Public Schools Branch

OPERATIONAL PROCEDURE

Prevention and Response to Sexual Misconduct by Employees (Sexual Misconduct Policy)	
Policy Section **School and Workplace Health and Safety**	*Procedure Number* **611.1**
Pages **7**	*Approved Date* **May 14, 2026**
Reviewed Date	*Effective Date* **May 14, 2026**
Replaces: • N/A	

1.0 Introduction

This Operational Procedure supports the implementation of the Prevention and Response to Sexual Misconduct by Employees (Sexual Misconduct Policy), which addresses sexual misconduct towards students by employees, post-secondary trainees, and volunteers, in accordance with the *Education Act*.

2.0 Examples of Sexual Misconduct

Every complaint of sexual misconduct must be considered on a case-by-case basis, taking into account the experiences of any impacted students and all surrounding circumstances.

The definition of sexual misconduct is broad enough to cover a wide range of conduct, including physical contact and non-physical contact. It covers communication or conduct by electronic means. Some additional examples of sexual misconduct that fall within the definitions of sexual misconduct, sexual assault, or sexual harassment include the following:

- Physical touching of the breast or genital areas;
- Any other inappropriate physical touch of a sexual nature, including but not limited to kissing;
- Asking a student to touch another person's body;
- Exposure to sexual images or content, including pornographic images or videos;
- Asking questions about a student's sexual experience or sharing information about their sexual life; and
- Requesting a student to share explicit content, including images.

Please note that the examples of sexual misconduct found in the Sexual Misconduct Policy and in this Operational Procedure are not a complete list.

3.0 Grooming

As part of sexual misconduct experienced by children and youth, adults may use tactics to groom a student for sexual abuse. The Sexual Misconduct Policy defines grooming as follows:

> A process involving a series of interactions between an employee, post-secondary trainee, or volunteer and a student, in person, in writing, or by electronic means, which allows the employee, post-secondary trainee, or volunteer to gain trust and manipulate a student, including in some way that is sexual in nature, which may prepare a student for other forms of sexual misconduct.

Grooming may include not only the student, but also adults in a student's life. Grooming may also take place with a group of students. A student may not understand that they are being groomed.

Some signs of grooming may include the following:

- Isolating a student from family and friends;
- Buying gifts for an individual student, without approval by an Administrator or without a reasonable educational purpose;
- Becoming involved in the student's private life, including invitations to spend time together outside of school-sponsored activities, but not including outside employment such as respite;
- Meeting in private, during school hours or outside of school hours;
- Excessive attention or favouritism compared to other students without a reasonable educational purpose;
- Sexualized comments, remarks, or jokes, or sexual innuendo;
- Physical contact or affection; and
- Asking a student to keep secrets or keep communication secret from others, e.g., using pseudonyms.

Grooming may also occur by electronic means through text messages, social media apps, and online gaming. Possible examples include the following:

- Communication by electronic means outside of school hours, such as in the evening/night;
- Sharing inappropriate content or images;
- Asking for or sharing personal or intimate information.

Grooming involves a series of interactions with some component, not necessarily all, being sexual in nature. Grooming does not cover a single or one-time comment or behaviour.

The purpose of grooming may be to gain access to a student, develop emotional dependency, or minimize the likelihood of a student disclosing sexual misconduct. Grooming puts the needs of employees, post-secondary trainees, or volunteers above the needs or best interests of students.
It is important to understand that the information in this section is intended to show potential examples of grooming. Individual items on the list are not necessarily grooming or sexual misconduct.

Inappropriate behaviour by employees that is not sexual in nature will be addressed under other Public School Branch policies.

