

Southern Interior Flight Centre

**Sexual Violence and Misconduct Policy**

Name of Policy

August 1, 2021

Implementation Date

**Flight School Director, CFI**

Position(s) Responsible for Administering this Policy

N/A

Date of Last Revision

## 1. General Statements

- 1.1. Southern Interior Flight Centre (SIFC) does not condone or tolerate any form of sexual violence and misconduct, and is committed to creating and maintaining a learning and working environment characterized by mutual respect, safety, civility and free inquiry. Individuals involved in a disclosure or report will be treated with compassion, dignity and respect.
- 1.2. SIFC will address sexual violence and misconduct in the SIFC Community through support, awareness, training and prevention programs, and appropriate handling of complaints and disclosures of sexual violence and misconduct.
- 1.3. SIFC is committed to making available programs and resources to educate on the prevention of and response to sexual violence and misconduct, encouraging individuals to bring forward complaints or concerns about sexual violence and/or misconduct.
- 1.4. SIFC is committed to responding to and addressing incidents and complaints of sexual violence and misconduct involving its students ensuring they receive support and will remove barriers to, and will not penalize individuals, for the making of good faith complaints or disclosures.
- 1.5. SIFC will respond to Complaints under this policy with processes that are consistent with SIFC policies and with the principles of procedural fairness.
- 1.6. SIFC recognizes that an individual who has experienced an Incident of Sexual Violence may require time and reflection before making the decision as to whether or not they wish to make a Disclosure or a Report of the incident. Notwithstanding those considerations, individuals who have experienced an Incident of Sexual Violence are encouraged to make a Disclosure and/or Report as soon as they are able to do so, recognizing that the passage of time may affect the SIFC's ability to address the issues raised by a Disclosure or a Report

## 2. Purpose

- 2.1. The purpose of this policy is to clearly state SIFC's commitment to addressing Sexual Violence and Misconduct through:
  - a) creating a learning and working environment in which sexual violence and misconduct is not tolerated;
  - b) promoting a culture of consent to prevent sexual violence and misconduct;
  - c) establishing a fair, supportive and effective response to Complaints and Disclosures of Sexual Violence and Misconduct;
  - d) providing education to SIFC Community about prevention of Sexual Violence and

- Misconduct;
- e) assisting those who have experienced Sexual Violence and Misconduct by providing information and support, including provision of and/or referral to counselling and medical care, and appropriate academic and/or other accommodations;
  - f) defining the roles of individuals for implementing and carrying out the programs and practices contemplated in this policy; and
  - g) using clear, appropriate, and fair processes for handling Complaints and Disclosures of Sexual Violence and Misconduct.

### **3. Confidentiality**

- 3.1. SIFC recognizes that confidentiality is an important principle in creating an environment where those who have experienced sexual violence and misconduct can feel safe to disclose and seek support.
- 3.2. The privacy and confidentiality of all members of SIFC Community involved in any report of Sexual Violence and Misconduct will be protected by SIFC to the extent permitted under applicable law.
- 3.3. SIFC does not make disclosures of information related to Complaints or Disclosures except as necessary and is reasonable in the circumstances, including for the protection of health or safety, required or authorized by law, or if the person the information is about has consented to the release of the personal information.

### **4. Scope and Application**

- 4.1. This policy applies to Students of SIFC.
- 4.2. Anyone who has experienced sexual violence and misconduct has the right to pursue criminal or civil legal avenues whether or not they choose to file a Complaint or make a Disclosure under this policy.
- 4.3. All processes under this policy will be undertaken in compliance with principles of procedural fairness and will appropriately protect the rights of both the person making a report of sexual violence and misconduct and the person accused.

### **5. Definitions**

- 5.1. SIFC-Related Activity includes an activity occurring on SIFC property, at SIFC sanctioned events or conducted under the authority of SIFC. A SIFC-Related Activity is an activity that has a real and substantial connection to SIFC, SIFC activities or SIFC-related functions, whether or not the conduct occurred on SIFC property, in person or online.
- 5.2. SIFC Community means Students, Employees, contractors, volunteers and visitors.
- 5.3. Complaint means a verbal or written report made to SIFC by an individual about sexual violence and misconduct occurring at or in connection with a SIFC-Related Activity. A Complaint can be made by a person who has experienced sexual violence and misconduct or who has been a witness to sexual violence and misconduct.
- 5.4. Consent means an agreement between individuals that is active, direct, voluntary, un-coerced, ongoing, unimpaired, and based on a conscious choice to engage in sexual activity. Consent can be

withdrawn at any point.

