



POLICY AGAINST SEXUALLY TRANSGRESSIVE BEHAVIOUR

Towards a healthy and inclusive school community



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Foreword

This policy is part of the European School of Brussels 2 (the school) community's commitment to creating and preserving safe spaces for members of our community, both students and staff. This policy is guided by the European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU¹.

The general principle guiding the policy is to educate and rehabilitate members of our school community in cases of transgressive behaviour, including sexually transgressive behaviour involving language, actions and symbols. In doing so, the policy is a reflection of the school values of self-control, consideration, cooperation, honesty, tolerance, perseverance, critical thinking, and hope.

This policy has three parts

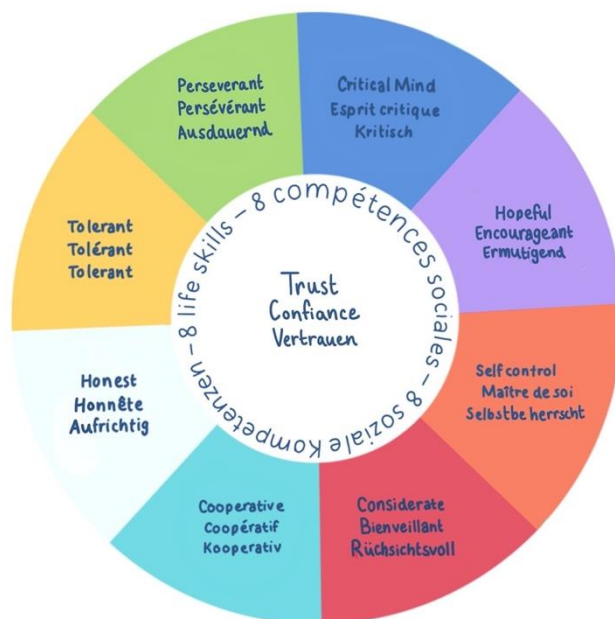
1. the definition of transgressive behaviours of a sexual nature – differentiated as sexual harassment and sexual abuse
2. an introduction to the Flag system to create parameters in which to discuss sexual or sexualised behaviour in school
3. the internal procedures to be followed when such behaviours are reported, and the concrete systems we recommend to be applied in school to create an inclusive and respectful community.

This policy is open to being updated as the needs of the school community expand and diversify.² The goal is to foster and support a learning environment of trust by demonstrating the values described in the 8 Life-Skills programme.

This policy could not have been possible without the invaluable support, advice and contributions from our educational advisors, the school management, Sensoa, Genderkamer, Kjell Van Laer (informatician) and Juliette Sanchez-Lambert (consultant harassment prevention).

1. Definitions

This policy will focus predominantly on sexual harassment as a transgressive behaviour as it is the most common type of sexually transgressive behaviour in schools in Europe, and globally. A spectrum of sexually transgressive behaviour demonstrates the varying level of transgression that an individual can engage in.



¹ P8_TA(2017)0417: [Combating sexual harassment and abuse in the EU. European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU \(2017/2897\(RSP\)\)](#)

² For more information on sexual harassment at the workplace, in public spaces and in politics, [please refer to the document published by the Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament.](#)

BEHAVIOUR Continuum

Worker-to-Worker



Spectrum³ of behaviours as illustrated by the University of Alberta and the Alberta Health Services, Canada (March 2022)

1.1 Definition of sexual harassment

In this document, the terms 'transgressive behaviour', 'sexual misconduct' and 'sexual harassment' may be used interchangeably, depending on the case study and context.⁴

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment could include a singular occurrence. Sexual harassment is a form of discrimination and violence.⁵

The EU Directive defines sexual harassment as illegal.

Verbal examples of sexual harassment may include: making sexual comments about a person's body; making sexual comments or innuendos; asking about sexual fantasies, preferences or history; asking personal questions about someone's social or sex life; making sexual comments about a person's clothing, anatomy, or looks; repeatedly trying to date a person who is not interested; telling lies or spreading rumours about a person's sex life or sexual preferences.

