



### *Policy Statement*

British Columbia Helicopters Ltd. Is committed to ensuring a safe community that is constructed through mutual respect and guaranteed safety for all individuals. This includes providing a process to respond and investigate all allegations of sexual misconduct.

B.C. Helicopters is committed to enact inclusive education, prevention, and response initiatives to address Sexual Misconduct. Through these initiatives, B.C. Helicopters is dedicated to instilling a culture of consent and countering rape culture. The University of British Columbia defines rape culture as a broader social attitude about gender, sex, and sexuality that normalizes Sexual Misconduct and undermines equality.

### *Purpose & Scope*

The purpose of this document is to evaluate and determine the ongoing efforts in preventing sexual misconduct and respond to incidents when they do occur.

Mandatory procedures will be set out for the following as it's required by the *Sexual Misconduct Policy Compliance Standards*:

- Making a complaint of sexual misconduct involving a student
- Making a report of sexual misconduct involving a student
- Responding to a complaint of sexual misconduct involving a student
- Responding to a report of sexual misconduct involving a student

B.C. Helicopters will not tolerate any form of sexual misconduct.

### *The Framework*

This document defines sexual misconduct in a wide range of acts of a sexual nature, specifically:

- a) Sexual assault
- b) Sexual exploitation
- c) Sexual harassment
- d) Stalking
- e) Indecent exposure
- f) Voyeurism
- g) The distribution of a sexually explicit photograph or video without consent of the said person in the photograph or video.
- h) The attempt to commit an act of sexual violence
- i) The threat to commit an act of sexual violence

Sexual Misconduct is a broad term that can include any unwanted act – psychological, physical, or verbal – carried out through sexual means. B.C. Helicopters will continuously recognize that there are many different forms of sexual misconduct, and all genders may experience sexual misconduct.



*Principles & Commitments*

B.C. Helicopters will use clear, appropriate, and fair processes for handling complaints of sexual misconduct.

When a complaint of sexual misconduct is made, B.C. Helicopters will offer support to both the person who is alleged to have experienced sexual misconduct as well as the person accused of sexual misconduct.

Individuals accused of sexual misconduct will be given reasonable notice, with full detail of the allegations against them and will be provided with an opportunity to answer the allegations.

An integral decision-making process will be put into effect in situations involving individuals and their own circumstances. B.C. Helicopters recognizes that people may be affected by other factors including but not limited to their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language.

B.C. Helicopters recognizes that experiencing sexual misconduct may have serious negative impacts on an individual's physical, mental, emotional, spiritual health and wellness.

B.C. Helicopters is committed to respecting the rights of those who choose to disclose their own decisions about accessing support services and assistance, making a report, or pursuing external processes such as criminal or civil action.

B.C. Helicopters recognizes that some individuals may be hesitant to disclose or report sexual misconduct in cases where they have consumed alcohol or drugs. An individual who makes a disclosure or report will not be subject to actions for violation of any B.C. Helicopter rules or regulations related to drug or alcohol regarding the alleged Sexual Misconduct.

B.C. Helicopters will address this policy to all students when:

- Sexual misconduct involving a student is alleged to have occurred on hangar property or at the residence; or
- Sexual misconduct involving a student alleged when the sexual misconduct has happened off property where the student is involved with B.C. Helicopters at the time the incident occurred.

B.C. Helicopters commitment in addressing sexual misconduct includes:

- Using clear, appropriate, and fair processes for handling complaints of sexual misconduct.
- Communicating support services and resources
- Ensuring the safety of the victim/survivor. Immediate safety first, followed by ongoing safety.
- To discuss seeking medical treatment/assistance for injuries, preventative treatment for sexually transmitted diseases, other health services and to preserve evidence.



- Identifying and providing contact information for trained counsellors and/or victim service supports who can provide an immediate confidential response.
- Outlining who is responsible at each level and stage of response.

*Developing responsible policies and actions to prevent and respond to sexual misconduct.*

When a designated person receives a complaint of sexual harassment, they will:

- Immediately record the dates, times, and facts of the incident(s)
- Establish the views of the victim as to what outcome they want
- Ensure that the victim understands the company's procedures for dealing with the complaint
- Discuss and agree to the next steps: either an informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if they are not satisfied with the outcome
- Keep a confidential record of all discussions
- Respect the choice of the victim
- Ensure that the victim knows that they can lodge a complaint outside of the company through the relevant criminal/civil legal system.

*Procedures for Responding/Handling a Sexual Misconduct Complaint:*

It is a necessity to include options for assistance immediately following an incident as well as ongoing assistance. Options will vary depending on the situation. Procedures may include:

### Disclosure

The decision to disclose and the decision to report are separate. An individual may choose to disclose sexual misconduct without making a report. A disclosure will not result in a report being made unless the individual chooses to do so.

B.C. Helicopters will make use of appropriate support services and assistance to individuals who have chosen to disclose an act of sexual misconduct.

Students who Disclose or Report sexual misconduct may be helped in the following ways.

- Student residence re-location or short-term emergency student housing
- Class schedule changes
- Safety planning

Other options will be considered depending on the individuality of the case.

### Complaint



A complaint will result in B.C. Helicopters initiating an investigation.

The person filing the complaint may withdraw the complaint at any time. However, B.C. Helicopters may be obligated to continue to investigate or act on the investigation regarding the complaint under certain circumstances.

