

Abuse and Sexual Conduct Information and Reporting Requirements for School Contractors, Agents and Volunteers

_____ EDUCATION PROVIDER **DOES NOT TOLERATE** CHILD ABUSE OR SEXUAL CONDUCT IN ANY FORM.

PREVENTION

The _____ education provider seeks to prevent child abuse and sexual harassment by committing to:

- Teaching students about appropriate boundaries and relationships (in coordination with curriculum);
- Training all employees regarding child abuse and sexual conduct, and clearly communicating responsibilities and procedures;
- Making this training available to parents, community members, contractors and volunteers; and
- Promptly and thoroughly investigating any reports or complaints of abuse or sexual conduct.

ABUSE DEFINED

- Any assault of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.
- Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
- Rape of a child.
- Sexual abuse.
- Sexual exploitation, including but not limited to: Contributing to the sexual delinquency of a minor, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, sexual abuse involving a child or rape of a child, and Allowing, permitting, encouraging or hiring a child to engage in prostitution or a commercial sex act, to purchase sex with a minor or to engage in commercial sexual solicitation.
- Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

- Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.
- Buying or selling a person under 18 years of age.
- Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
- Unlawful exposure to a controlled substance, or to the unlawful manufacturing of a cannabinoid extract, that subjects a child to a substantial risk of harm to the child’s health or safety. ORS 419B.005(1).
- The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303, or 339.308.
- The infliction of corporal punishment on a child in violation of ORS 339.250(9).

SEXUAL CONDUCT DEFINED

Verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or 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 the student’s educational performance or of creating an intimidating, hostile or offensive educational environment. Sexual conduct does not include touching 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. ORS 339.370(11)(a).

STUDENT DEFINED: Any person who is in any grade from prekindergarten through grade 12 or twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution or 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 one calendar year prior to the sexual conduct. ORS 339.370(12).

GROOMING AND EXAMPLES OF SEXUAL CONDUCT

Sexual Conduct may include grooming behavior. This is behavior in which adults develop trust to break down a child’s defenses so that the adult may engage the child in sexual conduct or sexual abuse. Sexual Conduct includes but is not limited to the following examples:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Performing back rubs on students • Touching students frequently • Exchanging romantic gifts or communications with a student • Discussing/writing about sexual topics unrelated to curriculum with students, making sexual jokes, gestures and innuendos or engaging in inappropriate banter with students (e.g., discussion of student’s dating behavior) • Intentionally invading the student’s privacy | <ul style="list-style-type: none"> • Kissing students • Commenting on students’ bodies or appearance in a sexual manner • Videotaping or photographing a student in revealing poses • Sharing one’s own sexual exploits or marital difficulties • Using email, text messaging or instant message to discuss sexual topics with individual students |
|---|---|

OBLIGATIONS OF SCHOOL EMPLOYEES TO REPORT ABUSE AND SEXUAL CONDUCT

ALL EMPLOYEES are required to follow Policy JHFE “Reporting of Suspected Abuse of a Child” and policy JHFF/GBNAA “Reporting Requirements for Suspected Sexual Conduct with Students.” These policies help ensure employees are properly reporting incidents of abuse and sexual conduct. Employees who report suspected abuse or suspected sexual conduct in good faith are protected from retaliation.

Policy JHFE requires employees who have a reasonable cause to believe **any child** with whom the employee has come into contact has suffered abuse, to report this to DHS or the law enforcement agency within the county where the person making the report is located at the time of the contact. It also requires employees who have a reasonable cause to believe that **any adult or student** with whom the employee is in contact has abused a child to report this to DHS or to the law enforcement agency within the county where the person making the report is located at the time of the contact. See attached education provider’s policy JHFE “Reporting Requirements for Suspected Abuse of a Child” for more detail regarding these reporting obligations.

Policy JHFF requires employees who have reasonable cause to believe that another employee, contractor, agent or volunteer has engaged in sexual conduct with a student, to immediately notify the designated licensed administrator of the conduct. The designated licensed administrator who receives the report is required to report to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) as appropriate. See attached education provider policy “Reporting Requirements for Suspected Sexual Conduct with Students” for more detail regarding these reporting obligations.

INVESTIGATORY PROCESS

If the education provider has reasonable cause to believe that an employee has committed child abuse or engaged in sexual conduct with a student, that employee will be placed on paid administrative leave pending investigation of the allegations. Outside agencies such as TSPC, ODE, DHS and/or law enforcement will investigate reports of suspected sexual conduct and report back to the education provider. The education provider will also investigate to determine whether any an employment policy has been violated, regardless of whether an outside agency finds that the report is substantiated.

OBLIGATIONS OF SCHOOL CONTRACTORS, AGENTS AND VOLUNTEERS TO REPORT ABUSE AND SEXUAL CONDUCT

ALL CONTRACTORS, AGENTS AND VOLUNTEERS are required to report all known or suspected incidents of abuse and sexual conduct to a school administrator. Failure to report known or suspected incidents of abuse and sexual conduct may lead to termination of your contract with the education provider, termination of your right to volunteer with the education provider, and/or trespass from all school property and events.¹

¹ This section is optional. The education provider should review contract and consult with legal counsel.

APPROPRIATE ELECTRONIC COMMUNICATIONS WITH STUDENTS

Policy JHFF/GBNAA requires that any electronic communications with students by a contractor, agent or volunteer for the education provider will be appropriate and only when directed by the education provider. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use the education provider's e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by the education provider. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the education provider is

_____.²

See attached education provider's policy JHFF/GBNAA Reporting Requirements for Suspected Sexual Conduct with Students for more detail regarding these reporting obligations

ADDITIONAL PROHIBITIONS ON ASSISTING SUSPECTED ABUSERS IN OBTAINING NEW EMPLOYMENT

If a school employee, contractor or agent knows or has reason to know that another school employee, contractor or agent has engaged in sexual conduct or abuse, the school employee, contractor or agent may not assist the other in obtaining a new job. This prohibition does not apply if the employee, contractor or agent knows or has reasonable cause to believe that the conduct was reported to the appropriate agency and was resolved, or the investigation remains ongoing after four years.

² Choose "strongly discouraged" or "prohibited" - whatever matches the language in the education provider's policy JHFF "Reporting Requirements for Suspected Sexual Conduct with Students."