Examples of non-verbal harassment include: looking a person up and down ('elevator eyes'), following or stalking someone, using sexually suggestive visuals, making sexual gestures with the

³ A behaviour can become more transgressive because of the repetition and frequency of the behaviour. For example, disrespectful behaviour such as gossiping can become harassment if it is very frequent, despite repeated sanctions.

⁴ A full glossary can be found on the [EIGE website](#)

⁵ Taken from [The European Institute of Gender Equality](#), [The Council of Europe, based on the Istanbul Convention](#) and the [EU directive 2002/73/EC](#)

hands or through body movements, using facial expressions such as winking, throwing kisses, or licking lips.

Instances of physical harassment include: giving someone a massage around the neck or shoulders; touching another person's clothing, hair, or body; hugging, kissing, patting, touching or rubbing oneself sexually against another person.

The key concept in understanding harassment is that any overtures are unwelcome. A person may welcome and accept a sexist remark or a comment about their body, but this is likely to depend on the particular situation and circumstances. However, it is important to remember that even if someone accepts – or welcomes – the behaviour, it may still be degrading and humiliating. In addition, such acceptance may not be fully voluntary: it may be a result of often invisible pressure from the outside world.

1.2. Definition of sexual assault and rape

Sexual assault is any form of sexually transgressive behaviour, verbal, physical, intentional or unintentional where there is clearly no mutual consent, and/or that is not voluntary, and/or where the target is much younger or in a relationship of dependence with regard to the perpetrator. Sexual assault thus includes the existence of an abuse of authority or influence onto the target.

Germany's penal code, for example, defines sexual assault⁶ as the coercion of another person by force, by threat of imminent danger to life or limb, or by exploiting a situation in which the victim is unprotected and at the mercy of the offender to suffer sexual acts by the offender or a third person physically or to engage actively in sexual activity with the offender or a third person

Rape is a form of sexual assault that includes penetration of the target's physical body with any object, including the offender or a third person's body parts or other objects.

1.3. Sexually transgressive behaviour in school

Examples of sexually transgressive behaviour for both staff and students include, but are not limited to:

- Unsolicited written, electronic or verbal remarks or non-verbal gestures about a person's clothing, body, gender and/or sexuality;
- Inappropriate physical contact, questions, jokes, epithets or demands;
- Physical assault or stalking; this includes repeatedly asking a person for dates or sex
- Displays or electronic transmission of the above; and
- Unwillingness to teach, evaluate, assist, or work with a person because of their clothing, body, gender and/or sexuality
- Name-calling or using slurs with a gender/sexual connotation
- Sharing or displaying sexually inappropriate images or videos in any format
- Repeatedly making inappropriate sexual gestures as 'jokes' at someone else's discomfort

⁶ Taken from the legal definitions of sexual assault and rape as [provided by the EU member states to the EIGE](#).

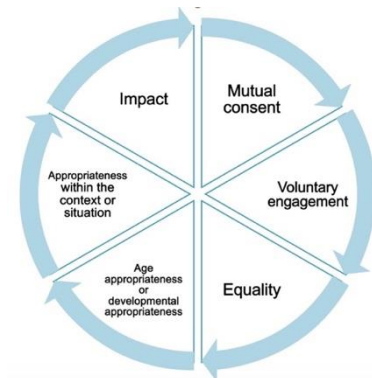
2. The Flag System by SENSOA⁷

At the heart of the Sensoa Flag System is the aim of adequately classifying, addressing and responding to sexual (transgressional) behaviour by children and adolescents (0 to 18 years).

Six criteria and four flags exist for classifying the behaviour⁸.

2.1 The six criteria

The world of experience that educational professionals have plays a major role here. The adult applying the Flag system (as a teacher, advisor, psychologist or trustperson) must consider the importance of getting the facts first before reaching a conclusion.



