

Reporting Requirements Regarding Sexual Conduct with Students

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

“Sexual conduct” as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 8 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 school Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any school employee who has reasonable cause to believe that another school employee or volunteer has engaged in sexual conduct with a student must immediately notify the director. In the event that the director is the suspected perpetrator, the Board president shall receive the report.

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

If, following the investigation, the report is substantiated, the school will inform the employee or volunteer that the report has been substantiated and provide information regarding the appeal process. An employee or volunteer may appeal the school’s decision through the school’s complaint procedure. 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 school will post in each school building the name and contact information of the person designated to receive sexual conduct reports (the director), as well as the procedures the director will follow upon receipt of a report. The post will also include the name and contact information of the Board

president, in the event that the director is the suspected perpetrator. When the director or Board president 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 school employee in good faith, the student will not be disciplined by the Board or any school employee.

The school will provide annual training to school employees regarding the prevention and identification of sexual conduct. The school 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 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](#)

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