For example:

- a) Consent can never be assumed or implied;
- b) Consent cannot be given by someone who is incapacitated by drugs or alcohol, asleep, unconscious or otherwise lacking the capacity to give consent;
- c) Consent can be withdrawn regardless of whether other sexual activities or previous agreements to sexual activity have taken place;
- d) Consent only applies to each specific instance of sexual activity;
- e) Consent to one kind of sexual activity does not mean that Consent is given for another sexual activity; and
- f) Consent cannot be obtained through threats, coercion or other forms of control and intimidation, which includes an abuse of a position of trust, power or authority.

- 5.5. Disclosure refers to the act of reporting or informing SIFC (see below s.6.2) about an incident or experience of Sexual Violence and Misconduct, whether or not that individual chooses to make a Complaint or take other action. A Disclosure can be made for the purposes of obtaining support and services and/or learn about options to make a formal Complaint.
- 5.6. Employee(s) means any person employed (or who has an appointment) by SIFC.
- 5.7. No-Contact Direction means a directive from SIFC to a person to refrain from contacting or interacting with another person or any other directive as may be determined by SIFC.
- 5.8. No-Contact Undertaking means an agreement, mutually undertaken by two or more people, to refrain from contacting or interacting with one another based on specified conditions.
- 5.9. Sexual violence and misconduct includes sexual violence and means any contact or conduct of a sexual nature or act targeting a person's sexuality, whether the act or contact/conduct is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's Consent, and includes without limitation:
  - a) sexual assault;
  - b) sexual harassment;
  - c) stalking;
  - d) indecent exposure;
  - e) voyeurism;
  - f) sexual exploitation; and
  - g) non-consensual distribution/posting of sexually explicit image(s) in multi-media of a person to one or more persons.
- 5.10. Sexual Assault means any contact of a sexual nature undertaken without consent from all participants, which:
  - a) may include a range of sexual activities, including sexual touching, kissing, oral sex or vaginal or anal penetration;
  - b) includes sexual contact that is forced, manipulated or coerced;
  - c) can occur if the person accused is a partner, friend or acquaintance, a person in a position of authority or a stranger;
  - d) can occur between individuals regardless of sexual orientation, gender, gender identity or relationship; and
  - e) can occur when an individual engages in sexual activity with another person they know or ought reasonably to have known is mentally or physically incapable of giving or refusing Consent, such as when a person is unconscious, blacked out, intoxicated through the use of

alcohol or drugs or otherwise incapable due to a mental or physical disability.

5.11. Sexual Harassment means unwelcome conduct of a sexual nature, including conduct of verbal, physical or non-verbal nature, where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that such conduct is unwelcome and the conduct has a detrimental effect on the learning environment. It includes, but is not limited to:

- a) when submission or tolerance of the conduct is made:
  - i) as a term or condition of educational or employment progress; or
  - ii) the basis for an educational decision or an employment decision;
- b) when the conduct has the effect of creating an intimidating, hostile or offensive learning environment or otherwise interferes with a person's educational performance.

Examples of Sexual Harassment include:

- a) sexual solicitations, advances, remarks, suggestive comments and gestures (including songs and chants);
- b) the inappropriate display of sexually suggestive pictures, posters, objects or graffiti;
- c) non-consensual distribution/posting of sexually explicit image(s) in multi-media of a person to one or more persons, aggressive comments and slurs on any form of social media;
- d) physical contact of a sexual nature; and
- e) sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

5.12. Stalking is conduct that causes an individual to reasonably fear for their physical or mental safety, such as by:

- a) repeatedly following a person or someone known to them;
- b) repeatedly communicating with a person or someone known to them;
- c) besetting or watching a person's home, or place where the person, or someone known to them, resides, works, carries on business or happens to be; or
- d) engaging in threatening conduct toward another person or a member of their family.

These behaviours may include, but are not limited to, non-consensual communications (face to face, phone, email, social media), threatening or obscene gestures, surveillance, sending repetitive unwanted gifts and uttering threats.

