

Administrative Procedure 148

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 navigating their way through internet and social media sites that contain inappropriate and illegal media usage. The District is committed to reducing and repairing harm, and to ensuring 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.

Distribution: The transmitting, publishing, making available, distributing, selling, advertising or the sharing of images/videos in any way.

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

Extent: This refers to breadth of distribution of an explicit image/video on a continuum; not distributed, limited distribution versus widespread distribution. Consideration for the number of people who have viewed the image, the number of people involved in the dissemination of the image as well as the extent of dissemination and overall implications and consequences.

Intent: Intent refers to the motivations behind the creation and/or sharing of explicit images/videos on a continuum; impulsive/no malicious intent, malicious intent may be present or clear malicious intent.

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

Nature: Nature refers to the seriousness of sexual explicitness of the images/videos on a continuum; images depict a child (under 18) partially clothed or clothed in undergarments, images depict a child (under 18) semi-nude, or involved in a sexual act, or images depict a child (under 18) semi-nude, or involved in a sexual act; OR the offending youth has multiple offences of this kind.

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 social media devices (eg. cell phones, ipods, computers) may be subject to search and seizure at any time there are reasonable grounds to believe that self/peer media exploitation has occurred. This notification will be done annually through school agendas and posted on school websites. District documentation includes the [District Code of Conduct](#) and [Fair Notice](#).
3. Regardless of where the information comes from (students, parents, RCMP, community agencies or an anonymous report etc.) it is the principal’s responsibility to investigate the allegations that a student may be in possession of or have been in the act of distributing child pornography.
4. If such allegations are brought forward after school hours (evenings, weekends, non-instructional periods such as holidays), the principal should encourage the reporter to report the matter directly to the RCMP non-emergency line: 604-532-3200. If there is immediate danger to a child, the reporter should call 911.
5. For possession of adult pornography (possession of pornographic images of someone over 18 years), the principal is to:
 - 5.1. Assess the nature of the images.

- 5.2. Have the student delete the images.
 - 5.3. Notify parents.
 - 5.4. Depending on the nature and intent of the offense the student may be subject to escalating interventions and consequences.
6. For possession of child pornography (possession of pornographic images of someone under 18 years), the principal shall:
 - 6.1. Secure the device.
 - 6.2. Do not view or copy images/videos from devices.
 - 6.3. Contact the school liaison officer/police.
 - 6.4. In conjunction with the police, assess the nature of the images, the intent behind the creation/sharing of the images, and the extent of distribution. Identify relationships between parties. Remain objective and focus on the facts. Is this non-consensual picture sharing? Remember not to blame the affected youth or minimize the impact of the events. Consider if extortion, sextortion or threat related behavior is involved and whether to activate a [Violent Risk Threat Assessment \(VTRA\)](#).
 - 6.5. If the police determine that an image is child pornography they will undertake further investigations and seize the device in question.
 - 6.6. Notify parents of the affected and offending youth(s). Remember to consider any unique safety concerns before informing parents (for example, violence already in the home).
 - 6.7. Notify and consult with the appropriate Assistant Superintendent.
 - 6.8. After the police and school have determined criminal intent, an action plan is created by the principal or vice-principal and police.
 - 6.9. Depending on the nature and intent of the offense, the student may be subject to escalating interventions and consequences.
 - 6.10. Ensure the safety and emotional state of the affected youth. Continue to check in to see how they are doing throughout the process. Counselling supports should be offered to all parties (affected youth, offending youth and bystanders).
 7. The primary intention of the consequence(s) is for the well-being 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.
 8. Suspensions and other consequences require consultation with the Assistant Superintendent and are intended to reflect [District 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.
 9. Safety of affected youth impacted by the offense will be considered a priority in consideration of consequences and interventions.

10. Determination of the consequence shall be determined by the nature (images depict a child clothed or partially clothed in undergarments, nudity, sexuality depicted), intent (impulsive or malicious behaviour evident) and extent (level of distribution).

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

Adopted: December 15, 2020