

MANDATORY ABUSE REPORTING NOTICE: Adults with Developmental Disabilities

To report abuse call 1-855-503-7233

As an individual providing services to adults with developmental disabilities, you are a **Mandatory Reporter** according to Oregon law (ORS 430.765). According to the law, if you have reasonable cause to believe an adult with developmental disabilities has been abused, or that any person with whom you come in contact has abused such an adult, you must **immediately** report the abuse to the community developmental disability program, the Oregon Department of Human Services (ODHS), or to a local law enforcement agency. Law enforcement must be called if there is reason to believe a crime has been committed. When applicable, you should also follow your agency policies and procedures so that immediate steps are taken to protect the victim of the abuse.

Abuse of an adult with developmental disabilities means:

1. **Abandonment:**
 - a. Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed a person with a developmental disability by a caregiver or other person.
2. **Physical abuse:**
 - a. Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.
 - b. Willful infliction of physical pain or injury upon an adult.
3. **Sexual Abuse:**
 - a. Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315.
 - b. Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language.
 - c. Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver.
 - d. Any sexual contact between an adult and a relative of the adult other than a spouse.
 - e. Any sexual contact that is achieved through force, trickery, threat or coercion.
 - f. Sexual Abuse (Criminal) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465 or 163.467.

"Sexual abuse" does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse of the adult.

"Sexual contact" has the meaning given that term in ORS 163.305

4. **Neglect:**
 - a. Failure to provide the care, supervision or services necessary to maintain the physical and mental health of an adult may result in physical harm or significant emotional harm to the adult.
 - b. The failure of a caregiver to make a reasonable effort to protect an adult from abuse.
 - c. Withholding of services necessary to maintain the health and well-being of an adult that leads to physical harm of an adult.
5. **Verbal Abuse:**
 - a. To threaten significant physical or emotional harm to an adult using: Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule. Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.
6. **Financial Exploitation:**
 - a. Wrongfully taking the assets, funds or property belonging to or intended for the use of an adult.
 - b. Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.
 - c. Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an adult.
 - d. Failing to use the income or assets of an adult effectively for the support and maintenance of the adult.
7. **Involuntary Seclusion:**
 - a. Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the adult.
8. **Wrongful Restraint:**
 - a. A wrongful use of a physical or chemical restraint upon an adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.
9. **Death:**

a. Any death of an adult caused by other than accidental or natural means.

10. Public Education Programs through 12th grade:

a. The restraint or seclusion of an adult with a developmental disability in violation of ORS 339.288, 339.291 or 339.308.

b. The infliction of corporal punishment on an adult with a developmental disability in violation of ORS 339.250 (9).

These abuse definitions can be found in ORS 430.735

Mandatory Abuse ACKNOWLEDGEMENT:

In accordance with law, your identity as the person making the report is confidential. Further, the law protects you from retaliation from a community facility, community program or individual when you make a report in good faith. You may not be discharged or transferred from one location of an agency to another, terminated from your job, demoted or have your pay lowered, or denied contact with the facility or its residents because you made a good faith report of suspected abuse. If you feel you have been retaliated against, you have the right to seek private legal action. Any agency, program or individual who retaliates against someone because of a good faith report of suspected abuse may be liable to that person for actual damages.

By signing this form, you are acknowledging that you understand Oregon's mandatory abuse reporting requirements concerning adults with developmentally disabilities. If you do not understand the mandatory requirements, ask to have them explained to you before signing this form.

I received and read this notice about my mandatory abuse reporting obligations.

This document is provided for review only. Acknowledgment is collected separately.

Policy Against Harassment

Opportunity Foundation believes that all employees are entitled to a workplace free of harassment and expects that all employees will treat each other and our customers with courtesy, dignity, and respect. We take our obligation to maintain a workplace free of harassment very seriously.

Opportunity Foundation prohibits harassment or offensive conduct in any form, including harassment or offensive conduct directed toward the protected status of an employee, volunteers or representatives of the organization, customer, vendor, contractor or their relatives, friends or associates. "Protected status" includes race, color, religion, national origin, sex (gender), age, disability, veteran status, genetic information, family medical history, sexual orientation, gender identity, or other status protected by law.

Opportunity Foundation will actively enforce its policy against harassment. The policy applies to all conduct on company property or company time and to all conduct off the job that affects an individual's work environment. This policy also prohibits harassment or offensive conduct directed toward any employee by volunteers or representatives of the organization, customers, vendors or contractors or their relatives, friends or associates.

Opportunity Foundation considers violation of this policy a serious offense that will lead to discipline, up to and including discharge.

