

# Saint Paul University

## Prevention of Harassment and Discrimination in the Workplace and Learning Environment

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# 1. Regulation

1.1 Saint Paul University has created a policy for the prevention of harassment and discrimination in the workplace. Regulation RHR-224-a, *Prevention of Harassment and Discrimination in the Workplace and Learning Environment*, states in particular that:

*Saint Paul University endorses a workplace and learning environment where all members of the University community are treated with respect and dignity, and one that is free from harassment and discrimination. Saint Paul University is therefore committed to taking the necessary steps to ensure that the University's workplace and learning environments promote mutual respect and are free from all forms of harassment or discrimination.*

[...]

*The University repudiates all forms of harassment and discrimination, particularly since these constitute an infringement on the rights, dignity and integrity of a person.*

*The University recognizes that in matters of harassment and discrimination, every member of the University community has the right to be protected, helped and supported fairly and confidentially by appropriate mechanisms and remedies for harassment and discrimination.*

1.2 The most recent version of RHR-224-a, *Prevention of Harassment and Discrimination in the Workplace and Learning Environment*, is published on the University website as well as on the Workplace Health and Safety bulletin boards found throughout the campus.

1.3 Under the Ontario *Occupational Health and Safety Act*, employers are required to create and maintain an implementation program for their harassment and discrimination in the workplace policy. The program must include:

- Mechanisms that allow staff members to report incidents of harassment in the workplace to the employer or supervisor or to a person other than the employer or supervisor, in cases where the employer or supervisor is the alleged harasser
- How to proceed to investigate complaints and incidents and to resolve them, and the measures to be taken to ensure confidentiality
- How results of the investigation are communicated to the staff member who believes they are a victim of

workplace harassment and to the alleged harasser

## 2. The reason for the program

2.1 The reason for the University program is to:

- Use all means possible that are deemed reasonable in the circumstances to prevent harassment and discrimination in the workplace;
- Define workplace violence according to the *Occupational Health and Safety Act*;
- Summarize the roles and responsibilities of workplace parties who are affected by harassment and discrimination in the workplace;
- Describe the mechanisms used to report incidents of workplace violence and get immediate help;
- Support the teaching staff and members of the support staff in addressing harassment in the workplace;
- Present the investigation process for cases of workplace violence.

## 3. Scope

3.1 The policy and program for the prevention of harassment and discrimination concern all members of the University community, which includes everyone who studies, works or sits on committees at the University, uses University services or is involved at any level, including as part of University activities, as well as visitors and guests “University community”).

3.2 This policy applies to all activities that take place either within the work context or any other activity related to the University, including events that happen outside the usual workplace, including business trips or University social events.

## 4. Definitions

4.1 Discrimination

Discrimination refers to any form of unequal treatment, whether it is imposing an additional burden or denying benefits, that is rooted in prohibited grounds of discrimination. Discrimination can be intentional or not. It can be direct measures that are innately discriminatory or rules, practices or procedures that seem neutral but whose effect is to put at a disadvantage people who are part of a protected group.

#### 4.2 Discrimination – Prohibited grounds

Grounds of discrimination based on race, ancestry, place of origin, colour, ethnic background, citizenship, creed or religion, sex, gender expression, sexual identity, sexual orientation, age, criminal record, marital status, family status, disability or any other characteristic protected by the *Ontario Human Rights Code*.

#### 4.3 Student

A person registered at the University, either full-time or part-time (including as a special student), in an undergraduate or graduate program.

#### 4.4 Discriminatory harassment

4.4.1 Comments or actions where the person making the comments or doing the actions knows or reasonably should know that they are unwelcome. These can be words or actions based in one of the prohibited grounds of discrimination indicated in article 5.2 of this policy where the person making the comments or doing the actions knows or reasonably should know that they are offensive, disturbing, humiliating, degrading or unwanted.

