

## **ADMINISTRATIVE PROCEDURE 305 SEXUAL HARASSMENT AND SEXUAL MISCONDUCT**

### **Purpose**

The purpose of this Administrative Procedure (“Procedure”) is to ensure that all students, employees, and members of the Chilliwack School District (the “District”) community learn and work in environments that are safe, respectful, inclusive, and free from sexual harassment and sexual misconduct.

The District is committed to preventing, addressing, and responding to incidents of sexual harassment and sexual misconduct in a manner that is:

- Trauma-informed and dignity-affirming.
- Fair, impartial, and confidential.
- Consistent with legislative and collective agreement requirements.
- Developmentally appropriate when students are involved.

This Procedure applies to student-to-student, student-to-staff, and staff-to-staff contexts. Adult-to-student and caregiver-to-student matters are addressed separately under [Administrative Procedure 420: Reporting Suspected Cases of Child Abuse and Neglect](#).

### **Scope and Application**

This procedure applies to all members of the District community, including:

- Students
- Employees (teaching, support, management, administrative)
- Trustees
- Volunteers, contractors, and service providers
- Visitors and any other individuals participating in District-related activities

### **Definitions**

- **Sexual Harassment** - Unwelcome conduct or comment of a sexual nature that a reasonable person would expect to have the effect of:

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Related Legislation: Charter of Rights and Freedoms, Section 15.1; B.C. Humans Rights Code; Maintaining School Safety: A guide for School and Policy Personnel in BC 2019; BC Human Resources Policy 11 – Discrimination, Bullying and Harassment in the Workplace; Youth Criminal Justice Act (Canada)

Adopted: January 26, 1999

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- Creating an intimidating, hostile, or offensive learning or working environment; or
- Adversely affecting an individual's employment, education, or participation in District activities.

This includes, but is not limited to:

- Unwelcome sexual advances.
  - Sexualized comments, jokes, gestures, or remarks.
  - Unwanted physical contact of a sexual nature.
  - Display or distribution of sexually explicit or degrading material.
  - Harassment based on sex, sexual orientation, gender identity, or gender expression.
- **Sexual Misconduct** - Conduct of a sexual nature that may include sexual harassment, sexual assault, sexual exploitation, or boundary violations, and may constitute a breach of District expectations and/or law.
  - **Complainant** – A person who reports or is believed to have experienced sexual harassment or sexual misconduct.
  - **Respondent** – A person alleged to have engaged in sexual harassment or sexual misconduct.
  - **Disclosure** – The sharing of information regarding an experience of sexual harassment or sexual misconduct, without necessarily requesting action or investigation.
  - **Report** – A request for the District to act in response to alleged sexual harassment or sexual misconduct.

### Principles

The District will:

- Take all disclosures and reports seriously and respectfully.
- Act in a timely manner when made aware of concerns.
- Protect privacy and confidentiality to the extent possible.

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- Mitigate the risk of retaliation or reprisal.
- Consider the age, capacity, and vulnerability of students.
- Support a fair process for all parties involved.

### **Roles and Responsibilities**

#### **All Members of the District Community**

- Refrain from engaging in sexual harassment or sexual misconduct.
- Report or disclose concerns when safe to do so.
- Cooperate respectfully in processes arising under this Procedure.

#### **Employees**

- Report incidents to your supervisor, Human Resources, or your respective union representative in accordance with your Collective Agreement provisions.
- Maintain confidentiality and professional boundaries.

#### **Administrators**

- Receive disclosures and reports in a trauma-informed manner.
- Take immediate steps to ensure safety.
- Consult with the Assistant Superintendent and/or Human Resources, as necessary.
- Ensure consistent application of this procedure.

### **Reporting and Disclosure**

Individuals have agency to choose to:

- Seek support only.
- Make an informal report.
- Make a formal report requesting investigation or action.

#### **Employee Reporting/Disclosure Options**

- A school administrator

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- A supervisor or manager
- District Human Resources
- The Superintendent or designate if the respondent is in a direct supervisory position over the complainant.

### **Student Reporting/Disclosure Options**

- Trusted adult (within the school, community, or family)
- Trusted peer

### **Third-Party or Anonymous Information**

Information received from third parties will be assessed and addressed while recognizing limits to the investigation created by requirements to maintain anonymous reporting. RCMP investigations connected to charges may override anonymous reporting.

### **Mandatory Reporting**

Nothing in this procedure limits obligations under:

- Child protection legislation (governed by [Administrative Procedure 420: Reporting Suspected Cases of Child Abuse and Neglect](#))
- Criminal law reporting
- Professional duty to report

### **Interim and Supportive Measures**

At any stage, the District may implement reasonable measures to ensure safety and well-being, including:

- Schedule or seating adjustments.
- Supervision or no-contact arrangements.
- Academic or workplace accommodations.
- Referral to internal or external supports.
- Activation of an Assessment of Risk to Others (ARTO) protocol.

Such measures are not disciplinary in nature.

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## Investigation and Resolutions

### **For Staff**

Please refer to [Administrative Procedure 520: Respectful Workplace - Reporting, Investigation and Resolution Procedures](#)

### **For Students**

#### Investigation

The District will conduct an investigation that:

- Is impartial, timely, and fair.
- Provides opportunity for all parties to be heard (as able).
- Is documented appropriately.

#### Informal Resolution

Where appropriate, concerns may be addressed through:

- Education related to sexual harassment.
- Clarification of expectations.
- Facilitated discussion.
- Restorative or educational approaches.

#### Formal Resolution

- Work through progressive discipline model according to [Administrative Procedure 321: Student Code of Conduct](#)

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