit a Teacher to resign in good standing [TCA §49-5-508(a); ORS 5.200 and 5.201].
- A Teacher who fails to give such notice, in the absence of justifiable extenuating circumstances,

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7.0 OTHER ACTIONS (CONT'D) *RESIGNATIONS (CONT'D)*

shall forfeit all Tenure Status under TCA Title 49, Chapter 5, Part 5 [TCA §49-5-508(a); ORS 5.200 and 5.201].

- Any Teacher who breaks a contract with the Board without a justifiable reason as listed in TCA §49-5-508(c) shall not be given permanent Tenure Status in any other School System in this state, until such Teacher has met all of the requirements in such system for attaining permanent status plus the serving of five (5) years continuously in lieu of the three (3) years continuously required in TCA §49-5-503; provided, that the local board of education against which the Teacher has broken a contract: 1) Informs the Commissioner of the breach of contract; and 2) Requests the Commissioner to so notify all local boards of education in this state [TCA §49-5-508(b)]. A local board of education may later inform the Commissioner that it is no longer holding the breach of contract against the Teacher, in which event the local board of education shall request the Commissioner to so notify all local boards of education in this state [TCA §49-5-508(b)]. If and when a local board of education informs the Commissioner that it is no longer holding the breach of contract against the Teacher, the penalty in TCA §49-5-508(b) against the Teacher shall immediately become ineffective, null and void [TCA §49-5-508(b)].

Support Personnel

Support Personnel shall give their immediate supervisors written notice of resignation at least two (2) weeks [ten (10) working days] in advance of the effective date of voluntary termination [ORS 5.202]. This requirement may be waived by the Superintendent for justifiable reason [ORS 5.202].

NOTE: The immediate Supervisor shall forward copies the day received to the Superintendent's office [ORS 5.202]. The payroll office will prepare final payment for the next appropriate scheduled pay day [ORS 5.202].

REDUCTIONS IN FORCE

Professional Personnel

When it becomes necessary to reduce the number of teaching positions in the School System because of a decrease in enrollment or for other good reasons, the Board shall be empowered to dismiss such teachers based on their level of effectiveness determined by the evaluations pursuant to TCA §49-1-302 for licensed employees [TCA 49-2-301 (b)(1)(EE) and §49-5-511(b)(1); ORS 5.116]. The Board shall give such teachers written notice of Dismissal explaining fully the circumstances or conditions making their dismissals necessary [TCA §49-5-511(b)(2); ORS 5.116], and teachers rated in the three (3) highest categories based on evaluations pursuant to TCA §49-1-302 who have been dismissed because of abolition of their positions shall be placed on a list for re-employment [TCA §49-5-511(b)(3); ORS 5.116].

NOTE: Nothing contained in TCA §49-5-409 shall: 1) Affect any rights that may have accrued, or may accrue, on behalf of any teachers or principals under any law providing Tenure [TCA §49-5-409(b)]; or 2) Prohibit the Board from abolishing a position after June 15th, for sufficient, just and non-discriminatory reasons; provided that an affected person: 1) Is notified immediately in writing, stating the reasons(s) for abolishing his or her position; and 2) Is entitled to the next position that he or she is qualified to hold and that opens within the School System during the remainder of the school year [TCA 49-2-301 (b)(1)(EE) and §49-5-409(c)]. The determination of whether a Teacher is qualified for an open position shall be made by the Superintendent, and the Teacher's most recent evaluations may be a factor in such determination [TCA §49-1-302(d)(2) and §49-5-409(c); TRR 0520-02-01.01(4)].

A principal may refuse to accept the placement or transfer of a Teacher by the Superintendent to the principal's school, and the Teacher's most recent evaluations shall be a factor in such determination [TCA §49-5-511(b)(3); ORS 5.116].

NOTE: Nothing in tca §49-5-511(b) shall be construed to deprive the Superintendent of the power to determine the filling of such vacancy on the basis of the Superintendent's evaluation of the Teacher's competence, compatibility, and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists [TCA §49-5-511(b)(3); ORS 5.116].

The right to remain on the preferred list for employment shall remain in effect until: 1) The Teacher accepts a bona fide offer of re-employment for a comparable position within the School System [TCA

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7.0 OTHER ACTIONS (CONT'D) ***REDUCTIONS IN FORCE (CONT'D)***

§49-5-511(b)(4)(A); ORS 5.116]; or 2) The Teacher rejects four (4) bona fide offers of re-employment for comparable positions within the School System [TCA §49-5-511(b)(4)(B); ORS 5.116].

Support Personnel

When it becomes necessary to reduce the number of non-licensed positions in the School System because of a decrease in enrollment or for other good reasons, the Board shall be empowered to dismiss such non-licensed employees based on their level of effectiveness determined by an evaluation of work performance for non-licensed employees [TCA §49-5-511(b)(1)]. The Board shall give such non-licensed employees written notice of Dismissal explaining fully the circumstances or conditions making their dismissals necessary [TCA §49-5-511(b)(2); ORS 5.116].

