



Ontario Career College

SEXUAL VIOLENCE & HARASSMENT ACTION PLAN

www.nearnorthaviation.com

<p>MAIN BASE Parry Sound Area Municipal Airport 97 Airport Road Seguin, ON P2A 2W8 (705) 378-0981</p>	<p>SUB-BASE Grand River Executive Airport (York) 400 Stoney Creek Road York, ON N0A 1R0 (905) 679-5577</p>
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APPLICATION

This Sexual Violence & Harassment Action Plan are policy's and procedures that apply to all Students in the Near North Aviation community. Please note any reference made to the *College or Campus* is taken to be B.P. Flight Training DBA *Near North Aviation*. The Career College Program Campus location is the Main Base of operations located at Seguin, Ontario (Parry Sound), not the company Sub-base located in York Ontario.

PURPOSE

Here at Near North Aviation, we believe that everyone has the right to work and study in an environment free from any form of harassment including violence, harassment or sexual misconduct. This Ontario Career College Sexual Violence & Harassment Action Plan (Student Complaint) discusses how we plan to address harassment within our community. This policy defines the prohibited actions and the process of investigating such actions which will ensure that all individuals are believed and those responsible are held accountable. The policy covers key topics such as:

- Associated Definitions;
- The Policy;
- Responsibilities;
- Risk Assessments of Violence;
- Managing Harassment Situations;
- Reporting Process – Student Complaint;
- Confidentiality;
- Investigation Process;
- Conclusion & Corrective Action;
- Making False Statements;
- Accommodations;
- Incidents Involving Drugs or Alcohol;
- Appeal;
- Collection of Data;
- Policy Review;
- Resources; and
- References.

APPLICABILITY, DISTRIBUTION & AMENDMENTS

All enrolled Career College Students, Owners, Managers and Staff Members must review this policy and procedures document as awareness and training. The designated Campus Administrator is responsible for the distribution of the policy. The communication of the policy is through the following:

- a. All Students enrolled in the Career College Program are presented with this document and are required to sign it acknowledging and agreeing to its adherence. Refer to Appendix A.
- b. The policy and its procedures, including updates will be communicated and displayed by the designated **Campus Administrator** using the company *Operations Bulletin Board* as it is located at a conspicuous location.

Near North Aviation shall, as a condition of its registration, file a copy of any amendments to this policy with the assigned Career College Superintendent. All changes shall not come into effect, including distribution, until approved by the Superintendent.

DEFINITIONS

“Complainant”

A person who makes a formal complaint that they have been harmed by someone else.

“Consent”

Means the voluntary and explicit agreement to engage in sexual behaviour. Consent requires that a person be able to freely agree to the behaviour or action and isn't coerced by means of intoxication or threats.

“Intimate Partner Abuse”

Wherein a person physically harms, threatens, or attempts to harm a Staff Member or Student at the workplace with whom he or she has a personal relationship (such as a spouse or former spouse, current or former intimate partner or family member).

“Personal Harassment”

Meaning any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual, bigoted, ethnic, or racial connotation.

“Racial Harassment”

Means bothering, threatening, or treating someone unfairly because of their race, colour, ancestry, birthplace, religious belief, ethnic background, citizenship, or language.

“Respondent”

A Respondent is the person against whom a case is brought.

“Sexual Harassment”

Engaging in a course of Vexatious comment or conduct against a Staff Member or Student in a campus / workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Staff Member or Student and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual Harassment can include:

1. Sexual solicitation and advances (sex in exchange for a promotion).
2. A poisoned environment (pornographic images in the workplace).
3. Gender-based harassment (targeting someone for not following sex-role stereotypes).
4. Violence (if inappropriate sexual behavior is not dealt with, it may move to more serious forms, including sexual assault and other violence).

“Sexual Misconduct (Clarke College)”

Sexual Misconduct is a type of violence that uses power, control, and/or intimidation to harm another. It includes Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. It occurs when there is an absence of consent. Consent is a free and clearly given yes, not the absence of a no, and cannot be received when a person is incapacitated by alcohol or drugs.