4.4.2 Examples of discriminatory harassment include, but are not limited to, the following:

- making comments, jokes or allusions related to the race, disability, religion or age of a person or to one of the other prohibited grounds of discrimination;
- posting or distributing shocking images, graffiti or content related to one of the prohibited grounds of discrimination, on paper, by email or through other electronic means;
- making someone a scapegoat to humiliate them or belittle them through teasing or jokes because they are part of a protected group;
- ridiculing someone because of their clothing, their language or another characteristic related to another prohibited ground of discrimination.

#### 4.5 Psychological harassment

4.5.1 Psychological harassment occurs through repeated hostile or unwanted behaviours, words, actions or gestures that harm the psychological or physical dignity or integrity of a member of the University community and creates, for that person, a harmful workplace or learning environment.

4.5.2 Among the behaviours that can be considered psychological harassment, we find:

- comments or actions intended to scorn, belittle, ridicule or intimidate;
- threats, denigration, humiliation, repeated insinuations, unfounded accusations, exclusion;
- blackmail, undue pressure;
- degrading remarks or actions related to a person's potential and physical and intellectual abilities;
- unreasonable surveillance of a person's comings and goings, to the point of following or waiting for them;
- inappropriate behaviour on social media.

4.5.3 Psychological harassment does not include:

- the legitimate and appropriate exercising of powers and responsibilities of managing;
- providing regular feedback on performance and taking fair and appropriate measures to adjust performance or handle issues of absenteeism;
- assigning additional work;
- taking disciplinary measures that are fair and proportional and are taken in response to wrongdoing committed by a member of the University community;
- showing frustration or impatience when such a reaction is justified and is done respectfully, with no threat of violence, intimidation or reprisals and when this happens only occasionally;
- differences of opinion.

## 4.6 Sexual harassment

4.6.1 Sexual harassment is demonstrated through words, actions or gestures with an unwanted sexual connotation that harm the dignity or the physical or psychological integrity of the person or create a harmful work or study environment.

4.6.2 A single instance of serious conduct can also constitute sexual harassment if it causes such harm and results in an ongoing harmful effect for a member of the University community.

4.6.3 Among the behaviours that can be considered sexual harassment, we find:

- remarks, comments, allusions, jokes or insults of a sexual nature;
- physical or verbal advances or unwanted repeated propositions of a sexual nature;
- implicit or explicit promise of rewards linked to satisfying a request of a sexual nature;
- threats, reprisals, refusal of promotion, dismissal, academic failure or other discriminatory practice linked to a refusal to consent to sexual favours;
- acts of voyeurism, exhibitionism;
- demonstrations of physical violence of a sexual nature or forced sexual intimacy;
- any other unwanted demonstrations of a sexual nature.

#### 4.7 Members of the University community

All students, teaching staff and support staff, unionized or not, and those remunerated by a source other than the operating funds of the University, such as scholarships, research grants and external contracts.

#### 4.8 Toxic workplace or learning environment

A workplace or learning environment is toxic when a person's conduct, actions, or verbal or written remarks are rooted in prohibited and discriminatory grounds or constitute harassment and have a harmful effect on another person's performance or create an intimidating, hostile and abusive atmosphere.

#### 4.9 Complainant

The person who believes they are a victim of harassment or discrimination who files a complaint in accordance with this policy and the *Procedure for filing complaints of harassment and discrimination by members of the University Community* ("procedure") that accompanies this policy.

#### 4.10 Person named in the complaint

The person or organization against whom a complaint is filed.

#### 4.11 Supervisor

A person who has responsibility for a workplace or has authority over a worker.

## 5 Roles and responsibilities

In the context of a program for the prevention of harassment and discrimination in the workplace and learning environment, the parties have the following roles and responsibilities:

### 5.1 Members of the University community

- Act in a respectful manner toward other people at work or in the learning environment or when participating in any activities organized by the University.
- Report any incident of harassment or discrimination that they are aware of.
- Understand and comply with the policy and the program.
- Cooperate with all efforts to investigate and resolve incidents arising from this policy.
- Take part in training required by the *Occupational Health and Safety Act* or offered by the University or other organizations.
- Respond appropriately to any incident of harassment or discrimination.
- Be accountable for any failures to comply.