The Flag system operates on the belief that only the behaviour is judged, not the person. Judgement is based on the behaviour of the person who was the initiator and/or was primarily responsible.

1. Is there individual **consent** or social agreement for the behaviour? To what extent do those involved consent to the behaviour or to what extent is there agreement for this particular behaviour?
2. Is there **equality** between those involved? A situation can cross the line as soon as there is an inequality between those involved, to the disadvantage of the target. This is when there is an excess of power, either formal power embedded in the institution (eg. teachers and their students) or informal power in social interactions.
3. Is there **voluntariness**, or is there pressure or coercion? The criterion of voluntariness involves being in the situation by choice and interacting with the other person by choice. It also means that at any time you can say stop and get out of the situation.
4. Does the behaviour fit the **developmental or functioning level**? We expect adults to have a minimum of emotional and behavioural self-direction and maturity to function in social and sexual situations. In children and adolescents, that behaviour is more dependent on the developmental stage they are in at the time.
5. Is the behaviour appropriate in the **context**? A mother pulling her child up the sidewalk harshly when a car with screeching tires is approaching is different from when the mother does the same thing because they ask for a bag of chips at the supermarket checkout. Giving a colleague negative feedback separately in a reproachful tone or in front of others?
6. Is there an **impact** for those involved? A situation crosses the line if there is a negative impact or harm: both to the person initiating the behaviour, the person undergoing the behaviour, and to other people involved.

⁷ <https://www.sensoa.be/about-sensoa-flag-system-basic-information#:~:text=The%20Sensoa%20Flag%20System%20is,it%20correctly%20and%20respond%20appropriately.>

⁸ From [SENSOA](#)

In the case of children or adolescents who cannot speak for themselves owing to their young age or low levels of development, it is important to get as much information as possible about what has happened. To get as many facts as possible, the Flag system proposes a line of questioning that covers the six criteria (see table below).

Observation of behaviour by the intermediary	Direct questions for the young people or children involved
Consent	
Do the persons involved look relaxed and happy? Is there pleasure? Is there sufficient calm? Do the persons involved look at/listen to one another (is a positive form of communication possible)?	Did you ask whether it was okay? Did you say that it was okay? Have you demonstrated that you approved/did not approve? How? Do you have the impression that the other person saw this or heard/understood?
Voluntary engagement	
Are you aware of previous forms of coercion, blackmail or threatening behaviour? Has verbal pressure or violence been exercised? Is there any manipulative behaviour? Has physical violence been used (pushing, pulling, shouting)?	Have you/the other person insisted on something? How? Have you promised or received a reward? Did you feel that you could say no? What would have happened if you had said no? If the other person said no? Was it nice, pleasurable? What was pleasurable?
Equality	
Is there any striking inequality in terms of physical strength, biological development, mental maturity or intelligence? Is there any inequality in terms of position, status, popularity or power?	Was one of you the boss? Or did you both have an equal say in this situation? Who took the initiative? Did you feel that you could stand up against the other person?
Appropriate for their development	
Where in the developmental chart does this specific behaviour lie? Is there an explanation why the behaviour of the persons involved fails to conform to the developmental chart?	Have you ever done this before? How and with whom? Have you seen other children doing this? What experience have you had of this?
Appropriate for the context	
Are there clear and explicit rules about which behaviours are possible in what context? Is privacy possible?	Have you secluded yourself so that other people were not able to see you? Did you make sure that you could not be disturbed? How? Are there places where you are allowed to do this? Where are they?
Impact	
Is there a chance of any risk to your health? Is there a social disadvantage or advantage? Is there some danger? Is the young person aware of the dangers or negative consequences for him/herself- for the others involved Is it repeat behavior? How intimate is the behavior?	Do you feel regret, shame, guilt or sadness? Are you suffering or are you worried about the consequences? Are you happy? Do you feel good about this? Do you feel supported? Are there negative feelings?

