

## **SEXUAL ABUSE ALLEGATIONS**

### **Background**

The Division is committed to providing an environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional workplace and to learn in a safe setting which promotes equality of opportunity and which prohibits abusive practices.

The Division requires all employees, students and volunteers to conduct themselves in a manner which promotes the best interest, protection, and well-being of others.

An employee, student or volunteer who inappropriately exposes or subjects others to sexual contact, activity, or behaviour is acting contrary to this Administrative Procedure and may be subject to disciplinary action.

### **Definitions**

Sexual abuse occurs when a person is inappropriately exposed to or subject to sexual contact, activity or behavior.

Employee is any person who is employed in a permanent or temporary capacity by the Division or any contractor under contract for services to the Division.

Investigator is the Superintendent or a person appointed by the Superintendent to investigate an allegation of sexual abuse.

Student has the same meaning as "student" and "independent students" as defined in the Education Act and also includes children registered in an Early Childhood Services program operated by the Division.

Volunteer is any person who is volunteering to assist students in school based or school sponsored activities.

### **Procedures**

1. Concerns or complaints about conduct subject to this Administrative Procedure are to be referred to the Superintendent or designate.
2. Alleged Sexual Abuse
  - 2.1 The Superintendent or designate, when receiving an initial concern of alleged sexual abuse, shall take appropriate legal advice and may work in cooperation with police and social services authorities to determine an appropriate course of action.
  - 2.2 The Superintendent, alone or by delegation to another person as investigator, may

- make inquiries, conduct investigations, gather information and take appropriate action to deal with the alleged sexual abuse.
- 2.3 During the investigative process, the Superintendent or designate shall assure that care is taken with respect to the collection of evidence and confidentiality.
  - 2.4 In the event that the police pursue the matter, the criminal investigation and any subsequent charges are their responsibility.
  - 2.5 Notwithstanding the police investigation or any charges related to such an investigation, the Superintendent or designate may decide that an internal investigation is necessary and shall proceed with the internal investigation separate from the police investigation.
  - 2.6 If the Superintendent or designate decides an internal investigation is necessary, the Superintendent or designate shall:
    - 2.6.1 Advise the employee, volunteer or student in writing, of the allegations and inform them of his/her rights;
    - 2.6.2 Advise the complainant of any action to be taken.
  - 2.7 Following the completion of the internal investigation and upon a finding of sexual misconduct, the Superintendent or designate shall take appropriate disciplinary action.
3. The investigator shall work in consultation with the RCMP and Social Services (if appropriate).
  4. The investigator shall make initial contact as appropriate with employee, parents, student.
  5. The investigator shall undertake further consultation with the RCMP if appropriate.
  6. The investigator shall evaluate information and decide on further action. Factors to consider include clarity, certainty, consistency, elaborated detail, action sequence, context, secrecy and affective details. If no action is deemed necessary, shall communicate this to the person making initial report.
  7. If further action is deemed necessary by the Superintendent or designate, appropriate action will be taken. The nature of this action will be communicated by the Superintendent or designate to the person making the initial report, the person about whom the complaint was received, and any other persons deemed appropriate.
  8. Following the completion of the internal investigation and upon a finding of sexual misconduct, the Superintendent or designate shall take appropriate disciplinary action.
  9. The Superintendent or designate shall develop and implement appropriate support strategies to deal with the circumstance of each complaint.
  10. The Superintendent or designate shall complete and follow-up activities that may be necessary based on the specific circumstance. Note: For instances of suspected child abuse occurring in a setting not connected to the school refer to Administrative Procedure 325 – Child Abuse.

11. For instances of suspected child abuse occurring in a setting not connected to the school, refer to Administrative Procedure 325 – Reporting Child Abuse.

Adopted/Revised/Revised: JUN 2016/NOV 2019/JUL 2023

Reference: Section 11, 33, 52, 53, 197, 204, 222 Education Act  
Alberta Human Rights Act  
Child Youth and Family Enhancement Act  
Employment Standards Code  
Occupational Health and Safety Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code  
Individual's Rights Protection Act  
Student Record Regulation 225/2006  
ATA Code of Professional Conduct