

EMPLOYEE/STUDENT NON-FRATERNIZATION

The Board of Education requires that all District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Employees must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety or an unfair advantage to an individual student.

Employees are prohibited, under any circumstances, to engage in any improper fraternization or personal relationships with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by an employee which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District, up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to:

- flirting
- making suggestive comments
- dating
- requests for sexual activity
- physical displays of affection
- giving inappropriate personal gifts
- frequent personal communication with a student unrelated to course work or official school matters
- providing alcohol or drugs to students
- inappropriate touching
- engaging in sexual contact and/or sexual relations.

The District discourages frequent communication which is not related to academic tasks or school related business. Frequent personal communication with a student unrelated to course work or official school matters includes any form in which that personal communication may occur, including, but not limited to, voice or text-based communication, letters, notes, e-mail, instant messaging, text messaging, or through social networking websites. In order to avoid the perception of impropriety, electronic communications should not take place via private accounts, but should only occur in group or public forums that can be monitored by other adults. E-mail communications should be through the District's e-mail system.

This policy applies regardless of whether the student or the school employee initiated the behavior, and whether or not the student welcomes the behavior and/or reciprocates the attention. Inappropriate fraternization of employees with students (regardless of the student's age or gender) is against District policy and may be in violation of professional standards of conduct and New

York State law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Exceptions to this professional expectation would include situations where the students' well-being is in question. In this situation, staff members are required to report concerns immediately to appropriate school staff members, administrators, social worker, psychologists, etc.

Any student who believes that he/she has been subjected to inappropriate employee behavior as enumerated in this policy, as well as students, school employees, or third parties who have knowledge of or witness any possible occurrence of inappropriate employee-student relations, shall report the incident to either the employee's supervisor, the student's Principal, or the District's designated Complaint Officer. In all events, such reports shall be forwarded to the designated Complaint Officer for further investigation. The District shall promptly investigate all complaints of inappropriate employee-student relations and take prompt corrective action to stop such conduct if it occurs.

Anonymous complaints of inappropriate fraternization of employees with students shall also be investigated by the District. Investigations of allegations of inappropriate employee-student relations shall follow the procedures utilized for complaints of harassment within the District.

If a student initiates inappropriate behavior toward an employee, that employee shall document the incident and report it to his/her building Principal or supervisor.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate employee-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, employees, and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate employee identification of possible behavior that may constitute inappropriate employee-student relationships. Students shall be provided such training in an age-appropriate manner.

The District policy, or summary thereof, shall be disseminated as appropriate to employees, students, and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any employee who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Cross-Reference: Policy 5460 – Suspected Child Abuse & Maltreatment
Policy 9010.1 – Harassment of Employees
Policy 9010.2 – Sexual Harassment

Reference: Title IX of the Education Amendments of 1972, 20 United States Code (USC)
Section 1681 et seq.
8 NYCRR § 83.1
8 NY ADC II C 83 Notes
8 NYCRR § 100.2(hh)
Education Law Article 23-B
Social Services Law, §§ 411-428

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