

Policy XXXX

Sexual Misconduct and Fraternization

The Board of Education requires that all School District employees and contracted service providers (hereinafter referred to as "staff members") maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment. Staff members act as role models for students at all times, including, but not limited to, during school and co-curricular and extra-curricular activities, whether on or off school property, and both during and outside of school hours, including when using publicly accessible social media networks and sites. Staff must establish and maintain appropriate professional and personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Prohibited Conduct by Staff Members toward Students

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or whether the student may have "consented" to such conduct. Staff members are also prohibited from making plans to meet with students after graduation to date or engage in activities that are prohibited by this policy. Further, staff members will 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 a staff member 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 or permitting students to drink alcohol or take drugs in the presence of the employee (with the exception of the administration of drugs for medical reasons by a school nurse or other authorized and trained school personnel in accordance with school district policies and applicable state laws and regulations);
- inviting a student to go somewhere alone with the staff member;
- inappropriate touching; and
- engaging in sexual contact and/or sexual relations.

“Frequent personal communication with a student unrelated to course work or official school matters” means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.

Any inappropriate fraternization of staff with students is considered a violation of District policy and may be in violation of professional standards of conduct and New York State Law. Inappropriate employee conduct, however, 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.

Reporting of Prohibited Conduct

Any student who believes that he/she has been subjected to inappropriate staff member behavior as described in this policy, as well as any students, staff members, volunteers and third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to one of the Title IX Officers, the Building Principal or the Superintendent of Schools. In all events, these reports will be forwarded to the designated Title IX Officers for further investigation.

Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the District. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the District. Allegations of inappropriate staff-student behavior will be promptly investigated by the District, will be treated as confidential and private to the extent possible within legal constraints, and will result in prompt corrective action to stop inappropriate conduct.

Any staff member having knowledge of or reasonable suspicion that another staff member may have engaged in inappropriate conduct with a student that may constitute child abuse in an educational setting must also follow the District's reporting procedures for such allegations. This information will also be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department, and/or Child Protective Services as may be applicable.

Where a staff member fails to report inappropriate staff member behavior as described in this policy, where the staff member has first-hand knowledge, and where a reasonable person would know that such conduct is a violation of this policy, the staff member's failure to report shall also be considered a violation of this policy.

If a student initiates inappropriate behavior toward a staff member, that staff member will document the incident and immediately report it to his/her building principal or supervisor. If appropriate, the principal/supervisor will intervene and communicate with the student and the student's parent/guardian about the inappropriate behavior.

Prohibition of Retaliatory Behavior

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 staff-student relations. Follow-up inquiries and/or appropriate monitoring will 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 will be responsible for informing students, staff and volunteers of this policy, including the prohibition of inappropriate staff-

student relations, the duty to report and the procedures established for investigation and resolution of complaints. Students shall be provided such training in an age appropriate manner.

Dissemination of Policy

This policy (or a summary thereof) shall be disseminated as appropriate to staff (including new staff members), students and parents and will be included in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary consequences, 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 staff member to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Ref:

- Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
- Education Law Article 23-B
- Social Services Law §§ 411-428
- 8 NYCRR Part 83