

	Human Resources Management V-B-7
<p style="text-align: center;">STRAIT REGIONAL SCHOOL BOARD <i>Excellence in Lifelong Learning</i></p> <p style="text-align: center;">Policies And Guidelines</p>	<p>Employees, General Allegations of Sexual Misconduct Involving Students</p>
	<p>Adopted: April 9, 2013</p> <p>Revised:</p>
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ALLEGATIONS OF SEXUAL MISCONDUCT INVOLVING STUDENTS

POLICY STATEMENT

The Strait Regional School Board and every staff member within the School Board is committed to and responsible for providing a safe, respectful and positive learning environment that is free from sexual misconduct for each student.

While this policy includes all relevant *Criminal Code* offences as well as Section 25 of the *Child and Family Services Act*, such legal requirements are only the bare minimum protections towards children. The Strait Regional School Board fully believes and supports a far greater duty of care towards the students within its Board. Every employee owes a duty of care and concern for the well-being and best interests of each and every student within the Board.

In the enforcement of this policy and supporting procedures, the Strait Regional School Board shall also adhere to relevant legislation, policies and procedure including but not limited to the *Education Act and Regulations under the Act*; the *Freedom of Information and Protection of Privacy (FOIPOP; Protocol and Guidelines for Child Protection Workers and School Personnel in the Strait Regional School Community* (August 2010); the Procedural Protocol for Child Abuse Registry and Criminal Records Checks contained in PRO V-A-2, Recruitment, Hiring and Retention of Employees; *collective agreements*; and *other applicable provincial and Board policies*.

DEFINITIONS

Employee

For the purposes of this Policy and its associated guidelines, *Employee* is a staff member hired by the Strait Regional School Board in any capacity (e.g., permanent, regular, term, temporary, substitute, casual, secondment) and, for the purposes of this policy, also includes volunteers and any other adult(s) working within the school board jurisdiction who is not otherwise a student as per the definition below, including but not limited to student teachers, persons on work placements and those who are in an employee-like relationship (e.g., service contracted employees).

The status and/or characteristics of the employee (such as gender, age, position, location of work, employment status, etc.) is not relevant in determining whether or not sexual misconduct has occurred nor the appropriate remedial response to such sexual misconduct.

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Student

For the purposes of this Policy and its associated guidelines, *Student* is a current student of the Strait Regional School Board and one who has left the school board for any reason (including graduation) within the past twelve (12) months.

The characteristics of the student (such as gender, age, location, real or perceived consent, real or perceived initiation or provocation, history of sexual relations, physical appearances, real or apparent parental approval etc.) is not relevant in determining whether or not sexual misconduct occurred nor the appropriate remedial response to such sexual misconduct.

Sexual Misconduct

Sexual Misconduct is any interaction between an employee and a student that is sexualized in nature, including but not limited to:

- sexual relations
- sexual contact
- sexual abuse
- sexual harassment
- sexual conduct such as remarks, jokes, innuendo, leering, gestures, taunts
- sexual communications (verbal, written, electronic, gesture)
- materials of a sexual nature involving student(s) and/or distributed to student(s) including but not limited to pictures and diagrams
- establishing, attempting to establish or participating in an intimate, personal, or emotional relationship even where there is not overt sexual content, including but not limited to:
 - letters, texts, emails, messages, phone calls, or conversations
 - gifts
 - private meetings
 - dates
 - any action where a reasonable person could conclude that such actions could reasonably be construed as an attempt to develop into a sexual or sexualized relationship.

GUIDELINES

1. No employee will engage in any activities that may be considered sexual misconduct towards a student.

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7. For situations involving the sexual misconduct between employees, the disciplinary procedures outlined in their respective collective agreements shall prevail.

8. This policy will be reviewed by the Strait Regional School Board at least every five years.

9. The Strait Regional School Board has established detailed supporting procedures to guide all aspects of this Policy. Please refer to PRO V-B-7.