

ABUSE AND SEXUAL CONDUCT K-12 SCHOOL ASSESSMENT

The school will not tolerate abuse and sexual conduct by school employees, contractors, agents or volunteers.¹ “Sexual conduct” as defined by Oregon law means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involves 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. PACE asks every K-12 school to complete this annual school assessment as a reminder of the importance of preventing abuse and sexual conduct.

INITIAL BOX IF COMPLETED	SCHOOL REQUIREMENTS REGARDING ABUSE AND SEXUAL CONDUCT WITH STUDENTS
REQUIRED POLICIES	
	<p>Has the school adopted the newest version of the following OSBA model policies and administrative regulations (AR)? ORS 339.372</p> <ul style="list-style-type: none"> • <i>Reporting of Sexual Abuse of a Child- JHFE</i> • <i>Reporting of Sexual Abuse of a Child - JHFE-AR(1)</i> • <i>Reporting Requirements Regarding Sexual Conduct with Students - JHFF/GBNAA</i> • <i>Suspected Sexual Conduct Report Procedures and Form - JHFF/GBNAA-AR</i> • <i>Criminal Records Checks and Fingerprinting - GCDA/GDDA</i>
	<p>Has the school adopted the newest version of OSBA’s model policy regarding appropriate electronic communications with students and made it available to students, school employees, contractors, agents and volunteers (language may be included in policy JHFF)? ORS 339.372(11)</p>
REQUIRED SEXUAL CONDUCT COMPLAINT FORMS	
	<p>Are sexual conduct complaint forms readily available? (Form may be a part of JHFF/GBNAA-AR)</p>
REQUIRED TRAININGS	
	<p>Does the school provide annual training to school employees on the prevention and identification of abuse and sexual conduct, the obligations of school employees under the law and school policies to report suspected abuse and suspected sexual conduct and appropriate electronic communications with students? Any school employee who has reasonable cause to believe that another school employee, contractor, agent or a volunteer has engaged in abuse or sexual conduct must report to the designated licensed administrator and must report all incidents of suspected abuse to law enforcement, DHS or a designee of DHS. ORS 339.372 (3), ORS 339.400, ORS 419B.010</p>

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¹ By definition, sexual conduct involves employee, contract, agent and volunteer conduct, not student conduct. If a student is directing sexual actions toward another student, it may be harassment and/or abuse and those procedures should be followed. This document does not address the reporting requirements of student actions.

INITIAL BOX IF COMPLETED	SCHOOL REQUIREMENTS REGARDING ABUSE AND SEXUAL CONDUCT WITH STUDENTS
REQUIRED TRAININGS (CONT.)	
	Does the school make the employee training available to parents, contractors, agents and volunteers? ORS 339.400(3)
	Do all supervisors/administrators discuss the sexual conduct reporting requirements with their staff multiple times throughout the year? Supervisors should include this information in staff meetings and other appropriate gatherings throughout the year.
NEW EMPLOYEE, CONTRACTORS, AGENTS AND VOLUNTEER HIRING REQUIREMENTS	
	When a new employee is hired or when a contractor, agent or volunteer begins service, are they given a description of conduct that may constitute abuse or sexual conduct, a description of the investigatory process and possible consequences if a report is substantiated and a description of the prohibitions imposed on school employees, contractors and agents when another school employee, contractor or agent attempts to obtain a new job? PACE has sample brochures. ORS 339.372(10)
	<p>Before hiring a new employee have you required the applicant to provide:</p> <ul style="list-style-type: none"> • A list of current and former employers who are education providers? • A written statement of whether the applicant has been the subject of a substantiated report of abuse or sexual conduct or is the subject of an ongoing investigation related to a report of suspected abuse or suspected sexual conduct? • Written authorization that authorizes applicant’s current and former education provider employer to release information that is requested by school? PACE has sample forms. ORS 339.374
	<p>Before hiring a new employee have you requested the following information from the three most recent education provider employers listed by the applicant:</p> <ul style="list-style-type: none"> • Dates of employment? • Whether the education provider conducted an investigation and determined that the applicant was the subject of any substantiated reports of abuse or sexual conduct related to the applicant’s employment with the education provider and, if so, the dates of any substantiated reports, the definition of “abuse” and “sexual conduct” the education provider used when they determined the report was substantiated and the standards they used when they determined the report was substantiated? PACE has sample forms. ORS 339.374
	When you hire applicants licensed through Teacher Standards and Practices Commission (TSPC), do you request TSPC to verify the applicant’s licensure and have you asked whether the commission has an ongoing investigation or a substantiated report relating to the applicant that may constitute sexual conduct? ORS 339.374(1)(c)
	When you hire applicants that are not licensed through TSPC, do you request the Department of Education to verify whether the department has an ongoing investigation or a substantiated report relating to the applicant that may constitute sexual conduct? ORS 339.374(1)(d)

