

Reporting of Suspected Sexual Conduct with Students

MESD employees will not engage in sexual conduct with students.

Definition

“Sexual conduct” as defined by Oregon law is any verbal, physical or other conduct by a school 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 child abuse as outlined by Oregon law and MESD Board policy JHFE and JHFE-AR(1) - Reporting of Suspected Abuse of a Child.

Examples of “*sexual conduct*” include but are not limited to:

1. Commenting on students’ bodies or appearance in a sexual manner;
2. Exchanging or giving gifts to or having communications with a student which have no educational purpose;
3. Showing pornographic or suggestive photographs or videos to a student;
4. Photographing a student in revealing or suggestive poses;
5. Sharing the employee’s marital problems, sexual exploits or dating experiences with a student;
6. Going to a student’s home when the student is home without adult supervision;
7. Using written communication and/or email, text messaging, twitter, and other forms of electronic communication to discuss sexual topics with a student; or
8. Making sexual jokes, gestures, innuendos or engaging in other inappropriate banter with a student or students.

Report/Investigation

Any MESD employee who has reasonable cause to believe that another MESD, school district employee or volunteer has engaged in sexual conduct with a student must immediately notify the MESD Superintendent or designee and complete and submit the Sexual Conduct Complaint Form, JHFF-AR(2) as part of the report.

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

If, following the investigation, the report is substantiated, the MESD will inform the employee that the report has been substantiated, provide information regarding the appeal process and will take appropriate disciplinary action up to and including discharge. A substantiated report is one that:

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

Appeal Process

An employee who is subject to collective bargaining (ORS 243.650 et seq.) may appeal MESD's decision using the grievance procedure in the applicable collective bargaining agreement. Employees not subject to collective bargaining may appeal beginning with Step 1 of administrative regulation GBM-AR - Staff Complaints. A volunteer may appeal the MESD's decision through the MESD's complaint procedure

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 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 MESD employee in good faith, the student will not be disciplined by the Board or any MESD employee.

Posting/Training

The MESD 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 that person will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the superintendent or designee shall receive the report. When MESD takes action on the report the person who initiated the report will be notified.

The MESD will provide annual training to MESD employees, parent(s), legal guardians, and student, regarding the prevention and identification of sexual conduct. The MESD 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.

MESD will follow hiring and reporting procedures as outlined in state law (currently ORS 339.374) for all MESD employees.