



SERENDIPITY CENTER POLICY AND PROCEDURE

SUBJECT: Oregon Law – Sexual Conduct and Abuse Policy

EFFECTIVE: December 15, 2021

POLICY

Abuse and sexual conduct by school employees, contractors¹, agents², and volunteers³ is strictly prohibited. All school employees, contractors, agents, and volunteers are subject to this policy.

DEFINITIONS

“Abuse” includes physical abuse, mental injury, sexual abuse, neglect, threatened harm, buying or selling a child, allowing a child to be present in an area where methamphetamines are being manufactured, or allowing a child to be exposed to a controlled substance in a manner that subjects a child to a substantial risk or harm to the child’s health or safety.

“Designated administrator” is the person at Serendipity to whom employees must report allegations of abuse or sexual conduct and who is responsible to ensure that the school follows up on those reports as required by the law. For Serendipity, the designated administrator is the Director of Education & Compliance, and the alternate designed administrators are Serendipity’s Principal or Treatment Director.

“Investigation” means a detailed inquiry into the factual allegations of a report of suspected abuse or suspected sexual conduct that: (a) is based on interviews with the person who initiated the report, the person who may have been subjected to abuse or sexual conduct, witnesses, and the person who is the subject of the report, and (b) results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of abuse or sexual conduct.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve 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 a student’s educational performance, or of creating an intimidating, hostile or offensive educational environment.

¹ “Contractor” means a person providing services to the school under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the school in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the school in a manner that requires the person to have direct, unsupervised contact with students.

“Sexual conduct” does not include:

- Touching or other physical contact 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.
- Verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the school.
- Conduct or communication described as “sexual conduct” if the school employee, contractor, agent or volunteer is also a student and the conduct or communications:
 - Arise out of a consensual relationship between students;
 - Do not create an intimidating or hostile education environment; and
 - Are not prohibited by law, any policies of the education provider or any applicable employment agreements.

“Student” means any person who is in any grade from pre-kindergarten through grade 12 or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

“Substantiated report” means a report of abuse or sexual conduct that a law enforcement agency, the Department of Human Services (“DHS”), the Teacher Standards and Practices Commission (“TSPC”), the Oregon Department of Education (“ODE”), or Serendipity has reasonable cause to believe, based on the available evidence after conducting an investigation, is founded.

Specific Notifications and Requirements Regarding Abuse and Sexual Conduct

Any school employee, contractor, agent, or volunteer who has reasonable cause to believe that another school employee or a contractor, agent, or volunteer has engaged in abuse or sexual conduct or that a student has engaged in abuse shall immediately report such suspected abuse or sexual conduct to the designated administrator or the alternate designated administrator. In addition, employees must report all incidents of suspected abuse to a law enforcement agency or DHS. (See Child Abuse Reporting Policy). The school will post contact information to make a report of suspected abuse to a law enforcement agency and DHS. If an employee fails to report suspected abuse or sexual conduct, the employee may be disciplined up to and including dismissal.

The school will post the names and contact information of the employees designated to receive reports of suspected abuse or sexual conduct and the procedures the designee will follow upon receipt of the report.⁴

When the designated administrator receives a report of suspected abuse, they will ensure that a report is made to a law enforcement agency or DHS. When the designated administrator receives a report of suspected abuse or sexual conduct by a school employee, contractor, agent or volunteer, the administrator will follow procedures established by the school and set forth below. All such reports will be reported to the ODE or TSPC as appropriate, for investigation as soon as possible. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

⁴ If the Designated Administrator is the alleged perpetrator, the report shall be submitted to the Executive Director, who shall report the suspected abuse or sexual conduct to the Board chair

Serendipity Investigation Procedures

When the designated administrator receives a report of suspected sexual conduct or suspected abuse by an employee, and there is reasonable cause to support the report, the employee will be placed on paid administrative leave pending an investigation and the school will take necessary actions to ensure the student's safety. An employee on paid administrative leave under this section shall not be required to use their accrued leave.

The employee will remain on paid leave until one of the following occurs:

- Law enforcement, DHS, TSPC, or ODE determines that the report is substantiated. In that case, the school will take employment action against the employee, up to and including termination; or
- Law enforcement, DHS, TSPC, or ODE determines that the report cannot be substantiated or is not a report of abuse or sexual conduct. In that case, the school will then determine whether the employee has violated a school policy. If a school policy has been violated, the school will take employment action against the employee, up to and including termination.

For each report of suspected abuse or suspected sexual conduct by a school employee, the school will determine if an employment policy was violated and, if so, will take employment action against the employee, up to and including termination. The school's determination will be based on the findings of an investigation conducted by a law enforcement agency (DHS, TSPC, ODE, or the school). The school may conduct its own investigation related to a report of suspected abuse or suspected sexual conduct in addition to the investigation carried out by a law enforcement agency or other state agency.

The school will fully cooperate with investigations by law enforcement or state agencies, including suspending an internal investigation and sharing information. Upon request, the school will allow a law enforcement agency (DHS, TSPC, or ODE) to lead the investigation. The school will follow any investigation protocols and procedures established by a law enforcement agency.

The school may take an employment action, based on the information available to the school, before a law enforcement agency, (DHS, TSPC, or ODE) completes its investigation. If the school takes an employment action in relation to a report of abuse or sexual conduct, the school will create a record of the findings of the substantiated report and the employment action. Information about substantiated reports of abuse or sexual conduct may be disclosed to a potential employer. Further, upon request from a law enforcement agency (DHS, TSPC, or ODE), the school will immediately provide any requested documents or materials, to the extent allowed by state and federal law.

When the designated administrator receives a report of suspected sexual conduct or suspected abuse by contractor, agent, or volunteer, the school shall prohibit the contractor, agent, or volunteer from providing services to the school. The school may reinstate the contractor, agent, or volunteer but such reinstatement may not occur until such time as a report of suspected abuse or sexual conduct has been investigated and a determination has been made by TSPC or ODE that the report is unsubstantiated.

Prohibition of Retaliation

The initiation of a report in good faith about suspected abuse or sexual conduct may not adversely affect any terms of conditions of employment or the work environment of the person who initiated the report of who may have been subject to abuse or sexual conduct. Any employee with concerns about the terms or conditions of their employment should notify Human Resources or their supervisor immediately. If a student initiates a report of suspected abuse or sexual conduct by a school employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the school or any school employee, contractor, agent, or volunteer.

Notice of Outcome

The school shall notify, as allowed by state and federal law, the person who was subjected to the suspected abuse or suspected sexual conduct about any actions taken by the school as a result of the report.

Prohibition Against Assistance with Job Seeking

A school employee, contractor, or agent will not assist another school employee, contractor, or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the school employee, contractor, or agent engaged in abuse or sexual conduct.

Training

The school will provide to employees at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the school, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on school employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

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

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

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

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

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

The school shall make available each school year training that is designed to prevent sexual conduct to students.

All school employees are subject to Use of Social Networking Websites and Online Forums regarding appropriate electronic communications with students. Further, the school's sexual harassment policy strictly prohibits sexual harassment in all of its programs and activities, harassment of students by staff, volunteers, contractors and students. As applicable, the sexual harassment policy will be followed in addition to the terms of this policy. Any suspected child abuse, including sexual abuse and sexual exploitation, shall be immediately reported to DHS or law enforcement as provided in the Child Abuse Reporting Policy.

Anyone with questions about this policy should notify the compliance manager at:
info@serendipitycenter.org
or by mail at:

Serendipity Center Inc.
ATTN: Compliance Manager
P.O. Box 33350
Portland, OR 97292