2.2 Assign the flag

Four flags indicate that a continuum of acceptable to mild to very severe transgressional sexual behaviour exists. Based on six criteria, the development table shows examples of acceptable behaviour (green flag), slightly transgressional behaviour (yellow flag), severe transgressional behaviour (red flag) or very serious transgressional behaviour (black flag).

The green flag is only assigned when all the criteria are okay.

The degree of boundary transgression determines the colour of the flag: yellow, red or black. Above all, the consequences that the behaviour entails must be taken into account here. There are other factors that can be considered as mitigating or aggravating, such as repetition, duration, frequency, and the degree of intimacy of the sexual behaviour. The question of the extent to which the person initiating the behaviour should know what consequences it may have for the other is included in the assessment. If the initiator is not capable of making this assessment, the judgement is milder.

	Green	Yellow	Red	Black
Mutual consent	Agreement was communicated	No significant rejection	Clear rejection	Clear rejection
Voluntary engagement	No form of coercion, pressure or blackmail takes place	Little compulsion or persuasion	Significant coercion violence or blackmail; lack of opportunity to escape the situation	Repeated compulsion, violence or blackmail
Equality	Violated persons are equivalent in terms of development, age, power or number	Imbalance is not significant	Serious imbalance	Large imbalance (adult/child, group/individual), dependency or superiority
Appropriate development or age	The behaviour matches the development phase	Small deviation in terms of development	Large deviation in terms of development	Large deviation in terms of development
Appropriate for context	The behaviour matches the context	Behaviour does not quite match the context	Behaviour does not match; violation of private sphere	Repeatedly inappropriate in the context
Impact	The behaviour has no harmful consequences for the person themselves	Risk of negative consequences for the person	Real negative consequences for the person	Great danger for the person; serious consequences
Additional aggravating or mitigating factors				
Level of intimacy of the behaviour		Verbal or light touch	Engaging in sexual touching or contact (of breasts, genital area, or in a sexual manner); repeated verbal or light touching	Repeated engagement in sexual touching or contact
Signals given out by the violated child or young person		No fear involved	Fear involved	Repeated anxiety
Repetition and duration		One-off or for a short duration	Several times or frequently yellow	Several time sor frequently red
Awareness		No awareness of the consequences for the other	Limited awareness of the consequences for the other	Knows that the other is being harmed

2.3 Suggested responses from SENSOA based on the assigned flag

The goal is to reduce the problem behaviour and stimulate healthy and social behaviour. An immediate reaction is suggested in the table below. It is also important to think about long-term strategies to both prevent the transgression and encourage healthier and age-appropriate behaviour. You will find our school's suggested responses in section 3.2.

Reaction to/Aim	Green	Yellow	Red	Black
Put a stop or do not put a stop to behavior	Do not stop	Stop or reverse behavior	Stop behavior	Stop behavior
Find words/ adopt a clear position/ address subject Think empathetically	Name what happened, question Discuss the feelings of all concerned	Name what happened, question Discuss the feelings of all concerned	Name what happened, question Discuss the feelings of all concerned	Name what happened, question Discuss the feelings of all concerned
Know which behavior is okay and understand reasons why	Confirm, explain reasons	Confirm positive behavior, explain reasons	Confirm positive behavior, explain reasons	Confirm positive behavior, explain reasons
Know which behavior is not okay and understand reasons why		Define what is not okay and explain reasons	Define what is not okay and explain reasons	Define what is not okay and explain reasons
Arrive at agreements and determine how further critical support should be given		Arrive at agreements, what is not okay and how to proceed	Arrive at agreements, increase supervision; focus on follow-up and redress	Arrive at agreements, increase supervision and limit freedom of movement; focus on follow-up and redress
Clearly apply ban and demonstrate consequences			Describe and explain confrontation, bans and consequences	Describe and explain confrontation, bans and consequences
Know boundaries and stay safe			Write report	Take measures
Reporting				Write a report and forward it

1 Immediate responses to the flag assigned

3. Internal Procedure for Reported Cases of Transgressive Behaviour

The internal protocol will be initiated when one of the following is reported:

