

Investigation of Allegations of Abuse of Students by Agency Employees

If a student, agency employee, or other member of the community believes a child has suffered abuse, which shall include sexual and physical abuse, by an agency employee in the course of their employment, it should be reported to the designated investigator immediately. (*Please Note:* If a report involves an Agency employee assigned to a local school district facility, the local school district's Level I investigator will be first assigned and their investigation procedures utilized.) The designated investigator shall use prudent discretion in handling the information received regarding an investigation of abuse by an agency employee, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation.

Complaints reported to a designated investigator shall be handled by the designated investigator in a timely manner. Upon receipt of the complaint, the designated investigator shall provide a copy of the complaint to the person filing, to the student's parent or guardian if different from the person filing, and to the supervisor of the employee named in the complaint. The agency employee named in the complaint shall receive a copy of the complaint at the time the employee is initially interviewed by an investigator. However, if this action would conflict with the terms of a contractual agreement between the employer and employee, the terms of the contract shall control. The designated investigator, using an informal process of contacting and conferring with the pertinent parties, shall determine whether the complaint is groundless, inconclusive, or founded.

The designated investigator's role is not to determine the guilt or innocence of the agency employee. The designated investigator shall determine, by a preponderance of the evidence and based upon the investigator's training and experience and the credibility of the student, whether it is likely that an incident took place between the student and the agency employee. If the complaint has been withdrawn, the allegation recanted, the employee has resigned or admitted the truth of the allegation and/or agreed to relinquish the employee's teacher's certificate or license, the designated investigator may conclude the investigation at level one.

If, in the opinion of the designated investigator, the complaint is unfounded and further investigation is not warranted, the designated investigator shall provide a copy of the investigative report to the school employee named in the report, the employee's supervisor, and the named student's parent or guardian within fifteen (15) days after receiving the complaint. The person filing the report, if not the student's parent or guardian, shall be notified that the level one investigation has been concluded, and of the disposition or anticipated disposition of the case.

If the designated investigator determines the complaint is founded, the designated investigator shall contact and turn over the complaint to local law enforcement authorities, who shall be considered the level-two (2) investigators. The designated investigator shall give a copy of the investigative report to the employee's supervisor and document all action taken.

In founded cases involving an agency employee, upon receipt of the level-two (2) investigator's report, the designated investigator shall forward copies of the level-two (2) investigator's report to the student's parent or guardian, the agency employee named in the complaint, and the agency employee's supervisor. The designated investigator will also notify the person filing the complaint, if different from the student's parent or guardian, of the disposition of the case or current status of the investigation.

In cases involving an agency employee and a student of agency programs, a report must be filed with the Board of Educational Examiners in proven cases of abuse and counseling services for the student must be arranged upon the request of the parents. Compiled information regarding unproven abuse shall not be placed in the employee's personnel file.

Persons found in violation of this policy will be subject to discipline including, but not limited to, reprimand, probation, demotion, suspension or termination, or other sanction as determined appropriate by the board.

It shall be the responsibility of the Chief Administrator to annually identify designated investigators.