

Cygnet Aviation Academy LP Sexual Violence and Harassment Policy

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Preamble

The management of Cygnet Aviation Academy LP (Cygnet) is committed to providing a work environment in which all individuals are treated with respect and dignity. Cygnet has a zero-tolerance policy and insists on a workplace free from violence, harassment, bullying and discrimination. It is the intent of this Prevention of Violence and Harassment in the Workplace Policy (this “Policy”) to ensure that everyone associated with this business (students, employees, customers, contractors, and visitors) never feels threatened by another team member’s action or conduct.

Workplace harassment will not be tolerated from any person in the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment. Senior management, managers, supervisors, students, and workers are expected to uphold this Policy, and will be held accountable by the employer.

The Cygnet Sexual Violence and Harassment Policy (the “Policy”) applies to all students of Cygnet Aviation Academy LP.

Students are not required to report an incident of, or make a complaint about, sexual violence in order to obtain the support and services offered by Cygnet.

Scope

This Policy applies to all Cygnet’s full-time, part-time, casual, and temporary employees regulated by the Canada Labour Code (R.S.C., 1985, c. L-2), as well as to all interns and volunteers. It applies to events that occur outside the physical workplace that are work-related, including company parties.

Policy Objectives

Cygnets is committed to providing our students and staff with an educational environment free from sexual violence and harassment and treating those who report incidents of violence with dignity and respect. To that end Cygnets will provide a copy of the policy to all students, and educate them together with Cygnets management, employees, and contractors about this Policy and how to identify situations that involve or could progress into any violence against students and how to avoid it. Where a complaint has been made, under this Policy, Cygnets will take all reasonable steps to investigate it, including:

1. providing on-campus investigation procedures to students for sexual violence and harassment complaints.
2. responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation.
3. assisting students who have experienced sexual violence and harassment in obtaining counselling and medical care.
4. providing students who have experienced sexual violence and harassment with appropriate academic and other accommodations; and
5. providing students who have experienced sexual violence and harassment with information about reporting options as set out in Appendix 1.

Workplace Harassment

“Workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace — a comment or conduct that is known or ought reasonably to be known to be unwelcome. It includes any act in which a person is abused, threatened, intimidated, or assaulted in their employment and may include any of the following:

1. **Threatening behaviour** — such as shaking fists, destroying property, or throwing objects. Stalking, unwelcome visits to the home of another employee. Threats (intimidation, coercion) of harm to a person, the person’s family, or the person’s property. Belligerent, intimidating, and/or physically coercive conduct. Private conversations overhead or private messages retrieved that constitute threats against other individuals.
2. **Verbal or written threats** — any expression of intent to harass, intimidate, or inflict harm.
3. **Harassment** — a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, based on a protected ground. Harassment can take many forms, including, but not limited to: (a) threats, intimidation, or verbal abuse; (b) unwelcome remarks or jokes about subjects such as the person's race, religion, disability, age, or other characteristics; (c) displaying sexist, racist, or other offensive pictures or posters; (d) *unnecessary* physical contact, such as touching, patting, pinching, and/or punching; (e) physical assault; and (f) retaliation in any form for having filed a complaint of Discrimination or assisted in complaint proceedings.

4. **Sexual Harassment** — any conduct, comment, gesture, or contact of a sexual nature. It includes, but is not limited to, a sexual invitation or advance, or a threat of punishment for the rejection of a sexual advance, by anyone including a person in a position to grant or deny a benefit or advancement. Examples of sexual harassment include, but are not limited to: (a) persistent leering (suggestive staring) or other obscene/offensive gestures; (b) unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, and/or brushing up against a person; (c) unwelcome sexually-oriented remarks, invitations, requests, jokes, and/or gestures; (d) unwelcome sexual flirtations, advances, and/or propositions; (e) inquiries or comments about a person's sex life; (f) demands or requests for sexual favours, especially by a person who is in a position of authority; (g) displaying sexually offensive materials; and (h) sexual assault.
5. **Physical attacks** — hitting, shoving, pushing, or kicking.
6. **Other** — rumours, inappropriate jokes, swearing, verbal abuse, pranks, arguments, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger related incidents, rape, arson, and murder.

