

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by Powell Butte Community Charter School employees and contractors or agents¹ of the school will not be tolerated. All public charter school employees, contractors and agents of the public charter school 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 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 PBCCS Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any PBCCS employee, contractor, agent of the school or volunteer who has reasonable cause to believe that another PBCCS employee, contractor, agent of the the school or volunteer has engaged in sexual conduct with a student must immediately notify their immediate supervisor.

When PBCCS receives a report of suspected sexual conduct by an 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. When PBCCS receives a report of suspected sexual conduct by a contractor² or agent of the school, PBCCS may decide to suspend services of that contractor or place the agent 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 PBCCS employee, the contractor, the agent of the school or the student who is the subject of the report.

If, following the investigation, the report is substantiated, PBCCS will inform the school employee, contractor or agent that the report has been substantiated and provide information regarding the appeal process. The employee, contractor or agent of PBCCS may appeal the school decision through an appeal process administered by a neutral third party. A volunteer may appeal the school decision through the public charter school’s complaint procedure. A “substantiated report” means a report of abuse or sexual conduct 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, and in the administrative file for the contractor or agent of the public charter school.

¹ An “agent” is a person authorized to act on behalf of another (called the principal) to create legal relations with a third party.

² The public charter school is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to the work is the alleged perpetrator, the public charter school shall notify the company and request another company employee to be assigned to complete the work.

If the PBCCS employee, contractor or agent of the school 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 or in the administrative file for the contractor or agent of the school. The employee, contractor or agent of the public charter school will be notified that this information may be disclosed to a potential employer. PBCCS will not serve as a reference for a contractor or agent of the school that has a substantiated report.

PBCCS will make available name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the school administrator will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the administrator and/or Board Chair shall receive the report. If the administrator is the suspected perpetrator, the Board Chair shall receive the report. When the administrator and/or Board Chair 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 PBCCS employee, a contractor or an agent of the school in good faith, the student will not be disciplined by the public charter school board or any public charter school employee.

PBCCS will provide annual training to school employees regarding the prevention and identification of sexual conduct. PBCCS will provide to employees, contractors or agents of the public charter school 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 public charter school employees.

END OF POLICY

Legal Reference(s):

[ORS 338.115\(x\)](#)

[ORS 339.370 - 339.400](#)

[ORS 418.746 - 418.751](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2012).