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8.0 PROCEDURES FOR RECORDS MANAGEMENT UNOFFICIAL SUPERVISOR FILES (USFs)

The documentation involved with any Informal Action will be retained in an Unofficial Supervisor's File ("USF") in "active" status. The USF will be considered to represent a subsidiary record of the Personnel File.

USFs: 1) Shall be maintained in the Supervisor's office, separate from OPFs, and under his or her direct supervision; and 2) May be maintained for a reasonable timeframe. Such records may be kept in either: 1) A manual system; or 2) A PI System.

Physical removal of the documentation associated with an action may be subject to applicable open records and records maintenance and cycling provisions of the *Tennessee Public Records Act* [TCA §10-7-501 et seq.] and Board policy [ORS1.407 and 5.114]. As such, expired and/or withdrawn actions, if permitted, shall be retained in an Archived Materials File (or "AMF") maintained in the office of the Superintendent or his/her designee in "inactive" status, and the AMF shall also be considered to represent a subsidiary record of the file.

GENERAL PROVISIONS

- **Access, inspection, and copying (Employee).** Except for materials deemed confidential by law, the Superintendent or his/her designee may: 1) Grant any Employee, access at any reasonable time to his or her file, whether maintained by the Employee's principal, Supervisor, Superintendent, the Board, or any other official of the School System [TCA §8-50-108 and §49-2-301(b)(1)(BB); ORS 5.114]; and 2) Give any Employee, on request and on payment of reasonable compensation, a copy of specified documents in the Employee's file [TCA §8-50-108 and §49-2-301(b)(1)(CC); ORS 5.114].
- **Access, inspection, and copying (external).** Except for materials deemed confidential by law, files: 1) Are public records; and 2) Shall be open to inspection during regular business hours [TCA §10-7-503 and §10-7-504; ORS1.407]. Copies of records may be made under rules determined by the Superintendent [TCA §10-7-503(a)(7)(C), §10-7-503(b), §10-7-504, and §10-7-506; ORS 1.407], and a record of the person inspecting and the date of inspection shall be recorded [TCA §10-7-503(b); ORS1.407].

ACTION-RELATED PROVISIONS

- **Expiration of action.** There are no provisions for the expiration of an Informal Action under state statute or Board policy. Considerations include the following:
 - The action will expire: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes:

Expiration Timeframes (Calendar Months)		
ENTITY:	Professional Personnel	Support Staff Personnel
Acknowledged Oral Warning	36	36
Written Warning	36	36

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) UNOFFICIAL SUPERVISOR FILES (USFs) (CONT'D)

- An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.

To process an expired action, the supervisor:

- Must move all documentation associated with the action from the “active” section of the USF to the “inactive” section of the USF.
- **Withdrawal of action.** There are no provisions for the withdrawal of an Informal Action under state statute or Board policy. Considerations include the following:
 - The action may be withdrawn: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes:

Withdrawal Timeframes (Calendar Months)		
ENTITY:	Professional Personnel	Support Staff Personnel
Acknowledged Oral Warning	12	12
Written Warning	12	12

- A withdrawn action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
- The Supervisor is under no obligation to withdraw the action.
- Withdrawal of the action may be considered only if all of the following conditions are met:
 - The Employee must submit a signed and dated request to his or her current Supervisor that:
 - 1) Outlines the reason(s) why the Employee believes the withdrawal is warranted; and 2) States that the Employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
 - The Supervisor must deem that the withdrawal was submitted appropriately by the Employee.
 - The written withdrawal request must be retained by the Supervisor.

To process a withdrawn action, the supervisor:

- Must attach the original withdrawal request to the original documentation of the action.
- Must move all documentation associated with the action from the USF to the AMF.
- Must advise the Employee in writing within a reasonable timeframe: 1) That the withdrawal was completed; 2) That both the original withdrawal request and the original action were moved to the AMF; and 3) That the action may not be used to justify progressive discipline should the conduct involved re-occur.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs)

The documentation involved with any Formal Action will be retained in an Official Personnel File (“OPF” or “Personnel File”, or “Administrative File”) in “active” status [ORS 5.114]. A single file, containing the materials either required or permitted under state statute and/or Board policy, shall be maintained for each Employee in either: 1) A manual system; or 2) A PI System.

Files shall be maintained in the central office, under the direct supervision of the Superintendent or his/her designee [ORS 5.114]. Such records will be maintained for all employees and former employees unless, or until: 1) They are deemed no longer accurate, relevant, or necessary under state law; and 2) The Board Records Commission approves of their disposal consistent with state law [ORS 1.407].

Information contained in OPFs shall be limited to job-related matters [TCA§49-2-301(b)(1)(M); ORS 5.114]. Information obtained from personnel records by Board members should be used only: 1) For the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal; 2) To aid the development and implementation of personnel policies; or 3) For such other uses necessary to enable the Board members to carry out their legal responsibilities.

