



IT'S MANDATORY: REPORT SEXUAL CONDUCT WITH STUDENTS

K-12 district employees are required to report sexual conduct by any adult toward any student.

Definition of sexual conduct: Sexual conduct includes a wide list of physical and non-physical behaviors and actions:

- Inappropriate conversations
- Touching students frequently
- Suggestive or obscene language
- Holding hands with students
- Kissing a student
- Rubbing a student's back
- Sharing obscene or suggestive photos with minors
- Giving gifts to students
- Making videos or taking pictures of a student in revealing or suggestive poses, or without the permission of a parent
- Texting or phoning students on matters that do not involve school
- Sharing one's own sexual exploits or marital problems with a student
- Inappropriate discussion or expressions of interest in a student's out-of-school behavior, including dating or social activities
- Meeting a student outside of school, especially alone or without permission from the student's parent
- Trying to establish a peer relationship with a student, rather than an adult-student relationship

AWARENESS AND ACTION

Sexual conduct: If a district employee becomes reasonably certain that any form of sexual conduct has occurred between an adult and a student, the employee must immediately report the conduct to his or her supervisor.

Unwanted attention: If a district employee becomes aware that he or she has attracted inappropriate or excessive interest from a student, that employee must report the matter immediately to his or her supervisor.

Sexual harassment: Unwanted advances, requests for sexual favors and other sexual conduct may amount to sexual harassment, especially when acquiescence is a condition for academic advancement. Harassment also occurs when the behavior interferes with a student's academic performance. Any district employee who becomes reasonably aware that such behavior has occurred toward a student must report it to the district.

PEOPLE TO CONTACT: The district must post the names and contact information of the people it designates to receive reports of sexual conduct. The district must also post the procedures it follows when it receives a report. In most cases, the supervisor or principal will be a contact person, but some investigations may take place at the district level.

PROTECTION FOR EMPLOYEES WHO REPORT

The district's policy must protect an employee who reports sexual misconduct in good faith. No adverse employment action must occur as a consequence of reporting.

INVESTIGATING A REPORT

When the report involves an employee: Upon receiving a report of suspected sexual conduct by one of its employees, the district may place the employee on paid administrative leave or transfer him or her to a position that does not allow direct, unsupervised contact with students. The district may keep the leave or the transfer in effect until its investigation is complete.

When the report involves a volunteer: The district may decide to bar a suspected volunteer from any school property and from any contact with students until its investigation is complete.

When an investigation substantiates a report concerning an employee: The district must inform the accused employee of the conclusions reached as a result of the investigation. The district must then inform the employee of the process for appealing the district's decision, or—in the case of a represented employee—the process according to the collective bargaining agreement. If the employee's appeal is unsuccessful, the district must place a record of the substantiated report in the employee's personnel file.

**MANDATORY
REPORTING
QUICK
REFERENCE**

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