

## STAFF-STUDENT RELATIONS (FRATERNIZATION)

### POLICY INTENT

The Board of Education requires that all Babylon Union Free School District (herein referred to as the “District”), employees, service providers, and District vendors (herein referred to as “School District Adults”) maintain a professional and ethical relationship with students that is conducive to an effective and safe learning environment, and that School District Adults shall act as role models for students at all times, whether on or off school property and both during and outside of school hours. School District Adults shall establish appropriate professional boundaries with students and not engage in any behavior that is unprofessional or could lead to even the appearance of impropriety.

School District Adults are prohibited under any circumstances from engaging in any unacceptable or inappropriate conduct with students, as defined in Sexual Harassment Policy 0110 and Sexual Harassment Policy Regulation 0110-R, regardless of a student’s age and/or whether or not the student welcomes the behavior and/or reciprocates the attention. Any unprofessional relationship is considered highly unethical, in violation of District policy, and may result in the notification to law enforcement officials and the filing of criminal charges and/or disciplinary action by the District, up to and including termination of employment and/or services. Any inappropriate behavior, criminal or not, reported may result in the permanent loss of responsibilities not protected by tenure should the District find the complaint credible after an investigation.

### COMMUNICATION WITH STUDENTS

All communication with a student must only occur through official District-approved platforms (e.g.: District-assigned email, as well as other approved District communication platforms). Communication with students via text messages, social media, or any platform that is NOT approved by the District is strictly prohibited.

### PROHIBITED CONDUCT

All School District Adults, as defined in this policy, are prohibited under any circumstances to engage in any of the following types of prohibited conduct, regardless of whether the conduct occurs on or off school property or whether the conduct occurs during or outside of school hours. The following list of prohibited conduct is not intended to constitute the entire list of conduct for which discipline may be imposed:

- a) Engaging in any unacceptable conduct with students, as defined in Sexual Harassment Policy 0110 and Sexual Harassment Policy Regulation 0110-R; [082321 0000BAB.pdf (Babylon.k12.ny.us)]
- b) Engaging in any sexual conduct or sexual contact with students, including but not limited to inappropriate physical displays of affection or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission, on or off school property;

- c) Grooming<sup>1</sup>.
- d) Fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional adult-student relationship and in which the relationship could reasonably cause a student to view the School District Adult as more than a teacher, administrator, or advisor;
- e) Initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, or other social networking sites; webcams; or photographs. Electronic and online communications with students must only occur through official District-approved platforms (e.g.: District-assigned email, as well as other approved District communication platforms). Communication with students via text messages, social media, or any platform that is NOT approved by the District is strictly prohibited;
- f) Socializing with students outside of class time for reasons unrelated to any appropriate purpose in such a manner as to create the perception to other District staff, other students, parents or the public that an unprofessional relationship or inappropriate favoritism exists;
- g) Providing alcohol or drugs to students (regardless of age) and associating with students who are under the influence of drugs or alcohol off school property; and
- h) Engaging in any criminal sexual contact and/or sexual relations, as defined by the New York State Penal Law, with a student.

#### **REPORTING AND INVESTIGATING PROCEDURES:**

- a) Any person with knowledge or reasonable suspicion<sup>2</sup> of a School District Adult engaging in prohibited conduct, as enumerated in this policy, but not limited to, with student(s), shall report the incident to any staff member who in turn must follow the official reporting process noted in Step #2 below within 48 hours.
- b) As mandated reporters, all school District employees, service providers, and/or District vendors who have knowledge or a reasonable suspicion of other School District Adults engaging in prohibited conduct with student(s), shall report the incident through state-

<sup>1</sup>Grooming consists of, but is not limited to, building trust with a student in an effort to gain access to and have alone time, with the ultimate goal of engaging in intimate or sexual conduct and/or contact with students. Specifically, it is the systematic “physical and psychological desensitization of a child through engagement in a behavior or set of behaviors used to develop trust, gain access to build rapport, create opportunity, establish compliance, and ensure secrecy of a target victim.” Taken from *Grooming Hurts Too: The Effects of Types of Perpetrator Grooming on Trauma Symptoms in Adult Survivors of Child Sexual Abuse*. Wolf and Pruitt. *Journal of Child Sexual Abuse* (2019).

<sup>2</sup> For purposes of this policy, *Reasonable Suspicion*, is defined as a particularized and objective basis, supported by specific and articulable facts, for suspecting a person of prohibited conduct. (Black’s Law Dictionary: 11<sup>th</sup> ed. 2019).

mandated reporting procedures. They must also report to the District's Title IX Officer and through the official District reporting process as outlined in the Sexual Harassment Policy 0110 – R section titled "Reporting Complaints." For purposes of clarity, state mandated reporting includes notifying law enforcement of cases that define "Child Abuse in the Educational Setting," notifying the New York State Education Department Part 83 Office, and/or notifying Child Protective Services (CPS), if applicable, when child abuse occurs in the home setting.

- c) All complaints (including, but not limited to, complaints from current students and/or alumni) of prohibited conduct with student(s) shall also be investigated by the District pursuant to the Sexual Harassment Policy 0110 and 0110-R, regardless of when they allegedly occurred.
- d) If a student initiated prohibited behavior toward a School District Adult, that adult shall document the incident and report it to his or her building principal/supervisor, the District Title IX Officer and through the official District reporting process.
- e) In all cases, the District committee, consisting of those appointed annually by the Babylon Board of Education, shall promptly investigate all complaints of prohibited School District Adult-student conduct, and shall take prompt corrective action to stop such conduct immediately, if founded.
- f) Reports of prohibited School District Adult-student conduct will be treated as confidential and private to the extent possible within legal constraints.
- g) The willing violation of a mandated reporter's duty to report, based on one's knowledge or reasonable suspicion of prohibited School District Adult-student conduct, may result in the notification of law enforcement officials, the filing of criminal charges and/or disciplinary action by the District, including suspension and/or revocation of extracurricular duties and/or termination of employment/services.

## **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 School District Adult-Student conduct. Follow-up inquiries and continuous monitoring shall be made to ensure that the alleged prohibited 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.

## **RESPONSIBILITY OF TRAINING**

The principal of each school and/or program supervisor shall be responsible for providing an annual, age-appropriate training in the first trimester (grades K-6) or first quarter (grades 7-12) of each new school year to students, that informs students of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. A parent training will also be scheduled annually by the District. Newly hired District employees will receive a copy of this policy within 30 days of their official start date. Further, annual training shall be provided by the District to all School District Adults to facilitate their understanding and compliance with this policy. Documentation of training provided to School District Adults will be collected annually by the District, requiring employee signature upon completion of training; documentation of student trainings will be collected by each school principal and turned into the District Title IX Officer annually.

The District's policy shall be disseminated as appropriate to students, parents, and School District Adults. Further, this topic shall be addressed in the District Code of Conduct. [\[013120 Code of Conduct Policy 5300 Revised 1-13-2020.pdf \(babylon.k12.ny.us\)\]](#)

### **DISCIPLINARY SANCTIONS**

Any School District Adult who violates this policy shall be subject to appropriate disciplinary measures up to and including termination of employment and/or services in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreements. A violation of this policy may also subject the School District Adult 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 United State Code (USC)

Section

1681 et seq.

Education Law Article 23-B

Social Service Law Sections 411-428

9 New York Code of Rules and Regulations (NYCRR) Part 83

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