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NEW EMPLOYEE, CONTRACTORS, AGENTS AND VOLUNTEER HIRING REQUIREMENTS (CONT.)	
	<p>Before accepting services of a contractor, agent or volunteer does the school:</p> <ul style="list-style-type: none"> • For a person who is licensed with TSPC, request the commission to verify whether the commission has an ongoing investigation or has a substantiated report relating to conduct by the person that may constitute sexual conduct? • For a person who is not licensed through TSPC, request the Department of Education to verify whether the department has an ongoing investigation or has a substantiated report relating to conduct by the person that may constitute sexual conduct?
	Does the school respond to requests from other education providers for disclosure release forms within 20 days as required by law? ORS 339.378
	For all employees, have you conducted fingerprinting and criminal background checks through the Oregon Department of Education (ODE) pursuant to ORS 339.374(2)(c), 326.603(1)(a), and 581-021-0511(1)(a)?
	For all contractors who may have direct, unsupervised contact with students, have you conducted fingerprinting and criminal background checks through ODE pursuant to ORS 339.374(2)(c), ORS 326.603, OAR 581-021-0512(1), OAR 581-21-0512(2)(a), and OAR 581-21-0512(3)(a)?
	For all volunteers who may have direct, unsupervised contact with students have you conducted criminal background checks pursuant to your school's adopted policy? (GCDA/GDDA) and ORS 339.374(2)(c), ORS 326.607, and OAR 581-021-0511(1)(a)
DESIGNATION OF LICENSED ADMINISTRATOR AND ALTERNATE DESIGNATED LICENSED ADMINISTRATOR	
	Has the school designated a licensed administrator and an alternate licensed administrator, in the event the designated licensed administrator is the suspected abuser, to receive reports? ORS 339.372(4)
REQUIRED POSTER	
	<p>Has the school posted the following information in each school building?</p> <ul style="list-style-type: none"> • The name and contact information for the licensed administrator and alternate licensed administrator designated to receive reports of suspected abuse or suspected sexual conduct by school employees, contractors, agents or volunteers. • The procedures the licensed administrator will follow upon receipt of a report. • The contact information for making a report of suspected abuse to law enforcement, DHS or a designee of the department along with a statement that the duty to report abuse is in addition to any requirement to make a report to a licensed administrator. PACE has model posters. ORS 339.372 (6)
ANNUAL NOTICE TO CONTRACTORS, AGENTS AND VOLUNTEERS	
	Does the school annually provide contractors, agents and volunteers information on the prevention and identification of abuse and sexual conduct, the obligations of school employees under the law and school policies to report suspected abuse and suspected sexual conduct and appropriate electronic communications with students? ORS 339.400(2)



If your school received a report of sexual conduct/abuse, please proceed. If your school has not received a report of sexual conduct/abuse, the self-assessment is now complete.

INITIAL BOX IF COMPLETED	SCHOOL REQUIREMENTS REGARDING ABUSE AND SEXUAL CONDUCT WITH STUDENTS
INVESTIGATION REQUIREMENTS	
	Is an investigation completed for every complaint? An investigation is a detailed inquiry into the factual allegations of a report of suspected abuse and suspected sexual conduct based on interviews with the complainant, witnesses and/or the school employee or student who is the subject of the report. If law enforcement or DHS is involved, have you asked if conducting your own investigation will interfere with their investigation?
PAID ADMINISTRATIVE LEAVE REQUIREMENTS	
	After receiving a report of suspected sexual conduct or suspected abuse, has the employee involved been placed on paid administrative leave or the contractor, agent or volunteer been removed from service when there is reasonable cause to support the report? ORS 339.388(3)(4)
STUDENT SAFETY ENSURED	
	Has the school taken necessary actions to ensure student safety after a report is received? ORS 339.372(5)(c)
REQUIRED REPORTING STEPS	
	After receiving a report of suspected sexual conduct committed by an employee, contractor, agent or volunteer licensed with TSPC, has the designated licensed administrator made a report to TSPC? ORS 339.372(4)
	After receiving a report of suspected sexual conduct committed by an employee, contractor, agent or volunteer who is not licensed with TSPC, has the designated licensed administrator made a report to ODE? ORS 339.372(4)
	For all contractors who may have direct, unsupervised contact with students, have you conducted fingerprinting and criminal background checks through ODE pursuant to ORS 339.374(2)(c), ORS 326.603, OAR 581-021-0512(1), OAR 581-21-0512(2)(a), and OAR 581-21-0512(3)(a)?
	After receiving a report of suspected abuse committed by an employee, contractor, agent or volunteer, has the designated licensed administrator made a report to or ensured that a report was made to DHS and/or law enforcement? ² ORS 339.372(5)
OBLIGATIONS TO ACCUSED	
	Has the school notified the person who was subjected to suspected abuse or suspected sexual conduct about any actions taken by the school based on the report? ORS 339.372(9)

² The designated licensed administrator should evaluate their independent obligation to report to DHS and/or law enforcement. The fact that someone else has reported does not necessarily mean that the administrator does not have to make the report. The safest option is to report.