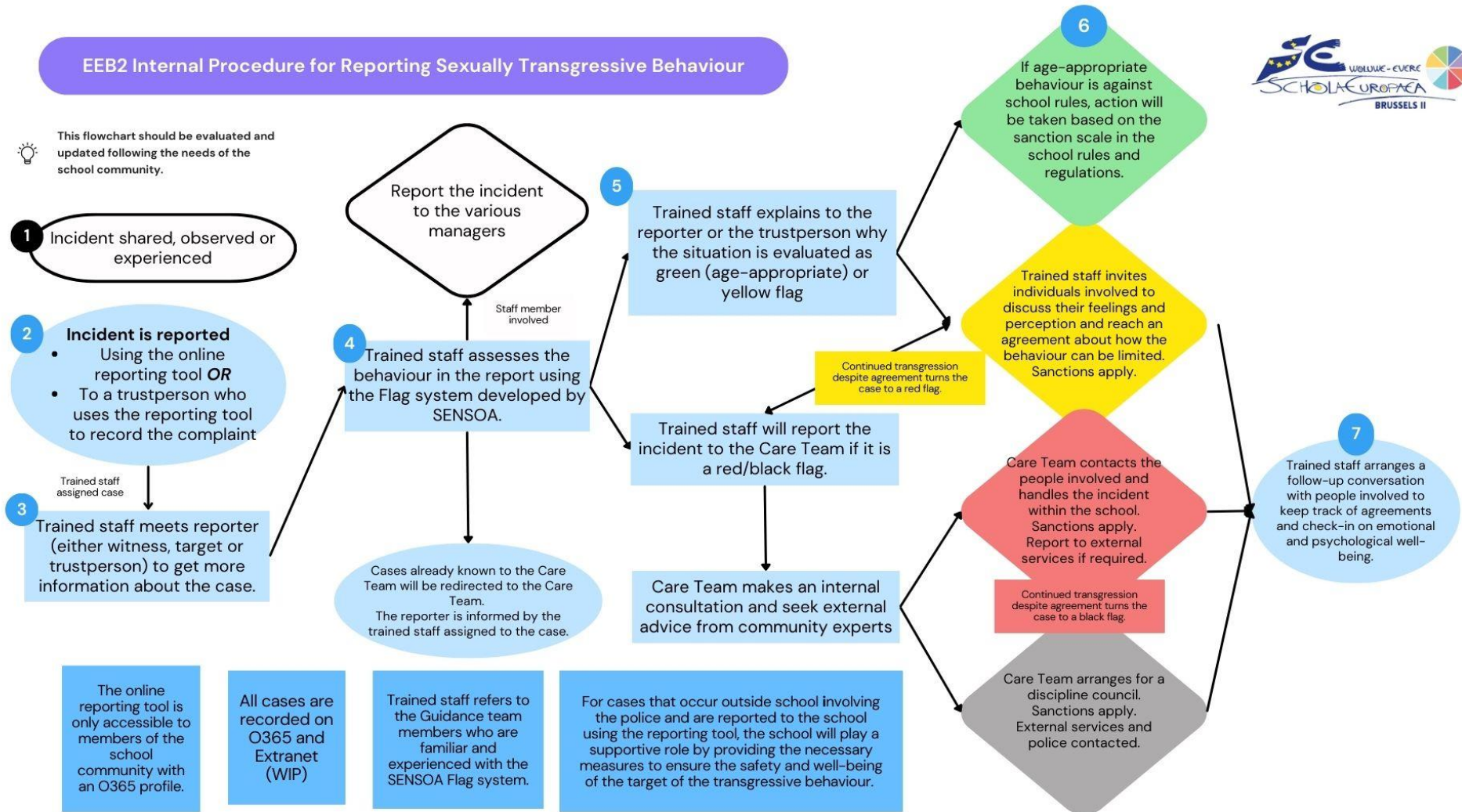
- Suspicion of sexually transgressive behaviour by students/staff
- Disclosure of sexually transgressive behaviour by students/staff (the victim, a witness, member of the school team, a person outside school e.g. a parent using the account of their child)

The school's internal procedure differs from the SENSOA guidelines in two ways:

- all cases from all flags are followed with a confidential report
- green flags are normalised sexual behaviour, but may still be against school regulations

A simplified overview for the school community can be found in 3.1.