Physical removal of the documentation associated with an action may be subject to applicable open records and records maintenance and cycling provisions of the *Tennessee Public Records Act* [TCA §10-7-501 et seq.] and Board policy [ORS 1.407 and 5.114]. As such, expired and/or withdrawn actions, if permitted, shall be retained in an Archived Materials File (or “AMF”) maintained in the office of the Superintendent or his/her designee in “inactive” status, and the AMF shall also be considered to represent a subsidiary record of the file.

NOTE: ECOC-related provisions include the following:

File contents	
Professional Personnel	Support Personnel
Information contained in the files shall be limited to job-related matters [ORS 5.114]. The Superintendent shall be responsible for notifying all employees of the types of records kept and uses made of such records [ORS 5.114].	Information contained in the files shall be limited to job-related matters [ORS 5.114]. The Superintendent shall be responsible for notifying all employees of the types of records kept and uses made of such records [ORS 5.114].
Prohibited materials	
Professional Personnel	Support Personnel
All documents, communications, and records dealing with the processing of a Grievance shall be filed separately from any personnel files of the participants and shall not be forwarded to any prospective employer of the Grievant, nor shall such documents be revealed or the Grievance(s) be alluded to in any communication between the administration and said prospective employer.	
Acknowledgement of placement	
Professional Personnel	Support Personnel
Rebuttal	
Professional Personnel	Support Personnel
Employees shall be granted an opportunity to respond in writing to material placed in records [ORS 5.114].	Employees shall be granted an opportunity to respond in writing to material placed in records [ORS 5.114].

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)

OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

GENERAL PROVISIONS

- **Access, inspection, and copying (Employee).** Except for materials deemed confidential by law, the Superintendent or his/her designee may: 1) Grant any Licensed Employee, or any other person considered as a Professional Employee, access at any reasonable time to his or her file, whether maintained by the Employee's principal, Supervisor, Superintendent, the Board, or any other official of the School System [TCA §8-50-108 and §49-2-301(b)(1)(BB); ORS 5.114]; and 2) Give any licensed or Professional Employee, on request and on payment of reasonable compensation, a copy of specified documents in the Employee's file [TCA §8-50-108 and §49-2-301(b)(1)(CC); ORS 5.114].
- **Access, inspection, and copying (external).** Except for materials deemed confidential by law, files: 1) Are public records; and 2) Shall be open to inspection during regular business hours [TCA §10-7-503 and §10-7-504; ORS 1.407]. Copies of records may be made under rules determined by the Superintendent [TCA §10-7-503(a)(7)(C), §10-7-503(b), §10-7-504, and §10-7-506; ORS 1.407], and a record of the person inspecting and the date of inspection shall be recorded [TCA §10-7-503(b); ORS 1.407].

NOTE: No later than July 1, 2017, every governmental entity subject to TCA §10-7-503 shall establish a written public records policy properly adopted by the appropriate governing authority [TCA §10-7-503(g)]. The public records policy shall not impose requirements on those requesting records that are more burdensome than state law and shall include: 1) The process for making requests to inspect public records or receive copies of public records and a copy of any required request form; 2) The process for responding to requests, including redaction practices; 3) A statement of any fees charged for copies of public records and the procedures for billing and payment; and 4) The name or title and the contact information of the individual or individuals within such governmental entity designated as the public records request coordinator [TCA §10-7-503(g)].

ACTION-RELATED PROVISIONS

- **Expiration of action.** There are no provisions for the automatic expiration of a Formal Action under state statute or Board policy.
- **Withdrawal of action.** There are no provisions for the withdrawal of a Formal Action under state statute or Board policy.

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9.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION

As the administrative agent of the Board [ORS 1.101, 1.106, 1.600, 1.601, 1.700, and 5.802], the Superintendent or his/her designee will ensure that:

- Both the ECOC (see [Section 2.0](#)) and these guidelines are reviewed at regular intervals in conjunction with the policies of the Board; and
- The ECOC is provided to (or made accessible to) and explained to all employees on an annual basis (see [Form 9.01](#)).

Implementation Tip: Obtain acknowledgement of receipt

It is a best practice to obtain such acknowledgements of receipt for the ECOC: 1) Upon revision; or 2) On an annual basis.

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The logo consists of a red horizontal bar with the white text "ECOC" centered within it.

