

Relations with Law Enforcement Agencies

District personnel work in a very complex environment with the competing demands, needs and desires of various groups. The district seeks to cooperate with local law enforcement and civil agencies. The district recognizes that it has legal and contractual rights to district employees and will attempt to meet all its legal and contractual obligations.

1. When Employees are Involved with Other Agencies

- a. The school administrator shall be notified prior to investigation unless the administrator is implicated in the investigation. Parents of students being interviewed by the investigating agency shall normally be notified unless the investigating agency indicates that obtaining parent permission would jeopardize the investigation.
- b. School officials shall be notified prior to any investigation. Upon receipt of oral report required under ORS 418.750, alleging suspected abuse, the Oregon Department of Human Services, Community Human Services, or the law enforcement agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse of the child. If the investigation is conducted on public school premises, the school administrator shall first be notified that the investigation is to take place unless the school administrator is a subject of the investigation. The school administrator or staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation. The Oregon Department of Human Services, Community Human Services, or the law enforcement agency making the investigation shall be advised of the student's disability, if any, prior to any interview with the affected student. A school administrator or staff member is not authorized to reveal anything that transpires during an investigation in which the administrator or staff member participates nor shall the information become part of the student's education records, except that the school administrator or staff member, may testify at any subsequent trial resulting from the investigation and may be interviewed by the receptive litigants prior to any such trial.

If an officer of the court comes to arrest a student or has a warrant or a summons for that purpose, it is not only appropriate that school personnel and other persons aid in the apprehension and detention of the student, it is their affirmative duty to do so. It is a crime to willingly refuse to assist an officer attempting to make a lawful arrest. (NOTE: Under ORS 419.753 the police have an obligation to notify the parents and this responsibility should be left up to them.)

2. Policy Statement for Handling Complaints or Allegations Against an Employee by People Outside the School

- a. If a complaint is made against an employee to the administration, such complaint shall be processed:
 - i. If the principal intends to make a record in the employee's evaluations report of a complaint received concerning an employee;
 - ii. If the principal intends to place a record of such complaint in the employee's personnel file;
 - iii. If, in the principal's judgment, such complaint is sufficiently relevant to the employee's performance as to indicate the desirability of a conference.
 - b. Pursuant to a. above, a conference shall be held with the employee within 10 working days after the complaint is made to the administration. At such conference, or within five working days thereafter, the district will put the complaint in writing, with a copy to be given to the employee.
 - c. Any such complaint which the administration chooses not to discuss with the employee or which is not discussed within the required time shall not be considered in the employee's evaluation. This provision does not relate to an investigation in which police and legal actions require the district not to discuss an ongoing investigation with the employee. Such complaints may later be used against the employee after recourse due them under due process rights.
 - d. The employee shall have the right to be represented by the Association at any meetings or conferences regarding a complaint covered by this Article.
 - e. The employee may appeal the decision of the administration to the superintendent whose resolution of the meeting should be considered final.
3. Reporting Procedures for Allegations of Misconduct Against an Employee of the School District
- Step 1: When an allegation of misconduct against an employee is made, the person who receives the information about the allegation should prepare a written summary documenting the purported facts and allegations. The person making the report shall cite the date, time, and names of people making the allegations. The person making the complaint should be requested to put the complaint in writing.
- Step 2: If the conduct of the employee is alleged to be sexual or child abuse under the criminal code, the person taking the report or the superintendent shall in all cases promptly contact the appropriate state agency such as Oregon Department of Human Services, Community Human Services, and/or the law enforcement agency. Notification of this contact should be documented in the central office. The fact that an allegation has been made shall be confidential, and the employee who is the subject of the allegations shall not be notified of such allegations until law enforcement agencies deem it appropriate. Subjects of the complaint shall be notified within 10 days after the investigating agency has completed the investigation.

- Step 3: The school superintendent shall determine the course of action to be taken by the district after conferring with legal counsel.
- Step 4: If the district is seeking action against the employee, the superintendent will notify the employee within the constraints of the employee's legal and contractual rights to due process.
- Step5: The superintendent, during any investigation of allegations of misconduct on the part of district employees, may suspend the employee with pay.
- Step 6: If allegations are substantiated through court procedures or other investigatory agencies, employees shall be given written notification of their employment status.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)

[ORS 419B.015](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).