



BP 3052 EMPLOYEE STUDENT RELATIONSHIPS

References:

Education Code Section 87732, 88016

The District is committed to equity and excellence in all its educational endeavors.

In addition to their obligations under BP 3050, employees of the District have legal, moral and ethical obligations in their interactions with students. District employees, particularly faculty, are in a position of power, authority and privilege with respect to each student in a way that affects students' educational success and social/emotional development whenever and wherever they interact with a student. The role of an educator also engenders admiration, deference and a desire of the student to please. This unequal relationship stifles and incapacitates the ability of a student to freely consent. Therefore all employees shall adhere to basic standards of ethical, professional and moral behavior that acknowledge and conform to their obligations to and privileged status with respect to each student.

The District recognizes that adults, including young adults, may make choices regarding personal relationships. However, participating in a romantic or sexual relationship or engaging in other Prohibited Conduct defined below between a faculty member or other District employee and a student may jeopardize both the student's academic program and the learning environment for other students and raises serious concerns regarding unequal status and power, validity of consent, conflicts of interest, and preferential treatment. For these reasons, a District employee's professional responsibilities are incompatible with a sexual or romantic relationship with a student and with the other Prohibited Conduct, and the alleged consent of a student is not a defense for an employee who engaged in Prohibited Conduct..

Employees of the District engaging in such relationships or activities may put themselves, students, the College, its standing in the community, and its educational mission at risk. In addition to disciplinary action by the College, an employee of the District who engages in a romantic or sexual relationship or other Prohibited Conduct with a student risks loss of professional standing with colleagues and students, including allegations and charges of sexual harassment, and personal legal liability.

At the same time, the District acknowledges that a community college is made up of members of the community, and that it is possible, within the District, to be many different types of students and many different types of employees, some of whom will have relationships and interactions that do not touch in any way on their involvement with the college. This policy does not aim to separate adults who have such relationships that existed previous to their status as student or employee, nor does it



intend to curtail their involvement in generally accepted community activities that happen to include people who are students or employees.

Prohibited Conduct - Employees of the District shall not engage in any of the following behavior with any student at any time defined here as “Prohibited Conduct” on or off District property:

- For faculty, engage or seek to engage in a sexual relationship or sexual behavior with a student enrolled in the college, unless the employee and student in question were married or domestic partners or in a similar relationship at the time;
- For non-faculty, engage or seek to engage in a sexual relationship or sexual behavior with a student enrolled in the college, unless the employee and student in question are married or domestic partners at the time, in a similar relationship prior to enrollment, or the employee’s role in the college has no potential for meaningful impact on the student, or the standing or mission of the college;
- Engage or seek to engage in sexual exploitation of a student enrolled in the college or formerly enrolled in the college including, but not limited to, prostitution, trafficking of the student or former student or distributing or viewing images of sexual activity of the student or former student;
- Engage in non-consensual sexual behavior or sexual violence with any person;
- Inappropriately fraternize with a student or students, including fraternizing at the employee’s residence or other private places;
- Use illegal drugs in the presence of a student, provide or sell illegal drugs to a student or buy illegal drugs from a student, or participate, encourage or allow a student to use an illegal drug;
- Provide or sell alcohol to an underage student, or participate, encourage or allow an underage student to drink alcohol;
- Provide or sell to, or buy from, or participate in, encourage or allow a student to smoke or ingest marijuana who is not legally permitted to do so;
- Retaliate against another person for reporting or disclosing Prohibited Conduct or participating in or conducting an investigation regarding Prohibited Conduct.

For purposes of this policy “inappropriately fraternize” means, to engage or seek to engage in a relationship, or communication, or situation, or grooming behavior that falls outside of generally accepted teacher/student or work-related interactions or



communications, or that may reasonably create the appearance of favoritism, misuse of position, quid pro quo, or the abandonment of institutional goals for personal interests.

For purposes of this policy, an enrolled student is a person who is or has enrolled in one or more credit, noncredit or dual enrollment class (including online classes) at some time in the academic year before or concurrent with the date or dates the alleged Prohibited Conduct occurred. Students enrolled for any part of an academic year are considered students for that entire academic year including summer sessions.

An employee who becomes aware of an alleged violation of the Prohibited Conduct described in this policy shall report the allegation to the designated Title IX Officer, the Vice President of Human Resources, the Executive Vice President for Educational Programs or the Superintendent/President.

Confidential Resource employees designated by the Superintendent/President who receive information about Prohibited Conduct in their confidential capacity, for example, licensed counselors in student health and counseling centers and employee assistance programs, are not required to report allegations of Prohibited Conduct, but are not exempted by this policy from any other legal reporting requirement.

A student who wishes to report an alleged violation of Prohibited Conduct may report it to the designated Title IX Officer, the Executive Vice President for Educational Programs, the Vice President of Human Resources or the Superintendent/President.

All students, including credit students, dual enrollment students, noncredit and fee-based students and online students, are covered by this policy. For purposes of this policy a student who is also an employee is both a student and an employee.

The Superintendent/President shall implement procedures to obtain from each employee a signed written statement acknowledging and agreeing to their obligations under this BP 3052 as well as BP 3050. The Superintendent/President shall also implement procedures to assure that students and employees are clearly informed of where and how to report alleged violations of this policy. The Superintendent/President shall implement procedures to investigate and address all alleged violations of this policy in accordance with applicable laws.

An employee who engages in any Prohibited Conduct is subject to discipline including termination in accordance with the applicable provisions of the Education Code including, but not limited to, Education Code Section 87732 in the case of a regular or academic employee, and Education Code Section 88016, in the case of a classified employee and applicable Board Policies and procedures.



Allegations of Prohibited Conduct will be handled with all normally applicable due process pursuant to Board Policies and applicable law.

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