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9.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION (CONT'D)

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GLOSSARY

Unless the otherwise required under the provisions of state statute or Board policy, the following definitions apply:

TERM	DEFINITION
Absent without Leave	This term means missing work because of: 1) A reason conforming to a policy in effect, but the maximum days provided for in that policy will be exceeded; 2) A reason not conforming to any policy in effect; or 3) A Failure to report to work without prior notification to the Superintendent or his/her designee.
Administrative Action	This term means a voluntary or involuntary separation from service on a temporary basis, typically without pay, for non-disciplinary purposes (e.g., when the Employee may create a hazard situation during a pending investigation or is otherwise subject to a pending major personnel action). Only the Superintendent may take this type of action.
Acknowledged Oral Warning	This term means an Informal Action that involves a conference between a Supervisor and an Employee. The action is the least severe type of response to an ECOC violation, and is meant to ensure an Employee is aware that: 1) A deficiency has been noted; and 2) Self-remediation is expected. NOTE: There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.
Alcohol	This term means any fermented, distilled, or manufactured compound containing ethyl alcohol. Examples include, but are not limited to, the following: 1) Fermented beverages (e.g., beer, malt liquor, wine) or their derivatives (e.g., “fortified” wine); 2) Distilled spirits (e.g., whiskey, scotch, vodka, or “fortified” wine); and 3) Over-the-Counter (OTC) products (e.g., cough syrup).
Alcohol Concentration	This term (or “Alcohol Content”) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382 [49 CFR §382.107].
Arbitration	This term means the process by which a Grievance is resolved when lower level mechanisms were unsuccessful.
Arbitrator	This term means an entity which conducts Arbitration when necessary.
Assault Leave	This term means absence by a Teacher from assigned duties as a result of personal injury caused by physical assault or another violent criminal act committed in the course of the Teacher's employment duties [TCA §49-5-714(a); TRR 0520-01-02.04(5)(a); ORS 5.307].
Association Leave	This term means released time to be used during the school year by teachers who are officers or agents of ORS 5.906].
At-Will	This term means the employment status of a Non-Licensed Employee. All such persons shall be hired at the will of the Superintendent [TCA §49-2-301(b)(1)(FF); ORS 5.110].
Bereavement Leave	This term means leave of up to three (3) days at any time in the event of death of an Employee's spouse, child, daughter-in-law, son-in-law, parent, brother, sister, father-in-law, mother-in-law, grandparent, grandchild, or any other member of the family who resides in the Teacher's household.

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Board	This term means the Oak Ridge Schools Board of Education, the local board of education holding jurisdiction in its respective territory [TCA §49-1-103(1) and §49-5-501(2)].
Cause	This term (or “Just Cause) means a reason, if required, under federal law, state statute, and/or Board policy for which the School System may take disciplinary action against an Employee.
CDL Holder	This term means, for the purposes of the ADIPs, an Employee whose position requires a Commercial Driver’s License.
Collaborative Conferencing	<p>This term means the process by which the Board chair and the Board's professional employees, or such representatives as either party designates, meet at reasonable times to confer, consult, discuss, and exchange information, opinions, and proposals on matters relating to the terms and conditions of professional Employee service using principles and techniques of interest-based collaborative problem-solving [TCA §49-5-602(2)].</p> <p>NOTE: Nothing in TCA 49 Chapter 5 Part 6 shall be construed to require Collaborative Conferencing, agreement on any terms and conditions of employment, or, if agreement has not been reached between the local board of education and the representatives of the professional employees, an MOU [TCA §49-5-609(d)]. Absent an agreement and MOU on terms and conditions specified for Collaborative Conferencing in TCA 49 Chapter 5 Part 6, the local board of education shall have the authority to address such terms and conditions through policy [TCA §49-5-609(d)].</p>
Commissioner	This term means the Tennessee Commissioner of Education.
Controlled Substance	<p>This term means, for the purposes of the ADIPs: 1) Any Illegal Drug]; 2) Any drug that is being used illegally (e.g., with a prescription that was not legally obtained, in a manner outside of its intended purposes, or not in the prescribed quantity); 3) Any naturally occurring or manufactured compound on the United States Drug Enforcement Agency’s (DEA) schedule of regulated substances with effects on mood, perception, or behavior, either without a legitimate prescription, or for which no prescription may be legally written; or 4) Substances defined in 49 CFR §40.85 [49 CFR §382.107] for which CDL-related testing is conducted.</p> <p>Examples include, but are not limited to, the following: Opiates (e.g., heroin, morphine, or codeine) and opioids (e.g., oxycontin, oxcycodone, or hydrocodone); hallucinogens and psychedelics (e.g., Marijuana, LSD, and MDMA or “ecstasy”); depressants (e.g., barbiturates and benzodiazepines); stimulants (e.g., amphetamines, methamphetamines, cocaine, or its “crack” derivative); anabolic steroids (e.g., dehydroepiandrosterone or DHEA).</p> <p>NOTE: The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity, unless such use would impair the individual's ability to safely perform a Safety-Sensitive Function.</p>
Controlled Substance Abuse	This term means, for the purposes of the ADIPs: 1) Excessive use of Alcohol; or 2) Prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
Dismissal	This term means a Formal Action that involves an Employee being involuntarily separated from service on a permanent basis when: 1) The issue of Employee remediation is either no longer valid or is otherwise irrelevant; or 2) The misconduct involved is incompatible with initial or continued

