

Durham Flight Centre

Sexual Violence Policy

Effective Date: March 1, 2022

1. Purpose and Scope

(a) All of Durham Flight Centre's career college students have a right to study in an environment free of sexual violence.

(b) This Sexual Violence Policy sets out DFC's policy on sexual violence involving our students, defines prohibited behaviors, and outlines DFC's investigative processes for sexual violence. The policy applies to all DFC's career college students.

2. Sexual Violence Policy

(a) Durham Flight Centre ("DFC") is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.

(b) DFC has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students.

(c) The person accused of engaging in sexual violence will be referred to as the "Respondent" and the person making the allegation as the "Complainant".

3. Definition of Sexual Violence

(a) Sexual violence means 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.

4. Training, Reporting and Responding to Sexual Violence

(a) DFC shall include a copy of its Sexual Violence Policy in every contract made between it and its students, and provide a copy of the Sexual Violence Policy to career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college's affairs, and their agents), instructors, staff, other employees and

contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence involving its students.

(b) The Sexual Violence Policy shall be published on DFC's website.

(c) DFC management, instructors, staff, other employees, and contractors of the college will report incidents of or complaints of sexual violence to Kevin Welsh upon becoming aware of them.

(d) Students who have been affected by sexual violence or who need information about support services should contact Kevin Welsh.

(e) Subject to Section 4 below, to the extent it is possible, DFC will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by:

(i) ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and

(ii) ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

(f) DFC recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.

(g) Notwithstanding (f), in certain circumstances, DFC may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

(h) In all cases, including (f) above, DFC will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact Kevin Welsh. In this regard, DFC will assist students who have experienced sexual violence in obtaining counselling and medical care and provide them with information about sexual violence supports and services available in the community as set out in **Appendix 1** attached hereto. Students are not required to file a formal complaint to access supports and services.

5. Investigating Reports of Sexual Violence

(a) Under this Sexual Violence Policy, any student of DFC may file a report of an incident or a complaint to Kevin Welsh in writing. The other officials, offices or departments that will be involved in the investigation are June Stevens, Controller, and Kenneth Ruffo, General Manager.

(b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Kevin Welsh will respond promptly and:

(i) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

(ii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;

(iii) determine whether the incident should be referred immediately to the police;

In the case of referral to police or where civil proceedings are commenced in respect of allegations of sexual violence, DFC may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and

(iv) determine what interim measures ought to be put in place pending the investigation process, such as removal of the Respondent from the campus or seeking alternate methods of providing necessary course studies.

(c) Once an investigation is initiated, the following will occur:

(i) the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;

(ii) an interview will be conducted with the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;

(iii) an interview will be conducted with the Respondent of the complaint, during which the Respondent is to be provided details of the allegations and given an opportunity to respond to those allegations and to identify/provide any witnesses the Respondent feels are essential to the investigation;

(iv) interviews with any person involved or who has, or may have, knowledge of the incident and any identified witnesses;

(v) providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and

(vi) following the investigation, Kevin Welsh will:

(A) review all of the evidence collected during the investigation;

(B) determine whether sexual violence occurred; and if so

(C) determine what disciplinary action, if any, should be taken as set out in Section 5 below.

6. Disciplinary Measures

If it is determined by DFC that the Respondent did engage in sexual violence, then immediate disciplinary or corrective action will be taken. This may include:

(i) disciplinary action up to and including termination of employment of instructors or staff; or

(ii) expulsion of a student; and /or

(iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or

(iv) any other actions that may be appropriate in the circumstances.

7. Appeal

(a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the president of the college, Gary Zhen within 5 days by submitting a letter addressed to the President, DFC, 203 College Street, Suite 201, Toronto, ON M5T 1P9 advising of the person's intent to appeal the decision.

8. Making False Statements

(a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint. Individuals who violate this Sexual Violence Policy are subject to disciplinary and/ or corrective action up to and including termination of employment of instructors or staff, or expulsion of a student.

9. Reprisal

(a) It is a violation of this Sexual Violence Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

Individuals who violate the Sexual Violence Policy are subject to disciplinary and /or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

(b) If students, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

10. Review

(a) DFC shall review its Sexual Violence Policy every three (3) years and amend it where appropriate. The next review date is April 1, 2025.

11. Collection of Student Data

(a) DFC shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32.1 (8), (9), (10) and (11) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

(b) 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 the private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

12. Resources

Appendix 1

Canadian Association of Sexual Assault Centres
Ontario Provincial

English
Assaulted Women's Helpline
Toll Free: 1-866-863-0511
#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile
TTY: 416-364-8762
www.awhl.org

Français
Fem'aide
Telephone toll-free 1-877-336-2433
ATS: 1-866-860-7082
www.femaide.ca

Sexual Assault / Domestic Violence Treatment Centres

Durham Rape Crisis Centre

Crisis: 905-668-9200

Office: 905-444-9672

info@drcc.ca

www.drcc.ca

Toronto Rape Crisis Centre: Multicultural Women Against Rape

Crisis: 416-597-8808

Office: 416-597-1171

info@trccmwar.ca

crisis@trccmwar.ca

www.trccmwar.ca

YWCA Peterborough Haliburton

Crisis: 1-800-461-7656

Office: 705-743-3526 x 130

www.ywcapeterborough.org