“Sexual Orientation Harassment”

Means treating someone unequally because they are gay, lesbian, heterosexual, bisexual, or living in a same-sex relationship. This could include making a hurtful comment or action to an individual that is known or ought to be known to be unwelcome, making Homophobic jokes or hints about a person's sexual orientation or same-sex partnership status, or displaying of disrespectful signs, caricatures, cartoons or graffiti.

“Sexual Violence”

Engaging in a course of Vexatious comments or conduct including physically or psychologically 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. Examples of Harassment include but are not limited to a pattern of behavior of repeated words or actions, such as bullying, making jokes, offensive remarks or innuendos that demean, ridicule, intimidate, offend, or serve to isolate a person in the workplace.

“Staff”

All individuals in any of the following relationships to Near North Aviation: permanent or temporary, full-time, part-time, casual or contract employees, trainees and volunteers, including but not limited to instructor pilots, charter pilots, maintenance staff, management staff, student workers, and any other individuals who perform work or supply services at Near North Aviation.

“Student”

A person formally engaged in learning or any person who studies, investigates, or examines thoughtfully, especially one enrolled at Near North Aviation in any of the offered courses, not necessarily enrolled Career College, but any program.

“Vexatious”

Causing or tending to cause annoyance, frustration, or worry.

“Working Alone”

The Canadian Centre for Occupational Health and Safety defines Working Alone as:

1. When a person is on their own.
2. When they cannot be seen or heard by another person.
3. When they cannot expect a visit from another worker or member of the public for some time.

“Workplace Violence”

The exercise of physical force by a person against any Student or Staff Member:

1. In a campus / workplace that causes or could cause physical injury to any Student or Staff Member.
2. An attempt to exercise physical force against any Student or Staff Member.
3. In the campus / workplace, that could cause physical injury to any Student or Staff Member.
4. A statement or behavior that is reasonable for any Student or Staff Member to interpret as a threat to exercise physical force against a Student or Staff Member.
5. In a campus / workplace, that could cause physical injury to any Student or Staff Member.

Examples of Workplace Violence include, but are not limited to stalking, shaking fists, throwing objects, destroying a worker’s property, verbal or written threats that express the intent to inflict physical harm, physical attacks, or other acts that would arouse fear in a reasonable person in similar circumstances.

THE POLICY

In consideration of the Human Rights Code, Near North Aviation supports a respectful, healthy workplace and training environment. We are committed to eliminating or if not, reasonably practicable, controlling the hazard of harassment including sexual harassment, violence, and misconduct on its premises. We assure protection for our dearly valued Students and Staff! It is Near North Aviation’s goal to ensure that everyone feels comfortable about making a report and will ensure that all reported incidents are investigated to the best of the Campus’s ability. Near North Aviation has core values and a code of conduct committed to taking prompt steps and equitable resolutions to complaints preventing harassment including sexual harassment, violence, and misconduct.

This policy also applies to all activities that occur while in, on or about the workplace and while engaging in Near North Aviation’s business, activities and or social events, outside of the workplace. For example, if one is attending a company meeting or a social event, the terms of the policy apply.

RESPONSIBILITIES

Students (Enrolled):

Ensure that these Policy and Procedures - Sexual Violence & Harassment Action Plan are followed including reporting complaints in writing, formally or informally any form of harassment including sexual harassment, violence, and misconduct, etc. as described in Definitions to the *President* of the company (refer to **RESOURCES** for contact information). Additionally, provide input in the development of these Policy and Procedures including renewals. And retain a copy of Appendix A – Ontario Career College Sexual Violence & Harassment Action Plan Policy and Procedures Student Acknowledgement.

Staff:

Follow these Policy and Procedures - Sexual Violence & Harassment Action Plan.