### 5.2 Saint Paul University / supervisors

- Offer training to all full-time and part-time staff members through mandatory personal or online training.
- Inform the University community of this policy and the accompanying procedure.
- Promote the objectives of this policy and the procedure and discourage any kind of intimidation, bullying, harassment (in all its forms) and discrimination.
- Examine all reported complaints objectively, promptly and sensitively.
- Investigate quickly, fairly and respectfully any complaint or incident of harassment in the workplace and take the necessary measures.

- Provide appropriate support for people who are directly or indirectly involved in an incident of harassment or discrimination in the workplace or learning environment.
- Make sure that information obtained about an incident or complaint remains confidential, unless it is necessary to divulge it to protect employees, investigate the complaint or incident or take remedial measures, or if required by law.

### Protection Services

Protection Services is responsible for:

- Receiving reports of incidents;
- Providing an immediate response, assistance and support when a report is received, as needed;
- Ensuring a link to civil authorities and supporting their response, as needed;
- Collaborating with the relevant University services (e.g., Human Resources) to investigate incidents, as needed.

### Human Resources

Human Resources is responsible for:

- Reviewing the prevention of harassment and discrimination in the workplace policy.
- Reviewing and maintaining the prevention of harassment and discrimination program.
- Guiding staff members to the Employee and Family Assistance Program.
- Managing the investigation process for incidents of harassment or discrimination with the appropriate services.

### 5.3 Joint Workplace Health and Safety Committee

Members of the Joint Workplace Health and Safety Committee have the authority and the responsibility to intervene in cases of risk of harassment or discrimination under the *Occupational Health and Safety Act*. Based on the policy and program for the prevention of harassment and discrimination in the workplace or learning environment, the committee's role includes:

- Consultation on the policy
  - The Policy Review Committee gathers, on behalf of the University management, comments and recommendations from the Joint Occupational Health and Safety Committee
- A periodic review of the program for the prevention of harassment and discrimination in the workplace or learning environment.

## 6 Reporting

### 6.1 Harassment by/toward a staff member

6.1.1 A staff member who believes they are a victim of harassment or discrimination can speak to their immediate supervisor for information to try to identify and understand the nature and scope of the situation and explore possible resolutions, including directing them to other resources, if necessary. If the person named in the complaint is the immediate supervisor, the staff member can speak to Human Resources or, if Human Resources is involved in the complaint, to the Secretary General. At all times, the staff can also speak to the union or association that represents them.

6.1.2 A staff member who believes they are a victim of harassment or discrimination should document the details of any incidents of harassment or discrimination, including the date and time of the incident, the nature of the incident and the names of people who may be able to serve as witnesses to the incident.

6.1.3 Using information obtained during the meeting specified in paragraph 6.1.1, the immediate supervisor or substitute determines whether the situation falls under this procedure. Each situation is assessed individually, and the immediate supervisor or substitute can, as needed, refer the dossier to another University body (e.g., Human Resources) or invite the complainant to choose another form of recourse (e.g., police officer).

6.1.4 When the immediate supervisor or substitute, as applicable, determines that the situation falls within this procedure, they explain to the staff member the three resolution mechanisms they can use to resolve the situation, namely:

- a) informal awareness process;
- b) mediation process;
- c) formal resolution process (investigation).

6.1.5 The use of this procedure does not deprive the staff member of any other recourse provided by laws, regulations or collective agreements in effect.

6.1.6 Whichever approach is chosen, the staff member can:

- a) be accompanied by another staff member, their supervisor or a union representative to facilitate the meeting or to reach a resolution;
- b) remain in control of their complaint and choose to stop the process at any time or change the mechanism for resolving their complaint.

6.1.7 Even in a situation where no formal or informal complaint is filed, the University reserves the right to file a complaint and investigate any potential cases of harassment and discrimination in the workplace.

## 6.2 Harassment by/toward a member of the student population

The University does not tolerate harassment in the workplace by anyone registered for a course or program at Saint Paul University or toward such a person.

- a) If a staff member is a victim of harassment by a student, they must ask their supervisor for help; the supervisor brings the matter to the University's Associate Vice-Rector, Talent, Diversity and Culture and the registrar.
- b) A student who is a victim of harassment by a staff member of Saint Paul University must report it to the staff member's supervisor.

## 6.3 Harassment by/toward a visitor

The University does not tolerate harassment by or toward visitors.

- a) All members of the University community must make sure visitors understand that harassment is not acceptable at Saint Paul University.
- b) If a staff member is a victim of harassment by a visitor, they must ask their supervisor for help.
- c) The supervisor can call Facilities Services to escort visitors off campus or take other appropriate measures.
- d) Visitors who are victims of harassment by a staff member of Saint Paul University must be encouraged to contact the University's Facilities Services and/or the staff member's supervisor. Facilities Services will communicate with Human Resources.

## 6.4 Harassment by/toward other persons (third parties)

The University does not tolerate harassment by or toward third parties.

- a) Staff members who are victims of harassment by a third party must report it to their supervisor, who will report it to Facilities Services.
- b) Third parties who are victims of harassment by a Saint Paul University staff member must report it to their employer.
- c) This employer must report complaints of harassment to Saint Paul University's Facilities Services. The complaint will be the subject of an investigation in accordance with the process described in this document.

## 7 Steps following the receipt of a report

### 7.1 Informal awareness process

- a) The informal awareness process aims to resolve the situation informally, without opening a dossier.
- b) The informal process is initiated by the member of the University community filing a verbal complaint.
- c) As part of the informal process, the immediate supervisor or substitute, upon request by a member of the University community, contacts the person named in the complaint to inform them of the situation, to promote, as appropriate, awareness of the consequences of particular behaviour, reconcile the positions, overcome misunderstandings and, where appropriate, encourage the person named in the complaint to stop or modify the behaviour they are accused of.
- d) An informal resolution can be the subject of a written agreement. No other documentation arises from the informal process. However, in such a process, the University expects the parties to:
  - listen to each other;
  - avoid showing disrespect toward each other;
  - arrive at a mutual agreement;
  - re-establish normal relations.
- e) If the member of the University community is not satisfied with the results of the informal process, they can choose the mediation process or file a formal complaint.

### 7.2 Mediation process

- a) The mediation process is initiated by Human Resources delivering a complaint written and signed by the

complainant. If the person named in the complaint is part of Human Resources, the complaint is then filed with the Secretary General, who will manage the remainder of the process in the place of Human Resources. The information required as part of this procedure is: the name of the person named in the complaint, a description of the offending behaviour, the date, the location and the names of witnesses.

- b) In the five (5) business days following the filing of the complaint, Human Resources meets with the person named in the complaint and informs them of the following:
  - the complainant's identity and the content of the complaint;
  - the implications and consequences of the behaviour named in the complaint;
  - the request for resolution through a mediation process.
- c) Human Resources gives the person named in the complaint a copy of the complaint and a copy of this procedure.
- d) Human Resources appoints a mediator who has been approved by both parties. The mediator communicates with the parties involved to seek their participation in reaching an agreement. The person named in the complaint has five (5) business days to accept the proposed mediation process.
- e) At no time may refusal of mediation be used in the course of a proceeding against the party that refused it.
- f) If the parties agree to use mediation and reach an agreement to the satisfaction of the people involved, the terms of the agreement are recorded in a document signed by the two parties and placed in the dossier kept by Human Resources.
- g) The mediator advises Human Resources and ensures the implementation of supportive or remedial measures agreed upon in the agreement.
- h) However, the mediator may deem that an investigation is necessary or that it would be preferable not to proceed when:
  - the complainant asks for this;
  - one of the parties involved refuses to take part in the mediation process;
  - there is a lack of agreement between the people involved where the mediation process has already begun;
  - the agreement signed by the two parties following the mediation process is not respected.
- i) Where appropriate, the mediator communicates this to Human Resources.

