

Code: GBNAA/JHFF-AR

Revised/Reviewed:

## **Suspected Sexual Conduct Report Procedures and Form \***

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

When the Executive Director receives a report of suspected sexual conduct that may have been committed by a person licensed<sup>1</sup> through Teacher Standards and Practices Commission (TSPC), the Executive Director shall notify TSPC as soon as possible. When the Executive Director receives a report of suspected sexual conduct that may have been committed by a person who is not licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE) as soon as possible.

Muddy Creek Charter School (MCCS) posts in each school building the names and contact information of the employees<sup>[2]</sup> in each school building designated to receive reports of suspected sexual conduct and the procedures the Executive Director will follow upon receipt of the report.

If the Executive Director is the alleged perpetrator the report shall be submitted to the administrator appointed by the Corvallis School District to oversee MCCS, who shall also report to the Board chair.

When the Executive Director receives a report of suspected sexual conduct by a MCCS employee, and there is reasonable cause to support the report, MCCS shall place the MCCS employee on paid administrative leave<sup>3</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC or ODE determines that the report is substantiated and MCCS takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and MCCS determines either: 1) an employment policy was violated and MCCS will take appropriate employment action against the employee; or 2) an employment policy has not be violated and an employment action against the employee is not required. Muddy Creek Charter School will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.

When the designee receives a report of suspected sexual conduct by a contractor<sup>[4]</sup>, an agent or a volunteer, Muddy Creek Charter School shall prohibit the contractor, agent or volunteer from providing services to MCCS. If MCCS school determines there is reasonable cause to support a report of suspected sexual conduct, MCCS shall prohibit the contractor, agent or volunteer from providing services. The public charter school may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.

<sup>1</sup> "License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

<sup>2</sup>[ Senate Bill 155 (2019) requires the public charter school to designate a licensed administrator and an alternate licensed administrator for each school building.]

<sup>3</sup> The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

<sup>4</sup>[ The public charter school is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the public charter school shall notify the company and request another company employee be assigned to complete the work.]

Upon request from ODE or TSPC Muddy Creek Charter School will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a public charter school employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents MCCA from conducting its own investigation, unless another agency requests to lead the investigation or requests MCCA to suspend the investigation, or taking an employment action based on information available to MCCA before an investigation conducted by another agency is completed. Muddy Creek Charter School will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, MCCA school decides to take an employment action, MCCA will inform the MCCA employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through an appeal process administered by a neutral third party.

If MCCA is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, MCCA shall create a record of the findings of the substantiated report and the employment action taken by MCCA will be placed in the records on the school employee maintained by MCCA. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however MCCA may use the record as a basis for providing information required to be disclosed about a MCCA employee under ORS 339.378(1). Muddy Creek Charter School will notify the employee that information about substantiated reports may be disclosed to a potential employer.

## **Training**

Muddy Creek Charter School shall provide training each school year to MCCA employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of MCCA employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

Muddy Creek Charter School shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending MCCA, and will be made available separately from the training provided to MCCA employees.

Muddy Creek Charter School shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
4. Obligations of public charter school employees under adopted board policies to report suspected sexual conduct; and
5. Appropriate electronic communications with students.

Muddy Creek Charter School shall make available each school year training that is designed to prevent sexual conduct to students attending MCCA.

**Muddy Creek Charter School**

**SUSPECTED SEXUAL CONDUCT REPORT FORM**

Name of person making report: \_\_\_\_\_

Position of person making report: \_\_\_\_\_

Name of person suspected of sexual conduct: \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Evidence of suspected sexual conduct, e.g., 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: \_\_\_\_\_

**Muddy Creek Charter School**

**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: \_\_\_\_\_