



Sexual Violence
APPENDIX A – Sexual Assault Response Protocol

GENERAL

- **IMPORTANT**: IT IS NOT THE ROLE OF SCHOOL STAFF TO INVESTIGATE DISCLOSURES MADE TO THEM BY STUDENTS; THIS IS THE ROLE OF THE CHILD PROTECTION WORKER OR THE POLICE¹. PROBING QUESTIONS ABOUT THE INCIDENT, AS WELL AS THE USE OF LANGUAGE THAT INFERS BLAME OR JUDGEMENT OF THE SURVIVOR'S ACTIONS MAY BE HARMFUL TO THE SURVIVOR AND ARE TO BE AVOIDED.
- **IMMINENT THREAT**: IF THE DISCLOSURE IMPLIES A CLEAR AND IMMINENT THREAT TO THE SAFETY OF THE SURVIVOR, OTHER STUDENTS OR SCHOOL PERSONNEL, STAFF WILL CALL 911, AND FOLLOW THE APPROPRIATE EMERGENCY PROCEDURE.
- **PHYSICAL INJURY OR MEDICAL RISK**: IF THE SURVIVOR INDICATES THAT THEY HAVE BEEN INJURED AS A RESULT OF THE SEXUAL ASSAULT, AND THAT THE INJURY MAY REQUIRE URGENT TREATMENT, STAFF WILL TAKE IMMEDIATE ACTION TO ADDRESS THE INJURY CONSISTENT WITH STANDARD PRACTICES. IF THE PERSON WHO OFFENDS IS A PARENT OF THE SURVIVOR, THE MEDICAL RESPONSE WILL NOT INCLUDE NOTIFICATION OF THE PARENT UNTIL SUCH TIME AS A CHILD PROTECTION WORKER DEEMS IT APPROPRIATE. MEDICAL ASSESSMENT RELATED TO SEXUALLY TRANSMITTED INFECTIONS AND EMERGENCY CONTRACEPTION SHOULD BE RAISED WITH THE CHILD, THE CHILD PROTECTION WORKER, AND THE PARENT OF THE CHILD.
- Handling a Disclosure:
 - A student may disclose information about a sexual assault to any staff person or volunteer in the school environment. The choice of person to whom the disclosure is made may be based on the existence of a relationship of trust with the staff person. The disclosure may be from the survivor (first person disclosure) or from another person who has heard about the sexual assault from the survivor or another person (3rd person disclosure). In any case, and regardless of how the disclosure is made, certain immediate steps must be taken.
- Age and Capacity of the Survivor:
 - The mandatory reporting and intervention in suspected child abuse and neglect situations is for any child suspected to be under the age of nineteen (19).
 - Students in the public school system range in age from 4-21, and cover a range of needs and capacities too wide to attempt to define. The assessment of the capacity of the student survivor to understand and participate in the process, a key factor in the survivor centred approach, is left between the student and the school staff dealing with the case.

¹ Child Victims of Abuse and Neglect Protocols, GNB, 2005, page 79.



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PART ONE – RESPONSE

1. DISCLOSURE RECEIVED FROM SURVIVOR OF SEXUAL ASSAULT:

▪ SAY THIS:

- The staff person or volunteer **who receives the disclosure** should remain responsive, supportive, and open if the student wishes to continue talking;
- Communicate the following ideas and sentiments to the student who made the disclosure:
 - "Thank you for telling me about this..."
 - "You have done the right thing..."
 - "I am glad to have trusted me..."
 - "You are safe here with me..."
 - "Are you hurt or injured..."
 - "I would like you to stay with me while I take some steps to address this..."
 - "My role is to help connect you with someone who can help us to take the next steps..."
 - "This may take some time today, but I will stay with you if you wish me to do so..."

▪ DO THIS:

- The staff person or volunteer should maintain an accurate record of the suspected/disclosed abuse or neglect should they be required to give evidence in court. The record should contain:
 - when the abuse or neglect was noticed or a disclosure made;
 - what specific indicators were noticed;
 - the time and date the referral was made to Child Protection Services and to whom the report was made;
 - whether or not the police were notified;
 - the time and date the Child Protection Worker responded to the referral if applicable; and
 - any comments that the child voluntarily shared with the school employee.²
- In the presence of the survivor³, if they wish and if possible, take the following steps immediately:
 - **Sexual Assault Support Person:** Contact the person designated by the school as the Sexual Assault Support Person.
 - **School Administrator:** Contact designated School Administrator and advise of the disclosure.

² Child Victims of Abuse and Neglect Protocols, GNB, 2005, page 79.