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	<p>employment in the School System. This action may be sub-characterized as: 1) For Cause (when required under state statute); or 2) For performance-related issues (i.e., failure to meet performance standards established by the State Board and/or the School System) [ORS 5.110 and 5.201].</p> <p>NOTE: This formal action requires the level of Due Process outlined in state statute and Board policy based upon employment classification [TCA §49-2-203(a)(1), §49-2-301(b)(1)(FF), §49-5-501(10) and (11), §49-5-503 and 504; ORS 5.117, 5.200, 5.201 and 5.202]. The School System-approved procedure must be followed, and only the Superintendent or the Board may take this type of action.</p>
Due Process	This term means the safeguards to which an Employee is entitled in order to protect his or her applicable rights.
EAP	This term means an Employee Assistance Program.
Emergency Leave	This term means leave during the workday granted by an immediate Supervisor for a sudden, unexpected occurrence requiring immediate attention taken as Personal Leave, Sick Leave, or leave without pay [ORS 5.301].
Employee	This term means: 1) A Certificated Employee; or 2) A Non-Certificated Employee.
ESI	This term means Electronically Stored Information [Federal Rules of Civil Procedure 34 and 37 (28 USC App)].
Family and Medical Leave	This term (or "FML") means reasonable leave taken: 1) For medical reasons; 2) For the birth or adoption of a child; or 3) For the care of a child, spouse or parent who has a serious health condition [ORS 5.305].
Fiduciary Role	This term means employment in a position with a duty of confidence or trust, especially with the management of public funds.
For Gain	This term means evidence of getting, or attempting to get, something wanted, valued, or beneficial.
Formal Action	This term means a disciplinary action for which documentation is typically retained in the Personnel File.
Grievance	This term means a claim or complaint that there has been a violation, misinterpretation, or misapplication of Board policy.
Grievance Procedure	This term means the established workflow for resolving: 1) Employment-related complaints [ORS 5.501]; or 2) Evaluation-related complaints [TCA §49-1-302(d)(2); TRR 0520-02-01.01(4)].
Grievant	This term means an individual or entity authorized to file a Grievance.
IEP	This term means an Individualized Education Plan.
Illegal Drug	This term means, for the purposes of the ADIPs, drugs and controlled substances, the possession or use of which is unlawful pursuant to federal, state, and local laws and regulations.
Impartial	This term means, for the purposes of TCA Title 49, Chapter 5, Part 5, a hearing officer with no history of employment with the Board or the Superintendent, no relationship with any Board member, and no relationship with the Teacher or his or her representative(s) [TCA §49-5-512(a)(3)].

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Incompetence	This term means being incapable, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position [TCA §49-5-501(5)]. This may apply to physical, mental, educational, emotional or other personal conditions [TCA §49-5-501(5)]. It may include lack of training or experience, evident unfitness for service, a physical, mental or emotional condition making the Teacher unfit to instruct or associate with children or the inability to command respect from subordinates or to secure cooperation of those with whom the Teacher must work [TCA §49-5-501(5)].
Inefficiency	This term means: 1) Being below the standards of efficiency maintained by others currently employed by the Board for similar work; 2) Being habitually tardy; or 3) Being inaccurate, or wanting in effective performance of duties [TCA §49-5-501(6)]. NOTE: The definition of Inefficiency includes, but is not limited to, having evaluations demonstrating an overall performance effectiveness level that is "below expectations" or "significantly below expectations" as provided in the evaluation guidelines adopted by the State Board pursuant to TCA §49-1-302 [TCA §49-5-501(5)].
Informal Action	This term means a disciplinary action for which documentation is not typically retained in the Personnel File.
Intentionally	This term means evidence of a pre-existing plan, intent, design, or purpose.
Legal Leave	This term means leave taken: 1) For jury duty; or 2) For court appearances on either a compelled or a voluntary basis.
Legislative Leave	This term means leave for certified employees who have been elected to state or local law-making bodies that is granted either as Personal Leave or leave without pay for the time those law-making bodies are in official session or while attending official meetings outside the session [ORS 5.309].
Licensed Employee	This term (or "Certified Employee" or "Certificated Employee") means a person who is employed in a position for which a teaching license is required in the state of Tennessee.
Maliciously	This term means evidence of having or showing a desire to: 1) Cause harm to another person; or 2) Damage his or her property.
Management Personnel	This term means those professional employees certified by the local board of education to represent the board in the collaborative conferencing process [TCA §49-5-602(4)].
Management Rights	This term means any and all Board rights contained TCA Title 49 [TCA §49-5-604 and §49-5-609(a); ORS 5.901].
Major Suspension	This term means: 1) For Professional Personnel with Tenure Status, a disciplinary Suspension without pay for more than three (3) days [TCA §49-5-511(a) and §49-5-512(a) to (c); ORS 5.200]; or 2) For Professional Personnel with Probationary Status, a disciplinary Suspension without pay for more than three (3) days [ORS 5.201].
Military Leave	This term means leave for employees who are members of any reserve component of the U.S. Armed Forces that is granted for all periods of military service during which they are engaged in the performance of duty or training in the service of either Tennessee or the United States [ORS 5.306].

