



## **SEXUAL VIOLENCE POLICY**

Genesis Flight College (“GFC”) believe that all students have the right to study, train, and participate in GFC’s aviation community in an environment free from sexual violence. GFC is committed to building and preserving a safe, productive and healthy learning environment free from sexual violence.

It is GFC’s objective to make students aware of what constitutes sexual violence, the procedures that are in place for dealing with allegations, incidents and complaints of sexual violence, and the supports and services that are available for students who are affected by sexual violence. It is important to note that nothing in this Policy affects the ability of any student to exercise their rights under the Ontario *Human Rights Code* or applicable legislation, within the time limits specified by that legislation.

This Policy does not apply to incidents, allegations and complaints of sexual violence experienced by employees of GFC, whether employed on a permanent full-time, contract, part-time, seasonal, casual or temporary basis. In the event of an incident, allegation or complaint of sexual violence experienced by an employee of GFC, regardless of the source of the conduct and behaviour complained of, reference is to be made to the GFC Employee policies in the Flight Training Operations Manual.

GFC considers any violation of this Policy to be a serious offence that will lead to discipline, up to and including dismissal from GFC and its training programs.

### **Other Applicable Policies and Legislation**

This Policy should be read in conjunction with the Ontario *Human Rights Code*

### **Effective Date**

This Policy takes effect March 2021.

### **To whom does this Policy apply**

The Policy applies to all students enrolled and participating in the studies, training and flight programs offered by GFC.

This Policy applies to incidents, allegations and complaints of sexual violence carried out by or against students on or at premises, location or facilities owned or operated by GFC. As noted in the Preamble, this Policy does not apply in the event of an incident, allegation or complaint of harassment, violence or discrimination carried out against an employee of GFC. In such case, reference is to be made to the rights, obligations and procedures under the GFC policies contained in the Genesis Flight Training Operations Manual therein.

**Where does this Policy apply?**

**This Policy covers and extends to all GFC owned and operated premises, properties and facilities.**

GFC understands that renters may, while participating in studies, training and flights as a student, experience sexual violence on premises outside of GFC. Although GFC has limited control over third parties and locations and/or premises owned and operated by third parties, it shall liaise with the responsible authority to ensure proper procedures will be followed and will continue to provide support services to its GFC students.

GFC further understands that sexual violence includes interactions and communications conducted on social media and/or in a digital environment, or through indirect methods of interaction between GFC students and other students, GFC renters or employees of GFC, include but not limited to, telephone calls, email communications and written communications. All such interactions and communications will be subject to this Policy.

**How often is this Policy reviewed?**

This Policy will be reviewed as required, and at least every three (3) years, to ensure that the Policy continues to protect students from sexual violence when engaged in GFC-related and authorized activities. Student input will be considered, in accordance with the regulations, every time that this policy is reviewed or amended. Any Policy changes will be approved by the President of GFC.

**What conduct is prohibited under this Policy?**

Individuals who are uncertain as to whether a particular type of conduct is captured under this Policy should seek advice from the President of GFC.

For certainty, the following conduct is prohibited under this Policy:

**1. Sexual Violence**

“Sexual Violence” refers to any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

**1. Reprisal**

“Reprisal” means to threaten or take retaliatory action against a GFC student for exercising their rights under this Policy or under human rights laws and legislation.

No GFC student shall be penalized, punished, or subjected to negative treatment of any kind for bringing an incident or complaint of sexual violence to the attention of GFC, or for participating in an investigation or resolution of such an incident or complaint.

Any form of reprisal or retaliation as outlined in this Policy will result in disciplinary action up to and including termination of the individual's relationship, of whatever nature, with GFC.

### **Who is responsible for what?**

Each GFC student is responsible, in conjunction with GFC, for helping to create an environment that is free from sexual violence.

