



## Administrative Directive 5.10.063-AD

### Prohibition Against Employee Child Abuse and Sexual Conduct with Students

#### Definitions

The District does not tolerate any sexual conduct or child abuse by district/school employees.

- (1) "Sexual conduct" is any conduct with a student which includes but is not limited to:
  - (a) The intentional touching of the breast or sexual or other intimate parts of a student;
  - (b) Causing, encouraging, or permitting a student to touch the breast or sexual or other intimate parts of the educator;
  - (c) Sexual advances or requests for sexual favors directed towards a student; or
  - (d) Verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment.
- (2) "Student" is any pre- kindergarten through grade 12 student or student who is twenty-one years of age or younger and receiving educational or related services from the District.

#### Training

- (1) New employees are required to take the Child Abuse training and Sexual Conduct trainings within 6 weeks of hire. All other employees are required to take the trainings on an annual basis
  - (a) Training and other resource materials are available and are on the District website.
  - (b) The district 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.



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#### Reporting and Appeal Rights

- (1) Any district employee who has reasonable cause to believe that another district employee or volunteer has engaged in sexual conduct with a student or abuse of a child must immediately notify the administrator or the person designated for the building to receive reports of suspected sexual conduct. A building designee receiving such reports shall contact Human Resources' Legal Counsel and the child abuse hotline. The employee and administrator will also follow mandatory reporting laws by contacting the Department of Human Resources' Child Abuse hotline.
- (2) The district will post in each building the name and contact information of the person designated to receive sexual conduct and child abuse reports, as well as the procedure the district will follow upon receipt of a report.
- (3) If there is reasonable cause to support the report that an employee has engaged in sexual conduct with a student, that employee will be placed on paid administrative leave pending investigation, as required by Oregon law.
- (4) The initiation of a report made in good faith about suspected sexual conduct with a student will not adversely affect any terms or conditions of employment or the work environment of the person reporting. Students will not be disciplined for any good-faith report of suspected sexual conduct or child abuse.
- (5) If, following the investigation, the report is substantiated, the district will inform the accused employee that the report has been substantiated and provide information regarding the appeal process. All investigations shall be completed, regardless of whether the employee resigns prior to its completion. The employee may appeal the district's decision through the appeal process according to established district guidelines.
- (6) The Human Resources must provide notification to the person who made the report about the actions taken by the district in response to the report.



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#### Law Enforcement Interview

- (1) A building administrator will permit a law enforcement investigator, including a Department of Human Services investigator, to interview a child in instances where the child is believed a victim of abuse or sexual conduct. The administrator or designee may at the discretion of the law enforcement investigator be present at the investigation. Nothing that transpires in the investigation, nor the fact of an investigation, may be noted in student education records or revealed unless otherwise required by law. Special requests for disclosure may be discussed with the District's General Counsel's office.
- (2) Prior to an interview of a child by a law enforcement investigator, the building administrator or designee shall first verify the identity of the person by official ID Card, or badge, and record the person's name, agency, business address, phone number, time, and date of interview on the Child Abuse Report Log. The building administrator shall retain this information in a secured and confidential building file.

#### Appeal Procedures

(1) The following procedures will apply at an appeal requested by a District employee after the District has made a substantiated finding of child abuse or sexual conduct. An appeal must be made within 10 days of the delivery of a substantiated findings letter.

(a) Timeline. The appeal will be heard within 20 days after the District receives the appeal, unless circumstances prevent the District from meeting the timeline, or parties otherwise agree.

(b) Reasons and Issues. The written reasons for the District's recommendation, which have been provided to the employee, will establish the basis and issues for the appeal.

(c) Appeal Officer. The appeal officer will be a neutral third-party selected and paid for by the District. The appeal officer shall not be a current or former employee of the District. The appeal officer shall



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conduct the appeal to allow consideration of the information necessary to uphold or reverse the substantiated finding of child abuse or sexual conduct.

(d) Appeal Officer's Report. The appeal officer will submit a report upholding or reversing the substantiated finding to the District after close of the hearing.

(e) Conduct of the Appeal.

(A) The appeal officer will inform the employee of the date, time, and place of the appeal.

(B) The appeal procedure will be as follows:

- (i) The District and the employee may each be represented by counsel;
- (ii) The District will present its position first;
- (iii) The employee will next present their position;
- (iv) The positions of the District and employee may be presented in narrative format, in writing, and/or through documents;
- (v) One hour will be allowed for the presentation by each party. This time can be extended by the appeal officer at their discretion;
- (vi) Failure by the employee to attend the appeal will be deemed a withdrawal of the request for an appeal and a waiver of the right to an appeal;
- (vii) Failure by the employee to attend the appeal will be deemed a withdrawal of the request for an appeal and a waiver of the right to an appeal;
- (viii) The presiding officer may ask questions of the parties.

(2) Decision of the Appeal Officer: The appeal officer will, after considering all the information presented, determine whether the appeal officer finds that a claim of child abuse and/or sexual conduct has been substantiated.



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This determination will be in writing and will be placed in the employee's personnel file.

(3) Effect of Unsubstantiated Findings: A determination that the claim of child abuse and/or sexual conduct has not been substantiated does not entitle an employee to reversal of a District disciplinary decision, up to and including termination.

Legal References: HB 2062; ORS 339.370, 339.372, 339.375 and 339.377 339.388

History: Approved 8/2010, Amended 2/2019