4.0 Boundaries

Professional Boundaries

Professional boundaries exist in the verbal, physical, emotional, and social aspects of relationships between employees and students. Maintaining professional boundaries is essential, given the power imbalance between educators and students. Boundary violations can create personal relationships that are outside the bounds of what is appropriate for employees, potentially causing harm to students. Some examples of boundary violations are as follows:

- Developing a friend or peer-like relationship with a student;
- Favouritism or giving additional attention to a student without an educational purpose;
- Inappropriate compliments about personal appearance;
- Physical contact such as rubbing a student's back, stroking head or hair;
- Driving a student in a personal vehicle without a school-sponsored activity;
- Sharing personal information about home life, such as about marital problems; and
- Interacting with students online and on social media, such as accepting "friend" requests, following a student, or allowing a student to follow your social media account.

Boundary violations can occur when adults put their needs above the needs of students, or when adults turn to students to have their needs met.

When considering whether contact with students respects boundaries, ask whether it is:

- Goal-oriented;
- Student-centred;
- Authorized;
- Transparent; and
- Within the scope of practice and competence.

5.0 Consent

Regardless of any other law, the Sexual Misconduct Policy formalizes the Public Schools Branch's employment expectation that there be no sexual misconduct towards students. For that reason, consent on the part of a student is not a factor when considering a complaint of sexual misconduct.

It is the responsibility of employees, post-secondary trainees, and volunteers to maintain appropriate boundaries with students.

6.0 Mandatory Reporting to the Director of Child Protection

The *Child, Youth and Family Services Act* requires mandatory reporting to the Director of Child Protection when a child is in need of protection because of any of the following circumstances:

(a) the child has been or is likely to be physically harmed by a parent;

(b) a parent is unable or unwilling to protect the child from physical harm by another person, where the parent knows or ought to know that the child has been or is likely to be physically harmed by the person;

(c) the child has been or is likely to be exposed to family violence;

(d) the child has been or is likely to be emotionally harmed by a parent;

(e) a parent is unable or unwilling to protect the child from emotional harm by another person, where the parent knows or ought to know that the child has been or is likely to be emotionally harmed by the person;

(f) the child has been or is likely to be sexually abused or exploited by a parent;

(g) a parent is unable or unwilling to protect the child from sexual abuse or exploitation by another person, where the parent knows or ought to know that the child has been or is likely to be sexually abused or exploited by the person;

(h) the child has been or is likely to be neglected by a parent;

(i) the child has been abandoned;

(j) the child is under 12 years of age and has or is likely to seriously harm a person or animal intentionally or seriously damage property intentionally, and a parent is unable or unwilling to take remedial or preventative measures;

(k) any other circumstances prescribed by the regulations.[1]

This duty to report to Child Protection Services is ongoing. If additional information and reasonable grounds to suspect that a child is in need of protection are received, the employee is required to make a further report, even if they previously reported on the same child. If additional information is known by the Public Schools Branch related to a report to Child Protection Services, the Public Schools Branch shall make an additional report to share information with Child Protection Services.

It is not the employee's responsibility to know for certain or to prove that a child is in need of protection. That determination is made by Child Protection Services.

7.0 Screening Complaints of Sexual Misconduct

A screening decision considers whether the alleged conduct, if supported by evidence, could meet any of the definitions in the policy or support a violation of the policy.

The screening step is not meant to be a high barrier. It does not assess the merits of a complaint.

It may be necessary to gather additional information during the screening of a complaint to understand the allegations and the student's experience.

When screening complaints of sexual misconduct, the Director of Human Resources, with the assistance from others, including external service providers, will consider all applicable Public Schools Branch policies and associated procedures to determine whether the complaint should be transferred to another policy or process.

[1] *Child, Youth and Family Services Act*, RSPEI 1988, c. C-6.01, s. 3.

8.0 Procedural Fairness for Complaint Process

The complaint process will adhere to the principles of procedural fairness, ensuring that all employees, students, parents, and others are treated with fairness and dignity.

The Director of Human Resources will provide a Respondent notice that a complaint was made, even when it is not screened for investigation. The nature of the information shared and the timeline for delivery must depend on the circumstances.

