

# **Sexual Conduct: HB 2062 Requirements**



# Agenda

- **What is HB 2062**
- **What is sexual conduct?**
- **Grooming**
- **Boundary Invasions**

## **HB 2062 (2009)**

- **Passed by the Oregon Legislature in the 2009 session.**
- **Effective July 1, 2010.**
- **Aimed at expanding existing child abuse protections to prevent “sexual conduct” by school employees.**

# HB 2062 (2009) (cont'd)

- **Applies to all “education providers” meaning:**
  - School districts
  - OR School for the Deaf
  - Educational programs under the Youth Corrections Education Program
  - Public charter schools
  - ESDs
  - State operated program providing educational services to K-12 students
  - Private schools

# Legal Definition of Sexual Conduct

“Sexual conduct” means any verbal or physical conduct by a school employee that:

- (A) Is sexual in nature;
- (B) Is directed toward a K-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.



# **Legal Definition of Sexual Conduct (cont'd)**

**Sexual conduct does  
NOT include abuse.**

# **Description of Sexual Conduct**

- **A student older than [second grade] sitting on a staff member's lap**
- **Holding hands with a student older than [second grade]**
- **Staff performing back rubs on a student**

# **Description of Sexual Conduct (cont'd)**

- **Kissing students**
- **Touching students frequently**
- **Commenting on students' bodies or appearance in a sexual manner**
- **Videotaping or photographing a student in revealing or suggestive poses**



# **Description of Sexual Conduct (cont'd)**

- **Exchanging romantic gifts or communications with a student**
- **Showing pornography and obscene or suggestive photos to the student**

# **Description of Sexual Conduct (cont'd)**

- **Discussing sexual topics unrelated to curriculum with students (e.g. sexual jokes, gestures, pictures and innuendos)**
- **Inappropriate banter with students (e.g., discussion of student's dating behavior)**

# **Description of Sexual Conduct (cont'd)**

- **Sharing your own sexual exploits or marital difficulties**
- **Intentionally invading the student's privacy (e.g., walking in on him/her in the bathroom intentionally)**

# **Description of Sexual Conduct (cont'd)**

- **Going to the student's home without parent supervision**
- **Using e-mail, text-messaging, or instant messaging to discuss sexual topics with individual students**
- **Dating students**

# Why the focus on “Sexual Conduct”

- It’s another term for “sexual grooming” that involves finding a vulnerable student and engaging in increasingly inappropriate boundary invasions



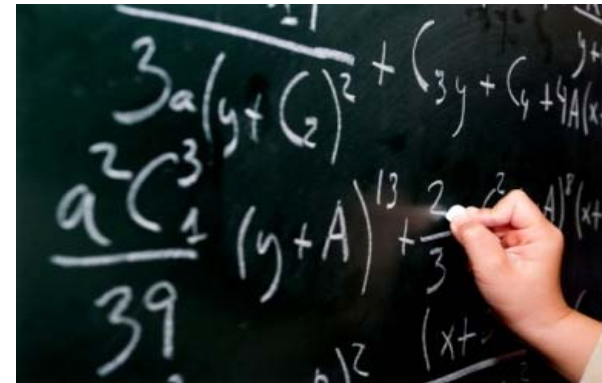
Boundary Invasions

Sexual Grooming

Sexual Molestation

# Grooming Process - Step 1

- Picking a student (Scenario 1):
  - Families under stress;
  - Not close to parents;
  - Low self-esteem;
  - Lack self-confidence;
  - Students with special needs;
  - Depressed;
  - Anxious; or
  - Have been victimized.



# Grooming Process - Step 1

## (cont'd)

- Picking a student  
(Scenario 2):
  - Gain the trust of the family FIRST
    - Extra coaching
    - Extra tutoring
    - Outstanding community member





# Grooming Process - Step 2

- **Engaging with student in student-like behavior.**
  - Clear warning sign: Teacher more involved with student than with peers.
  - Inviting to home;
  - Hanging out;
  - Engaging in activities that attract younger kids (i.e. videogames).





# Grooming Process - Step 3

- **Desensitizing the child to touch.**
  - Blur the boundaries between appropriate and inappropriate touching.
    - Teasing, joking around
    - Hot tub /pool activities
    - Massages



# Grooming Process - Step 4

- **Isolating the student.**
  - Private coaching
  - Tutoring
  - Providing transportation – practice/clinics/non school sponsored competitions
  - Employment (babysitting, housekeeping, yard maintenance)
  - Camping or overnights



# Grooming Process - Step 5

- **Making the child feel responsible.**
  - Turn curiosity around, make them think they will get in trouble if anyone finds out.
  - Who would believe them?
  - Especially effective if alcohol, drugs, or pornography are involved.



# Boundary Invasions

- **Appropriate - Educational or Health Related**
  - Examples:
    - Assisting a kindergartner after a bathroom accident;
    - Touching students while coaching wrestling, football, or gymnastics;
    - Student teaching assistant stay after to help prepare a presentation for the next day;
    - Taking volleyball team to a team dinner;
    - Sending group email to the entire class.

# Boundary Invasions (cont'd)

- **Invasions by the adult into the child's personal space and personal life**
  - Examples:
    - Undue interest in child (special friend or relationship);
    - Gifts or money to student for no valid educational purpose;
    - Engaging in peer like behavior with students;
    - Overly touchy with students;
    - Favoring certain students;
    - Certain privileges.



# Boundary Invasions (cont'd)

- Inviting to classroom during non-class times;
- Getting student out of class repeatedly to visit the teacher;
- Talking with student about problems normally discussed with adults (marital problems);
- Telling and having secrets with the student;
- Talking to student about his/her problems to a point where the teacher is the confidant when it's not the adult's job to do so;





# Boundary Invasions (cont'd)

- Giving rides in personal vehicle with or without prior permission;
- Being alone with student behind closed doors at school;
- Initiating or extending contact with student beyond the school day for personal purposes;
- Electronic communication to discuss personal/non-academic interests or topics with student;
- Walking into bathroom, locker room, etc. while student is in there;



# Boundary Invasions (cont'd)

- Allowing the child to get away with inappropriate behavior;
- Taking student on outings, away from protective adults;
- Asking about bra size or about previous sexual experience;
- Going to student's home for non-educational reasons;



# Boundary Invasions (cont'd)

- Inviting to teacher's home without proper chaperones;
- Telling sexual jokes;
- Sexual innuendo or banter;
- Sexual topics not related to curriculum;
- Showing pornography to the student;
- Hugging, kissing, other physical contact.



**Questions**



# We're here to help

Claims [claims@sdao.com](mailto:claims@sdao.com)

Pre-loss Legal [pacepreloss@osba.org](mailto:pacepreloss@osba.org)

Risk  
Management [losscontrol@sdao.com](mailto:losscontrol@sdao.com)

Training [pacetraining@osba.org](mailto:pacetraining@osba.org)

Underwriting [underwriting@sdao.com](mailto:underwriting@sdao.com)

Communications [tyates@osba.org](mailto:tyates@osba.org)

[pace.osba.org](http://pace.osba.org)