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Minor Suspension	This term means: 1) For Tenure Status Professional Personnel, a disciplinary Suspension without pay for three (3) days or less [TCA §49-5-512(d); ORS 5.200]; or 2) For Probationary Status Professional Personnel, a disciplinary Suspension without pay for three (3) days or less [ORS 5.201].
MOU	<p>This term (or “Memorandum of Understanding”) means the written document that memorializes and records the understanding reached by the local board of education and its professional employees, or their respective representatives, if so designated, as to the terms and conditions of professional services set forth in TCA Title 49, Chapter 5, Part 6 [TCA §49-5-602(5) and §49-5-609].</p> <p>NOTE: The scope of any MOU resulting from Collaborative Conferencing shall extend to those matters of mutual agreement between the Board and the professional employees; provided, that its scope shall not include proposals contrary to: 1) Federal law, or state law, or applicable municipal charter; 2) professional Employee rights defined in TCA Title 49, Chapter 5, Part 6; or 3) Management Rights [TCA §49-5-604 and §49-5-609(a)].</p>
MRO	This term means a Medical Review Officer.
Neglect of Duty	<p>This term means gross or repeated failure to perform duties and responsibilities that reasonably can be expected of one in such capacity or continued unexcused or unnecessary absence from duty [TCA §49-5-501(8)].</p> <p>NOTE: It is immaterial whether the neglect was done willfully, out of malice, out of ignorance, or due to an oversight when the result of the neglect was grave or its frequency was such as to endanger or threaten the welfare of staff, students, the staff member involved, or the legitimate interests of the School System.</p>
Network	This term means Board-owned electronic assets that include, but are not limited to, the following: computers; Internet services; email services; electronic subscriptions; research or productivity resources; and other Board-owned electronic resources.
Network Users	This term means staff members who use or otherwise access the network via wireless or hardwired connection.
Non-Licensed Employee	This term (or “Classified Employee”) means a person who is employed in a position for which no teaching license is required [TCA §49-2-301(b)(1)(FF)] in the state of Tennessee.
Official Reprimand	<p>This term (or “Written Reprimand”) means a Formal Action that involves a statement of censure for misconduct of such concern that a permanent record of the incident(s) needs to be established. The action is used when the ECOC violation involved warrants a response that is more severe than a Written Warning, but less severe than a Suspension.</p> <p>NOTE: No formal disciplinary hearing is required; however, only the Superintendent or his/her designee may issue this type of Employee discipline.</p>
Overtime	This term means hours physically worked in excess of forty (40) hours per week by a non-exempt Employee [29 CFR §553.20 and §778.101].
PAB	This term means the Personnel Advisory Board of a city school system [ORS 5.1031].
PCD	This term (or “Personal Communication Device”) means a WCD not owned by the Board.

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PI	This term means Personal Information (i.e., that which describes anything about a person, indicates actions done by or to a person, or indicates that a person possesses certain characteristics) that: 1) Contains a name, identifying number, symbol, or other identifier; and 2) Can be retrieved from a PI System.
PI System	This term means any collection or group of related records kept in an organized manner and maintained by a state or local agency from which PI is retrieved by: 1) The name of the person; 2) Some identifying number; or 3) Some other identifier assigned to the person. NOTE: A PI System may include both records that are manually stored and records that are stored using electronic data processing equipment.
PII	This term means Personally Identifiable Information. NOTE: Consistent with IDEA Part B, all persons collecting or using PII must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the School System must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
PECCA	This term means the <i>Professional Educators Collaborative Conferencing Act of 2011</i> [TCA §49-5-601 et seq.].
Personal Leave	This term means leave intended to be used for personal reasons, subject to the conditions of TCA §49-5-711(c)(1), that can be taken at the discretion of a Teacher, who shall not be required to give reason(s) for the use of the leave [TCA §49-5-711(c)(1); ORS 5.303].
Probation	This term means a condition and period of trial during which a Teacher is under observation to determine his or her fitness for Tenure Status [TCA §49-5-501(9) and §49-5-504].
Probationary Status	This term (or “Non-Tenured Teacher”) means the employment status of a Teacher who is not currently in Tenure Status.
Professional Employee	This term means any person employed for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state or federal funds, who is neither a member of the Management Team, as defined in TCA Title 49, Chapter 5, Part 6, or a retired Teacher who is employed as a Teacher Consistent with TCA Title 8, Chapter 36, Part 8 [TCA §49-5-602(8)].
Professional Employee Rights	This term means the rights of professional employees: 1) To form, join, or be assisted by organizations, to participate in Collaborative Conferencing with local boards of education through representatives of their own choosing; 2) To engage in other concerted activities for the purpose of other mutual aid and benefit; and 3) To refrain from any or all such activities [TCA §49-5-603; ORS 5.900 and 5.901].
Professional Employees’ Organization	This term means any organization with membership open to professional employees, as defined in TCA §49-5-602(8), in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students [TCA §49-5-602(9) and §49-5-605].
Professional Personnel	This term means those personnel whose employment status requires certification Consistent with State Board rules and regulations [TCA §49-5-

