

ROCHESTER SCHOOL DISTRICT
ANTI-FRATERNIZATION POLICY: STAFF

Preamble

The Rochester School District is committed to fostering a positive learning and working environment for all students and staff in order to promote educational excellence. The Rochester School District's Anti-fraternization Policy shall serve as a statement on appropriate conduct and relationships between students and staff of the Rochester School District. The spirit and intent of this policy is meant to help both staff and students understand and appreciate the delicate balance that exists between them and to better define the boundaries that their respective roles dictate.

Definitions

For purposes of this policy, "staff" refers to all Rochester School District employees, contracted service personnel, SAU employees, and any volunteers working on school property.

For purposes of this policy, "student" refers to all Rochester School District individuals in grades from kindergarten through twelfth, including a one year window post graduation from the Rochester School District. Any student remaining post graduation will have a one year window after leaving the Rochester School District.

For the purposes of this policy "school property" includes all places set forth in RSA 193-B:1,IV, along with any place where extra curricular activities and/or events may take place including any location visited during the course of field trips and/or other School District sponsored activities.

Policy

All staff must be aware that students of all ages and intellect are susceptible to influence by both staff and fellow peers. While this influence most often yields positive educational results, it can also be used in a manner that is entirely inappropriate. Accordingly, staff must be cognizant of their appropriate roles and professional duties in the development of students. Similarly, staff must be cognizant of the imbalance of power that exists in relationships between staff and student, which can live on long after the student has graduated from the Rochester School District. This imbalance of power places students in a vulnerable position that must be recognized and respected by staff. It is the responsibility of staff not to take advantage of or otherwise exploit this imbalance of power to further any non-educational, personal, or inappropriate objective. Accordingly, staff is prohibited from engaging in any romantic, sexual, or physical relationship with students.

Many personal relationships are entirely appropriate and develop through family or neighborhood interactions with respect and adherence to the appropriate standards of professional conduct. To the degree that such relationships develop or exist, it is the staff's responsibility to ensure that such relationships continue along and within appropriate boundaries. Failure to adhere to the requirements of this policy may result in severe consequences, up to and including termination.

The staff of the Rochester School District must understand that this Anti-fraternization Policy is a condition of employment. As a condition of employment, the Rochester School District reserves the right to at any time, without advance notice to staff, monitor, access, investigate and/or review the appropriateness of any activity or relationship between staff and students in order to protect the health, welfare and safety of the District, its staff and students.

Staff are responsible for appropriate and professional conduct in all settings and in all forms of communication, including, but not limited to, verbal communications/speech, written communications, Internet and e-mail communications, physical gestures, motions or any other form of interaction. This policy does not preclude legitimate, non-sexual, physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct otherwise necessary to respond to legitimate educational circumstances. Staff shall not conduct social activities on a one-on-one basis outside of school with students or single out students from the general student population for special treatment (e.g. gifts, dinners, and rides) without prior consent of the student's parent and advance notice to the School District.

Any question by staff as to the appropriateness of an activity, relationship, or interaction with a student may be directed to the school building principal or designee. All inquiries into the appropriateness of an activity or relationship will be confidential to the fullest extent appropriate. *(All staff that suspect an inappropriate relationship exists between a staff member and student are required to immediately notify, orally or in writing, the school building principal or designee.) (Submission of a good faith report of a suspected violation of this policy will not adversely affect the reporting individual's employment. Submission of a purposely inaccurate report may result in disciplinary actions.)* All staff are required to sign the Rochester School District Anti-fraternization Agreement Form, which will become a part of an individual's personnel file.

Reporting and Investigation Procedures

Any and all suspected violations of this policy must be immediately reported, orally or in writing, by staff to their school building principal or designee. The school building principal or designee shall document all complaints in writing within twenty-four (24) hours. The school building principal or designee will immediately conduct an investigation and create a written record thereof within at least ten (10) workdays, which will be provided to the Superintendent or designee. If the alleged violation involves the school building principal, then the report shall be made to Superintendent, whom shall follow the procedural steps outlined in this section of the policy. If the alleged violation involves the Superintendent, then the report shall be made directly to the Chairperson of the School Board or designee, whom shall also follow the procedural steps outlined in this section of the policy.