#### **GFC is responsible for:**

- Providing a learning and training environment that is safe and free from sexual violence;
- Ensuring corporate directors, controlling shareholders, owners, partners and other persons who manage or direct the affairs of GFC; instructors, staff and other contractors of GFC; and students enrolled at GFC are aware of this Policy and the investigation process and requirements contained herein;
- Taking all reasonable steps to ensure that complaints made and/or incidents reported under this Policy are handled correctly;
- Offering support and services to any student who is a victim of sexual violence;
- Accommodating, reasonably and as appropriate, the needs of students who are affected by sexual violence; and
- Maintaining the confidentiality of any complaint and investigation process in which they are involved, subject to the conditions of this Policy

#### **The management of GFC are responsible for:**

- Ensuring that all corporate directors, controlling shareholders, owners, partners and other persons who manage or direct the affairs of GFC; and all instructors, staff and other contractors of GFC are aware of their rights and responsibilities relating to maintaining a training, educational and learning environment free of sexual violence;
- Creating a written record for any complaints or incidents that come to the knowledge of GFC;
- Taking all complaints filed and/or incidents reported under this Policy seriously and in good faith;
- Where appropriate, attempting to resolve issues brought to the attention or knowledge of GFC, through mediation or other forms of alternative dispute resolution;
- Where appropriate, arranging for a formal investigation into allegations of sexual violence;
- Working with GFC instructors, pilots, program leads and administrators to implement interim measures to ensure the safety of students who are parties to an investigation, where and as necessary;
- Maintaining the confidentiality of the complaint and the investigation process, subject to the conditions of this Policy;
- Identify options available to GFC students to address and resolve the incident or complaint of sexual violence, including, but not limited to, ensuring students are aware of

all services and support offered by GFC and in the community for victims of sexual violence

- Advising the parties of the outcome of an investigation, and, where appropriate what corrective action, if any, will be taken;
- Providing appropriate training to employees of GFC, as required; and
- Reviewing this Policy at least every three (3) years, or as required

**GFC Students are responsible for:**

- Reading this Policy (and updates to the Policy) and familiarizing themselves with the processes and concepts, as well as their rights and obligations;
- Not engaging in any behaviour that is contrary to this Policy or the values enshrined in it;
- Contacting emergency services in response to an immediate threat of sexual violence;
- Speaking to persons involved in sexual violence and asking them to stop (where possible, appropriate and safe to do so);
- Participating to their most capable extent or ability in investigations under this Policy when they believe they have been harassed or discriminated against, or where they have been the victim of any other form of violence, or as requested by GFC; and
- Maintaining confidentiality of any complaint and investigation process in which they are involved.

For clarity, GFC students are encouraged to report all incidents of sexual violence to GFC following the procedure set out below. Delayed reporting may diminish GFC's ability to investigate and respond effectively to any complaint or incident.

GFC will investigate and deal with all complaints or incidents of sexual violence of which it becomes aware in a fair and timely manner. However, students are not required, to report an incident of, or make a complaint about sexual violence to GFC in order to be entitled to the support and services available at or through GFC for and to the victims of sexual violence.

**What should I do about sexual violence in or at GFC?**

Creating and maintaining a safe and respectful educational, training and learning environment at GFC is a collaborative process.

If you witness, hear about or experience sexual violence in or at GFC, you have the responsibility to report the behaviour. Potential violations, conduct and incidents in breach of this Policy may be investigated, even in cases where no formal complaint has been filed. GFC students who are victims of sexual violence may choose not to request an investigation by GFC and has the right not to participate in any investigation that may occur.

There are three ways in which complaints/incidents involving discrimination, harassment or violence may be dealt with:

- Emergency response
- Informal approach
- Formal approach

None of the procedures or approaches set out herein preclude a student's right to proceed with a formal complaint or a complaint under the Ontario *Human Rights Code* or other legislation.

### **Emergency response (mandatory where violence is imminent or has occurred)**

If a student feels that a sexually violent incident has or is likely to occur, they must contact emergency services (i.e. 911) immediately. GFC students are expected to cooperate with the police, ambulance attendants or paramedics, GFC investigators or other authorities as required during any investigation process.

Where an imminent threat of harm exists, GFC students should be mindful of their personal safety and should not interfere except to summon emergency assistance. Individuals are encouraged to seek first aid or medical assistance as and when necessary.

