

	ABERDEEN SCHOOL DISTRICT	NEPN Code: ACAB
	POLICIES AND REGULATIONS	

PROHIBITION AGAINST AIDING OR ABETTING SEXUAL ABUSE

All Aberdeen School District employees are prohibited from assisting other employees in obtaining a new job if the District or employee has knowledge of, or probable cause to believe, that the other employee engaged in sexual misconduct with a minor or student in violation of the law.

Definitions

- **Assisting:** includes but is not limited to giving a positive recommendation to a potential employer, but does not include the routine transmission or administrative and personnel files or information related to name of employee, dates of employment, and position held.
- **Probable Cause:** When the facts and circumstances within the employee's knowledge and the information is reasonably trustworthy.
- **Sexual Misconduct:** a term federal regulators use to categorize behaviors that includes sexual assaults, unwanted sexual contact, and sexual harassment.

The requirements of this prohibition do not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency, or any other authorities as required by local, state, or federal law or regulation, and at least one of the following conditions apply:

- The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, in sexual misconduct regarding a minor or student in violation of the law; or
- The school employee, has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
- The case or investigation remains open and there have been no charges files against the school employee, within four years of the date on which the information was reported to a law enforcement agency.

LEGAL REFERENCES:

SDCL 13-10-15 Suspension or resignation of employee for criminal conviction--Reporting.

SDCL 60-4-12 Presumption of good faith disclosure of employment information to prospective employers

ADOPTED: AUGUST 26, 2019