

Armadillo Technical Institute

Public Charter High School

Code: JHFF/GBNAA-AR
Revised/Reviewed: 9/16/20

Suspected Sexual Conduct Report Procedures and Form

When the designee receives a report of suspected sexual conduct that may have been committed by a person licensed¹ or registered through Teacher Standards and Practices Commission (TSPC), the designee shall notify TSPC as soon as possible. When the designee 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.

The district posts in each school building the names and contact information of the employees in each school building designated to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

If the Executive Director is the alleged perpetrator, the report shall be submitted to the Assistant Director who shall refer the report to the Board chair.

When the designee receives a report of suspected sexual conduct by an ATI employee, and there is reasonable cause to support the report, the district may place the employee on paid administrative leave² 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 ATI takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and ATI determines either: 1) an employment policy was violated and ATI 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. ATI will investigate all reports of suspected sexual conduct by persons who are licensed or registered 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, agent or volunteer, ATI may prohibit the contractor, agent or volunteer from providing services to ATI. If ATI determines there is reasonable cause to support a report of suspected sexual conduct, ATI shall prohibit the contractor, agent or volunteer from providing services. ATI 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.

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

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

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

² The employee cannot be required to use any accrued leave during the imposed paid administrative leave.

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.

Nothing prevents ATI from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to ATI before an investigation conducted by another agency is completed. ATI will cooperate with agencies assigned to conduct such investigations. Claims that meet Federal Title IX standards for investigation will follow the federal guidelines and timelines.

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

If, following the investigation, ATI decides to take an employment action, ATI will inform the employee of the employment action to be taken and provide information about the appropriate appeal process.

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

Training

ATI shall provide training each school year to employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district 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.

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

ATI shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of employees under adopted board policies to report suspected sexual conduct; and

3. Appropriate electronic communications with students.

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

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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: _____

Any other information: _____

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

Signature: _____ Date: _____