
Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by school employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All school employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

⁴“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the school or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the school that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The school will post in the school building the names and contact information of the employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

¹ “Contractor” means a person providing services to the public charter school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the public charter school in a manner that requires the person to have direct, unsupervised contact with students.

⁴ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any school employee who has reasonable cause to believe that a student has been subjected to sexual conduct by another school employee, contractor, agent or volunteer, or that another school employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator, or the alternate designated licensed administrator in the event the designated administrator is the alleged perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

A report of suspected sexual conduct about the school administrator will be reported to the licensed designee who shall also report same to the Board chair.

When a designated administrator receives a report of suspected sexual conduct by a school employee, contractor, agent or volunteer, the administrator will follow procedures established by the school and set forth in administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Forms. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a school employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the school will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a school contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the school and the school will take necessary actions to ensure the student’s safety.

The school will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the school as a result of the report.

A school employee, contractor or agent will not assist another school employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the school employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the school from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

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 person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a school employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the public charter school or any school employee, contractor, agent or volunteer.

The school will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the public charter school, the following:

1. A description of conduct that may constitute sexual conduct;

2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on public charter school employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All school employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the school will be appropriate and only when directed by school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use school email using mailing lists and/or other internet messaging approved by the school to a group of students rather than individual students or as directed by school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the public school is strongly discouraged.

The administrator shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

[ORS 339.370 - 339.400](#)

[ORS 338.135\(7\)\(a\)](#)

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

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).