

## Oakridge School District

### Policy 370.2 Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by District/school employees as defined by Oregon law will not be tolerated. All District 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 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 District Board policy 370.2 and 370.2-AR - Reporting of Suspected Child Abuse.*

Any District/school employee who has reasonable cause to believe that another District/school employee or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor.

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

If, following the investigation, the report is substantiated, the District will inform the employee that the report has been substantiated and provide information regarding the appeal process.

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 District will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent 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 District employee in good faith, the student will not be disciplined by the Board or any District employee.

The District will provide annual training to District employees, parents and students regarding the prevention and identification of sexual conduct. 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.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.370 for all District employees.

END OF POLICY

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**Legal Reference(s):**

ORS 339.370

ORS 339.372

ORS 339.375

ORS 339.377

ORS 418.746 to-418.751

ORS 418.990

ORS 419B.005 to-419B.045

Adopted: 11/15/2010

AR for Policy 370.2

# Sexual Conduct Complaint Form

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of person allegedly engaging in sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_  
\_\_\_\_\_

Description of sexual conduct: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evidence of sexual conduct, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_  
\_\_\_\_\_

Any other information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**WITNESS DISCLOSURE FORM**

Name of  
Witness: \_\_\_\_\_

Position of  
Witness: \_\_\_\_\_

Date of Testimony/Interview: \_\_\_\_\_

Description of Instance  
Witnessed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any Other Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **AR for Policy 370.2**

### **Definition of Sexual Conduct:**

**“Sexual conduct” means any verbal or physical conduct by a school employee that:**

- (A) Is sexual in nature;**
- (B) Is directed toward a kindergarten through grade 12 student;**
- (C) Has the effect of unreasonably interfering with a student’s educational performance; and**
- (D) Creates an intimidating, hostile or offensive educational environment.**

### **Description of conduct that may constitute sexual conduct:**

**(Please note that this is not an exhaustive list)**

- 1. A student older than second grade sitting on a staff member’s lap**
- 2. Staff performing back rubs on a student**
- 3. Kissing students**
- 4. Touching students in a sexual manner**
- 5. Commenting on students’ bodies or appearance in a sexual manner**
- 6. Exchanging romantic gifts or communications with a student**
- 7. Showing pornography and obscene or suggestive photos to the student**
- 8. Videotaping or photographing a student in revealing or suggestive poses**
- 9. Discussing/writing about sexual topics unrelated to curriculum with students, making sexual jokes, gestures, pictures and innuendos or engaging in inappropriate banter with students (e.g. discussion of student’s dating behavior)**
- 10. Sharing your own sexual exploits or marital difficulties**
- 11. Intentionally invading the student’s privacy (e.g. walking in on him/her in the bathroom intentionally)**
- 12. Going to the student’s home without parent supervision**
- 13. Using e-mail, text-messaging, or instant messaging to discuss sexual topics with individual students**
- 14. Dating students**

**Presented: 11/15/2010**