

Year: 2017	
Policy Number: 5300	
Section:	
<input type="checkbox"/> Community Relations <input type="checkbox"/> Administration <input type="checkbox"/> Business Procedures <input type="checkbox"/> Community Operations <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Students <input type="checkbox"/> Instruction	

SUBJECT: Staff-Student Relations (Fraternization)

All Health Sciences Charter School (“HSCS”) employees, employees of third-party contracted service providers, Board of Trustees, and volunteers (hereinafter referred to as “staff”) are required to maintain a professional, ethical relationship with HSCS students that is conducive to an effective, safe learning environment; and staff are required to 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.

Staff and Board of Trustees 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 the student may have “consented” to such conduct. Further, staff shall not entertain students or socialize with students in such a manner as to create the perception that a dating or non-professional 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 HSCS policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action up to and including termination of employment.

Inappropriate staff 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 school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact or sexual relations. (“Frequent personal communication with a student unrelated to coursework 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, e-mail, instant messaging, text messaging or through social networking web sites.)

Even if the staff perceives that the student has participated “willingly” in or initiated the activity (regardless of the student’s age), inappropriate fraternization of staff with students is against HSCS policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate staff conduct does not need to rise to the level of criminal activity for such conduct to be in violation of HSCS rules and subject to appropriate disciplinary action, up to and including termination.

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 supervisor, the Head of School, human resources representative or member of the Board of Trustees. In all events, such reports shall immediately be forwarded to the Head of School for further investigation. Anonymous complaints of inappropriate staff-student relations shall also be investigated by HSCS. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of

harassment within HSCS. Allegations shall be promptly investigated and will be treated as confidential and private to the extent possible.

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

If a student initiates inappropriate behavior toward a staff member, that staff member shall document the incident and report it to the Head of School or supervisor.

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

Prohibition of Retaliatory Behavior

HSCS 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 inquires 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.

Disciplinary Action

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 or contracted service. 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.

Procedure

HSCS Responsibility/Training

The Head of School or a designee shall be responsible for informing students and staff of the requirements of this policy, including the duty to report and the procedures established for investigations and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relations. Students shall be provided such training in an age-appropriate manner. The HSCS policy (or summary thereof) shall be disseminated as appropriate to staff via the Employee Handbook, and to students, volunteers and parents. Further, this topic shall be addressed in the HSCS Code of Conduct.

Supporting Procedures:

Student Handbook

Staff Handbook

Related Laws, Regulations & Acts:

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

Adopted: 8/15/13

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