

**DATE:** February 17, 2015

**TO:** Board of Trustees

**FROM:** Trustee Orville Chubb

**SUBJECT:** Motion re Consent

**REFERENCE:** [Trustees' Handbook – Section 5.2.2 – Notices of Motion](#)  
[Criminal Code Definition of Consent](#)  
[Overview of Sexual Health Curriculum in Alberta](#)

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#### ISSUE

Notice of motion was served at the January 20, 2015 board meeting.

#### RECOMMENDATION

**That a letter be sent to the Minister of Education recommending including the topic of consent in the curriculum connected to Human Sexuality.**

#### BACKGROUND

While sexual consent is not a term explicitly used in the Programs of Study, requests for consent to be taught in sexual health education are in the news on a regular basis. Beyond current affairs, the concept of sexual consent, specifically identifying personal boundaries and the ability to articulate them is foundational to healthy human interaction at school, work and home.

The current Programs of Study cover clinical topics such as the biology of human reproduction: W-5.3, *identify the basic components of the human reproductive system, and describe the basic functions of the various components*. Sexual maturation: W-4.3, *describe physical, emotional and social changes that occur during puberty*; W-9.3, *apply coping strategies when experiencing different rates of physical, emotional, sexual and social development*. Health issues such as sexually transmitted diseases, W-6.6, *examine and evaluate the risk factors associated with exposure to blood-borne diseases - HIV, AIDS, hepatitis B/C; e.g. sharing needles, body piercing, tattooing, helping someone who is bleeding, being sexually active*. W-9.12, *determine “safer” sex practices; e.g., communicate with partner, maintain abstinence, limit partners, access/use condoms/contraceptives properly*; and the proper use of contraceptives: (W-8.14), *identify and describe basic types of contraceptives; i.e., abstinence, condom, foam, birth control pills*.

In the area of **sexual relationships**, the Programs of Study look at the difference between commitment and intimacy: CLM-P11, *examine the relationship between commitment and intimacy in all its level*, and healthy sexuality and responsible sexual behavior: CLM-P12, *examine aspects of healthy sexuality and responsible sexual behavior*.

On the sociological side, the Programs of Study address individual differences in all aspects of human sexuality. For example, W-8.3, *recognize and accept that individuals experience different rates of physical, emotional, sexual and social development*, and W-9.7, *evaluate implications and consequences of sexual assault on a victim and those associated with that victim*.

The majority of the above-mentioned topics focus on the individual and not on the aspects of human interaction. For example, the illustrative examples for outcome CLM-P12 suggest that teachers might have students do the following as a way to achieve the outcome; *describe the ways in which personal values influence choices; assess the consequences of being sexually active.*

Nowhere do the Programs of Study address the topic of sexual consent directly. That is not to say that there is no way a teacher can, under their own initiative, find ways to discuss the topic with students at appropriate times within the current Programs of Study. In fact, a quick survey of the human sexuality outcomes from Alberta Education's Programs of Study (Health and Life Skills Kindergarten to Grade 9, and Career and Life Management) on the [teachingsexualhealth.ca](http://teachingsexualhealth.ca) website shows sexual health outcomes that allow for and promote the discussion of consent within the context of safety and responsibility, and healthy relationships.

In the past, a general consensus on norms of human sexuality could be reached in places such as churches, mosques, temples, synagogues and the public square. As such, it could be argued that there is no need to bring the topic of consent into a school. However, in the context of our multicultural society with unfettered access to pop culture, it is clear that public education needs to present a minimum standard.

Those standards are defined for us within the Canadian Criminal Code. In Section 273.1 of the legislation a definition of consent: *for the purposes of the sexual assault offences and for greater certainty, sets out specific situations that do not constitute consent at law.*

In lay terms, Section 273.1(2) can be understood to say:

- You can only consent for yourself.
- You actually have to be able to give consent. That means you have to be awake, conscious, and sober enough to make a clear decision.
- People in positions of trust, power or authority can't abuse their position to get sexual activity.
- If you imply no through your words or behaviours that's just as good as saying "NO".
- You have the right to change your mind and stop anytime for any reason during sexual activity.

Of course this does not preclude parents from giving their children additional guidance as the child forms his or her own standards.

#### **OPTIONS CONSIDERED**

The following options have been considered as they are deemed the most admissible:

1. Approve the recommendation.
2. Do not approve the recommendation.

**CONSIDERATIONS & ANALYSIS**

It is clear that students need to understand the concept of sexual consent and its basic principles has many applications to their interaction with each other and the greater community throughout their lives.

Nonetheless, as Alberta Education is in the process of redeveloping the curriculum, to [“prepare students to be successful in a future world...”](#) any work done in this matter by the District would be superseded. In addition, if the District was to undertake this as a project, the rollout time may well not be ready to use in classrooms prior to the Alberta Education’s new curriculum. As such, it would be a duplication of energy and a needless waste of resources.

Therefore, it could be determined that a proactive letter to the Minister of Education to voice our concerns on the issue and the District’s belief that the topic of sexual consent is essential to the greater subject of Sexual Health.

**NEXT STEPS**

If the recommendation is approved, a letter will be sent by the Board Chair to the Minister of Education on this issue.

OC:mmf