

SUBJECT: STAFF-STUDENT RELATIONS (ANTI-FRATERNIZATION)

The Churchville-Chili Central School District Board of Education requires that all School District employees maintain a professional, ethical relationship with 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. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety. (The terms “employee” and “staff member” for purposes of this policy shall be interpreted to include third-party contractors and volunteers.)

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 regardless of whether or not 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 or intimate 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 or meeting in person outside of school unrelated to school/District events or activities
- requesting sexual activity
- inappropriate touching
- engaging in sexual contact and/or sexual relations
- giving or receiving inappropriate personal gifts
- giving the student extra privileges
- frequent personal communications with a student unrelated to course work or official school matters (This includes any form in which the 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 or applications.)
- inappropriately communicating with a student regarding the employee’s or the student’s personal life (e.g., marriage, boyfriends, sex, mental health, suicide)
- failing to refer students to appropriate resources within the school for serious or personal issues
- providing alcohol or drugs to students
- transporting a student in the employee’s private vehicle without the prior written approval of the District and the student’s parent
- developing a relationship with a student’s family to gain access to the student
- requesting a student to keep a secret or to lie

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Inappropriate fraternization of staff with students, even if the student participated “willingly” in the activity (regardless of the student’s age), 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.

Reporting

Any student who believes that they have been subjected to inappropriate staff behavior as described in this policy, as well as students, school employees, parents or community members who has knowledge of or witness any possible occurrence of inappropriate staff-student relations must report the incident to any staff member or the employee’s supervisor, the student’s Principal or a District-designated Complaint Officer. In all circumstances, these reports will be forward to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the District.

Employees, contractors and volunteers who have knowledge of, receive a complaint of and/or witness any possible occurrence of inappropriate staff-student relations must as soon as practicable under the circumstances report the incident to a District-designated Compliance Officer or the Superintendent of Schools.

Any employee having 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 the District’s reporting procedures for such allegations. See Policy No. 7530 (“Child Abuse and Maltreatment) and related regulations. This information will 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 a staff member, that employee will document the incident and must as soon as practicable under the circumstances report it to their Building Principal or Supervisor.

Investigations of allegations of inappropriate staff-student relations will generally follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. If here is a finding upon completion of the investigation that inappropriate conduct occurred, the District administration will take prompt corrective action. The District will promptly investigate all complaints of inappropriate staff-student relations, and take prompt and appropriate corrective action to stop such conduct if it occurs.

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Investigation

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

The Churchville-Chili Central School District 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 verify that the alleged conduct has not resumed and that those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary and/or other corrective action by the District.

District Responsibility/Training

The principal of each school and/or program director will be responsible for informing students, staff 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 will be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students will be provided training in an age-appropriate manner.

This policy (or summary) will be disseminated as appropriate to staff, students, and parents.

Disciplinary and Other Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, **or who fails to follow the reporting requirements set forth in this policy, shall** be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal and any contractual requirements. 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 or other state agency.

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

Adopted: 4/26/2011, 3/24/2020
Revised: 7/27/2023