

Appendix 6: Self/Peer Media Exploitation Response

Background

_____ School is committed to reducing and repairing harm, and to ensuring school safety. Possession, creation, and/or distribution of pornography (self/peer media exploitation) is strictly prohibited and will be treated as a serious matter and potentially could result in a series of escalating consequences that may include suspension and/or expulsion. Possession, creation, and/or distribution of child pornography may also result in criminal charges.

Procedure

Definitions:

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

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

Bystander: Youth who are in receipt of the distributed image/video, whether by the affected or acting out youth; and/or youth who are aware of exploitative images/videos.

Peer Media Exploitation: The type of exploitation coined in the media as “sexting,” 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 (on iPhones, Blackberries, Androids), social networking sites, etc.

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

Age of Consent: In Canada, anyone under the age of 16 cannot consent to sexual activity with an adult who is five 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 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.

Intent: Considering the creating and sharing of the image/video.

Possession - Adult pornography: A student is in possession of pornographic images of someone over 18.

Possession - Child Pornography: A student is in possession of pornographic images of someone under 18

Distribution: A student who transmits, makes available, distributes, sells, advertises, or shares images in any way.

1. The school principal is responsible for ensuring that the expectations related to the possession and distribution of pornographic images and peer/media exploitation are consistently followed.
2. The principal must ensure that student and parents are advised that social media devices (i.e. cell phones, iPods, computers, etc.) may be subject to search and seizure any time there is reasonable grounds to believe a school rule is being breached. This notification will be done annually through school agendas, and through the district “fair notice” letter. (A non-compliant student who is unwilling to unlock a secured device should be given the option to work either with the school administrator or be referred to the school liaison officer.)
3. If a student is found in possession of adult pornography, the following steps are to be taken:
 - a. Assess the nature of the images
 - b. Have student delete images
 - c. Notify parents
 - d. *Depending on the nature and intent of the offense (number of times, etc.) the student may be subject to escalating interventions and consequences.*
4. If a student is found in possession of child pornography, the following steps must be taken:
 - a. Secure the device
 - b. Assess the nature of the images, the intent behind the creation or sharing of the images, and the extent of distribution. Once there is determination that an image is child pornography, administrators shall not share the images except with police.
 - c. Contact Youth Squad Officer in all cases of child pornography (under 18). *Avoid sharing the images with staff or parents.*
 - d. Notify parents of affected and acting out youth.
 - e. After parents, Youth Squad Officer, and school have determined criminal intent and the action plan, the image is deleted off the secured device by either school admin or police depending on circumstance.
 - f. *Depending on the nature and intent of the offense (number of time, etc.) the student may be subject to escalating interventions and consequences.*
 - g. Students may need to be referred to counselling or other restorative interventions in order to repair harm.
5. If a student is found to be distributing pornography, the following steps must be taken:
 - a. Secure the device if applicable
 - b. Assess the nature of the images, the intent behind the creation or sharing of the images, and the extent of distribution.
 - c. Contact Youth Squad Officer in all cases of child pornography (under 18). *Avoid sharing the images with staff or parents.*
 - d. Notify parents of affected and acting out youth
 - e. After Youth Squad Officer has determined criminal intent and the action plan, the image is deleted off the secured device by either school admin or police depending on circumstance.
 - f. *Depending on the nature and intent of the offense (number of times, etc.) the student may be subject to escalating interventions and consequences. A student may be suspended up to 5 days or subject to a Level 3*
 - g. Students may need to be referred to counselling or other restorative interventions in order to repair harm.

6. The consequences below may be contemplated. The primary intention of a consequence is for the wellbeing of the students and school culture. Students need to learn from the consequence. The purpose is harm reduction and restoration rather than punishment (and potential further damage). Nature, intent and extent will be considered when issuing consequences.
- a. **Level One:** Up to three days suspension; restorative interventions as needed
 - i. **Nature** - Images depict a child (under 18) partially clothed or clothed in under garments.
 - ii. **Intent-** Impulsive, no malicious intent
 - iii. **Extent-** Images have not been distributed

 - b. **Level Two:** Up to and including 5 days suspension; return pending a principal's Level 2 Board of Review
 - i. **Nature** - Images depict a child (under 18) semi-nude or nude, or involved in a sexual act.
 - ii. **Intent-** Malicious intent may be present
 - iii. **Extent-** Limited distribution

 - c. **Level Three:** Student is suspended until a Level 3 Board of Review is conducted.
 - i. **Nature** - Images depict a child (under 18) semi-nude or nude, or involved in a sexual act; OR the student has multiple offences of this nature.
 - ii. **Intent-** Malicious
 - iii. **Extent-** Widespread distribution