



Sexual Misconduct Policy

Canadian Aviation College		3539
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Sexual Misconduct Policy

This policy is publicly available on the Canadian Aviation College (CAC) website.

Sexual misconduct is a serious and complex issue that can include both criminal and non-criminal acts. Preventing and responding effectively requires a comprehensive approach that engages all members of the Canadian Aviation College (CAC) community.

Individuals who have experienced Sexual Misconduct will be treated with compassion, dignity and respect.

CAC does not condone or tolerate any form of Sexual Misconduct and is committed to creating and maintaining a learning and working environment characterized by mutual respect, safety, civility and free inquiry.

Safety at CAC is a priority and CAC will address Sexual Misconduct through support, awareness, training and prevention programs, appropriate handling of complaints and disclosures of Sexual Misconduct.

CAC is committed to encouraging individuals to bring forward all complaints or concerns even if they are not entirely sure what it entails. CAC seeks to remove barriers to, and will not penalize individuals, for the making of good faith Complaints or Disclosures.

CAC will respond to ALL complaints under this policy with processes that are consistent with our policies and with the principles of procedural fairness.

There is no time limitation for a Student or an Employee to bring forward a Complaint or Disclosure under this policy.

The purpose of this policy is to clearly state the CAC commitment to addressing Sexual Misconduct through:

- a. Creating a learning and working environment in which Sexual Misconduct is not tolerated;



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- b. Promoting a culture of Consent to prevent Sexual Misconduct;
- c. Establishing a fair, supportive and effective response to Complaints and Disclosures of Sexual Misconduct;
- d. Providing education to the College Community about prevention of Sexual Misconduct;
- e. Assisting those who have experienced Sexual 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 Misconduct.

CAC recognizes that **confidentiality** is an important principle in creating an environment where those who have experienced Sexual Misconduct can feel safe to disclose and seek support.

The privacy and confidentiality of all members of the CAC community involved in any report of Sexual Misconduct will be protected by CAC to the extent permitted under applicable law.

CAC will 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 to an authorized representative.

Anyone who has experienced Sexual 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.

This policy applies to members of the CAC community.

Definitions

The following **definitions** are applicable to this policy:

College-Related Activity - includes an activity occurring on CAC property, at CAC sanctioned events or conducted under the authority of CAC. A CAC-Related Activity is an activity that has a real and substantial connection to CAC, CAC activities or CAC-related functions, whether or not the conduct occurred on CAC property, in person or online.

CAC Community - means Students, Employees, members of the Board, contractors, volunteers and visitors.



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Complaint - means a verbal or written report made to CAC by an individual about Sexual Misconduct occurring at or in connection with a CAC-Related Activity. A Complaint can be made by a person who has experienced Sexual Misconduct or who has been a witness to Sexual Misconduct.

Consent - means an agreement between individuals that is active, direct, voluntary, uncoerced, ongoing, unimpaired and based on a conscious choice to engage in sexual activity. Consent can be withdrawn at any point. Consent:

- a. can never be assumed or implied;
- b. can never be given by someone who is incapacitated by drugs or alcohol, asleep, unconscious or otherwise lacking the capacity to give consent;
- c. can be withdrawn regardless of whether other sexual activities or previous agreements to sexual activity have taken place;
- d. only applies to each specific instance of sexual activity;
- e. to one kind of sexual activity does not mean that Consent is given for another sexual activity; and
- f. 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.

Disclosure - refers to the act of reporting or informing CAC about an incident or experience of Sexual 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.

Employee - means any person employed (or who has an appointment) by CAC and includes members of the Board of directors for the purposes of this policy.

No-Contact Direction - means a directive from CAC to a person to refrain from contacting or interacting with another person, or any other directive as may be determined by CAC.

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.

Sexual Misconduct - as defined by the Sexual Violence and Misconduct Policy Act includes the following:

- a. Sexual assault;
- b. Sexual exploitation;



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- c. Sexual harassment;
- d. Stalking;
- e. Indecent exposure;
- f. Voyeurism;
- g. The distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video;
- h. The attempt to commit an act of sexual misconduct;
- i. The threat to commit an act of sexual misconduct.

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, groping or cuddling, 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 or otherwise incapable due to a mental or physical disability.

Sexual harassment - is a form of human rights-based discrimination (based on sex) that is prohibited under the Human Rights Code.

It is not mutual flirtation or a consensual relationship. It should be recognized, however, that in certain instances where a power imbalance exists (i.e., in the case of relationships between a physically stronger and physically weaker individual, or faculty and students), a sexual relationship could be considered as sexual harassment.