All students who are exposed to sexual violence in or at GFC, or who are injured, harmed or negatively impacted as a result of violence in or at GFC, are encouraged to consult a health professional for treatment. Students are also encouraged to seek counselling where necessary.

As soon as the imminent threat of violence has subsided or following any incident of violence the student must report the incident through the "Formal approach" (see below).

### **Informal approach**

Students who feel comfortable resolving their concerns or complaints on their own are encouraged to do so prior to seeking formal resolution.

Wherever possible, students in this situation should speak or write to the person engaging in the concerning behaviour one-on-one to let them know that their conduct is unwelcome and to ask them to stop immediately. Although this may be difficult, telling the person their actions or comments are inappropriate is sometimes enough to stop the behavior.

If the problem is not resolved, or if one of the students feel they cannot speak directly with the other person, other options such as a facilitated dialogue or mediation can be explored with the President of GFC.

In these cases, the student should make detailed notes about what happened, when it happened, who was involved, and who may have witnessed the incident. These details may be needed to refresh one's memory in the event that the problem is not corrected, and the matter needs to be pursued further.

### **Formal approach**

If a student feels uncomfortable or unsafe addressing the issue on their own; if they are unsuccessful in resolving the issue informally; or if they experience an incident of sexual violence (and the immediate threat has subsided), they should report the matter directly to GFC's President

Manager, in person or via mail. If GFC's President is the person engaging in the sexual violence, then the student can report the matter to GFC's Chief Flight Instructor.

Wherever possible, students are encouraged to submit their complaints in writing to the President. Complaints should be made and/or incidents should be reported as soon as possible after an incident occurs. The written complaint should include:

- The name of the complainant and their contact information
- The name and contact information (if known) of the respondent (being the alleged harasser or individual whose conduct is at issue)
- Identify if the respondent is an employee of GFC
- The names of any witnesses or other persons with relevant information to provide about the incident and, if known, their contact information
- Details of the incident, including what happened, dates, times, frequency and location of the alleged incidents; and
- Any other relevant information.

A student may also attach supporting documents to the written complaint (i.e., e-mails, text messages, photos, letters, etc.), or list any document(s) which they know or believe a witness, another person(s), or the respondent may have that are relevant to the complaint.

The overall comfort level of the complainant student will be taken into consideration when deciding how to deal with a complaint; however, GFC will ultimately choose the complaint resolution/investigation option that is most appropriate, taking into consideration the seriousness of the conduct in question, the presence of safety concerns, and the overall context of the relationships involved. Even if a student would prefer not to, or does not wish to, proceed with a formal complaint, GFC may choose to follow the formal process, where appropriate.

GFC encourages prompt reporting of complaints, which allows for a timelier response and investigation. However, recognizing the nature and sensitivity of these kinds of problems, no limited time frame will be instituted for reporting complaints under this Policy. Late reporting of a complaint will not, in and of itself, preclude GFC from taking remedial action.

Any student of GFC who witnesses an incident of sexual violence should immediately follow these same steps to report the incident.

### **What happens after a complaint is made or an incident is reported?**

Where a complaint of sexual violence is made, or where GFC becomes aware of an incident of discrimination, harassment or violence, GFC's President will conduct an investigation that is appropriate in the circumstances. If the President, member(s) of Board of Directors or senior staff member(s) are involved in the incident, GFC may, in its sole discretion, appoint or retain an external investigator. Whether internal or external, the investigator appointed by GFC will be objective and trained to conduct investigations involving the subject matter of the allegations.

All complaints, reports and incidents will be kept confidential to the extent that it is both practical and appropriate in the circumstances. Information that is obtained about an incident or complaint

of sexual violence, including identifying information about the individuals involved, will not be disclosed unless disclosure is necessary to protect employees, students or renters of GFC; to investigate the complaint or incident; to take corrective action; or otherwise as required by law.

While the investigation is ongoing, the complainant, respondent and any witnesses will keep the complaint, incident and investigation confidential and must not discuss the complaint, incident or investigation with other students, employees of GFC, renters of GFC or witnesses, except as necessary to obtain advice with respect to their rights.

