

**CHIGNECTO-CENTRAL
REGIONAL SCHOOL BOARD**

POLICY #HR-11

SEXUAL MISCONDUCT

[BOARD MINUTE #06-13, Page 6]

The Chignecto-Central Regional School Board (the “CCRSB”) believes that every staff member and non-student adult within the school board is responsible for providing a safe, respectful and positive learning environment that is free from sexual misconduct for each student.

Legislative requirements provide minimal levels of protection for children. The CCRSB fully believes and supports a far greater duty of care towards the students within its Board. Each and every employee and non-student adult within CCRSB’s jurisdiction owes a duty of care and concern for the best interests and well being of each and every student within the board.

CCRSB staff and other non-student adults within the school board are expected to support and assist students with their education and are not to engage in behaviour that distracts students from focusing on their education.

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ADMINISTRATIVE PROCEDURES

Definitions:

“CCRSB Adult” is a staff member of any classification (e.g. teacher, principal, administrative assistant, educational assistant, director, coordinator, custodian, bus driver, foreperson, etc.) hired by CCRSB in any capacity (e.g. permanent, probationary, regular, term, temporary, substitute, casual, secondment) and any other adult within the school board jurisdiction who is not otherwise a student, including but not limited to: volunteers; student teachers; contractors; and persons on work placements. The status and/or characteristics of the CCRSB Adult (such as gender, age, position, location of work, employment status etc.) are not relevant in determining whether or not Sexual Misconduct has occurred.

“Remedial Response” is disciplinary action up to and including dismissal or, if CCRSB does not have the authority to discipline the CCRSB Adult, a measured and appropriate response within CCRSB’s authority.

“Sexual Misconduct” is any interaction between a CCRSB Adult 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);
- Materials of a sexual nature involving student(s) and/or distributed to student(s); and
- 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, electronic communications including but not limited to texts, emails, and/or social media, messages, phone calls, or conversations;

- gifts;
- private meetings; and
- dates;

where a reasonable person could conclude that such actions could reasonably be construed as an attempt to develop into a sexual or sexualized relationship.

Additionally, the viewing, distribution and/or participation in child pornography (even where it does not involve a student of the board) shall be considered sexual misconduct for the purposes of Policy #HR-11, Sexual Misconduct.

“Student” is a current student of the CCRSB and one who has left CCRSB 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.*) are not relevant in determining whether or not Sexual Misconduct occurred.

Prohibition on Sexual Misconduct

No CCRSB Adult will engage in any activities that may be considered Sexual Misconduct towards a Student.

Reporting:

All CCRSB Adults who have reasonable grounds to suspect there is, or there may be, or there may have been Sexual Misconduct between a CCRSB Adult and a Student have an obligation to report their suspicions to CCRSB.

The reporting requirements in CCRSB Policy #HR-11, Sexual Misconduct. are in addition to any reporting requirements that may also be required pursuant to CCRSB Policy #ES-G-12 (Child Abuse and/or Neglect).

The CCRSB has a corresponding responsibility to provide reasonable safeguards for the protection of any such individual who comes forward with a reasonable suspicion within the confines of providing a fair and valid investigation.

An accusation of Sexual Misconduct by a CCRSB Adult which the CCRSB Adult knows to be false will result in a Remedial Response.

Discipline:

Where a CCRSB Adult who, upon investigation, is found to have engaged in:

Sexual Misconduct involving intercourse, oral sex and/or other direct contact with genitals with an individual who is known or ought reasonably to have been known by the CCRSB Adult to be a Student, there is a strong presumption that the CCRSB Adult will be dismissed.

Any other Sexual Misconduct with an individual who is known or ought reasonably to have been known by the CCRSB Adult to be a Student will result in a Remedial Response, up to and including dismissal.

The characteristics of the Student and CCRSB Adult (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.*) are not relevant in determining the Remedial Response.

Guidelines:

Accordingly, the Board expects the Superintendent of School (or designate) to prepare, implement and monitor guidelines and procedures such that:

- Appropriate measures are taken to prevent incidents of Sexual Misconduct between a CCRSB Adult and Student;
- CCRSB Adults are informed of Policy #HR-11, Sexual Misconduct, and the consequences for a breach;
- CCRSB Adults are informed of and encouraged to follow best practices in conducting oneself to minimize risks of being inaccurately accused of Sexual Misconduct
- Appropriate measures are taken to thoroughly and appropriately investigate allegations and/or reasonable suspicions of Sexual Misconduct between a CCRSB Adult and Student;
- Depending on the circumstances, the police will be contacted and cooperated with, as appropriate; and
- Depending on the circumstances, any external agency (e.g. local child welfare agency) that ought reasonably to be involved will be contacted and cooperated with, as appropriate.

Distribution

All Policy and Procedure Manual holders