Sexual harassment is defined as unwanted sexual attention, sexual solicitation, or sexually oriented remarks. It includes unwanted behaviour such as touching, suggestive or demeaning remarks, jokes or other types of verbal abuse of a sexual or sexist nature directed at an individual or group; and graphic or suggestive comments about an individual's appearance, sex or sexual orientation, made by a person who knows or ought reasonably to know that such attention, solicitation or behaviour is unwanted. Further examples of sexual harassment are:



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- Making sexualized comments about a person's appearance
- Producing sexualized sounds, e.g., whistling at someone
- Redirecting conversations to sexualized topics or fantasies
- Telling sexualized jokes or stories about oneself or another
- Asking questions about an individual's fantasy or sexual life
- Telling lies or spreading rumours about a person's sexual life
- Staring, leering, or looking a person up and down
- Displaying or distributing sexualized photos, audio, or video
- Making sexualized gestures or expressions with one's body
- Unwanted touching of a person's hair, face, or body
- Touching oneself sexually in the presence of another person.

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 behaviors 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.

Student(s) - means any person enrolled as a student at CAC.



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Making a Complaint or Disclosure

CAC encourages all Students and Employees to report Sexual Misconduct so that it can be addressed. While there is an expectation that Employees who receive a Disclosure of Sexual Violence and Misconduct will provide CAC with notice if the Disclosure reveals the presence of a safety risk in the workplace, any such report by an Employee will, to the extent possible, be handled in a manner respectful of the wishes and privacy of the individual making the Disclosure.

CAC makes the following available to ALL Students and Employees who experience or witness Sexual Misconduct, or have reason to believe that Sexual Misconduct has occurred or may occur:

Disclosure - with or without a Formal Complaint:

A person who experiences or witnesses Sexual 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 makes a disclosure 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 Misconduct incident or engage any resolution process:

1. Students may make a Disclosure to an instructor or the Office Administrator to access available support, academic accommodations and interim measures;
2. Employees can seek assistance through the Human Resources Manager or their department Manager and may seek appropriate accommodations.

While CAC 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 CAC may be obliged to investigate or respond to a Disclosure when Student and Employee health and/or safety is at risk, and in other legally compelling circumstances.

Criminal Reporting:

An individual may make a report through the criminal justice system by contacting the Royal Canadian Mounted Police (RCMP). If an individual chooses this route, CAC shall provide all available support through its staff team to facilitate contact with the police. An individual wishing to make a report to police is not required to involve CAC. CAC shall cooperate with ALL criminal investigations.



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Formal Complaint:

A Formal Complaint may be made to CAC as follows:

For a *Student* - Complaints should be made to: Student Services or a Flight Instructor; Chief Flight Instructor or the President.

For an Employee, contractor, volunteer or visitor - Complaints should be made to: The Human Resources Manager or President.

For Board members - Complaint should be made to the Board Chair or Vice-Chair.

CAC will investigate all Complaints, and in appropriate circumstances, may facilitate a resolution process. A Complaint under this policy must concern Sexual Misconduct in connection with a CAC-Related Activity. When a Complaint is investigated there will be disclosure of information to the extent necessary to conduct a fair investigation.

Except where otherwise stated in this policy, the procedures under this policy will govern the investigation and/or resolution process under this policy.

CAC will ensure that an investigator appointed to investigate Sexual Misconduct is experienced and familiar with this policy.

CAC reserves the right to specify alternate processes for the handling of a complaint lodged by a member of the CAC Community who is not a Student or Employee.

Interim Measures or Restrictions (Temporary Measures)

Prior to the commencement of an investigation or resolution process, or as a result of a Disclosure, CAC 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 the CAC Community. Interim measures may include, but are not limited to:

- a. Alteration of the academic schedule of any student involved in an incident of Sexual Violence and Misconduct;
- b. No-Contact Undertaking or;
- c. No-Contact Direction;
- d. temporary, non-disciplinary, leave of absence of a person reported to have committed Sexual Misconduct; and
- e. any other interim measure as may be determined by CAC.



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CAC may, upon request or on its own initiative, put interim measures in place to address a report of Sexual Misconduct while matters are under investigation or review by the RCMP or another legal/authorized agency.

Flight Training or Academic Accommodations

A Student who has experienced Sexual Misconduct and who may require a Flight training or academic accommodation (for example, ground or flight test deferral, withdrawal from a course or program, instructor change, etc.), will be supported by the Office Administration or Students Services department, in accordance with the CAC procedures for requesting and granting such accommodations. A Student requesting an accommodation under this policy is not required to file a Complaint of Sexual Violence and Misconduct to be considered for an academic accommodation.

Retaliation

It is against this policy for anyone to retaliate or engage in paybacks, vengeance, or threaten to retaliate against a person in connection with:

- a. Making a report of Sexual Misconduct;
- b. Filing a Complaint;
- c. Making a Disclosure;
- d. Participating in an investigation or resolution process under this policy;
- e. Accessing any other remedy available under this policy.

Anyone engaged in any form of retaliation may be subject to discipline.