3.1 Flowchart of Internal Procedure



3.2 Sanction scale

Sanctions are recommended for cases assigned yellow, red and black. The sanctions are imposed in the spirit of education and rehabilitation, with the goal of creating a safe and inclusive school community for all members. The sanctions are part of the [school's rules and regulations policy](#).

It is important to note the intent behind the violation of the school rules and regulations. We strongly recommend that breaking the school rules with the proven intent to defend, protect or report SHOULD NOT be sanctioned in the same way as breaking the rules with the effect of transgression or violation.

Note: Reported cases that occur outside the school premises (physically or online) must and will be addressed following the internal procedure. The school's priority is to ensure the psychological and physical safety of the target of the transgressive behaviour. For cases that occur outside school involving the police and are reported to the school using the reporting tool, the school will play a supportive role by providing the necessary measures to ensure the safety and well-being of the target of the transgressive behaviour.

This sanction scale below serves as possible suggestions. This is in line with our school regulations & sanction scale. The school reserves the right to take disciplinary measures according to the specific situation encountered and/or for pupils with special needs.

Reaction to/Aim	Green	Yellow	Red	Black
Put a stop to the behaviour	The behaviour need not be stopped if it isn't against school rules	Stop or reverse the behaviour	Stop the behaviour	
Introduce vocabulary/ adopt a clear position/ think empathetically	Conversation with involved parties by the guidance team member <ul style="list-style-type: none"> Name what happened Discuss the feeling of all concerned Psychological guidance on demand of the target of the transgression 			
Know which behaviour is okay and understand reasons why	Conversation with involved parties by the guidance team member <ul style="list-style-type: none"> Confirm and reassure Explain reasons based on biology and culture, if relevant In cases that happened outside school, students involved could receive mandatory counselling to help them process the situation (especially while waiting for the outcome of a police report) 			
Know which reasons are not okay, and understand reasons why	If behaviour is against school rules, to apply relevant sanctions.	<i>General sanction scale level 2-3</i> <ul style="list-style-type: none"> Verbal warning Informing the class teacher. Reflection hour with a member of the guidance team Task during free periods One or more detentions Blocking student card 	<i>General sanction scale level 4-5</i> <ul style="list-style-type: none"> A written warning to be filed in the student's dossier, with the knowledge of the class teacher Inform parents Mandatory counselling sessions Mandatory session with the school psychologist 	<i>General sanction scale level 6</i> <ul style="list-style-type: none"> Inform parents Convening of a disciplinary council: <ul style="list-style-type: none"> Internal or external exclusion for one or more days with restorative task Restrictions to the timetable (to protect the victim)
Arrive at agreements for future behaviour and determine how further critical support should be given				
Clearly apply ban and demonstrate consequences				

Reaction to/Aim	Green	Yellow	Red	Black
Know boundaries and stay safe		Psychological guidance on demand of the target of the transgression	<ul style="list-style-type: none"> • Official warning letter. • Temporary exclusion from school activities or excursions • Internal or external exclusion for one or more days with reflection hours. • Community service • Meeting with management. 	<ul style="list-style-type: none"> ○ Expulsion ○ Involvement of external agencies (social services, police, etc.)
Report to public authorities				

4. Codes of conduct

This policy respects the concept of restorative justice and seeks to establish a trusted community within the school, both online and on-site. In the school's efforts to minimize sexually transgressive behaviour, we seek to honour the following codes of conduct. All members of the school community must adhere to the general codes of conduct established for the European School of Brussels 2⁹. The codes below pertain specifically to issues of a sexual nature.