## 7.3 Formal resolution process

### 7.3.1. Generally speaking:

- The person named in the complaint will be informed of allegations made about them;

- The person named in the complaint will be able to respond;
- A decision will be taken by an impartial decision maker;
- In case of a conflict of interest, alternative appropriate measures will be taken.

7.3.2. Appendix A is a diagram outlining the process for reporting and investigating complaints.

7.3.3. Any member of the University community who believes they are a victim of harassment or discrimination can present a formal complaint in writing without using the informal process or mediation beforehand. No formal process can be undertaken without a written and signed complaint.

7.3.4. Any person involved in the formal process, including witnesses, can ask for support from a staff member, their supervisor, a union representative or another person.

7.3.5. This process may be done with Human Resources. If the person named in the complaint is part of Human Resources, the complaint is then filed with the Secretary General, who will manage the remainder of the process in the place of Human Resources.

7.3.6. Any formal complaint is ineligible if it is filed more than twelve (12) months after the final incident constituting the complaint, unless there are exceptional circumstances that justify the delay.

7.3.7. The formal complaint of harassment or discrimination is filed in writing and must include:

- a complete and detailed description of the incident or incidents;
- the date and time of the incident or incidents, or an explanation if this information is not available;
- identification of the person or persons referred to in the complaint;
- a list of people who witnessed the alleged facts;
- the measures taken so far to resolve the situation, if applicable;
- the solution or remedy the complainant is seeking;
- the complainant's signature and the date.

7.3.8. Human Resources assesses whether the formal complaint is founded and determines the process to follow as a first step, either:

- dismiss the complaint if it does not meet the definition of harassment or discrimination or if it was made in bad faith and close the dossier; or
- send the complaint to the person named in the complaint and ask them to respond in writing to the complaint within ten (10) business days. When the response to the complaint is received, the senior management of Human

- Resources sends a copy to the complainant. If the person named in the complaint does not respond, management informs the complainant; or
- begin the investigation process.

## 7.4 Review process

7.4.1. The complainant can ask for the assessment done by Human Resources to be reviewed only if the latter deemed that the complaint did not fall within the definition of harassment or discrimination.

7.4.2. If the complainant disagrees with the conclusion whereby the complaint does not fall within the definition of harassment or discrimination, they can ask the Secretary General to review Human Resources' assessment. The complainant must then present their request for review in writing within twenty (20) days following the date of the assessment. The Secretary General's decision is final, and it is communicated in writing to the complainant and to the person named in the complaint.

7.4.3. When the Secretary General determines that the situation does not fall within this procedure, the complainant can exercise any other recourse provided by laws, regulations or collective agreements in effect.

## 7.5 Interim measures and special cases

7.5.1 While waiting for a complaint to be filed or an investigation to be concluded, if Human Resources or the Secretary General, as appropriate, believes that measures must be taken to ensure the safety of individuals or serve the interests of the University, they can impose interim measures following consultation with the Administration Committee of the Board of Governors.

7.5.2 If the circumstances warrant it, interim measures can consist of separating the complainant and the person named in the complaint or ensuring that interactions between the two are suspended or kept to a minimum.

### 7.5.2.1 Example of a special case

The person named in the complaint is someone with whom the University does business, for example, a supplier of goods or services.

- a) Human Resources must be informed immediately.

- b) Human Resources must inform the supplier of goods or services that an investigation will be conducted and explain the process that will be undertaken for this process.
- c) If the investigation reveals that the complaint is justified, the Administration Committee must take the appropriate measures, up to removing the supplier from the University's list of suppliers.

## 7.6 Investigation

7.6.1 When necessary, Human Resources appoints an investigator. The investigator can be a person who is internal or external to the University and exercises this role only for the duration of the investigation for which they have been appointed.

