

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by MESD employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All MESD employees, contractors, agents, ~~and~~ volunteers, **and students⁴** are subject to this policy. ~~Students are also subject to this policy if they are acting as an employee, contractor, agent, or volunteer.~~

⁵ “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 educational 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 ESD 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 MESD 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~~ **one calendar year** prior to the sexual conduct.

Any MESD employee, contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another MESD employee, contractor, agent or volunteer, or that

¹ “Contractor” means a person providing services to the MESD 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 MESD 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 MESD in a manner that requires the person to have direct, unsupervised contact with students.

⁴ **Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.**

⁵ 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.

another MESD employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the ⁶designated licensed administrator or the alternate designated licensed administrator in the event the designated licensed administrator is the suspected perpetrator, for their school building. If the superintendent is the alleged perpetrator the report shall be submitted to the Director of Human Resources who shall report the suspected sexual conduct to the Board chair. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by an MESD employee, contractor, agent or volunteer, the administrator will follow procedures established by the MESD and set forth in the MESD’s administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) as appropriate 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, an MESD employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the MESD will take necessary actions to ensure the student’s safety.

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

The MESD will post in each school building the names and contact information of the employees^[7] designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

The MESD 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 MESD as a result of the report.

An MESD employee, contractor or agent will not assist another MESD employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the MESD employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the MESD 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 an

⁶ Senate Bill 155 (2019) requires the MESD to designate a licensed administrator to receive reports of suspected sexual conduct, and designate an alternate licensed administrator for each school building.

MESD employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the MESD or any MESD employee, contractor, agent or volunteer.

The MESD will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the MESD, 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 MESD employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

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

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

END OF POLICY

Legal Reference(s):

[ORS 334.125](#)

[ORS 339.370 - 339.400](#)

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

Senate Bill 155 (2019)

~~House Bill 2136 (2021):~~

~~Senate Bill 51 (2021):~~

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