



Department: Human Resources
Section: Employee and Labour Relations

The Annapolis Valley Regional School Board (AVRSB) and every employee 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. 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 Region.

Specifically

- 1.0 “Employee” is defined as a staff member hired by the AVRSB in any capacity (e.g. permanent, regular, term, temporary, substitute, casual, spare, secondment) and, for the purposes of this policy, also includes volunteers, and any other adult within the school board 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.
- 2.0 “Student” is defined as a student currently attending a school under the jurisdiction of the AVRSB. 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.
- 3.0 “Sexual Misconduct” is any interaction by an employee toward a student that is sexualized in nature including but not limited to:
 - 3.1 sexual relations
 - 3.2 sexual contact
 - 3.3 sexual abuse
 - 3.4 sexual harassment
 - 3.5 sexual conduct such as remarks, jokes, innuendo, leering, gestures, taunts
 - 3.6 sexual communications (verbal, written, electronic)
 - 3.7 materials of a sexual nature involving student(s) and/or distributed to student(s)
 - 3.8 Establishing, attempting to establish or participating in an intimate, personal, or emotional relationship and/or behaviour even where there is not overt sexual content including but not limited to:
 - 3.8.1 letters, texts, photographs/images, emails, messages, phone calls, or conversations
 - 3.8.2 gifts
 - 3.8.3 private meetings
 - 3.8.4 datesWhere a reasonable person could conclude that such actions could reasonably be construed as an attempt to develop a sexual or sexualized relationship and/or behaviour.

- 4.0 This applies to relationships and/or behaviours between employees and students that occur:
- 4.1 at schools, school board offices, buildings under school board jurisdiction, or
 - 4.2 elsewhere in the course of school or school-board related responsibilities or
 - 4.3 at social functions, travel, conferences or training events;
 - 4.4 by email, telephone, written or other communications; or
 - 4.5 at any other activity approved by the school or school board.
- 5.0 It is the responsibility of the Director of Human Resources to prepare, implement and monitor guidelines and procedures such that:
- appropriate measures are taken to prevent incidents of sexual misconduct by an employee toward a 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.
- 6.0 Any allegations and/or reasonable suspicion of sexual misconduct by an employee toward a student must be reported to the Director of Human Resources or designate. In compliance with the “Investigation of Allegation of Abuse by an Employee” Policy, then it may be necessary to report the allegation to the appropriate agency.
- 7.0 The Director of Human Resources will determine who will investigate the complaint.
- 8.0 The investigator will gather all information relevant to the situation.
- 9.0 Wherever possible, investigations should be finalized within sixty (60) days after receiving a complaint. The Director of Human Resources may extend the time line where circumstances warrant.
- 10.0 Consequences for employees may be discipline, up to and including termination of employment, and for other school community members may be up to and including severance of involvement with the school, as determined by the school board in accordance with relevant legislation, applicable policies and after appropriate consultation.

Monitoring

- The Director of Human Resources is responsible for the implementation, monitoring and revision of this administrative procedure.
- This administrative procedure will be monitored annually.

Superintendent Approved: September 7/11

Ref: BP 305.25

Monitoring Date: Annually

Revised: