

**TRI-COUNTY REGIONAL CENTRE FOR EDUCATION
POLICY and PROCEDURES**

Title	Effective Date	Revision Date	Pages
No. 831 SEXUAL MISCONDUCT BETWEEN STAFF AND STUDENTS	September 4, 2012		3

It is the policy of the Tri-County Regional Centre for Education and every staff member within the Tri-County Regional Centre for Education to provide a safe, respectful, and positive learning environment that is free from sexual misconduct.

Procedure Under Policy 831

The Tri-County Regional Centre for Education and every staff member within the Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education fully believes and supports a far greater duty of care towards the students within its Tri-County Regional Centre for Education. Each and every employee owes a duty of care and concern for the best interests and well-being of each and every student within the Tri-County Regional Centre for Education.

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

All Employees have an obligation to come forward and report reasonable suspicions of sexual misconduct between a staff member and a student. The Tri-County Regional Centre for Education 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. However, where an individual knowingly makes an accusation which they know to be false, the Tri-County Regional Centre for Education provides a measured and appropriate response within its authority.

“Employee” is a staff member hired by Tri-County Regional Centre for Education 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 within the Tri-County Regional Centre for Education jurisdiction who is not otherwise a student including but not limited to student teachers and persons on work placements. 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.

**Procedure Under Policy 831 Cont'd**

“Student” is a current student of the Tri-County Regional Centre for Education. However, alleged misconduct involving a former student is subject to this policy and its procedures so long as it occurred while the former student attended Tri-County Regional Centre for Education.

“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)
- Materials of a sexual nature involving student(s) and/or distributed to student(s)
- 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

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

Where an employee who, upon investigation, is found to:

- have had an explicit sexual relationship with an individual who is known or ought reasonably to have been known by the employee to be a student, there is a strong presumption that such employee will be subject to the disciplinary action of discharge
- have committed a form of sexual misconduct other than explicit sexual relations with a student, such employee is subject to remedial action that includes disciplinary action up to and including discharge.

Procedure Under Policy 831 Cont'd
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Accordingly, the Tri-County Regional Centre for Education expects the Regional Executive Director of Education (or designate) to prepare, implement and monitor guidelines and procedures such that:

- Appropriate measures are taken to prevent incidents of sexual misconduct between an employee and student.
- Employees are informed of the appropriate boundaries between an employee and student, the requirements of the policy, and the consequences for a breach.
- Employees 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 an employee and student.
- Depending on the circumstances, the police will be contacted and cooperated with, as appropriate.
- 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.