APPENDIX 4: SEXTING

DEALING WITH A REPORT OF "SEXTING"
A Guide for School Administrators

Sexting is defined as the sending or receiving of sexually explicit or sexually suggestive images or video via cell phone, social networking, instant messaging or email. It is important that any adult who is made aware of naked or semi-naked images of minors act quickly to limit the extent of harm that may result.

Potential Criminal Code Violations: Section 163.1 relate to Child Pornography charges. There are criminal code offences for making, distributing, accessing or possessing child pornography of youth under the age of 18.

Bill C-13 legislation update (March 2015): Section 162.1(1) states that "Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or is being reckless as to whether or not that person gave their consent is guilty of an indictable offence and liable for jail time of maximum 5 years. "Intimate image" - a visual recording of a person where they are nude, exposing his/her genital organs or anal region, or her breasts, or engaged in explicit sexual activity; where there is a reasonable expectation of privacy

INITIAL REPORT: Collect all relevant data and gather any evidence to determine its contents. Identify relationship between parties. Remain objective and focus on the facts. Is this non-consensual picture sharing? Confirm if involved parties are within legal age of consent. Only involve people on a need-to-know basis and encourage confidentiality with all parties.
Consider if extortion, sextortion or threat related behaviour is involved and whether to activate a Violence Threat Risk Assessment (VTRA). Consider seriousness of sexual explicitness, intent (impulsive or malicious), and range of distribution to determine whether formal police involvement is required. Police consultation recommended on all incidents.

POLICE INVESTIGATION

If content surfaces that meets threshold of Criminal Code offence (mentioned above) in the form of any naked or sexualized images or has malicious intent, confiscate device and CONTACT POLICE/SLO.
Do not continue to view or distribute image

Stop and Secure evidence – digital evidence can be deleted quickly so it is important to preserve any images. Secure the device – remove battery/sim card, place in airplane mode, and/or in empty paint can. Sequentially document incident and series of your actions so police can document chain of custody of evidence. DO NOT VIEW IMAGE.

SLO arrives - assist with school relations and continue in consultation with officer.

Police investigation - determination of criminal charges or diversion process.

Police and school administration notify parents of primary individuals without over-exposing affected student.

School Based Response

If no criminal element - continue with school follow-up. Secure evidence. Conduct further interviews to determine who else has access or possesses this content and extent of the dissemination.

Ensure the safety and emotional state of the target/victim – continue to check in to see how he/she is doing throughout the process. Provide extra student support as required. Refer to counseller and/or engage SLO in providing education on this worrisome behaviour. Consider any unique safety concerns before informing parents.

Suggested school based questions (only if no police investigation)

NATURE: Can you tell me what you were wearing and if you were involved in any type of sexual behaviour when the picture(s)/video(s) was taken?

INTENT: Can you tell me what led up to taking the picture(s)/video(s)? Whose idea was it to take and/or distribute it/them? What happened to the picture(s)/video(s) after it was taken? Who was it sent to?

EXTENT: Was the picture(s)/video(s) posted on any online social websites? By whom? Do you know who has received the picture(s)/video(s)? Do you know if they have the picture(s)/video(s) on their electronic devices and/or posted on any online social website?

Assess how significant the impact of the event will have on all affected parties and whether or not this incident will affect the climate and culture of your school.
Consider # of people who have viewed the image; # of people involved in disseminating image. Extent of dissemination and Implications/consequences

What severity of harm has been done to the target/victim?
Depending on level of knowledge throughout the school community – consider written communication to all parents of currently enrolled students to model a transparent and open school system.
Don't blame affected youth or minimize impact.

Disciplinary actions – Restorative practices
Do not suspend instigator until all facts considered.
Don't make assumptions – consider maturity of youth and whether act is deliberate.
Encourage instigator to reflect and learn from mistake. Focus on repair of social injury/damage.
Do not try to remediate situation by advocating apology from instigator to target/victim.

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