Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by ESD employees, as defined by Oregon law, will not be tolerated. All ESD employees are subject to this policy.

"Sexual conduct" as defined by Oregon law is any verbal or physical conduct by an ESD employee that is sexual in nature; directed toward a kindergarten through grade 12 student; 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 abuse of a child as outlined by Oregon law and Board policy JHFE and JHFE-AR- Reporting of Suspected Abuse of a Child.

Any ESD employee who has reasonable cause to believe that another ESD employee or ESD volunteer has engaged in sexual conduct with a student must immediately notify the ESD's superintendent/administrative office.

When the ESD receives a report of suspected sexual conduct by an ESD employee, the ESD 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 ESD employee or student who is the subject of the report. If the subject of the report is an ESD employee, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the ESD will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal ESD's decision through the appeal process provided. The employee may appeal the ESD's decision through an appeal process administered by a neutral third party. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) 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. The employee will be notified that this information may be disclosed to a potential employer.

The ESD 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 superintendent will follow upon receipt of a report. When the superintendent 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 an ESD employee in good faith, the student will not be disciplined by the Board or any ESD employee.

The ESD will provide annual training to ESD employees, parents and students regarding the prevention and identification of sexual conduct. The ESD 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 339.370 for all ESD employees.

END OF POLICY

Legal Reference(s):

ORS 339.370 to-339.400   ORS 419B.005 to-419B.045   HB 4016 (2012)
ORS 418.746 to-418.751

Cross Reference(s):

GCAB - Personal Communication Devices and Social Media - Staff
JHFE - Reporting of Suspected Abuse of a Child