Sexting and Offensive Material Policy - Students

Brighton Grammar School deems sexting as inappropriate and unsafe behaviour which threatens the social, emotional and/or physical safety of students. Although sexting is typically voluntary at first, it raises many serious legal and social concerns, especially when the images are spread beyond the control of the sender. Sexting can result in humiliation, bullying and harassment of students.

The school has a responsibility to prevent sexting and the dissemination of inappropriate or offensive material and to educate both students and staff about both the legal and social dangers of sexting.

Purpose

This policy aims to provide a guide to students about what steps will be taken if there is a suspicion or a report of sexting occurring.

Definition

The term ‘sexting’ is derived from texting and refers to the sending of sexually provocative material (including photos, videos and sexually explicit text) from modern communication devices or applications, such as mobile phones, tablets, email, social networking sites and instant messaging services.

Legal Implications for Students

The ‘distribution of an intimate image’ or the ‘threat to distribute an intimate image’ in circumstances contrary to community standards of acceptable conduct is now an offence under the law.

The offence applies to the distribution of images of anyone under 18 years of age, and the distribution of images of adults without consent. The offence for distribution carries a penalty of up to two years in prison and the offence of threatening to distribute carries a penalty of up to one year in prison.

The sexting laws also contain certain exceptions to child pornography offences so that young people under 18 years of age are not inappropriately prosecuted or added to the sex offenders register for consensual, non-exploitative sexting.

The exceptions do not apply if the image depicts a criminal offence, such as a sexual assault, and do not apply to anyone over 18 years of age.

Implementation

All staff members are required to notify the Headmaster or the Head of School immediately upon becoming aware that sexting by a student is likely to have occurred. The allegation will first be investigated by the Head of School and the parents of all students involved will be contacted.

Staff members are not permitted to forward, copy or print any sexting images, however, if the nature of the sexting is deemed by the Head of School to be of a serious nature, the Police will be contacted and the sexting will be reported to the Department of Human Services.
Where there is concern that sexting amounts to sexual abuse, there are certain mandatory requirements for teachers to report suspected abuse to the appropriate child protection agency. In Victoria, it is mandatory to report suspected child abuse, including sexual abuse, in relation to children up to the age of 18.

Disciplining of students involved in sexting is at the discretion of the Head of School or the Headmaster and will depend on the specific details of the situation. If the sexting is deemed to be bullying, then the student will be disciplined in accordance with the School’s Anti-bullying Policy for Students. Counselling may be provided for Students involved in sexting.