

ARCHDIOCESE OF PORTLAND IN OREGON

CHILD PROTECTION POLICIES FOR CATHOLIC SCHOOLS: REPORTING CHILD ABUSE AND SEXUAL CONDUCT; HIRING; TRAINING

The following summary is intended as a compilation and guide to ensure that every Catholic school in the Archdiocese of Portland of Oregon ("Archdiocese") under the operational jurisdiction of the Archbishop of Portland in Oregon [all parish schools in the Archdiocese of Portland in Oregon and the three Archdiocesan high schools] ("Catholic Schools") is in full compliance with Oregon law related to hiring of employees, reporting of child abuse and sexual conduct, and other child protection matters.

Most of the policies and procedures in the summary below are already in practice in Catholic Schools. Every Catholic School and its employees remain subject to the: Archdiocese of Portland in Oregon, Child Abuse Policy; the Code of Conduct for Church Personnel; the Standards of Conduct for Ministry with Children and Youth; the Policies and Best Practices for Use of the Internet and Social Media; the Called to Protect program policies and procedures, and any other child protection policies and best practices currently in effect.

1. Oregon law places obligations on schools related to various child protection matters under ORS 339.370 to 339.400 ("the law"). Every Catholic School is a "private school" under ORS 339.370 subject to the law. Even though each Catholic School operates within a separate corporation – hiring, supervising, and terminating its own employees -- for purposes of the law, the Archdiocese is the governing "school board" within the meaning of ORS 339.370(7) in that it establishes child protection policies for Catholic Schools. The following is intended to comply with the law.

REPORTING OF ABUSE AND SEXUAL CONDUCT; FOLLOW-UP BY SCHOOL

2. "Abuse" is conduct defined by Oregon law including the definition in ORS 419B.005. "Sexual conduct" means any verbal or physical conduct by a school employee that: (a) is sexual in nature; (b) is directed toward a student in kindergarten through grade 12; (c) has the effect of unreasonably interfering with the student's educational performance; and (d) creates an intimidating, hostile or offensive educational environment. "Sexual conduct" does not include "abuse".

3. It is the policy of the Archdiocese that abuse and sexual conduct by school employees is not tolerated; nor is abuse by students tolerated. All Catholic School employees, and to the extent applicable, all students, are subject to these policies.

4. Reporting of abuse. Any school employee having reasonable cause to believe that a child with whom the employee comes in contact has suffered abuse by another school employee or by a student, or that another school employee or a student with whom the employee comes in contact has abused a child shall immediately:

(a) report the suspected abuse to a law enforcement agency, the Oregon Department of Human Services, or a designee of the Department of Human Services, as required by ORS 419B.010 and ORS 419B.015, and

(b) report the suspected abuse to the principal of the school or other such person who has been designated by the school to receive such reports.

5. Reporting of sexual conduct. Any school employee having reasonable cause to believe that a student with whom the employee comes in contact has been subjected to sexual conduct by another school employee, or that another school employee has engaged in *sexual conduct*, shall immediately report the suspected sexual conduct to the principal of the school or other such person who has been designated by the school to receive such reports as set forth in Section 6.

6. The building principal of each Catholic School, whether an elementary school or a high school, shall be the person designated to receive reports of suspected "abuse" or "sexual conduct" by school employees or suspected abuse by students, as described above. If the designated principal is the subject of the report, the report shall be made to the Child Protection Officer of the Archdiocese.

7. Upon receipt of a report of child abuse or sexual conduct by a school employee, volunteer, or student, the principal will report the incident to the Child Protection Officer of the Archdiocese as soon as possible for further guidance. The Child Protection officer will coordinate with the Department of Catholic Schools and other Archdiocesan offices, as necessary.

8. Each Catholic School shall post in its school building the name and contact information of the building principal, who is the person designated for that school to receive reports of suspected child abuse or sexual conduct by school employees, and the procedures to be followed upon receipt of that report. The posting shall contain the name of an alternate designee, in the event the building principal is the subject of the report. A sample poster is attached as Appendix A.

9. Follow-up to report. With the assistance of the Child Protection Officer and/or other Archdiocesan offices, the school shall determine whether, or the extent to which, an investigation will be undertaken in accordance with the following.

(a) In situations in which "abuse" was reported to a governmental agency, the school will cooperate with and/or follow the guidance of the governmental agency to which the report was made in determining the appropriateness of further investigation, on a case by case basis.