Harassment and sexual harassment may also relate to a form of discrimination as set out in the *Canada Human Rights Act, R.S.C., 1985, c. H-6*, but it does not have to.

Responsibilities

This Policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace.

Management will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting workers' privacy as much as possible.

Management will take all reasonable precautions to protect workers where they are aware, or ought to be aware, that an act of domestic violence is likely to endanger a worker. Cygnets will provide workers with information related to a workplace violence risk from persons with a history of violent behaviour. This will only be provided if the worker(s) can be expected to encounter that person in the course of their work and if the risk of workplace violence is likely to expose the worker(s) to physical injury.

Managers are responsible for ensuring that all allegations of workplace violence or harassment are referred to the General Manager in a reasonable and timely manner and for taking reasonable steps to prevent future occurrences.

The General Manager will:

1. ensure the allegations are responded to in a reasonable and timely manner;
2. ensure that a thorough investigation is conducted into each incident and that the investigation is prompt, even-handed, confidential, and sensitive to the needs of the employees;
3. carry out a training program and educate employees on the warning signs of a potentially violent individual and the proper handling of reports of prohibited activities; and
4. establish a liaison with local law enforcement authorities and legal counsel relative to handling of violence and threats of violence.



Supervisors are responsible for:

1. ensuring all allegations are referred to the General Manager in a reasonable and timely manner; and
2. participating in and possibly initiating investigation.

Workers:

1. shall not subject another employee to any act of violence, harassment, or bullying as related to workplace activities and to avoid responding negatively to such acts or circumstances;
2. are encouraged to report any incidents or acts of workplace harassment they regard as inconsistent with this Policy; and
3. will receive no negative consequences for reports made in good faith.

Emergency Procedures

In cases of emergency, consider your personal safety first, then follow the steps below:

Step 1: Call City Fire Emergency (911) if appropriate

Step 2: Call local emergency hotlines

Step 3: Notify your Supervisor or Manager

Non-Emergency Procedures

A situation is considered a non-emergency if:

1. no injury has occurred,
2. there is no immediate danger, and
3. the words or gestures of one person have induced fear of physical harm in another person.

In the event of a non-emergency:

1. notify your local Emergency hotline 1-877-544-6424; or
2. notify your Supervisor or Manager.

Complaint/Incident Procedure

Every employee or associate is obligated to promptly report acts of conduct that are or appear to be inconsistent with this Policy.

Every employee is obligated to report instances in which the Policy appears to have been ignored, or in which prohibited acts or conduct are being condoned by supervision or management.

Reports of the foregoing may be made to the employee's immediate supervisor, or General Manager.

Every effort will be made to promptly and thoroughly investigate all allegations of workplace violence in as confidential a manner as possible consistent with the requirement of Cygnets to conduct a thorough investigation. The reports will be treated as confidential pending fact-finding.



Access to the reports will be limited to persons essential to a full determination of the facts. An employee who submits a report will be advised of the results of the fact-finding. Cygnets may seek legal advice during the investigation.

Any persons who disclose their experience of sexual violence and harassment through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence and harassment, will not be asked irrelevant questions during the investigation process by Cygnets staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Students, faculty, and staff of Cygnets will take all reasonable steps to prevent sexual violence and harassment involving students on or off campus. Cygnets students, faculty and staff can report any knowledge or suspicion of sexual violence and harassment involving students, faculty, or staff. Subject to paragraph 7 below, to the extent it is possible, Cygnets will attempt to keep all information disclosed confidential except in those circumstances 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 campus or the broader community are at risk. Cygnets recognizes the right of the complainant to determine how their complaint will be dealt with. However, in certain circumstances, Cygnets may be required by law 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 are at risk. A complainant seeking accommodation should contact Cygnets.

