

School District #62 (Sooke)

SEXUAL MISCONDUCT	No.: C-318
	Effective: May 27/25 Revised: Reviewed: Mar. 4/25; Mar. 11/25; May 27/25

PURPOSE:

The purpose of this policy is to clearly state the commitment of School District #62 (Sooke) to addressing Sexual Misconduct involving students, through:

- facilitating a safe and secure learning environment that is free from Sexual Misconduct;
- defining the roles and responsibilities of individuals in implementing and carrying out programs and practices in the prevention of, and response to, Sexual Misconduct;
- assisting those who have experienced Sexual Misconduct by providing information and support, including provision of and/or referral to counselling, academic and/or other accommodation;
- using clear, appropriate, and fair process for handling complaints of Sexual Misconduct.

DEFINITIONS:

Complainant – An individual who files a Complaint. In some instances, the district may act as a Complainant where it becomes aware of allegations of Sexual Misconduct that, if true violate this policy but no person comes forward with a Complaint, or where an investigation is required by law.

Complaint – A statement that situation is unsatisfactory or unacceptable. For the purpose of this policy, a Complaint is a written statement of facts that alleges Sexual Misconduct involving a student, including a record of the dates, times, nature of any incidents and names of witnesses. The Complaint must contain sufficient detail to allow district staff to assess the Complaint and conduct an investigation, if required. A complaint can be made by a person who has experienced Sexual Misconduct or who has been a witness to Sexual Misconduct.

Disclosure – The communication to a district employee of an experience of Sexual Misconduct. Disclosure on its own does not initiate an investigation, except where required by policy. Disclosure can be verbal and/or written.

Educational Accommodation – A change or alteration in the physical environment, or an adaptation of teaching, assessment, or evaluation procedures.

Immunity – Protection or exemption from additional penalty or disciplinary action.

Investigator – A person appointed by the district to investigate a complaint. When criminal allegations are made against a student, the district will not investigate the circumstances until specific directions are received from the investigating agency (e.g. police or a social worker).

District-Related Activity – Any activity while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school environment, including online behaviours created outside of the school setting.

Respondent – An individual who is alleged to have engaged in conduct that violates this policy.

Victim/Survivor -For some, the use of 'victim' terminology implies passivity, whereas, the of 'survivor' language suggests action. For many individuals either term may be appropriate at different times.

Sexual Misconduct – This term is used a broad sense and includes any unwanted act – physical or psychological – carried out through sexual means or by targeting sexuality. It can include a wide range of acts, including the attempt or threat to act of a sexual nature, specifically:

- sexual assault,
- sexual exploitation,
- sexual harassment
- indecent exposure,
- voyeurism, and
- distribution of sexually explicit photographs or video.

Student – As defined under Section 1 of the *School Act*, means a person enrolled in an educational program provided by the board.

SCHOOL BOARD POLICY

The Board of Education for School District #62 (Sooke) is committed to providing a safe, nurturing, and positive learning environment, free from sexual misconduct. The Board will not tolerate, condone or ignore sexual misconduct in the district.

The policy is aligned with governing legislation, including but not limited to, the *Criminal Code of Canada*, the *BC School Act*, the *Child, Youth, and Family Service Act*, the *Police Act*, and the *Freedom of Information and Protection of Privacy Act*.

This policy is consistent with other district policies and procedures, including C-309, District and School Codes of Conduct, related to the reporting, investigating and dealing with abuse, neglect, exploitation, sexual harassment and misconduct within the district.

All persons who disclose or file a complaint regarding an experience of Sexual Misconduct can expect from the district:

- to be treated with compassion, dignity, and respect;
- to be respected in their choice as to whether or when they wish to Disclose or file a Complaint regarding their experience;
- timely assistance with safety planning;
- timely information about available support services and resources;
- discussion of appropriate educational or other accommodations;
- to have all information related to the incident of Sexual Misconduct treated with the utmost confidentiality associated with each option, unless the complaint or disclosure indicates others may be in danger of imminent harm or the student is a minor under the *Child, Family, and Community Services Act*;
- if they decide to file a complaint, a clear explanation of the investigation and decision process, a procedurally fair and unbiased process, and regular updates on the status of the process; and
- be granted immunity from disciplinary actions for minor infractions that may have been disclosed during the reporting process, such as alcohol or drug use, which may be considered violations of district policy. This immunity does not extend to criminal activities or actions that pose

significant harm to others. Any major infractions or violations unrelated to the Sexual Misconduct incident shall be addressed separately and in accordance with district policy and procedures.

All persons who are alleged to have violated this policy can expect the following from the district:

- to be treated with compassion, dignity, and respect;
- timely information about available support services and resources;
- to be advised of the options available to them; and
- if a Complaint is filed, a clear explanation of the investigation and decision process, a procedurally fair and unbiased process, and updates, as appropriate, on the status of the process.

SCOPE:

This policy applies to Sexual Misconduct involving students at all district schools and sites, as well as Sexual Misconduct that takes place at any school-related activity or in other circumstances where engaging in the activity will have a negative impact on the school environment, including online behaviours created outside of the school setting.

This policy may not apply to disclosures and complaints of Sexual Misconduct where legislation requires that another process be followed instead of the procedure described in this policy. This policy is not intended to supersede or interfere with prevailing laws. Anyone who has experienced Sexual Misconduct has the right to pursue criminal or civil legal avenues whether or not they choose to proceed under this policy.

The district reserves the right to initiate an investigation and/or inform police without the consent of the person disclosing or filing a complaint regarding Sexual Misconduct, and/or take any other action it feels reasonable and appropriate, if the district has a reasonable belief that the safety of a student in the district and/or broader community is at risk.

References:

Legislation

- *British Columbia School Act*
- *Criminal Code of Canada*
- *Child, Family, and Community Services Act*
- *Freedom of Information and Protection of Privacy Act*
- *Police Act*

Policy

- C-309 District and School Codes of Conduct
- C-310 Student Behaviour
- C-314 Alcohol and other drugs – Possession, Exchange and Non-Medical Use
- C-316 Breaches of Peace and Order
- C-319 Student Suspension