4.1 Code of conduct for students

Students include participants of exchange programmes as well as individuals who are over 18 years old but enrolled in school. All students are to adhere to the [general rules for behaviour in the secondary school](#). The code below pertains to issues of a sexual nature.

As a member of the student population, I will...

- Adhere to the clothing policy and its encouragement of self-exploration and mutual respect.
- Always inform someone of my intent and wait for consent before making physical contact, including hugs and kisses on the cheek. Never use my own bodily autonomy as the standard to decide for others what they are comfortable with.
- Respect someone else's autonomy – no means no. An unsure yes or a maybe means no.
- Practice self-control. There is a time and place for everything, and school is not the time nor the place to engage in sexual behaviour, even if it is appropriate for my age.
- Manage my emotions. Never send copies of child pornography or pornography to others as a form of revenge porn. Never spread rumours about others to feel better about myself.
- Accept that I have a lot to learn about my own body and the bodies of others; always ask for permission and always respect the fact that someone's 'yes' can turn into a 'no' at any time.

⁹ General regulations on conduct can be found on the schoolpage (<https://eeb2.eu/swfiles/files/School-regulations-EN-2022-2023-23-11-22.pdf>) as well as the EURSC websites.

4.2 Code of conduct for staff

Staff refers to teaching and administrative professionals, canteen and security staff as well as invited guests and temporary workers contracted to provide a service to the school.

As a member of staff, I will...

1. Keep my opinions to myself. Avoid making sexual comments or gestures about a student's or staff member's body, and don't tell sexual jokes or display sexually suggestive images, videos, etc. in the classroom.
2. Keep a note of the time, place and purpose of meetings with students and staff. Avoid being alone with a student without the knowledge of others. Meet a student alone in a public space within school grounds, such as the study room or the library or the benches if my room doesn't allow for visibility.
3. Avoid meeting students outside of school on a non-school-related issue.
4. Be willing to listen to a student who comes to me for advice but be honest about my limitations. Avoid counselling my students in non-academic matters that I am not qualified in. Refer students who have questions, concerns, etc. to the school psychologist, their advisor, the cycle coordinator, the ADD or their parents if they approach me with a question or issue that is beyond me.
5. Avoid transporting students in my own vehicle or allow students to have access to my car without permission of management.
6. Be candid about my life if that is the way I want to build rapport but avoid discussing my personal problems with students.
7. Always meet an individual student outside of school for school-sponsored activities with other faculty members present, for example at a rally or theatre visit. Avoid inviting a student to my home.
8. Before making physical contact with a student or staff, I will explain my intent and ask for consent eg. helping a student with a musical instrument or use a science apparatus. I will never put my hands on a student or staff in a manner that could be considered as inappropriate under the circumstances or suggests something sexual, intimate, physically pleasing, etc. Examples include brushing up against the body; rubbing shoulders, necks, backs; hugging; tickling; wrestling; spanking; hitting etc.
9. Not enter the toilets of students and staff of the opposite sex. I should ask a fellow staff member or a student to assist me.

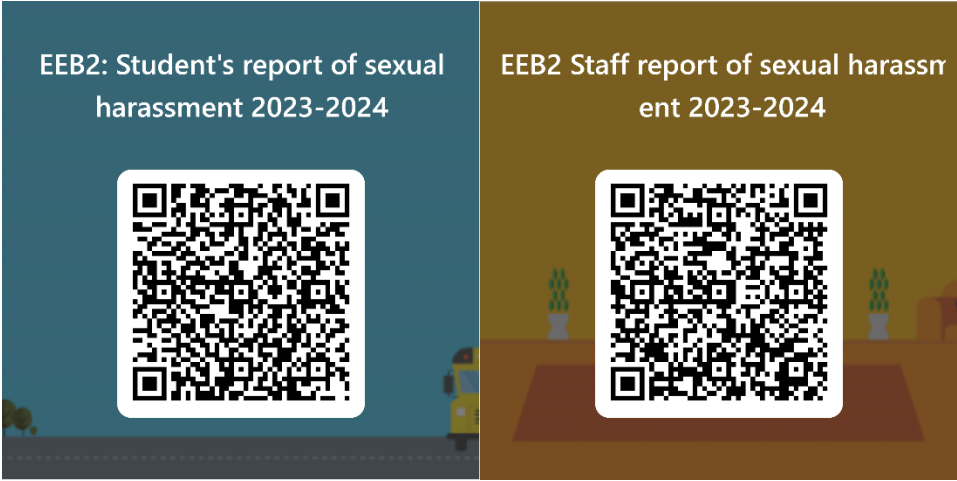
As a member of staff involved in sports and outdoor activities (curricular and extra-curricular), I will also ...

