

E.07.1
Harassment and Discrimination Procedure

Policy Name	Discrimination, Harassment, and Violence		
Policy #	E.07	Category	Learning Environment
Approving Jurisdiction	Board of Governors	Replaces	New
Administrative Responsibility	VP, Student Services	Version	2025-09-16
Procedures Approved by	President	Next Review Date	TBD

See the related POLICY (link to be added when posted)

DEFINITIONS

Aurora College Community: Includes any person who is an Aurora College student or an Aurora College official, including instructional and non-instructional staff, volunteers, contractors, and members of the public who hold positions on Aurora College councils and committees such as the Board of Governors, Indigenous Knowledge Holders Council, Research Advisory Council, and Curriculum Review Committees.

Complainant: The person who files a misconduct complaint or reports an alleged conduct violation.

Discrimination: A distinction, intentional or not, based on a prohibited ground, which has the effect of imposing burdens, obligations, or disadvantages on an individual or group not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

Harassment: Any behaviour that satisfies one or more of the following definitions:

- Abuse of Authority – occurs when a staff member or student improperly uses the power and authority inherent in their position to endanger the learning or employment of another, interferes with progress of learning or the real or potential employment of another Aurora College Community member. It does not include the legitimate and proper exercise of the staff member’s or student’s authority and responsibilities inherent with the position that they hold within the Community.
- Harassment – unwanted conduct that can be reasonably considered to have the purpose or effect of violating a person’s dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating, or offensive

environment based upon one or more of the following – indigeneity, race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family status, family affiliation, political beliefs, political association, social condition, or pardoned criminal conviction.

- Personal Harassment/Bullying – unwanted conduct that can be reasonably considered to have the purpose or effect of violating a person’s dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment. Personal harassment does not have to be based on listing of prohibited grounds for discrimination that can be found in the *Human Rights Act*.
- Sexual Harassment – unwanted sexual conduct, advances, requests, or favours that can be reasonably considered to have the purpose or the effect of violating a person’s dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, whether on a one time basis or in a series of incidents, or that a person might reasonably perceive as placing a condition of a sexual nature on their participation within the Aurora College Community.

Indigeneity: Refers to the collective characteristics, experiences, and cultural identity of Indigenous peoples. It encompasses the broader concept of the cultural, historical, social, and political distinctiveness, relationship with the land, traditional knowledge, governance systems, and the ongoing impacts of colonization. Indigeneity is about the shared identity and commonalities among Indigenous peoples as a group.

Prohibited Grounds: Any of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or ability. (from the *Human Rights Act*)

Respondent: The person responding to an allegation; one who is complained about or is the subject of a complaint.

Support Person: A person who accompanies the student or the staff member to a misconduct investigation meeting or an appeal hearing to provide emotional support. The support person does not act as a legal or quasi-legal advisor. The support person may provide relevant procedural information and help prepare for an investigation meeting or an appeal hearing. The Complainant and Respondent are expected to be present and to respond directly to questions asked by members of the Appeal Panel and/or investigators.

Violence: Any behaviour by a person that causes physical or psychological harm to another person. It may involve but is not limited to: physical force and/or verbal aggression; written or

technology-facilitated communication; intimidation; stalking; damage or destruction of property that can lead a person to feel at risk of harm. Anyone can experience or be affected by violence regardless of gender, ability, relationship status, sex, class, age, or race. This can take many forms, and includes but is not limited to:

- Sexualized violence: A broad term that encompasses all forms of sexual violence, physical or psychological committed, threatened, or attempted without a person's continued consent. It may target someone's sex, sexual identity, gender identity, or expression.
- Domestic Violence: A range of behaviours within a current or former relationship based on kinship, intimacy, dependence, or trust that are physically, sexually, psychologically, or economically abusive, threatening, coercive, or in any other way controls or dominates the person and causes them to feel fear for the safety or wellbeing of themselves or others.

PROCEDURES

General

1. Nothing in these procedures or the parent policy supersedes the requirements described in legislation, relevant Government of the Northwest Territories (GNWT) policies, and the collective agreement between the GNWT Minister responsible for the *Public Service Act* and the appropriate bargaining agent.
2. Nothing in these procedures or the parent policy limits the rights of Aurora College Community Members to pursue other remedies. These may include private legal remedies, grievances, or complaints under applicable legislation. The College is not responsible for providing legal services for those who wish to pursue other remedies.

Procedures

1. Members of the Aurora College Community who feel that they have been harassed or discriminated against by actions of another person or group of persons, where it is safe and reasonable to do so, should as a first response, advise the other person that the behaviour is offensive and make a request for the behaviour to stop.

