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Employee-Student Relations (Fraternization)

The Board requires that all Eastern Suffolk BOCES employees maintain a professional, ethical relationship with ESBOCES students that is conducive to an effective, safe learning environment and that employees act as role models for students at all times, whether on or off ESBOCES property and both during and outside of instructional 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.

Employees are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age or express or implied consent to this conduct. Further, employees will not entertain or socialize with students in a manner so 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 Board policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by ESBOCES, 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 coursework or official ESBOCES matters, providing alcohol or drugs to students, inappropriate touching, and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to coursework or official ESBOCES matters" means any form in which personal communication may occur, including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging, or through social networking websites.

Inappropriate fraternization of staff with students, even if the student participated willingly in the activity (regardless of the student's age), is against Board 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 the conduct to be in violation of ESBOCES rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate employee behavior as described in this policy, as well as students, ESBOCES employees, or third parties who have knowledge of or witness any possible occurrence of inappropriate employee-student relations, must report the incident to any employee or the employee's supervisor, the student's Principal, or the ESBOCES designated Compliance Officer. In all circumstances, these reports shall be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints about inappropriate fraternization of employees with students shall also be investigated by ESBOCES. Investigations of allegations of inappropriate employee-student relations shall follow the procedures utilized for complaints of harassment within ESBOCES. Allegations of inappropriate employee-student behavior shall be promptly investigated and shall be treated as confidential and private to the extent possible within legal constraints. If there is a finding upon completion of the investigation that inappropriate conduct occurred, ESBOCES administration shall take prompt corrective action.

Any employee who has knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse in an educational setting must also follow ESBOCES reporting procedures for these allegations. This information shall also be reported by the designated administrator as required by State law to law enforcement officials, the State Education Department (SED), and/or Child Protective Services, as may be applicable.

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 immediately, or as soon as is practicable.

Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)

The Board 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 ESBOCES.

ESBOCES Responsibility/Training

The Principal of each facility and/or the 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, employee training shall be provided to facilitate employee identification of possible behavior that may constitute inappropriate employee-student relationships. Students shall be provided this training in an age-appropriate manner.

This policy (or a summary thereof) shall be disseminated as appropriate to employees, students, and parents/persons in parental relation.

Disciplinary Sanctions

Any employee who engages in inappropriate conduct with a student shall be subject to appropriate disciplinary measures, up to and including termination of employment in accordance with legal guidelines, ESBOCES policy, and any 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 SED.

References:

- Title IX of the Education Amendments of 1972, 20 USC §1681, et seq.
- NYS Education Law Article 23-B
- NYS Social Services Law §§411-428
- 8 NYCRR Part 83
- Administrative Regulation 5122R.1 – Employee-Student Relations (Fraternization)
- Policy 5123 Title IX and Sex Discrimination