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	501(10) and §49-5-606(11); ORS 5.102].
Professional Leave	This term means a short, temporary absence for the purpose of attending workshops and other meetings relating to school business or serving on boards and commissions which meet during daytime hours when appointed by a mayor, city council, county executive or county commission [ORS 5.303].
Public Records	<p>This term means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity [TCA §10-7-503(a)(1)(A)(i)].</p> <p>NOTE: The term does not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record or state record [TCA §10-7-503(a)(1)(A)(ii)].</p>
Reasonable Person Standard	This term means: 1) For policy violations, what would be done, or not done, by most people within the School System and/or the community in a similar situation; or 2) For civil violations or criminal violations, what would be done, or not done, by a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability [West's Encyclopedia of American Law, 2 nd Edition. The Gale Group, Inc.].
Sabbatical Leave	This term means a leave of absence without pay not exceeding one (1) year to further education on a full-time basis [ORS 5.308].
Safety-Sensitive Employee	This term means, for the purposes of the ADIPs: 1) Any regular or substitute bus driver; 2) Any Employee who is required to be a CDL Holder as a condition of employment; 3) Any Employee who inspects, repairs, and/or maintains Board-owned vehicles; or 4) Any other Employee who may drive students in a Board-owned vehicle.
Safety-Sensitive Function	This term means, for the purposes of the ADIPs, any task associated with the operation/or and maintenance of a Board-owned vehicle or equipment or as defined by the School System (e.g., driving a Board-owned vehicle).
School System	This term (or "ORS") means Oak Ridge Schools [TCA §49-1-103(2)].
Scope of Conferencing	<p>This term means the range of topics that may be addressed through Collaborative Conferencing.</p> <p>NOTE: The Board shall be required to participate in Collaborative Conferencing with professional employees (or their designated representatives, if any) with respect to only those terms and conditions of employment specified in TCA §49-5-608(a) [TCA §49-5-608(a)]. No other terms or conditions of employment shall be the subject of Collaborative Conferencing between the Board and the professional employees or their representatives, and no collaborative conferencing shall be conducted on the subjects specified in TCA §49-5-608(b) [TCA §49-5-608(b)].</p>
Sick Leave	This term means: 1) Illness of a Teacher from natural causes or accident, or quarantine; or 2) Illness or death of a member of the immediate family of a Teacher, including the Teacher's spouse, parent, grandparent, child, grandchild, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law [TRR 0520-01-02.04(2); ORS 5.302], niece, nephew, or any other member of the family who resides in the household [ORS 5.302].

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GLOSSARY (CONT'D)

Social Media	<p>This term means, for the purposes of the AUTGs, a category of online media and/or Internet-based applications that: 1) Facilitate communication (e.g., interactive or two-way conversation or dialogue) and Networking between individuals or groups; or 2) Encourage discussion, feedback, voting, comments, and sharing of information from all interested parties .</p> <p>Examples include, but are not limited to, Facebook®, Twitter®, Instagram®, webmail, text messaging, chat, blogs, and instant messaging (IM).</p>
State Board	This term (or “TSBE”) means the Tennessee State Board of Education.
State Department	This term (or “TDE”) means the Tennessee Department of Education.
Superintendent	This term means the local director of schools (or to any other officer performing the functions of a director of schools) [TCA §49-5-501(4)].
Supervisor	This term means: 1) Any Professional Employee of a local board of education whose full-time job responsibilities consist of oversight of other professional employees, or curriculum development, or both [TCA §49-5-602(12)]; or 2) Any other individual with supervisory responsibilities as designated by the Superintendent.
Supervisory Role	This term means employment in a position as a Supervisor.
Support Personnel	<p>This term means personnel whose regular employment does not require certification consistent with rules and regulations of the State Board [ORS 5.102].</p> <p>Examples include, but are not limited to, the following groups of employees: 1) Bookkeepers; 2) Secretaries; 3) Clerks; 4) Maintenance employees; 5) Custodial employees; 6) Cafeteria employees; 7) Instructional assistants; 8) Information technology employees; and 9) Transportation employees [ORS 5.102].</p>
Suspension	<p>This term means a Formal Action that involves an Employee being involuntarily separated from service on a temporary basis without pay either: 1) For disciplinary purposes (e.g., when the grounds for Employee discipline involved warrant an action that is more severe than an Official Reprimand, but less severe than a Dismissal); or 2) For non-disciplinary administrative purposes (e.g., when the Employee may create a hazard situation during a pending investigation or is otherwise subject to a pending Dismissal action). A Suspension for disciplinary purposes is the most severe type of Employee discipline that is still compatible with continued employment, and is meant to serve as a significant consequence for either a serious lapse of judgment, or for misconduct of such concern, that the School System must ensure the Employee understands that a repeat incident is likely to result in Dismissal.</p> <p>NOTE: This action requires the level of Due Process outlined in state statute and Board policy based upon employment classification [TCA §49-2-203(a)(1), §49-2-301(b)(1)(FF), §49-5-501(10 and (11), §49-5-503 and 504; ORS 5.117, 5.200, 5.201 and 5.202]. The School System-approved procedure must be followed, and only the Superintendent or the Board may take this type of action.</p>
System Leave	This term means any leave that is considered to be an extension of the regular instructional program and/or the extracurricular school program (e.g., for committee meetings, system-related meetings, conventions, and competitions