After a complaint is made, GFC, in consultation with the appropriate supervisory, instruction and GFC personnel, will determine if any immediate action or interim measures are required to protect GFC, its employees, or any of its students, including but not limited to the complainant and the respondent. These measures may include, but are not limited to, limiting access to GFC facilities, making arrangements for alternative instructional relationships, or discontinuing contact between the complainant and the respondent during the period of any investigation or proceedings under this Policy.

### **Will all complaints/incidents be investigated?**

A complaint or incident may not be investigated if:

- The allegations, assuming they are true, do not meet the definition of sexual violence in this Policy;
- The alleged conduct or behavior, assuming the allegation is true, took place at a location other than at or in a premise, facility or location owned or operated by GFC;
- The alleged conduct or behavior, assuming the allegation is true, is wholly unrelated to GFC-related or authorized studies or activities; or
- The complaint is frivolous, vexatious or made in bad faith.

For the purpose of this Policy:

- Frivolous – A frivolous complaint is one that, from a simple initial review, is evident that it will not be possible to substantiate it because the complainant provided no specific allegations or information surrounding the allegations and, upon request, does not provide the necessary information to initiate a proper investigation of precise behaviour, acts, or events
- Vexatious or made in bad faith – A vexatious complaint, or one made in bad faith, is about intent. A complaint will fall into this category if it is determined that the complaint was made intentionally for the purpose of frustrating, humiliating, disparaging, annoying or embarrassing a person; that the complaint was not calculated to lead to any practical result; or that the complainant had the intention to mislead. The standard for establishing bad faith is high and entails more than just poor judgement or negligence.

A complaint may be unfounded, but still brought in good faith. No discipline will result from an unfounded complaint that is brought in good faith. If it is found that a student made a complaint that was intentionally false or malicious, disciplinary action will result which may include ejection from a training program/course, or termination of the student's relationship with GFC.

## **Investigation process**

Investigations conducted under this Policy will be thorough and objective and shall not be based on presumptions about guilt or innocence of either party. The objective is to investigate complaints and/or incidents fairly, and with a view to achieving sound, mature and appropriate relationships among all GFC students and the aviation community.

Investigations will be completed in a timely manner and generally within 90 days of the complaint having been received, or an incident coming to the attention of GFC, unless there are extenuating circumstances (i.e. illness of the investigator or any of the parties to the investigation, complex investigation).

## **How will an investigation be conducted?**

The person conducting the investigation, w the President of GFC or external to GFC will, where possible, complete the following:

- Ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- Thoroughly interview the complainant and the respondent, if the respondent is a GFC student; an renter, an employee of GFC, or a known Visitor. If the respondent is not an renter, employee of GFC or a known Visitor, the investigator should make reasonable efforts to interview the respondent.
- Give the respondent the opportunity to respond to the specific allegations in the complaint. In some circumstances, the complainant should be given a reasonable opportunity to reply.
- Interview any relevant witnesses who are students, renters or employees of GFC. The investigator must make reasonable efforts to liaise with third parties to interview any relevant witnesses who are not students, renters or employees of GFC if there are any identified. The investigator should remind witnesses of their obligation to keep information related to the investigation confidential both during and after the investigation is completed.
- Collect and review any relevant documents.
- Take appropriate notes and statements during interviews with the parties and witnesses.
- Prepare a written report to be provided to the President of GFC, or where the respondent is the President of GFC to the Chief Flight Instructor, summarizing the complaint/allegations, the steps taken during the investigation, the response, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether a violation of this Policy was found or not found.

The investigator may find, on a balance of probabilities, that a complaint is:

- Substantiated;
- Partially substantiated;
- Not substantiated; or



- Frivolous, vexatious or brought in bad faith

For certainty, a student who is a victim of sexual violence has the right not to participate in any investigation that may occur.

Within 10 days of the investigation being completed, the complainant and the respondent will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by GFC.

The investigation procedure will be established on a case-by-case basis, based on the individual circumstances of each complaint. GFC maintains the discretion to adjust the form and nature of the investigation process as appropriate.