Response to Violence and Harassment

A complaint of sexual violence and harassment may be filed in writing under this Policy, by any Cygnets student. A complainant may ask another person to be present during the investigation. Upon a complaint of alleged sexual violence and harassment being made, Cygnets will initiate an investigation, including as follows:

1. determining whether the incident should be referred immediately to police;
2. determining what interim measures, if any, need to be taken during the investigation;
3. meeting with the complainant to determine 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;
4. interviewing the complainant, any person involved in the incident and any identified witnesses;
5. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
6. informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
7. providing reasonable updates to the complainant and the respondent about the status of the investigation; and
8. determining what disciplinary action, if any, should be taken.

If it is determined by Cygnets that a student has been involved in sexual violence and harassment, immediate disciplinary or corrective action will be implemented including termination of employment or expulsion of a student. In cases where criminal proceedings are initiated, Cygnets will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. Where criminal and/or civil proceedings are commenced in respect to allegations of sexual violence and harassment Cygnets may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

If a complaint is substantiated, Cygnet may take any appropriate action, including the following:

1. counselling, training, and close supervision of the offender;
2. providing a written apology to the complainant;
3. permanent separation of the offender and the complainant through the transfer of the former, or, at their request, the latter;
4. disciplinary action against the offender (including demotion, suspension, or termination);
5. reporting of the offence to appropriate civil authorities for further action and charges;
6. awareness sessions, training, or counselling for managers or other employees; and
7. other such measures as may be needed to establish or re-establish a positive, productive environment, or to deal with lack of knowledge, poor attitudes, or deficiencies within the system.

A record of satisfactory employment, regardless of length, will not be considered a mitigating circumstance.

Malicious and Frivolous Complaints

Malicious complaints are considered a contravention of this Policy. Should Cygnet find that a complaint is malicious or frivolous, it may take appropriate disciplinary action against the complainant.

Retaliation

Retaliation or threats of retaliation toward anyone involved in a complaint investigation is viewed as a violation of this Policy. Should it be determined that drugs or alcohol were consumed at the time of the alleged sexual violence and harassment, students whom, in good faith, report an incident will not be subject to discipline or sanctions for violations of Cygnet policies relating to drug or alcohol use. Investigation of such behaviour will occur, and appropriate disciplinary action taken, up to and including termination of employment or removal from the program.

Confidentiality and Co-operation

All parties involved in the resolution or investigation of a complaint, including the complainant, the alleged offender, and witnesses, are expected to facilitate the process, co-operate, and maintain confidentiality.

All documentation involved in the complaint process, including the final report, will be maintained in confidence. In all instances, such documentation will be kept in separate personnel files. If there is disciplinary action, the reason for discipline, as well as the nature of the discipline will be recorded in an employee's personnel file.

Appeal Procedure

Employees who are dissatisfied with the outcome of the written complaint procedure may apply by way of letter to Cygnet and request a review of the decision by the Review Committee composed by the President and two other senior members of Cygnet's management team, stating explicitly the grounds for the request. Cygnet may seek legal advice during the Appeal Procedure.



Human Rights and Other Remedies

Nothing in this Policy prevents or discourages a worker from filing an application with the Canadian Human Rights Tribunal on a matter related *Canadian Human Rights Act*, R.S.C., 1985, c. H-6, within one (1) year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

Training and Violence Assessments

Cygnet is dedicated to training all employees in Human Rights, Harassment, and Violence and will do so at least once every eighteen (18) months. This Policy should be consulted whenever there are concerns about violence in the workplace. This Policy must be posted in a conspicuous place in the workplace.

Assessments of risk and potential for workplace violence will be conducted regularly and at least annually.

Lynne McMullen
Cygnet Aviation Academy Corp.
President

Appendix 1: Resources

Kingston SACK	Sexual Assault Centre Kingston	613-545-0762	1-877-544-6424 (Crisis line)
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[Acknowledgement and Agreement of this Policy on Next Page]



Acknowledgement and Agreement

I, _____, acknowledge that I have read and understand the Cygnets Prevention of Violence and Harassment in the Workplace Policy and I agree to adhere to this Policy. I understand that if I violate the rules set forth by this Policy, I may face disciplinary action up to and including expulsion from Cygnets Aviation Academy LP.

Name: _____

Signature: _____

Date: _____

Witness: _____