2. Persons who believe that they have been the subject of harassment or discrimination may choose to deal with these alleged acts in two ways: through the Informal Resolution Process or through the Formal Complaint Resolution Process.¹

Informal Resolution Process

3. The Informal Resolution Process provides an opportunity for the involved parties to meet and discuss behaviours, as well as work to identify actions that will resolve the situation in a manner that is satisfactory to all parties. The process requires the consent of the involved parties and, because the process is voluntary, either of the parties may withdraw from the process at any time. The following actions will occur as part of the process:
 - a. The Complainant(s) will aim to bring their concerns forward to an Aurora College staff member within fourteen (14) working days of the most recent alleged incident, or as soon as reasonably possible.
 - b. The Aurora College staff member who has received a concern will immediately notify the Director of the Campus who will notify the appropriate Vice President or Chief Financial Officer of the complaint.
 - c. The Director of the Campus will assign a person to facilitate the Informal Resolution Process.
 - d. Provided both the Complainant(s) and the Respondent(s) consent to the process, the parties can then attempt to resolve the complaint through an informal process. Activities that may be used during the process may include meetings, informal discussions, counselling, mediation, or any other activity that may lead to the resolution of the matter.
 - e. Parties who participate in this process do so with the understanding that any statements made during the process are confidential and cannot be disclosed to third parties.
 - f. Should a resolution to the concern(s) be identified and successfully implemented no record of the concern(s) will be recorded in the student or staff files of the Complainant(s) or the Respondent(s); however, any related documentation will be retained in a secure and confidential location in the President's Office.

¹ If both the complainant and respondent are College employees, follow the GNWT Harassment Free and Respectful Workplace Policy.

- g. Complainant(s) who are not satisfied with the outcome of the informal resolution process may file a complaint under the Formal Complaint Resolution Process.

Formal Investigations of Discrimination and Harassment

- 4. The Formal Investigation Process is initiated upon the Vice President's receipt of an Incident report involving a member(s) of the Aurora College Community.
 - a. Within two (2) working days of receipt of the incident report or complaint, the Vice President or the President will either dismiss or investigate the report, and:
 - i. If the incident is dismissed, the Respondent(s) will be informed; or
 - ii. An impartial investigator will be appointed and will notify the Complainant(s) and Respondent(s); and
 - iii. The Investigator will follow the procedures for the Investigation Process outlined in D.17.1 *Non-academic Misconduct Procedure* (section 4) and the *GNWT Workplace Investigations* (see related documents).
 - b. In an effort to create a fair and supportive environment that respects the rights and needs of both parties involved, individuals participating in an investigation have the option to have a support person present to provide emotional support, guidance, and assistance during the proceedings (see definition for Support Person and *section 5* of the non-academic misconduct procedures)
 - c. The Complainant(s) may withdraw their complaint/participation at any stage of the investigative process. If their participation is withdrawn, an investigation may still proceed.

Retaliation

- 5. All members of the Aurora College Community have the right to express a concern or make a formal complaint under this policy without retaliation from others. Threats or acts of retaliation against Complainants, Respondents, Witnesses, or any other persons involved in the complaint process are prohibited. Threats or acts of retaliation will be reported immediately to the Director of the Campus or relevant administrators. Disciplinary actions may occur should the retaliation be substantiated.

Substantiated cases of retaliation may result in disciplinary action (see UNW Collective Agreement/GNWT Harassment Free and Respectful Workplace policy).

Malicious or Unsubstantiated Complaints

6. Any person who files a complaint that is knowingly false or files a complaint for malicious or vexatious reasons or in bad faith, may be subject to appropriate disciplinary action. Substantiated cases of fabricated or vexatious complaints may result in disciplinary action ranging from a written reprimand to expulsion if the Complainant is a student.

Confidentiality of Complaints

7. All complaints, and any materials or information associated with a complaint, will be treated as strictly “confidential”. All persons involved share a responsibility to maintain the utmost confidentiality throughout and following the processes. Further:
 - a. Information relating to harassment or discrimination concerns, formal harassment or discrimination complaints and the resolution of these matters will only be shared with the Complainant (s) (and any support person), the Respondent(s) (and their support person) and those persons immediately required to review and make decisions on the matter.
 - b. Documentation, including statements from witnesses, must be attributable to the source.
 - c. Information provided during the course of a harassment or discrimination investigation may be disclosed in the event of an arbitration, court case, an *Access to Information and Protection of Privacy Act* application or if deemed necessary for due process.
 - d. The investigation report and related documentation will be retained in a secure location in the President’s Office.
 - e. Investigation files may be reopened where:
 - a. New and relevant information is provided to investigators or the President that was not available at the time of the original investigation; or
 - b. Retaliation is alleged to have occurred; or
 - c. A similar allegation is made against an individual.

RELATED POLICIES / PROCEDURES / DOCUMENTS

Policies

C.50 Academic Freedom Policy

I.03 Integrity in Research and Scholarship Policy

Procedures

D.17.1 Non-academic Misconduct Procedure

E.07.2 Violence Response Procedure

Other Documents

Collective Agreement between the Union of Northern Workers and the Minister Responsible for the Public Service Act (current agreement), Article 5 and Article 55

<https://my.hr.gov.nt.ca/human-resource-manual/0700-discipline/0701-employee-discipline>

GNWT Code of Conduct

GNWT Harassment Complaint Form

GNWT Harassment Free and Respectful Workplace Policy

APPLICABLE LEGISLATION

Access to Information and Protection of Privacy Act SNWT 1994, c 20.

Human Rights Act SNWT 2002, c 18.

Occupational Health and Safety Regulations, R-039-2015.

Occupational Health and Safety Regulations, WSCC, NWT, 2015

GNWT Second Investigator Overview document

GNWT Workplace Investigations Manual