5.13. Student(s) means any person enrolled as a student at SIFC.

## 6. Procedures - Making a Complaint or Disclosure

6.1. SIFC encourages all Students to report sexual violence and misconduct so that it can be addressed.

6.2. SIFC makes the following options available to all Students who experience or witness sexual violence and misconduct, or have reason to believe that Sexual Violence and Misconduct has occurred or may occur:

### **Option 1. Disclosure - with or without a formal Complaint:**

A person who experiences or witnesses sexual violence and misconduct may choose to make a Disclosure. For these situations, supports are available whether or not the individual chooses to make a Complaint under this Policy. A person who Discloses may choose to make a formal Complaint at a later date. A Disclosure without a Complaint will not initiate a process to investigate the sexual violence and misconduct incident or engage any resolution process.

- a) Students may make a Disclosure to Marc Vanderaegen, Flight School Director ([marc@flysifc.ca](mailto:marc@flysifc.ca)) or Marilu Medina, Human Resources Manager ([mmedina@carsonair.com](mailto:mmedina@carsonair.com)).

6.3. While SIFC supports the ability of an individual to make informed choices about whether to pursue the filing of a Complaint and the subsequent investigation, in some circumstances SIFC may be obliged to investigate or respond to a Disclosure when Student health and/or safety is at risk, and in other legally compelling circumstances.

**Option 2. Criminal Reporting:**

An individual may make their report through the criminal justice system by contacting the RCMP or local police detachment. If an individual chooses this route, SIFC is available to support making contact with the RCMP/police. An individual wishing to make a report to police is not required to involve SIFC. SIFC will cooperate with any criminal investigation.

**Option 3. Complaint (formal):**

A Complaint may be made to SIFC as follows:

- a) For a Student - Complaint should be made to:
  - i) Marc Vanderaegen, Flight School Director ([marc@flysifc.ca](mailto:marc@flysifc.ca)) or
  - ii) Marilu Medina, Human Resources Manager ([mmedina@carsonair.com](mailto:mmedina@carsonair.com)), or
- b) For an Employee - Complaint should be made to:
  - i) Marc Vanderaegen, Flight School Director ([marc@flysifc.ca](mailto:marc@flysifc.ca)) or
  - ii) Marilu Medina, Human Resources Manager ([mmedina@carsonair.com](mailto:mmedina@carsonair.com)), or

6.4. SIFC will investigate all complaints, and in appropriate circumstances, may facilitate a resolution process. A complaint under this policy must concern sexual violence and misconduct in connection with a SIFC-Related Activity. When a complaint is investigated there will be disclosure of information to the extent necessary to conduct a fair investigation.

6.5. SIFC will ensure that an investigator appointed to investigate sexual violence and misconduct is experienced and familiar with this policy.

## 7. Interim Measures or Restrictions (Temporary Measures)

7.1. Prior to the commencement of an investigation or resolution process, or as a result of a Disclosure, SIFC may impose interim measures (temporary measures or restrictions before an investigation or resolution process is commenced or concluded) as may be appropriate for safety of the individuals involved and SIFC Community. Interim measures may include, but are not limited to:

- a) alteration of the academic schedule of any student involved
- b) No-Contact Undertaking or No-Contact Direction;
- c) temporary, non-disciplinary, leave of absence of a person involved.
- d) any other interim measure as may be determined by SIFC.

7.2. SIFC may, upon request or on its own initiative, put interim measures in place to address a report of Sexual Violence and Misconduct while matters are under investigation or review by the RCMP or outside agency.

## 8. General

- 8.1. It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a person in connection with:
  - a) making a report of Sexual Violence and Misconduct;
  - b) filing a Complaint;
  - c) making a Disclosure;
  - d) participating in an investigation or resolution process under this policy; and
  - e) accessing any other remedy available under this policy.
- 8.2. Anyone engaged in conduct outlined in s.8.1 may be subject to discipline.
- 8.3. SIFC recognizes that appropriately addressing sexual violence and misconduct is an evolving issue and will revisit this Policy every three years or as otherwise directed by the BC Minister of Education.
- 8.4. This policy will be reviewed every three years, or as directed by the Minister of Advanced Education
- 8.5. SIFC reserves the right to determine the appropriate SIFC policy, processes and procedures to follow to address a complaint or investigation.