



Code: **JHFF**
Adopted: 4/28/10
Readopted: 1/12/11; 9/24/14
Orig. Code(s): JHFF

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by district/school employees as defined by Oregon law will not be tolerated. All district/school employees are subject to this policy.

“Sexual conduct” as defined by Oregon law is any verbal or physical conduct by a district/school employee that is sexual in nature; directed toward a student that unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and Board policy JHFE and JHFE-AR - Reporting of Suspected Child Abuse.

Any district/school employee who has reasonable cause to believe that another district/school employee or volunteer has engaged in sexual conduct with a student immediately notify the Department of Human Services or a law enforcement agency, and must also his/her immediate supervisor and the district’s director of human resources by telephone and by delivering a copy of the report.

When the district receives a report of suspected sexual conduct by a district/school employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, and the district/school employee who is the subject of the report. The investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the district’s decision through the appeal process provided by the district’s collective bargaining agreement. A substantiated report is one that:

1. An educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and
2. Involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file.

If the employee decides not to appeal the determination, or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. Such records are confidential and are not public, but may be used as a basis for providing information required to be disclosed under state law.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as, the procedures the district’s director of human resources will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the

director of human resources shall receive the report. When the district's director of human resources takes action on the report the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district/school employee in good faith, the student will not be disciplined by the board or any district/school employee.

The district will provide annual training to district/school employees, parents, and students regarding the prevention and identification of sexual conduct. The district will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.374 for all district/school employees.

END OF POLICY

Legal Reference(s):

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

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

Cross Reference(s):

GCAB - Personal Communication Devices and Social Media - Staff

JHFE - Reporting of Suspected Abuse of a Child