

STAFF-STUDENT RELATIONS(NON-FRATERNIZATION)

The Board of Education is committed to avoiding any situation in which the existence of inappropriate relationships occurs between District staff members and the students they serve. As per the District's Code of Conduct, relationships should "maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn". Therefore, undue fraternization or familiarity with students regardless of their age or whether or not the behavior is consensual is prohibited, regardless of whether the occurrence takes place on or off school property, during or outside of regular school hours. Every employee of the District, whether paid or unpaid, shall adhere to the following standards of conduct.

This policy is set forth to describe the appropriate relationship(s) between District staff members and the students they serve.

Definitions

1. *Staff* shall mean all members of the District's workforce. Further, *staff* shall be understood to encompass any individual who is employed by the Yonkers Public Schools including, but not limited to, full or part-time employees, interns, student interns, mentors, partners, or contractors; as well as all individual who works in an unpaid capacity of any kind, including, but not limited to, volunteers, interns, student interns, mentors, partners; and/or, the employees or volunteer staff of any of the heretofore mentioned individuals.
2. *Student* shall mean any individual who is enrolled in the Yonkers Public Schools.

Prohibited Conduct

All staff members must set proper boundaries and are required to uphold professional relationships with students. The following list of conduct includes, but is not limited to, the types of conduct which may result in disciplinary action.

- Engaging in a sexual or romantic relationship with student(s)
- Inappropriate touching, sexual contact and/or sexual relations
- Inappropriate displays of affection
- Entertaining or socializing with students, either during or outside of class time, in a manner by which the perception of a relationship, other than a professional one, exists
- Sexually explicit or suggestive comments
- Initiating, continuing or otherwise engaging in inappropriate personal communications in any form or manner with students unrelated to course work, official school matters or concerns regarding a student's welfare or safety. This includes inappropriate communication through professional and/or personal means, such as, but not limited to, sending letters, notes, photos or other communication via phone, text, email, social media, school applications such as CLEVER, Microsoft Teams, or Schoology, group chats, other software or applications (e.g. Instagram, TikTok, or SnapChat), etc.
- Promoting, providing or sharing pornographic materials

- Offering or giving of inappropriate personal gifts
- Providing alcohol or drugs (prescription or illegal) to students, regardless of age, with the exception of medication provided in accordance with Board of Education Policy (5420)
- Unauthorized transporting of students. Transportation may only be deemed authorized when a student's parent/guardian/person in parental relation has provided written consent and the Superintendent and/or designee has authorized such transportation in writing, in advice.

District Responsibility

The principal of each school shall be responsible for informing students and staff of the requirements of this policy, including the duty to report any inappropriate staff-student relations. The District's policy (or a summary thereof) shall be disseminated as appropriate to all staff. Additionally, the District's Code of Conduct shall address this topic.

Reporting

- Duty to Report. Any person with knowledge or suspicion of an inappropriate relationship between a staff member and student shall immediately report the conduct to the Building Principal, Pupil Support Services or the Superintendent of Schools.
- Protection from Retaliation. Any staff member who provides disclosure of a suspected fraternization violation, or who cooperates with inquiries or investigations of such violations, shall be afforded protection against retaliation in accordance with the "Whistleblower" Protection as outlined in Board Policy 9645, Disclosure of Wrongful Conduct.

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, Yonkers Public Schools' policy and regulations. 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.

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

Cross-Ref: 5300, Code of Conduct
5420, Student Health Services
9620, Child Abuse in Educational Setting
9645, Disclosure of Wrongful Conduct

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