MITCH Charter School

Code: GBNAA/JHFF-AR
Revised/Reviewed: 7/20/23

Suspected Sexual Conduct Report Procedures and Forms

The public charter school posts in each school building the names and contact information of the school employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator receives a report of suspected sexual conduct that may have been committed by a commission licensee[1], the designee shall notify the Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the executive director is the alleged perpetrator the report shall be submitted to the office manager, who shall also report to the Board chair.

When the designee receives a report of suspected sexual conduct by a public charter school employee, and there is reasonable cause to support the report, the public charter school shall place the public charter school employee on paid administrative leave[2] and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC[3] or ODE[4] determines that the report is substantiated and the public charter school takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the public charter school determines either: 1) an employment policy was violated and the public charter school 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.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the public charter school shall prohibit the contractor, agent or volunteer from providing services to the public charter school. 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, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the public charter school will provide requested documents or materials to the extent allowed by state and federal law.

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[1] "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

[2] The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

[3] TSPC investigates reports on commission licensees.

[4] ODE investigates reports on persons who are not commission licensees.

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 the public charter school from conducting its own investigation, unless another agency requests to lead the investigation or requests the public charter school to suspend their investigation, or taking an employment action based on information available to the public charter school before an investigation conducted by another agency is completed. The public 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, the public charter school decides to take an employment action, the public charter school will inform the public charter school 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 the public charter school is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the public charter school shall create a record of the findings of the substantiated report and the employment action taken by the public charter school will be placed in the records on the school employee maintained by the public charter school. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the public charter school may use the record as a basis for providing information required to be disclosed about a public charter school employee under ORS 339.378(1). The public charter school will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The public charter school shall provide information and training each school year to public charter school employees on the following:

1. Prevention and identification of sexual conduct;

2. Obligations of public charter school 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.

The public 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 public charter

school-operated schools, and will be made available separately from the training provided to public charter school employees.

The public 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.

The public charter school shall make available each school year training that is designed to prevent sexual conduct to students attending public charter school-operated schools.

MITCH Charter School
19550 SW 90th Court, Tualatin OR 97062-7505 | Ph: 503-639-5757

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: _____

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WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

_____

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_____

_____

Any other information: _____

_____

_____

_____

_____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____