Investigative Procedures

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while an investigation occurs.
If the district receives a report of suspected sexual conduct by a volunteer, the district may decide to suspend the volunteer from being on any school property and making any contact with students during the investigation.

If following the investigation, the report is substantiated, the district will inform the accused employee that the report has been substantiated and provide information regarding the appeal process to the employee. The accused employee may appeal the district's decision through the applicable appeal process, which may include a collective bargaining agreement's grievance procedure or a neutral third party.

If the employee decides not to appeal the determination, or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee's personnel file. The employee will be notified that this information may be disclosed to a potential employer.

Neah-Kah-Nie
School District 56

Dr. Tyler Reed, Superintendent
PO Box 28
Rockaway Beach, OR 97136
Phone: 503-355-2222
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Name and Contact Person

The district is required to post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the district will follow upon receipt of a report. In most cases, the contact person is the supervisor/building principal, however, investigations may be conducted at the district level.

What About Law Enforcement?

Since sexual conduct may involve violations of state law, the district may report such conduct to local law enforcement, as well. Local law enforcement may conduct an additional investigation to determine what charges, if any, would be filed against the individual.

Annual Training Required

The district is required to provide annual training to all employees and to make such training available to parents and students regarding the prevention, identification, and reporting of sexual conduct and child abuse. Also, at the time of hire, the district will provide employees with a description of what may constitute sexual conduct and what records are subject to disclosure if a sexual conduct report is substantiated. For more information, contact Dr. Tyler Reed.

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REPORTING REQUIREMENTS

Regarding Sexual Conduct with Students

Neah-Kah-Nie School District 56

NEAH · KAH · NIE SCHOOL DISTRICT

The Neah-Kah-Nie School District 56 does not tolerate sexual misconduct in any form.

House Bill 2062 was passed by the Oregon State Legislature in its regular 2009 Legislative Session. The bill's provisions, now included in ORS 339.370, require that district boards adopt a policy on reporting sexual conduct by a district employee that is directed toward a student. It modifies hiring procedures for districts as well as impacting information shared through the employee reference process. The law and this policy took effect July 1, 2010.

The Neah-Kah-Nie School District is committed to providing a learning environment free of all forms of abuse, assault, harassment, and coercive conduct, including sexual misconduct. All employees of the district have an obligation to know what sexual conduct is, to discourage it at all times, and to report to supervisors when the employee becomes knowledgeable that such conduct has occurred or is occurring.

Sexual Conduct Defined

Sexual conduct is defined as any verbal or physical contact by a school employee that is sexual in nature; is directed toward a K-12 student; has the effect of unreasonably interfering with a student's educational performance; and creates an intimidating, hostile, or offensive environment. Sexual conduct is separate from sexual abuse, which commonly involves inappropriate physical contact with a minor. Sexual conduct may include grooming behavior (this is behavior in which adults develop trust to break down a child's defenses so that the adult may engage the child in sexual conduct or sexual abuse). Examples of sexual conduct include (but are not limited to):

- Staff performing back rubs on a student
- Kissing students
- Touching students frequently
- Commenting on students' bodies or appearance in a sexual manner
- Exchanging romantic gifts or communications with a student
- Showing obscene or suggestive photos to the student
- Videotaping or photographing a student in revealing or suggestive poses
- Discussing/writing about sexual topics unrelated to curriculum with students, making sexual jokes, gestures, and innuendos or engaging in inappropriate banter with students (e.g. discussion of student's dating behavior)
- Sharing your own sexual exploits or marital difficulties
- Intentionally invading the student's privacy
- Using email, text messaging, or instant messaging to discuss sexual topics with individual students

Dating Students

If an employee becomes aware that a student is exhibiting inappropriate or excessive interest in the employee, the employee must report that immediately to their supervisor.

Prohibited sexual conduct may also include sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; and/or, such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working environment.

School employees also have a duty to report (both to the district and to the Department of Human Services and/or law enforcement), and to refrain from any kind of child abuse, including sexual abuse. Child abuse includes physical abuse, emotional abuse, sexual abuse, threatening with abuse, and/or, in some cases, neglect. Sexual abuse is any incident of sexual contact including, but not limited to rape, sodomy, incest, and sexual penetration with a foreign object, as those acts defined in ORS Chapter 163.

Applying Policy JHFF

All district employees are required to follow Policy JHFF. This means that if an employee has reasonable cause to believe that another district/school employee or volunteer has engaged in sexual conduct with a student, they must immediately notify their immediate supervisor of this. Failure to do so would be a violation of this policy and could result in disciplinary action against the employee for failure to report.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect the reporting employee's condition of employment or the work environment of the complainant.

Students, parents, and volunteers may also initiate complaints, if they have reasonable cause to believe that a district/school employee or volunteer has engaged in sexual conduct with a student. If a student initiates a report of suspected sexual conduct by a district employee in good faith, the student will not be disciplined for such action.