7.6.2 The mandate of the investigator as part of an investigation is to:

- ensure that a summary of the complaint was given to the person named in the complaint;
- ensure that the parties concerned have read the policy and this procedure;
- meet with the complainant and the person named in the complaint as well as any other person who may have relevant information;
- examine any document deemed relevant to the complaint;
- offer the parties the option of resolving the complaint informally;
- inform the parties of the availability of support services (Employee Assistance Program, police officer, emergency shelter);
- inform the parties of their right to receive support from another person in accordance with this procedure;
- inform the parties that the process is confidential and that the University will not tolerate reprisals of any form;
- conduct with due diligence the research related to the complaint of harassment or discrimination;
- write a report within thirty (30) days of the end of the inquiries and determine if there is:
  - sufficient proof to justify a violation of the policy; or
  - insufficient or non-credible proof to justify the alleged violation of the policy; or
  - no violation of the policy.

7.6.3 The results of the investigation may lead to disciplinary measures under relevant policies in effect.

## 7.7 Decision

The determination and application of remedial and supportive measures fall under the University's Administration Committee. The Administration Committee will inform the complainant and the person named in the complaint in writing of the results of the investigation.

### 7.7.1. Founded complaint

- a) In the event that the complaint is founded, the person found guilty of harassment or discrimination may be subject to, depending on the circumstances, any remedial measures deemed reasonable based on the act committed and the harm suffered by the complainant.
- b) Remedial measures could include, among others:
  - for a staff member: a warning, a request for a written apology, suspension or dismissal;
  - for a student: a warning, a request for a written apology, suspension, cancellation of registration for the term or dismissal;
  - for a third party: a warning, a request for a written apology, a report to their employer or loss of access or privileges.

### 7.7.2. Unfounded complaint

If a person files a formal complaint in good faith and the legitimacy of the complaint is not confirmed by the evidence gathered, this complaint is rejected and no sanctions are imposed on the person named in the complaint or against the complainant.

### 7.7.3. Complaint made in bad faith

When a complaint is deemed inappropriate, frivolous, made in bad faith or filed with malicious intent, the complainant becomes subject to remedial measures (administrative or disciplinary) such as those described in article 7.7.1b.

## 8. Confidentiality

8.1. All reports compiled as part of the measures taken in accordance with this procedure are considered confidential by the parties involved and by the people who, as part of providing advice and carrying out duties outlined in this procedure, are required to be aware of them and be familiar with the content.

8.2. The identities of all complainants, people involved in the complaint and witnesses, and the nature of the complaint itself, will remain confidential, and only those who need to know about them will be informed.

8.3. Staff members can request union representation, where appropriate.

## 9. Record keeping

9.1. All documents related to an investigation will be kept in a secure place and separate from the member of the University community's personnel file for a maximum of seven (7) years. The report of any disciplinary measure taken in accordance with the policy and this procedure will be kept in the member of the University community's personnel file.

9.2. The University will preserve the confidentiality of information obtained about a complaint of harassment or discrimination in the workplace. However, the University can give no guarantee of confidentiality in the following cases:

- when it is criminal conduct;
- when divulging it is necessary for the investigation, for taking remedial action or to comply with a law.

## 10. No reprisals

10.1. Harassment in the workplace or learning environment is a serious matter. This program prohibits reprisals against staff members who filed a complaint in good faith or provided information about a complaint or an incident of harassment in the workplace.

10.2. People who exact reprisals or threaten to do so may be subject to disciplinary measures that could lead to dismissal. Reprisals include:

- Any reprisal that occurs because a person filed a complaint or provided information about an incident of harassment in the workplace;
- intentionally pressuring someone so they overlook or do not report an incident of workplace harassment; and
- intentionally pressuring someone so they lie or do not collaborate fully in an investigation of a complaint or an incident of workplace harassment.

10.3. Although false or frivolous accusations of harassment are rare, they are serious offences, as they can have serious consequences for the accused. Insufficient evidence to support a complaint does not mean that the complaint was filed in bad faith. A malicious complaint or a complaint made in bad faith means that a person who filed a complaint did so when they knew or should have known that it was false. A staff member who files a false complaint or who abuses this program in another way may be subject to disciplinary measures that could lead to dismissal. These disciplinary measures do not constitute reprisals or a violation of the current policy.

## 11. Training

All staff members will receive training and directives on the prevention or harassment and discrimination policy and program.