1. Explain my intent and ask for consent before making contact with a student or staff. Where physical contact is unavoidable, I will ensure that the student agrees with this and understands the reason for physical contact (to prevent injuries and deal with 'risky' situations when students carry out complex physical activities)
2. Treat all students fairly and with respect for their privacy and dignity.
3. Advise the students to change before/after outdoor activity for reasons of hygiene and safety. Designated single sex changing rooms or areas are used. Particular consideration might need to be given to, and alternative arrangements made (where possible) for, the requirements of individual pupils with needs relating to sexuality or sexual orientation.
4. Alert the students when entering the changing room to give them the opportunity to cover up. Teachers of the same sex can enter the changing room in response to a disturbance, to reach the personal changing room of the teacher or to get sports material.
5. Not enter the changing room and toilets of students of the opposite sex. I should ask a fellow staff member or a student to assist me.

This policy will be regularly updated to better meet the needs of the school community. This policy is part of the larger EEB2 project focusing on improving well-being, and reflects the more general expectations of consideration and respect in EURSC service regulation [2010-D-362-en-9, 2011-04-D-14-en-14, 2016-05-D-11-en-7, 2007-D-153-en-10, 2007-D-441-en-5], the EEB2 LGBTQIA+ Charter (Charte-LGBTQIA-EN-June-2021-1) and the Child Protection policy [2007-D-441-en-5].

EEB2 Anti-Sexual Harassment working group 2020-2023

Appendix 1: Online reporting tools



Appendix 2 : External parties for Red and Black flag cases

External advice and resources

- Cohezio: www.cohezio.be
- Sensoa: www.sensoa.be 03/238 68 68
- Child focus: www.childfocus.be 116000
- 1712 : professional helpline for all questions about child abuse and violence
- Genderkamer Flanders
- <https://www.jeugdhulp.be/>

External help and services

- CVPS 320 Rue haute: le centre de prise en charge des victimes de violences sexuelles. Woluwe St-Pierre www.320ruehaute.be 02/535.47.14
- VK (vertrouwenscentrum kindermishandeling: centre child abuse) <http://www.vertrouwenscentrum-kindermishandeling.be> 02/669.40.50 (Brussels)
- CAW www.caw.be 0800 13 500.
- SAJ/SPJ (Brussels Service de l'aide à la jeunesse / Service de la protection de la jeunesse) [saj.bruxelles\(at\)cfwb.be](mailto:saj.bruxelles(at)cfwb.be) 02/413 39 18
- OCJ (Indersteuningscentrum jeugdzorg) <https://www.jeugdhulp.be/organisaties/ondersteuningscentrum-jeugdzorg-ocj>
- SOS viol www.sosviol.be 0800 98 100
- General doctor

Legal and justice services

Rape, assault by penetration and sexual assaults are crimes.¹⁰ Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police.

- Agree with the police what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- Schools and colleges should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children and adult students in the school.
- To take any disciplinary measures against the alleged perpetrator, it will be important to work closely with the police (and other agencies as required), to ensure any actions the school takes, do not jeopardise the police investigation.

¹⁰ Link to the relevant laws:

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=1867060801 (Dutch) and

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1867060801&table_name=loi (French)