

SELF/PEER MEDIA EXPLOITATION

Background

Student safety and the development of social responsibility is a priority in the District. Standards and guidelines are important to assist students in navigating their way through the Internet and social media sites that contain inappropriate and illegal media usage. The District is committed to reducing and repairing harm, to ensure school safety.

Possession, creation and/or distribution of pornography (self/peer media exploitation) is to be treated as a serious matter that could potentially result in escalating consequences that may include suspension or expulsion from the District. Possession, creation and/or distribution of child pornography may also result in criminal charges.

Definitions

Age of Consent (Sexual Activity): In Canada, anyone under the age of 16 cannot consent to sexual activity with an adult who is five (5) years older or more. For youth 12 and 13 years of age, the “close in age exemption” means the individual must be less than two (2) years older than the child. In addition, there can be no consent where one of the parties is in a position of trust or authority towards the child, or the relationship is otherwise exploitative of the child.

Affected Youth: Youth whose image/video has been taken and/or distributed whether by themselves or others.

Bystander: Youth who receive the distributed image/video and/or youth who are aware of the exploitative images/video.

Child Pornography (as defined by the Criminal Code): A photograph, film, video or other visual representation that shows a person who is or is depicted as being under the age of 18 years and is engaged in or is depicted as engaged in explicit sexual activity, or the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of 18 years.

Exploitative Media: A photograph, film, video or other visual representation, whether or not it was made by electronic or mechanical means.

Offending Youth: Youth who have taken and/or distributed an image/video of someone other than themselves.

Peer Media Exploitation: Often coined in the media as “sexting”, it is generally defined as youth creating, sending or sharing sexual images and/or videos with peers via the internet and/or electronic devices. Self/Peer exploitation usually involves exchanging images/videos through cell phone messaging, messaging apps, social networking.

Procedures

1. The Principal is responsible for ensuring the District's procedure regarding accessing, possession and distribution of pornographic images and peer/media exploitation is followed consistently in all cases.
2. The Principal is responsible for ensuring students and parents are advised that hand held devices (e.g. cell phones, iPods, tablets, etc.) may be subject to search and seizure at any time there are reasonable grounds to believe that self/peer media exploitation has occurred. Fair notice shall be annually through school agendas and posted on school websites.
3. For possession of adult pornography (possession of pornographic images of someone over 18 years), the Principal is to:
 - 3.1. Secure the device
 - 3.2. Report to RCMP
 - 3.3. Notify parents
 - 3.4. Depending on the nature and intent of the offense the student may be subject to escalating interventions and consequences
4. For possession of child pornography (possession of pornographic images of someone under 18 years) , the Principal shall:
 - 4.1. Secure the device
 - 4.2. Report to RCMP
 - 4.3. Notify parents of the affected and offending youth(s).
 - 4.4. Notify and consult with the Assistant Superintendent.
 - 4.5. After the police and school have determined criminal intent, an action plan is created by the Principal and police.
 - 4.6. Depending on the nature and intent of the offense, the student may be subject to escalating interventions and consequences.
5. The primary intention of the consequence(s) is for the wellbeing of the students and school culture. Where appropriate given the circumstances, harm reduction and restoration rather than punishment is advised. Nature, intent and extent will be considered when issuing consequences. If the actions are criminal in nature, the police will undertake investigations and liaise with school and District staff in regards to school responses.

6. Suspensions and other consequences require consultation with the Assistant Superintendent, and are intended to reflect Administrative Procedure 350 – District Student Code of Conduct. Threat assessments, safety plans and other preliminary assessments may be used to assist in understanding both the offense and appropriate consequences and interventions.
7. Safety of affected youth impacted by the offense will be considered a priority in consideration of consequences and interventions.

Reference: Sections 6, 8, 20, 22, 65, 85 School Act
Youth Justice Act
Criminal Code of Canada
Youth Criminal Justice Act (Canada)

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