Campus Administrator:

The designated Campus Administrator is responsible for the distribution of the policy and procedures to Students and Staff. Additionally,

- a. Ensure Students are handed this document as part of initial program enrolment;
- b. Ensure Students complete Appendix A – Ontario Career College Sexual Violence & Harassment Action Plan Policy and Procedures as Student Acknowledgement;
- c. Ensures Staff are aware of these Policy and Procedures including completing Appendix A as acknowledgement;
- d. Communicate with the President who may delegate to the Operations Manager and/ or the Chief Flight Instructor of any changes that may require an incident review and/or a re-assessment of risk factors for violence affecting Policy and Procedures;
- e. Be consulted by the President on the development and implementation of violence prevention measures and procedures and make recommendations for policy and procedure improvement;
- f. Actively work to curtail forms of violence and harassment of which he or she is aware, or reasonably ought to be aware;
- g. Consult promptly with the President, as appropriate, when situations of potential or actual Intimate Partner Abuse are identified that may put others at risk of harassment including violence, harassment & sexual misconduct to implement preventive measures;
- h. Take every precaution reasonable under the circumstance for the protection of Students and Staff;
- i. Develop the form in which complaints, submissions and decisions will be recorded.
- j. Review decisions made by Management on a complaint;
- k. Deliver any decisions including reasons made from an investigation to the affected Student(s) in writing;
- l. Advise any Students affected by an incident of appropriate Career College support, services, accommodations, and resources including any assigned officials available to assist them at no fee;
- m. Provide Students with relevant information including personal information, if affected, as part of their work, can be expected to encounter a person with a history of violence and that encounter can expose the worker to physical violence;

- n. Maintain a record of every complaint at the campus where the complaint originated for a period of at least three (3) years from the *date of the decision relating to the complaint*, which record shall include a copy of the complaint, of any submission filed with respect to the complaint and of the decision; and
- o. Provide to the Student involved with a complaint, a copy of the decision record.

President:

The President or delegate (Operations Manager or Chief Flight Instructor) shall update this Ontario Career College Sexual Violence & Harassment Action Plan welcoming all Staff and Student feedback. Additionally,

- a. Amend these Policy and Procedures, as required;
- b. Actively work with the Campus Administrator to curtail violence, harassment and sexual misconduct of which he or she is aware, or reasonably ought to be aware;
- c. Implement preventive measures, as appropriate, when situations of potential or actual Intimate Partner Abuse are identified that may put others at risk of Workplace Violence;
- d. Take every precaution reasonable under the circumstance for the protection of Students and Staff and property;
- e. Provide the Campus Administrator with any relevant information including personal information, if affected, as part of their work, can be expected to encounter a person with a history of violence and that encounter can expose the worker to physical violence;
- f. Investigate situations of potential or actual injury to Staff or Students including documentation;
- g. Cooperate with police investigation on related incidents;
- h. Investigate and follow-up on reported incidents of violence, harassment & sexual misconduct;
- i. If required, cooperate with Police, Transport Canada or any other authorities during investigation on the related incident; or
- j. Decide whether to dismiss the complaint or proceed with the Expulsion or other courses of action i.e. discipline or sanctions for violations of this Policy, considering the Career College Program Ontario Laws.

ASSESSMENT FOR RISK OF VIOLENCE

Student and Staff assessment on the campus for the risk of harassment and violence is an integral part of violence, harassment and sexual misconduct prevention. The assessment is conducted by means of recognition and understanding the definitions associated with the Policy. All Staff Members and Students who have observed or have experienced any form of harassment and violence must be in consultation with the Campus Administrator. The assessment should include:

- a. Identifying hazards, considering factors related to the nature of the workplace, the type of work being performed and the conditions of the workplace that could lead to violence.
- b. Upon identifying such hazardous situations, the creation of measures and procedures to reduce the risk of violence will be made. The results of the assessment will be provided to the company President for an outcome.

- c. All Staff and Students are responsible for reporting situations where potential violence can occur so that appropriate corrective action can be taken. This may include discipline or program dismissal.
- d. Staff Members and Students have the right to refuse work / study if they have a reason to believe they are in danger from campus / workplace violence.

Students and Staff Members are encouraged to address any concerns immediately. Near North Aviation encourages not to let a minor problem develop into a major one. Discuss the concern promptly with the Campus Supervisor.