(b) In situations in which "sexual conduct" was reported, the school will undertake an investigation into the complaint, which may include an inquiry into the factual allegations of a report of suspected sexual conduct based on interviews of the complainant, witnesses and school employees.

10. An accused school employee shall be placed on paid administrative leave if the report is of suspected child abuse. The school may place an accused employee on paid administrative leave or in a position that does not involve direct, unsupervised conduct with children, if the report is of suspected sexual conduct.

11. Following investigation, if it is determined that the report of suspected child abuse or sexual conduct is substantiated as defined in ORS 339.370(10), the school may take appropriate disciplinary action. The school also will inform the school employee that the report has been substantiated and provide the school employee with information about appropriate appeal process for the determination made.

12. If the employee does not appeal the determination or if, following an appeal the determination of a substantiated report is sustained, the school will:

(a) create a record of the substantiated report and place the record in the personnel file of the school employee;

(b) inform the school employee that the information about substantiated reports may be disclosed to a potential employer as provided by ORS 339.388(7); and

(c) upon request of a law enforcement agency or the Oregon Department of Human Services or the Oregon Teachers and Standard Practices Commission, provide records of investigations of suspected child abuse by a school employee or former school employee.

13. The school shall notify the person who initiated the report of “abuse” or “sexual conduct” about the actions taken by the school based on the person’s report.

Notwithstanding the legal definitions of “abuse” or “sexual conduct” and the obligations of a school with respect to suspected employee child abuse or sexual conduct, a Catholic School may discipline an employee, up to and including termination, for inappropriate conduct that does not rise to the level of “abuse” or “sexual conduct.”

NO RETALIATION FOR GOOD FAITH REPORTING

14. The initiation of a report in good faith about suspected “abuse” or “sexual conduct” may not adversely affect the terms or conditions of employment or the work environment of the person who makes the report.

15. Neither the school nor any school employee will discipline a student for the initiation of the report in good faith about suspected “abuse” or “sexual conduct” by a school employee.

HIRING OF SCHOOL EMPLOYEES

16. Before hiring an employee, the school shall take all steps required by ORS 339.374 to ensure proper background and reference checks prior to hiring a school employee. An *Authorization for Disclosure of Information* that is in compliance with ORS 339.374 is attached as Appendix B. A comprehensive checklist of best practices in hiring and procedures required by law is attached as Appendix C.

17. The Archdiocese will comply with all requirements of ORS 339.374 before placing an individual on the resource list of substitute teachers potentially available for hire by a Catholic School.

18. At the time of the hiring of any school employee, the school shall furnish to a school employee (a) a description of conduct that may constitute “abuse” or “sexual conduct”, and (b) a description of the information and records that will be disclosed as provided by ORS 339.378 or ORS 339.388(7) if a report of suspected “abuse” or “sexual conduct” is substantiated. A sample of the notice required is attached as Appendix D.

TRAINING FOR EMPLOYEES, PARENTS AND STUDENTS

19. As required by ORS 339.400, the school shall provide to school employees training each school year on the prevention and identification of child abuse and “sexual conduct” and on the obligations of school employees to report suspected child abuse under ORS 419B.005 to ORS 419B.050, and on the policies adopted by the school to report child abuse and sexual conduct. The school shall also make the same training available each school year to parents and legal guardians of children who attend the school, which training shall be provided separately from the training provided to school employees. The school shall make available each year to students who attend the school training that is designed to prevent “child abuse” and “sexual conduct”.

POSTING REQUIRED UNDER ORS 339.372(5)

CHILD ABUSE AND SEXUAL CONDUCT will not be tolerated in our school.

Each school is to have a designated person to receive reports of child abuse and sexual conduct. In our school **the designated person is the principal:**

[Principal's name]

[School address]

[Phone number]

Only if the designated person is the subject of the report, the alternate person to receive reports is the Child Protection Officer for the Archdiocese of Portland in Oregon:

Cathy Shannon
Archdiocese of Portland
2838 E Burnside Street
Portland OR 97214
503-233-8302 or 503-416-8810

**ALL SCHOOL EMPLOYEES ARE MANDATORY REPORTERS.
 YOU MUST TAKE ACTION IF YOU REASONABLY SUSPECT
 CHILD ABUSE OR SEXUAL CONDUCT INVOLVING A CHILD.**

TO REPORT CHILD ABUSE:

- Contact Child Protective Services (CPS) or the law enforcement agency for your location.
- Report to the principal/alternate person.