The investigation may consist of personal interviews with the reporting individual, the alleged offender(s), and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the suspected violation of this policy, and a review of records when appropriate to determine the existence of previous reports. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. A written record will include the following:

1. the name of the alleged offender(s);
2. the nature of the allegation(s);
3. location and frequency of the violation(s);
4. a detailed factual description of the incident(s);
5. a list of all known witnesses;
6. a summary of the investigation, which will include interviews with the individual(s) reasonably believed to have relevant information, including but not limited to, the reporting individual, the alleged offender(s), and witnesses;
7. a description of any disciplinary actions already taken; and
8. a recommendation for further disciplinary action or review.

In determining whether the alleged conduct or relationship constitutes a violation of this policy, the District will consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, and the context in which the alleged conduct occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In addition, the District may take immediate steps, at its discretion, to protect the staff and student pending completion of an investigation of an alleged inappropriate activity or relationship. The District must sufficiently investigate all reports of inappropriate activity or relationships that are brought to its attention in order to determine the veracity of the report. The District will respect the privacy of the reporting individual(s), the individual(s) against whom the report is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All staff must fully understand that the reporting and investigation procedure implemented by the District is necessary to maintain the educational character and integrity of the District and to ensure compliance with this policy and the law.

Any and all violations of this policy determined by the principal or designee may result in disciplinary action taken against the offending staff member. If the violation of this policy warrants a criminal investigation, the Rochester Police Department or appropriate legal authorities will be immediately contacted.

Disciplinary Action

Any violation of this Anti-fraternization Policy and/or other Rochester School District policies may result in, but is not limited to, one or more of the following:

1. Written warnings or a letter or reprimand in the personnel file;
2. Other remedies, such as suspensions and terminations as covered under New Hampshire law; and consistent with appropriate collective bargaining agreements.
3. Referral to the appropriate legal authorities for possible criminal prosecution; and
4. Civil liability.

The Rochester School District reserves the right to add and include additional behaviors and activities that can result in disciplinary action to this policy and implement such changes after adoption by the School Board. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, New Hampshire and federal law and other School District policies. The District will take appropriate disciplinary action against any staff member who retaliates against any individual who reports an alleged violation of this policy or any individual who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such alleged violation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines:

1. Staff members shall not make derogatory comments to students regarding the school and/or its staff.
2. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
3. Staff members shall not associate with students in any situation or activity which could be considered sexually suggestive or involve the use of alcohol or illegal drugs by students.
4. Dating between staff members and students is prohibited.

5. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
6. Staff members shall not send students on personal errands.
7. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
8. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
9. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.

Confidentiality

All reports of a suspected inappropriate activity or relationship will be kept strictly confidential to the fullest extent practicable. Only those with "a need to know" shall have access to the report and investigation documents. Every effort will be made by the District to protect the anonymity of the reporting person, but it cannot always be guaranteed.

This policy shall not abrogate other District policies and remain consistent with appropriate collective bargaining agreements. It is the intent of the District for all of its policies to be read and interpreted in a consistent manner in order to provide the highest level of protection and safety for staff and students in the provision of educational services and opportunities.

**ROCHESTER SCHOOL DISTRICT
ANTI-FRATERNIZATION POLICY AGREEMENT FORM**

ALL STAFF MUST COMPLETE THE FOLLOWING.

1. I acknowledge that I have received, read, and fully understand the Rochester School District's Anti-fraternization Policy.
2. It is clear to me that the spirit and intent of this policy is to foster a positive learning and working environment for all students and staff in order to promote educational excellence.
3. I agree to immediately report any violations of this policy to the Principal of the school where the violation occurred, or where I am based, or the appropriate District employee designated thereby.
4. I am hereby put on notice and fully understand that my violation of this policy may result in disciplinary action, civil liability or criminal prosecution by the appropriate legal authorities.
5. I certify that the information contained in this form is true and accurate.

Staff Signature:_____ **Date:**_____

Staff Name:_____ **Date:**_____
(please print)

Home Address:_____

Home Phone Number:_____

Adopted: November 8, 2007
Amended: October 8, 2009