Managing Situations of Violence or Harassment Involving Aggression

If possible and reasonable in the circumstances, Near North Aviation encourages both Staff Members and Students to address any conduct that they consider to *be inappropriate or unwelcome* in an informal manner by advising the individual of concern to **STOP** by using an assertive tone.

Managing Situations for Intimate Partner Abuse Involving Students or Staff

When an incident of potential or actual physical Intimate Partner Abuse occurs at the campus / workplace, the procedures for managing situations of harassment or violent incidents or aggression should be followed.

If the Campus Administrator becomes aware, through direct or indirect communication, that a Student or Staff member is at risk of Intimate Partner Abuse that may affect the workplace, thereby putting others at risk of physical injury in the workplace, then they will promptly consult with the President, and others as appropriate must take place so that every precaution reasonable in the circumstances is taken to protect Students and Staff from harm.

Threats and Fear for Life

Should a Student or Staff Member be exposed to threats made to themselves, their family or any other identifiable person (e.g. other Student or Staff) including the involvement of an object which can result in bodily harm (gun, knife, medical sharps, etc.):

- a. Remove yourself from the situation;
- b. Get help for protection;
- c. When able, call the police by dialing **911** immediately; and
- d. Follow instructions provided by the Police.

Students or Staff Members may inform the Authorities (Police) when threats have been made if there are reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm. In such cases, pertinent including personal information must be provided. In this circumstance, it is not considered a violation of privacy legislation.

REPORTING PROCESS – STUDENT COMPLAINT

If a Student believes they have been the victim of or has witnessed an act of any form of violence, harassment, or sexual misconduct, they are encouraged to report the incident to Near North Aviation immediately following these document guidelines. Once the incident has been reported, Near North Aviation will take steps to ensure that the incident is investigated thoroughly.

Any verbal complaints must be written and presented to the **President** of Near North Aviation. Refer to **RESOURCES** for contact information.

The complaint must include the following information:

- **Name(s) of the individual(s) involved.**
- **Name(s) of any witness(es) to the incident(s).**
- **Location, date and time of the incident(s).**
- **Details about the incident(s) (for example, a description of the behavior or the words used).**
- **Details of your response to the incident(s) (for example, what was said to the person at the time the conduct occurred).**
- **Any additional details that would help with an investigation.**

A complaint may be withdrawn at any time during the investigation process. However, if Near North Aviation deems the incident to have gone against this policy or if it feels it has legal obligations, Near North Aviation will pursue the investigation.

Near North Aviation believes that any complainant shall be free of any reprisal, retaliation, or threats. To this end, anyone engage in this action may be subject to sanctions and/or disciplinary actions.

CONFIDENTIALITY

Near North Aviation is committed to the best of their ability to ensure the confidentiality of all involved in an incident of violence, harassment, and sexual misconduct. Students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by Near North Aviation's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Information gathered during the investigation of an incident of sexual violence or harassment will be kept confidential unless,

- a. An individual is at risk of self-harm or harming another; and
- b. Disclosure is legally necessary for the investigation or disciplinary action.

While steps will be taken to preserve the confidentiality of the complaint to the extent possible, the complainant should understand that details of the complaint may need to be shared in the investigation process. Information will only be shared as necessary to facilitate the investigation process. The complainant is also obligated to keep the complaint, and the process, confidential, except as necessary to facilitate the investigation process. Further, the respondent and potential witnesses will be given enough information as necessary to respond to the complaint.

INVESTIGATION PROCESS

Any Student or Staff Member may file a complaint under this policy in writing. Once a complaint is issued in writing following the previously mentioned **Reporting Process-Student Complaint** guidelines, the investigative process will be initiated.

During the investigation process, the President of Near North Aviation will be present, as will the Campus Administrator, Operations Manager and / or Chief Flight Instructor. The complainant may have an individual of their choosing present during the whole process. The investigative process will include but will not be limited to the following:

- Interviewing the complainant;
- Interviewing any other individual involved, including witnesses;
- Interviewing any individual with knowledge of the incident in question; and
- Informing any party accused in the complaint.

Following the interview process, the accused will be given written notice of the complaint, at which time the accused is invited to respond in writing, this response will be made available to the complainant at this time. If necessary, Near North Aviation reserves the right to attain outside counsel during the investigative process.

