

Code: GBNAA/JHFF  
Adopted: July 2020

## **Reporting Requirements for Suspected Sexual Conduct with Students \***

(This version of policy GBNAA/JHFF is required for all public charter schools however, see second version required for a virtual public charter school.)

Sexual conduct by Muddy Creek Charter School (MCCS) employees, contractors<sup>1</sup>, agents<sup>2</sup>, and volunteers<sup>3</sup> is not tolerated. All MCCS employees, contractors, agents, and volunteers are subject to this policy.

“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, 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.

“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 MCCS 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.

Any MCCS employee contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another MCCS employee, contractor, agent or volunteer, or that another MCCS employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the Executive Director or the administrator appointed by the Corvallis School District to oversee MCCS in the event the Executive Director is the alleged perpetrator for their school building. A report received by the administrator appointed by the Corvallis School District to oversee MCCS about the Executive Director shall also be reported to the Board chair.

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 the Executive Director receives a report of suspected sexual conduct by a MCCS employee, contractor, agent or volunteer, the Executive Director will follow procedures established by MCCS and set forth in 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, for investigation. The agency receiving a

<sup>1</sup> “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.

<sup>2</sup> “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.

<sup>3</sup> “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.

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 M CCS employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and M CCS will take necessary actions to ensure the student's safety.

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

Muddy Creek Charter School will post in each school building the names and contact information of the employees designated for the school building to receive reports of suspected sexual conduct and the procedures the Executive Director will follow upon receipt of the report.

Muddy Creek Charter 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 M CCS as a result of the report.

A M CCS employee, contractor or agent will not assist another M CCS employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the M CCS employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents M CCS 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 M CCS, contractor, agent or volunteer in good faith, the student will not be disciplined by the M CCS or any M CCS employee, contractor, agent or volunteer.

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

All M CCS 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 M CCS will be appropriate and only when directed by M CCS school administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use M CCS e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students or

as directed by MCCS school administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the MCCS is prohibited.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 338.115](#)

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

Senate Bill 155 (2019)

[ORS 339.370 - 339.400](#)

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