Harassment is any offensive action directed at a person's protected status. Some examples of prohibited conduct, if directed at a person's protected status, include foul language, jokes, slurs, derogatory comments, negative stereotyping, threatening or intimidating acts or accessing, obtaining, posting or circulating offensive written or visual material, including electronic communications. Additional examples of harassment include unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Opportunity Foundation prohibits such conduct if:

- The conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment or of unreasonably interfering with an employee's work performance; or
- Submitting to such conduct is made a term or condition of employment; or
- Submitting to or rejecting such conduct is used as the basis for employment decisions affecting that individual; or
- The conduct otherwise adversely affects an individual's employment opportunities.

In noisy work areas, especially where ear protection devices are necessary, an employee may need to get another person's attention. To do so, this policy allows a person to tap another lightly on the shoulder when another means of getting the person's attention is not available. All other physical contact other than a handshake is prohibited.

The company will not tolerate unwanted touching under any circumstances. Opportunity Foundation expects employees to conduct themselves in a manner that another person or group of persons will not interpret as offensive. The company requires every person to show sound judgment and respect for the feelings of all other employees. All management personnel are responsible for enforcing this policy.

If an employee feels that someone's conduct is harassing or improperly offensive, the employee should promptly and firmly tell the offender that the behavior is unwelcome. Although not required, doing so places the offender on notice that someone considers his or her conduct inappropriate. The company requires any employee who believes he or she has been subject to harassment or offensive conduct or any employee who witnesses a violation of this policy, to report the offense immediately to either the Human Resources Department or the Program Director. Failure to report harassment or offensive conduct may lead to discipline under this policy.

Harassment includes, but is not limited to the examples given here:

- Repeated, unwanted social invitations should be avoided.
- No touching, no neck massages, no fanny pats, no arms around the waist, no stroking, and no behavior that, if it occurred to a stranger on the street, would subject the employee to charges of molestation, indecent exposure, or assault. Sexual gestures or other offensive body movements are also prohibited.
- No sexually suggestive or abusive talk. No "dirty" jokes, no sexual innuendoes, no talking about intimate body parts or sexual performance.
- No jokes targeting a particular gender. Abusive language or hazing that is directed only to one gender is harassment, whether it is sexually explicit or not.
- No offensive printed or written materials including suggestive posters or calendars from vendors, customers or suppliers. No sexually offensive cartoons, lists of sexist jokes or any other material which inappropriately raises the issue of sex in the workplace, such as graffiti, offensive items in Foundation publications, distribution by any means, including electronic, of copies of prohibited jokes, photos, articles, etc.

If you receive inappropriate or offensive "spam" e-mail on your work e-mail account, be aware that replying to the spammer (even to ask them to remove you from their distribution list) will likely increase the number of spam e-mails you receive. You should delete such messages without opening them and contact the IT Department for assistance in blocking the messages. Opportunity Foundation will keep complaints confidential to the extent possible, while allowing the investigation to proceed (meaning information may be revealed on a "need to know" basis). Opportunity Foundation will investigate all complaints promptly.

Any employee whom the company finds after investigation to have violated this policy will be subject to appropriate sanctions, depending on the circumstances, up to and including termination. If the harasser is a nonemployee, the company will take reasonable steps to address the situation. The company will design its action to provide redress, to eliminate harassment or offensive conduct, to prevent retaliation against the person who made the complaint and to prevent retaliation against any employee for providing information as a witness or participating in the investigation.

Any form of retaliation, including derogatory comments, against people who make harassment complaints, against witnesses or any other employees who are involved in complaints, is against the company's policy. Opportunity Foundation will strictly enforce this policy and will treat retaliatory action as a violation that is subject to the same disciplinary measures, up to and including termination.

The question of whether a particular action is *prohibited* or merely the result of a personality conflict that produces no discriminatory effect on someone's employment requires determination based on all the facts. Given the serious nature of harassment and discriminatory offensive conduct, we trust that all employees of Opportunity Foundation will continue to act responsibly in order to establish and maintain a pleasant working environment. Opportunity Foundation encourages every employee to raise any question that he or she may have about this policy against harassment or any other matter that relates to equal employment opportunity. For answers to such questions, employees should contact their supervisor or the Human Resources Department.

Harassment Prevention Training ACKNOWLEDGEMENT

- ✓ I acknowledge that I received training regarding the prohibition against harassment and discrimination and retaliation, and the prevention and reporting of harassment and discrimination.
- ✓ I have received, read, and understand Opportunity Foundation's Policy Against Harassment. I understand that failure to comply with the policy could result in disciplinary action, up to and including termination of employment.
- ✓ I agree to abide by the principles that were explained in this training. I understand that if I have any questions that were not addressed in training or if I encounter any problems, I can contact the Human Resources Department

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