

# POLICY

2004

6052

Orleans/Niagara BOCES

**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)**

The Board of Education requires that: All BOCES employees maintain a professional, ethical relationship with BOCES students that is conducive to an effective, safe learning environment; and 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. Staff members must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, from dating or engaging in any improper fraternization or undue familiarity 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 a staff member that invites romantic or sexual involvement with a student is considered highly unethical, in violation of BOCES policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the BOCES up to and including termination of employment.

Improper employee behavior would include, but not be limited to: Flirting; making suggestive comments; dating; any requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against BOCES 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 BOCES rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff 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 staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the BOCES' designated civil rights compliance officer. In all events such reports shall be forwarded to the designated civil rights compliance officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the BOCES. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the BOCES. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent practicable within legal constraints.

Any employee having knowledge or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse

(specifically, child abuse in an educational setting) must also follow the BOCES' reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials and the State Education Department.

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

The BOCES shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

### **Prohibition Against 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 staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that none of those involved in the investigation has suffered or experienced retaliation. Any act of retaliation shall be subject to appropriate disciplinary action by the BOCES.

### **Communication of Policy**

The BOCES' policy (or a summary thereof) shall be communicated as appropriate to staff, students and parents. The District Superintendent shall have authority to administer this policy and to promulgate and enforce administrative regulations as deemed necessary or appropriate.

### **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 measures up to and including termination of employment in accordance with legal guidelines, BOCES 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.

Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et  
seq.  
Education Law Article 23-B  
Social Services Law Sections 411-428  
8 New York Code of Rules and Regulations  
(NYCRR) Part 83