Either a Complainant or the Respondent may object to a person appointed to the Investigative Team on grounds of conflict of interest or reasonable apprehension of bias. The Director of Human Resources will consider the objection and make a determination.

When a Respondent is under investigation, the Respondent has the right to notice of the allegations being investigated. The Investigative Team will provide a summary of the allegations to the Respondent.

All parties involved in a complaint will be given a meaningful opportunity to provide relevant evidence and respond to allegations.

Throughout the investigation process, unionized employees are entitled to support and representation by their union representative.

A Complainant, a non-unionized Respondent, and students involved in an investigation have the right to be accompanied by a support person in meetings. A support person cannot be directly involved in the complaint, such as being a witness.

9.0 Other Procedural Information for Complaint Process

Other Policies and Procedures

Any time an Investigative Team is investigating a complaint of sexual misconduct, the Investigative Team may consider and apply other applicable policies and procedures, including, but not limited to, any policy addressing investigations and inappropriate conduct by employees.

Terminology

An impacted student may prefer to be referred to as a complainant, victim, survivor, or another term during a complaint process. Students will be asked their preference by a member of the Investigative Team.

Withdrawal of Formal Complaint

In the event that a Complainant requests to withdraw a complaint, the Public Schools Branch will consider the nature of the complaint and the information available to assess whether an investigation should continue in the interest of student safety.

Investigation Procedure

An Investigative Team has discretion over its procedure when gathering evidence in an investigation, based on the members' expertise, best practices, and the needs of the parties involved in a complaint.

The Investigative Team must ensure that the commitment to confidentiality is communicated to all individuals involved in a complaint process. When witnesses are interviewed, they will be directed to treat all information as confidential.

An Investigative Team shall report any breaches of confidentiality to the Director of Human Resources.

Investigation Report

At the end of the investigation, the Investigative Team will submit a final report to the Director of Human Resources. This report will include the following:

- A description of the allegations;
- A summary of the evidence gathered;
- Any supports, services, or accommodations offered by the Investigation Team;
- Credibility assessments, if the credibility of one or more parties affects the investigation findings; and
- A decision regarding whether, on a balance of probabilities, a complaint is substantiated.

The Director of Human Resources may request that an investigation report include recommendations.

Investigation Findings

An Investigative Team will determine whether a complaint under the Sexual Misconduct Policy is substantiated. A complaint is substantiated when evidence establishes, on a balance of probabilities, that sexual misconduct occurred or there was a violation of the policy.

A complaint is unsubstantiated when evidence does not establish a finding that sexual misconduct occurred or that there was a violation of the policy on a balance of probabilities. This includes when there is insufficient evidence available or when an Investigative Team makes findings that do not meet the definition of sexual misconduct or otherwise constitute a violation of the policy.
A complaint is considered false only if it is made in bad faith with an ulterior motive or when the Complainant knows it to be false.

The "balance of probabilities" is the standard of proof used in workplace investigations. It is satisfied when a finding is more probable than not.

Reporting to Post-Secondary Institution

The Public Schools Branch will notify the applicable post-secondary institution when a post-secondary trainee is the subject of a complaint.

10.0 Annual Reporting

The Public Schools Branch must include in its annual report the following information about this policy, without any individually identifying information:

- The number of complaints of sexual misconduct and information about such incidents and complaints, including the results of the investigation;

- Information about the supports, services, and accommodations available to students as they relate to incidents of sexual misconduct;
- Any initiatives and programs established by the Public Schools Branch to promote awareness of the supports and services available to students;
- Any overview of any changes to this policy; and
- Where public input is sought, information about the process used by the Public Schools Branch to seek public input, and a summary of the public input received.

11.0 Cross reference

Education Act
PSB Operational Policy 611 - Prevention and Response to Sexual Misconduct by Employees (Sexual Misconduct Policy)
PSB Operational Policy 605 - Safe and Caring Learning Environments
PSB Operational Procedure 605.1 - Safe and Caring Learning Environments