Both the complainant and the accused will be given written notice of the results of the investigative process and any disciplinary action that will be taken.

CONCLUSION & CORRECTIVE ACTION

Following the investigative process, the Complainant and Respondent will be advised of the findings and conclusions. The findings may be disclosed to other parties, such as witnesses, if appropriate. Where violence, harassment or sexual misconduct has been found, Near North Aviation will determine the appropriate discipline for the respondent and what remedial steps, if any, should be implemented. Discipline or remedial action may include:

- Making a note of the incident on the Staff Member's personnel file;
- Making a note of the incident on the Student's personnel file;
- Giving a verbal warning;
- Giving a written warning;
- Requiring the Staff Member to attend training or counselling;
- Law Enforcement, if applicable;
- Termination of the Staff's employment for cause; or
- Expulsion of student(s) for cause.

Any corrective actions will be taken promptly following an investigation, to ensure that the violence, harassment or sexual misconduct stops.

In a situation where criminal proceedings are initiated, Near North Aviation will ensure that it fully cooperates with all involved in the criminal process. This will include but is not limited to law enforcement personnel, lawyers, insurance companies and the court.

If it is determined to be a criminal matter Near North Aviation will continue its own in-house investigation and make determinations based on Near North Aviation's policy and procedures.

MAKING FALSE STATEMENTS

If it is found that the Complaint that was made is fraudulent or malicious immediate disciplinary action will be taken against the Complainant.

ACCOMMODATIONS

Where violence, harassment or sexual misconduct has been found, and at the request of the complainant, Near North Aviation will "appropriately accommodate" the needs of the individual(s) affected by sexual violence without fee, including the identity of the specific official or organization that should be contacted to obtain the accommodation.

The Complainant is not required to report an incident of, or make a complaint about, sexual violence to obtain support, services, or accommodation as this would result in disciplinary action.

Refer to Resources for potential accommodation contacts.

INCIDENTS WHEN UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

If a student, in good faith reports an incident of, or makes a complaint about any form of violence, harassment or sexual misconduct, they will not be subjected to discipline or sanctions for violations of these policies and procedures relating to drug or alcohol use at time that the alleged Harassment occurred.

APPEAL

It is the right of any individual accused to appeal the outcome of the investigation. This appeal must be made in writing to the President of Near North Aviation.

COLLECTION OF DATA

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

POLICY REVIEW

At a period of no less than three years, this policy will be reviewed and amended taking into consideration staff and student input.

LAST REVIEW

January 2024

RESOURCES

President – Garret Maxwell

97 Airport Road
Seguin, ON
P2A 2W8
gmaxwell@nearnorthaviation.com

Campus Supervisor

97 Airport Road
Seguin, ON
P2A 2W8
finance@nearnorthaviation.com
(705) 378-0981 or (905) 679-5577

Ontario Provincial Police (OPP), West Parry Sound Detachment

(705) 746-4225 or 911 for emergency reasons
www.opp.ca

Parry Sound Sexual Assault Services

Parry Sound District Office
Office: (705) 774-9083 or 1-877-851-6662
www.daphnewymn.com

Assaulted Women's Helpline

Toll-Free: 1-866-863-0511 or
Dial #7233 (SAFE) on your Bell, Rogers, Fido or Telus mobile phone <http://www.awhl.org>

REFERENCES

This Ontario Career College Sexual Harassment & Harassment Action Plan takes into consideration the following provincial requirements:

1. The Colleges Student Expulsion Policy;
2. Ontario Regulations 415/06 – General:
 - a. *Section 36.1 – Student Complaint Procedure*
 - b. *Section 36.0.1 – Accommodation re Sexual Violence*
 - c. *Section 36.0.2 – Sexual Violence Policy*
2. Memorandum by College and University Minister Jill Dunlop – Passage of the Strengthening Postsecondary Institutions and Students Act, 2022.
3. Ontario Career Colleges Act 2005.
4. Less Red Tape, Stronger Economy Act, 2023.

