

CHAPTER Human Resources	CHAPTER 05	SECTION 001	SUBJECT 55
SECTION Personnel		DESCRIPTION Harassment in the Workplace	
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APPLICATION:

<input checked="" type="checkbox"/> CMH Staff	<input checked="" type="checkbox"/> Board Members	<input type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input type="checkbox"/> Employment Services Provider Agencies	<input checked="" type="checkbox"/> Independent Contractors	<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> Interns
<input checked="" type="checkbox"/> Volunteers	<input type="checkbox"/> Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) maintains a work environment in which people are treated with dignity and respect. Unlawful discrimination or harassment is not tolerated.

STANDARDS:

- A. Discrimination is strictly prohibited by federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these antidiscrimination laws.
- B. LCCMH follows all applicable federal, state and local antidiscrimination and harassment laws and regulations.
- C. The environment of the agency is characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees work and learn in a safe atmosphere.

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D. LCCMH prohibits harassment of any kind, including sexual and gender-based harassment, and takes appropriate and immediate action in response to complaints or knowledge of violations of this policy.

1. All forms of harassment are prohibited, and some may be considered criminal conduct, based off the Equal Employment Opportunity Commission (EEOC) regulations.
2. Malicious gossip that harms another person with false information can be considered harassment, discrimination, retaliation, slander or defamation. Employees are permitted to discuss workplace topics, including wages, hours, or working conditions.

E. LCCMH does not discriminate in the provision of employment opportunities, benefits or privileges, or create discriminatory work conditions or use discriminatory evaluative standards in employment based on, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

F. LCCMH provides initial and annual harassment education to all staff.

G. LCCMH does not impose nor tolerate any retaliation toward the employee making a report of harassment, witnesses or investigators. Any person found to have imposed retaliation is subject to disciplinary action, up to and including termination of employment.

PROCEDURES:

Reporting Harassment

- A. Complainant responsibilities: An employee or group who observes or believes they have been harassed, bullied, or sexually harassed reports it to a supervisor. The employee may file a formal grievance through the appropriate grievance procedure.
1. The report is made immediately and in writing.
 2. Reports include details of the alleged harassment behavior, name(s) of the person(s) who is doing the harassing and names of any witnesses.

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3. File criminal charges with the police if physically or sexually assaulted.
4. Participates as needed in the investigation and maintains confidentiality regarding all persons involved.

B. Supervisor responsibility:

1. Immediately report instances of harassment, bullying, and/or sexual harassment in a narrative written report to the Human Resources (HR) Supervisor.

C. HR Supervisor responsibilities:

1. Initiates immediate investigation and takes immediate action to limit the affected employees from any further work contact.
2. If charges of harassment are substantiated, works with the Chief Executive Officer (CEO) to implement appropriate corrective and/or disciplinary action.

D. CEO responsibility:

1. Notifies the County Administrator.

DEFINITIONS:

Complainant – an employee, group of employees, or applicant for employment who feels subjected to or observes sexual or other forms of harassment.

Gossip – conversation or reports about other people’s private lives that might be unkind, disapproving, or not true. (Source: Cambridge Dictionary)

Harassment - According to the EEOC, harassment is unwelcome conduct based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment a reasonable person would consider intimidating, hostile, or abusive.

Verbal harassment - includes offensive or unwelcome comments regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.

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Nonverbal harassment - includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Discrimination - is unfair or unequal treatment of an individual on the basis of race, religion, color, national origin, sex, gender, gender identity, gender expression, sexual orientation, age, military status, disability, genetic information, or on any other basis in violation of any applicable federal, state, or local law.

Sexual harassment - is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under LCCMH's anti-harassment policy. According to the EEOC, unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

- Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment may take different forms.

“Quid pro quo” harassment – (this for that) harassment occurs when someone in a position of authority over another (i.e., a manager or supervisor) directly or indirectly demands sexual favors in exchange for some benefit (a promotion, pay increase, etc.) or to avoid some detriment (termination, demotion, etc.) in the workplace.

Hostile work environment – where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or persons served. Hostile environment harassment consists of verbal abuse, physical abuse, visual abuse, or sexual harassment.

Retaliation - No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment
- Appearing as a witness in the investigation of a complaint
- Serving as an investigator of a complaint

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Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy is subject to sanctions up to and including termination of employment.

Alternative legal remedies - Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

REFERENCES:

The Civil Rights Act of 1964, Title VII

Age Discrimination Act of 1975

Americans with Disabilities Act 1990

Harassment Investigation Questions

The United States Equal Employment Opportunity Commission (EEOC)

AM:/lr

This policy supersedes
#11/91092 dated 11/06/1991.