CPS: [phone number]

Police/Sheriff's Dept.: [phone numbers]

The school will follow-up with the governmental agency to which the child abuse report was made to determine what further action is appropriate, on a case by case basis.

TO REPORT SEXUAL CONDUCT:

- Contact the principal/alternate person as soon as possible.

The school will investigate the complaint and take whatever further steps are required in accordance with Oregon law.

AUTHORIZATION FOR DISCLOSURE OF INFORMATION

APPLICANT: Complete Section 1. If applicable, complete Section 2, using one Authorization for each current and former employer/education provider.

SECTION 1

Applicant Name (First, Middle, Last) [include any other names previously used during employment] Please print.

I have never worked for an education provider (employer providing educational services to minors).

OR

I authorize the following employer/education provider to release to [insert name of school] all information related to any substantiated reports of child abuse, sexual conduct or crimes listed in ORS 342.143. I release the following employer and employees acting on behalf of the employer from any liability for providing information described in this document.

Applicant Signature

Date

SECTION 2

Current/Former Employer/Education Provider

The applicant named above is under consideration for employment at [insert name of school]. This individual has previously been employed with your organization. As a former employer, we request you provide the information requested on this form within 20 business days pursuant to ORS 339.374.

Education Provider: _____

Attn: Personnel Department

Address: _____

Dates of Employment: _____

Position(s) Held: _____

TO BE COMPLETED BY CURRENT/FORMER EMPLOYER ONLY

Applicant:

- Has not been the subject of a substantiated report of child abuse or sexual conduct.
- Is not the subject of an ongoing investigation related to a report of suspected child abuse or sexual conduct.
- Has been the subject of a substantiated report of child abuse or sexual misconduct.
 - Dates of any substantiated reports: _____
 - Please attach the definitions of child abuse and sexual conduct used when the education provider determined that any reports were substantiated and the standards used by the education provider to determine whether any reports were substantiated.
 - If the employee was convicted of a crime listed in ORS 342.143, please send the employee's disciplinary records as required by ORS 339.388 (7).

Employer has no record of applicant's employment. Please explain: _____

Employer Representative Signature

Date

Printed Name

Job Title

Return completed form to:

[Name of School]
[Principal's Name]
[Address]
[Phone]
[Fax]

To Be Supplied

**NOTICE REQUIRED TO BE GIVEN TO ALL NEWLY HIRED SCHOOL EMPLOYEES
UNDER ORS 339.374(9)**

_____ [Name of School] (“School”) does not tolerate child abuse or sexual conduct by its employees.

MEANING OF CHILD ABUSE AND SEXUAL CONDUCT

Child abuse has the meaning given that term in ORS 419B.005 (1) and (2):

(1)(a) **“Abuse”** means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child’s health or safety.

(b) “Abuse” does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) **“Child”** means an unmarried person who is under 18 years of age.

Sexual conduct has the meaning given that term in ORS 339.364.370(9):

(9)(a) *“Sexual conduct” means any verbal or physical conduct by a school employee that:*

(A) Is sexual in nature;

(B) Is directed toward a kindergarten through grade 12 student;

(C) Has the effect of unreasonably interfering with a student’s educational performance;

and

(D) Creates an intimidating, hostile or offensive educational environment.

(b) “Sexual conduct” does not include abuse.

DISCLOSURE OF INFORMATION.

Pursuant to ORS 339.374 the school must provide the following information upon the request of an education provider with whom you, as an employee or former employee, apply for employment:

- The dates of your employment with the School;
- Whether you were the subject of any substantiated reports of child abuse or sexual conduct related to your employment with the School;
- The dates of any substantiated reports;
- The definitions of child abuse and sexual conduct used by the school when the School determined that any reports were substantiated;
- The standards used by the School provider to determine whether any reports were substantiated and
- Any disciplinary records required to be released as provided by ORS 339.388 (7) [if you were convicted of a crime precluding the issuance of a teaching license pursuant to ORS 342.143], to the extent this provision may be applicable to the School.

If you are convicted of one of the crimes listed in ORS 342.143 and the School was your employer when the crime was committed, the School may be required to disclose the disciplinary records to any person upon request.