³ Victim Centered Response

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- **DEPARTMENT OF SOCIAL DEVELOPMENT (SD), CHILD PROTECTION, CENTRALIZED INTAKE:** In consultation with the Sexual Assault Support Person, if available, the staff person **who received the disclosure** must immediately and personally⁴:
 - Contact Centralized Intake, Child Protection, Department of Social Development at 1-888-99-ABUSE (1-888-992-2873) or after hours emergency services at 1-800-442-9799
 - Report the disclosure; the referral should include:
 - the child's complete name and date of birth;
 - the name and address of the parent or guardian;
 - details of the suspected/disclosed abuse or neglect; and
 - the name of the individual who suspects abuse or neglect or to whom a disclosure has been made regarding abuse or neglect.⁵
 - Seek advice from the Centralized Intake staff person, who is a registered social worker, about recommended next steps to take; consider the following issues:
 - Is the survivor's home safe?
 - Is the survivor's family able to keep them safe?
 - Can the school contact the survivor's parents?⁶
 - Can the survivor leave the school and return home?
 - **If the intake staff person cannot provide advice on next steps, school staff shall request an immediate callback from a supervisor.**
 - **PARENTS:** Contact student's parents/guardian if SD Centralized Intake staff person deems appropriate:
 - advise of the nature of the disclosure and action taken,
 - provide resource information related to the medical assessment of Sexually Transmitted Infections and Emergency Contraception, (see Resources section)
 - provide support information according to the steps set out in PART TWO below.
 - **POLICE:** Sexual Assault is a criminal offence and therefore the police must be contacted in order to report the incident.⁷ **It is the role of the child protection worker to assess the referral and, if criminal activity is suspected, to contact the police for joint investigation**
 - The decision to file a formal complaint with the police lies with the survivor and/or, depending on the age of the survivor, a Child Protection Worker and/or a parent of the survivor.

⁴ Child Victims of Abuse and Neglect Protocols, GNB, 2005, page 78.

⁵ Ibid, page 79.

⁶ Ibid.

⁷ Ibid.

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- The child must be protected from the alleged perpetrator. This issue **should have been discussed** with the SD Centralized Intake staff person, as set out in the previous section.
- If a Child Protection Worker is responding to the school:
 - Keep the child at school until the Child Protection Worker arrives,
 - a school employee, preferably the staff person to whom the disclosure was made, must remain with the child at all times.⁸
- If a Child Protection Worker is NOT responding to the school:
 - determine if the alleged perpetrator is **within** the household or **outside** the household;
 - if **WITHIN** the household, hold the child until further discussions are had with a Child Protection Worker;
 - if **OUTSIDE** the household, continue to the next step;
 - determine if the alleged perpetrator has access to the child;
 - if YES, hold the child until further discussions with a Child Protection Worker;
 - if NO, the child may be turned over to a trusted person.
- **NOTE:** In the case of doubt as to whether the child should be released from the custody of the school staff person, contact SD Centralized Intake.
 - School administration must ensure that the staff person or volunteer to whom the disclosure is made is able to maintain continuity of presence with the survivor by relieving them of all conflicting duties.

2. DISCLOSURE RECEIVED FROM A 3RD PARTY OR ANONYMOUS SOURCE

- **SAY THIS:**
 - Staff person or volunteer communicates the following ideas and sentiments to the student who relayed the disclosure (not applicable for anonymous sources):
 - "Thank you for telling me about this..."
 - "You have done the right thing..."
 - "I am glad to have trusted me..."
 - "I would like you to stay with me while I take some steps to deal with this..."
- **DO THIS:**
 - The staff person or volunteer should maintain an accurate record of the suspected / disclosed abuse or neglect should they be required to give evidence in court. The record should contain, if possible:
 - when the abuse or neglect was noticed or a disclosure made;
 - what specific indicators were noticed;

⁸ Ibid.

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- the time and date the referral was made to Child Protection Services and to whom the report was made;
- whether or not the police were notified;
- the time and date the Child Protection Worker responded to the referral if applicable; and
- any comments that the child voluntarily shared with the school employee.⁹
- It is not the role of school staff to investigate.
- Contact the person designated by the school as the Sexual Assault Support Person;
- Contact designated School Administrator and advised of the disclosure;
- Obtain as much information from the 3rd party making the disclosure as possible;
- Secure information from anonymous source (social media, email, voice mail, etc.). Print or save documents, recordings, video, etc.;
- In consultation with the Sexual Assault Support Person, contact immediately:
 - Department of Social Development, Child Protection, Centralized Intake at 1-888-99-ABUSE (1-888-992-2873) or after hours emergency services at 1-800-442-9799
 - Report the disclosure and seek advice from the Centralized Intake staff person, who is a registered social worker, about recommended next steps to take; consider the following issues:
 - Is Child Protection aware of the case?
 - Will Child Protection intervene? When?
- If Child Protection will not take action without a disclosure, or requires further information prior to taking action(may depend of the age of the survivor):
 - **If there is a disclosure of a sexual assault from the survivor, refer to the section above DISCLOSURE RECEIVED FROM SURVIVOR OF SEXUAL ASSAULT;**
 - **If there is no disclosure from the survivor, consider the following:**
 - **The absence of a disclosure does not mean there was no sexual assault. Incidents of sexual assault are frequently not reported or disclosed,**
 - **The student may benefit from an offer of support,**
 - **Refer to resources in PART 2 below.**

⁹ Child Victims of Abuse and Neglect Protocols, GNB, 2005, page 79.