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	which involve both students and teachers or system-assigned responsibilities which necessitate approved absence from the school.
TCA	This term means Tennessee Code Annotated.
TCE	This term means the state <i>Teacher Code of Ethics</i> [TCA §8-17-101 et seq., §49-5-501, §49-5-1001 et seq.; ORS 5.600].
Teacher	This term means: 1) Teachers, supervisors, principals, Superintendents of schools and all other certificated personnel employed by any local board of education, for service in public, elementary and secondary schools in this state, supported in whole or in part by state or federal funds [TCA §49-5-501(10)] ; or 2) Any person employed by a local board of education in a position which requires a license issued by TDE [TRR 0520-01-02.04(1)].
Tenure	This term means employment status other than Probation that a Teacher may be under while teaching in the public schools [TCA §49-2-203(a)(1), §49-5-501(11)(A) and §49-5-503; ORS 5.117].
Tenure Status	<p>This term (or “Tenured Teacher”) means the employment status of a Teacher who is not currently in Probationary Status. Statutory considerations include the following:</p> <ul style="list-style-type: none"> • If a Teacher acquires Tenure (see TCA §49-2-203(a)(1) and §49-5-503), the Teacher shall remain under Tenure Status until such time as the Teacher resigns, retires, is dismissed or the Teacher is returned to Probationary Status by the Superintendent under TCA Title 49, Chapter 5, Part 5 [TCA §49-5-501(11)(B)(i)]. • No Teacher who acquired tenure status prior to July 1, 2011, shall be returned to Probationary Status [TCA §49-5-501(11)(B)(ii)]. • A Teacher has no property right in the Teacher's Tenure status and must sustain a specified performance effectiveness level on evaluations, as provided in this TCA Title 49, Chapter 5, Part 5, to achieve and maintain Tenure Status [TCA §49-5-501(11)(B)(i)]. • No Teacher, including administrative and supervisory personnel, who has acquired Tenure Status is entitled to any specific position [TCA §49-5-501(11)(C)].
Transfer	This term means removal from one (1) position to another position under jurisdiction of the same local board of education [TCA §49-5-501(12)].
TDE	This term means the Tennessee Department of Education.
TRR	This term means Tennessee Rules & Regulations.
TSBA	This term means the Tennessee School Boards Association.
Verbal Redirection	This term means any private conversation, non-disciplinary counseling, or similar measure that is: 1) Non-disciplinary in nature; and 2) Undocumented.
While on Duty	This term means, for the purposes of the ADIPs (and elsewhere in the ECOC, unless otherwise specified in Board policy), all time from the time the School system Employee begins to work (or is required to be in readiness for work) until the time he or she is relieved from work and all responsibility for performing work [49 CFR §382.107].

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WCD	This term (or "Wireless Communication Device") means a computer, tablet (e.g., iPad® or similar device), electronic reader (e.g., "e-reader", Kindle®, or similar device), cell phone (e.g., mobile/cellular phone), "smartphone" (e.g., BlackBerry®, iPhone®, Android device, or MS Windows® mobile device), or other web--enabled device of any type.
Working Conditions of Professional Employees	<p>This term (or "Terms and Conditions of Professional Service") means those fundamental matters that affect a Professional Employee financially or the employment relationship with the local board of education that are specifically designated as such under TCA Title 49, Chapter 5, Part 6 [TCA §49-5-602(13)].</p> <p>NOTE: The term "working conditions" or "terms and conditions of professional service" is intended to be narrowly defined and does not include any matters not specifically designated under TCA Title 49, Chapter 5, Part 6 [TCA §49-5-602(13) and §49-5-608].</p>
Workplace	This term means, for the purposes of the ADIPs (and elsewhere in the ECOC, unless otherwise specified in Board policy): 1) Any school building or any school premise; 2) Any school-owned or any other school-approved vehicle used to transport students to and from school or school activities; and 3) Off-school property during any school-sponsored or school-approved activity, event, or function [ORS 1.804].
Written Warning	<p>This term means an Informal Action that involves a conference between a Supervisor and an Employee that is meant to put the Employee on notice that the action(s) or behavior(s) involved, if left unremediated, may result in Formal Action in the future. The action is used when the ECOC violation involved warrants a response that is more severe than an Acknowledged Oral Warning, but a less severe than an Official Reprimand.</p> <p>NOTE: There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.</p>



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