### **What can I expect during an interview?**

The interview provides an opportunity for a party or witness to tell their side of the story. Interviews may be audio recorded by the investigator, or reduced to written form, for accuracy.

Parties can designate someone to support them during the interview process by accompanying them to interviews. This person does not represent the party but is there as support only. The support person cannot be another party, or someone who is or may be a witness during the investigation. It is expected, however, that such support person will provide support only, and will not participate in the interview or provide evidence.

### **What will happen if the complaint is found to be true?**

If it is found that a GFC student has engaged in sexual violence, discipline will result. Disciplinary action for a violation of this Policy can range from verbal or written warnings up to and including termination of the student's studies, training or relationship with GFC and/or dismissal from a GFC-related or authorized program, course or event depending on the severity of the incident(s). Corrective action will be taken to protect the health and safety of the complainant and all staff.

Where the investigation reveals that organizational culture, policies, practices and/or processes contributed to the sexual violence, appropriate steps (e.g. training, policy reviews, risk management) will be undertaken by GFC to address the concerns and prevent the issue(s) from recurring.

### **Appeals Process**

If any student directly involved in an investigation is dissatisfied with the outcome or resolution, they have the right to appeal the decision. The dissatisfied party should submit their written comments in a timely manner to GFC's President. GFC's President, in consultation with legal counsel, if deemed appropriate, will render a decision on the appeal. The decision of GFC's President will be final.

### **Record of Complaints**

GFC will maintain a complete written record of each complaint, how it was investigated, and how it was resolved. This will include the following information:

1. A copy of the complaint or details about the incident;
  2. A record of the investigation, including notes;
- A copy of witness statements, if taken;
1. A copy of the investigation report, if any;
  2. A copy of the written notice delivered to the complainant and the respondent setting out the results of the investigation; and a copy of any corrective action taken to address the complaint or incident.

Written records shall be maintained in a confidential manner by GFC's President for an appropriate period of time, but in any event for no less than two years.

### **What happens if a GFC student is hurt as a result of violence in or at the GFC?**

In addition to following the emergency response protocol listed on this Policy, above, students are to immediately report all incidents of sexual violence in writing to GFC's President. If the President is the person engaging in the violence, then the student/renter should report the matter to GFC's Chief Flight Instructor.

### **False Accusations**

GFC recognizes that whether a particular course of conduct constitutes Sexual Violence or breach of this Policy, this requires a factual determination. GFC also recognizes that false accusations can have serious effects on innocent persons. If, after investigation, it is clear that a complainant has deliberately or negligently made a false accusation, the complainant may be subject to appropriate discipline up to and including dismissal from GFC related or authorized training, programs or activities.

However, any complaint made in good faith, which results in a finding that the complaint was not substantiated and/or that there was no discrimination, harassment or violence, shall not result in adverse GFC-related consequences for the complainant.

### **Education and Training**

All students, staff, instructors will be made aware of their responsibilities under this Policy in creating and maintaining an environment free from sexual violence. They will also be made aware of the complaint procedures, and the various internal and external complaint and investigatory mechanisms available.

An awareness and/or training program for students and employees of GFC will be implemented and made available.

### **Collection of Data and Information**

GFC will collect and upon request by the Superintendent of Private Career Colleges provide data and information according to requirements in Subsection 32.3(8), (9) and (10) of Schedule 5 of the *Private Career Colleges Act, 2005*, as amended.

### **Publication**

A copy of this Policy shall be published on GFC's website at [www.flygenesis.ca](http://www.flygenesis.ca).

### **Accommodation and Resources**

GFC shall appropriately accommodate the needs of students who are affected by sexual violence. Accommodation can include, but is not limited to, assist the student in obtaining medical care or counselling. Any request for accommodation and assistance, including access to support and services offered by GFC to students who are affected by sexual violence are to be made to the President of GFC.

The following supports and services are available at GFC for students who are affected by sexual violence:

Genesis Flight College President - 877-359-3245

Sexual Assault and Rape Crisis Line – 1-800-987-0799