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PART TWO – SUPPORT FOR SURVIVORS, FAMILIES, AND OTHERS

Evaluation of On-going Risk Posed by the Person Who Offends

All reasonable steps should be taken to conduct a thorough assessment of the (threat) risk that the person who offends poses toward the survivor, other students, and school staff. The results of such a risk assessment shall be considered in all further decisions related to interim measures and support to any person(s) involved in or affected by a disclosure of sexual assault.

- **Safety, Security and Positive Learning Environment**

A disclosure of sexual assault will have an impact on the safety, security, and positive learning environment for any number of students and staff depending on the particular nature of the case and those involved. Survivors may choose to disclose the details of the incident to other students, and if the person who offends is a student in the same school, staff must be prepared to provide support in order to maintain a positive learning environment in a climate where peers of the survivor and student who offends may be in direct conflict with one another.

- **Support to Families of the Survivor, Student Who Offends, and Others**

Consistent with the principles of the policy, staff must be prepared to provide support and information to the families of the survivor, student who offends, and others (such as peers);

- Survivor and their family; support may include:
 - information about the School District policy and process to address the disclosure,
 - information about agencies who provide counselling and support for survivors.
- Student who offends and their family; support may include:
 - information about the School District policy and process to address the disclosure,
 - information about agencies who provide counselling and support .



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STUDENT WHO OFFENDS IN THE SAME SCHOOL AS SURVIVOR

Separation of the survivor and student who offends: consistent with the principles of a survivor centred process, the survivor will be consulted in a meaningful way about their needs in order to continue as a student. Based on this consultation, a plan for interim measures to separate the survivor and student who offends may be developed that respects the principles of the survivor centred approach, and the principles of due process for the student who offends. Depending on the circumstances, the interim measures may be subject to amendment.

- Evaluate the on-going risk that the person who offends poses to the survivor, other students, or staff;
 - The results of the risk assessment should be considered at each step of the protocol
- Consult and support the survivor; consider the following issues:
 - What does the survivor want or need¹⁰ to be safe, secure, and in a positive learning environment;
 - separated survivor and person who offends (options);
 - remove student who offends to alternate setting
 - remove survivor to alternate setting
 - counselling services;
 - What can the school do to accommodate the educational needs of the survivor;
 - alternate class environment
 - study from home
 - tutoring
 - alternate school
- Consult and support the family of the survivor;
 - What does the family want or need;
 - counselling services,
 - information about the process.
- Consult and support the student who offends and their family;
 - to the extent possible, and depending on the nature of the disclosure and possible police investigative process, consider:
 - counselling services,
 - information about the process.
 - What can the school do to accommodate the educational needs of the person who offends;

¹⁰ Victim Centred Response

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- alternate class environment,
- study from home,
- tutoring,
- study from alternate school.
- Monitor peers of survivor and student who offends to ensure positive and safe learning environment;
 - Intervene where appropriate,
 - provide information and support in order to avoid or deescalate conflict.

PERSON WHO OFFENDS NOT IN THE SCHOOL

- Consult and support the survivor;
 - What does the survivor want or need to be safe, secure, and in a positive learning environment; considerations:
 - Person who offends access to the school; considerations:
 - Notice under the Trespass Act for person who offends,
 - Information sharing with police.
 - Counselling services.
- Consult and support the family of the survivor;
 - What does the family want or need;
 - counselling services,
 - information about the school process.
- Monitor students to ensure positive and safe learning environment.

Resources:

1. Sexual Assault Protocol, Quick Reference Guide for School Staff
2. AIDS NB, Call 1-800-561-4009
3. Sexually Transmitted Infections (STI) Information Line, Call 1-877-784-1010.

Version Control:

- 1.0 - Part 1 only presented to focus group
- 2.0 - Edited based on comments from focus group on Part 1
- 2.0 - Presented to ASD-W SA Policy WG, April 22, 2016
- 2.5 - Outline and Appendix removed, edited based on comments from SA Policy WG, April 22, 2016, see highlighted sections
- 3.0 - Edited version based on discussions with ASD-W SA Policy WG on 23 Sept 2016
- 3.0 - (review notes)- highlighted portions for review with SD, additional edits for clarity
- 3.1 - After Review with SD, 24 Oct 2016
- 3.1 - Addition of sexual health resources, other minor edits.