

Sexual Conduct Investigation Procedure

“Sexual conduct,” as defined by Oregon law, is any verbal or physical 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.

All incidents of sexual conduct observed by school employees or volunteers are required to be reported to the principal and/or the district contact posted in the school.

This report must be submitted on the sexual conduct complaint form, JHFF-AR(2), in the *District Policy Manual* or available at the district office. Incidents of reports that have not been submitted on the complaint form will be referred by the principal/supervisor to the superintendent/district contact concerning the existence of such a report. The district contact will schedule a meeting with the author of the report and assist, if necessary, in completing the complaint. Upon completion of the report/complaint on the complaint form, the district will begin an investigation as follows:

1. Complaint investigation procedure to be followed by the district contact:

Note: Should the district contact be the subject of the sexual conduct complaint, the complaint must be submitted to the Board chair.

- a. Review the complaint. Include in this review any prior complaints of the suspected offender. The review should include prior incidents and/or patterns of similar or unusual behavior that fall within the guidelines of sexual conduct;
- b. Review applicable contract or collective bargaining agreement for any special procedures related to investigations or potential discipline.
 - (1) Article 7 – Complaint Procedure of the Collective Bargaining Agreement (CBA) between Pine Eagle School District and the Pine Eagle Education Association (PEEA),
 - (2) Article XII – Discipline/Discharge of the Collective Bargaining Agreement (CBA) between the Pine Eagle School District and the Oregon School Employees Association#138.
 - (3) Note: The provisions of the PEEA CBA Article 7, A & B, require a conference be held within 5 working days of the complaint beings made to the administration (Page 10 of the CBA);
- c. Investigate the factual allegations of the complaint. The investigation may include interviews with the complainant, witnesses and the school employee and student who are the subject of the report;

- d. Draft a report of the factual allegations learned from the investigation;
- e. Notify the person who initiated the complaint that an investigation was conducted and appropriate responsive action was taken;
- f. If the complaint is substantiated then:
 - (1) Inform the subject employee about the result;
 - (2) Inform the subject employee that information about the substantiated report may be disclosed to a potential employer;
 - (3) File the report in the district office sexual conduct file; and
 - (4) Take other appropriate action.
- g. If the employee chooses not to appeal or loses the appeal, then place a record of the substantiated complaint in the employee's personnel file.