### Defining Investigations

Investigations (including the preparation of a written report involving detailed findings), will be completed within thirty calendar days following the initial complaint.

During the investigation, the complainant, and the alleged/respondent will be fully informed of the allegations found in the report. Each party will be given a document with the key findings, giving both parties an opportunity to respond.

The investigator may investigate the allegations through different means, including:

- Requesting a written response from the alleged and/or meeting with the alleged for further information
- Requesting a list of potential witnesses, along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications
- Obtaining any other evidence, including evidence of mitigating and aggravating circumstances that may be relevant to the investigation
- The goal of the investigation findings is to determine whether sexual misconduct has occurred within balance of probabilities

### Report

A report is to be considered a statement involving an alleged act of sexual misconduct. In turn, this report will be made to/involving the RCMP.

A report of sexual misconduct may be filed by any member associated with B.C. Helicopters.

It is contrary to the policy for anyone to retaliate, engage in reprisals or threaten to retaliate in relation to a complaint or report.

In accordance with the principles of procedural fairness, no sanction and/or disciplinary action will be taken against a person or group without their knowledge.

Individuals accused, will be given reasonable notice, with full detail of the allegations against them and provided with an opportunity to answer the allegations.

### Confidentiality & Privacy

To protect the integrity and support the fairness and effectiveness of investigations, all participants in an investigation must act in accordance with the guidelines provided below.



Individuals who are in participation with the ongoing investigation must not disclose any information to anyone except their own personal advisors and/or representatives. This is required by law.

However, this does not include individuals disclosing information about themselves, or information they have obtained outside of the initial investigation.

B.C. Helicopters will not disclose any information investigation-related, except:

- When given authorization from the victim/survivor
- To a B.C. Helicopters representative where disclosure is necessary for the performance of that individual's duties.
- To a Complainant, Respondent, witness, or other participant in the investigation, if necessary, for the conduct of the investigation
- When authorized or required by law

### *Definitions*

The definitions provided below are included for clarity if they were not explained in previous sections of this document.

### Consent

For there to be consent, an individual must actively, willingly, and continuously consent to all sexual activity.

More specifically, consent for the purposes of this Policy:

- is not silence or the absence of "no"
- cannot be assumed or implied
- cannot be given by an individual incapacitated by alcohol, drugs, or some other reason, and/or who is unconscious, or otherwise incapable of giving consent
- can be revoked at any time, whatever other sexual activities have taken place
- can never be obtained through an abuse of power, threats, intimidation, coercion, or other pressure tactics.
- cannot be obtained if the other individual abuses a position of trust, power, or authority; and
- cannot be assumed from previous consent to similar activities.

### Sexual Assault

Sexual assault means any form of unwanted sexual contact without consent from all parties.

More specifically, sexual assault:

- includes a range of unwelcome sexual activities including oral contact (kissing), groping, touching, oral sex, vaginal or anal penetration.
- can occur if the person accused is a spouse, an intimate or dating partner, a friend or acquaintance, a known person in a position of authority or a stranger.
- can occur between individuals regardless of sexual orientation, sex, or gender identity; and



- can occur when an individual engages in sexual activity with another person they know, or reasonably ought to have known, is mentally or physically incapacitated (i.e., by drug or alcohol use, unconsciousness, blackout, or because of a disability).

#### Sexual Cyber Harassment/Cyber Stalking

The use of technology and/or the internet to bully, harass, or intimidate others through repeated, unsolicited, threatening behaviour of a sexual nature and/or targeting sexual orientation or gender identity. See also Stalking below.

#### Sexual Exploitation

Sexual exploitation of a student includes the misuse of power or trust by a person in a position of power or trust over any person, but particularly a young person or a vulnerable adult, for a sexual purpose or purposes. Sexual exploitation includes abuse of an individual through the exchange of sex or sexual acts for any purpose and includes, but is not limited to, drugs, food, shelter, protection, money, or the basics of life. The Criminal Code of Canada defines a young person as someone under 18 years of age.

#### Sexual Harassment

Sexual harassment means a course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or targeting sex or gender identity where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that they are unwanted.

It includes, but is not limited to:

- Unwanted sexual solicitations, advances, remarks, suggestive comments, and gestures (including songs and chants).
- the inappropriate display of sexually suggestive pictures, posters, objects, or graffiti.
- non-consensual posting of sexually explicit pictures or video.
- unwanted physical contact of a sexual nature; and
- sexual contact that interferes with a person's dignity or privacy such as voyeurism and exhibitionism.

#### Stalking

Stalking is a form of criminal harassment involving behaviours that occur on more than one occasion and which collectively instill fear in a person or threaten a person's safety or mental health. Stalking can also include threats of harm to a person's friends and/or family.

These behaviours include, but are not limited to, non-consensual communications (e.g., face to face, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media; cyber harassment/cyber stalking; and uttering threats. See also Sexual Cyber Harassment/Cyber Stalking.

#### **A Review**

This policy will be reviewed a minimum of once every three years. Students and other members of the B.C. Helicopters Community, as appropriate, will be included in the review process.



### **Legislative and Collective Agreement References**

[Criminal Code of Canada](#)

[Sexual Violence and Misconduct Policy Act, Government of British Columbia](#)

### **Links to Other Related Policies and Documents**

PTIB Policy Manual

[Guide for Preventing and Responding to Sexual Violence Misconduct at British Columbia Post Secondary Institutions.](#)

[University of British Columbia, Sexual Misconduct Policy](#)