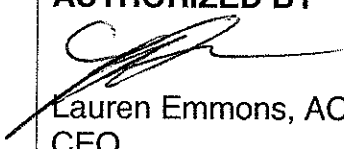


LAPEER COUNTY COMMUNITY MENTAL HEALTHDate Issued 02/28/2011Date Revised 4/18/18; 03/23/21

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, decency and respect. LCCMH will not tolerate unlawful discrimination or harassment. The agency will correct and discipline any behavior violating this policy.

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 will follow all applicable federal, state and local anti-discrimination and harassment laws and regulations.

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- C. The environment of the agency is characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees will work and learn in a safe atmosphere.
- D. LCCMH prohibits harassment of any kind, including sexual and sex-based harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. All forms of sexual harassment are prohibited criminal conduct.
- E. LCCMH will 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 will provide initial and annual harassment education to all staff.

PROCEDURES:

Reporting Harassment

- A. Complainant responsibilities: An employee or group of employees who observe or believes they have been harassed, bullied or sexually harassed will contact either their immediate supervisor or the Chief Executive Officer (CEO). The employee may file a formal grievance through the appropriate grievance procedure.
 - 1. The report will be made immediately, verbally and/or in writing.
 - 2. Reports will include details of the alleged sexual or other types of harassment behavior, name(s) of the person(s) who is doing the harassing and names of any witnesses.
 - 3. File criminal charges with the police if assaulted or raped.
 - 4. The identities of those involved will be kept confidential until the complaint is substantiated.
 - 5. LCCMH will not impose nor tolerate any retaliation toward the employee making a report of harassment, witnesses or investigators. Any person

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found to have imposed retaliation will be subject to disciplinary action, up to and including termination of employment.

B. Supervisor responsibility:

1. Immediately report instances of harassment, bullying, and/or sexual harassment in a narrative written report to the CEO. The Sexual Harassment Investigation Questions found in the shared Management Team Electronic Folder will be used in the narrative written report to the CEO..

C. CEO responsibilities:

1. Initiates immediate investigation and corrective and/or disciplinary action if charges of harassment are substantiated and if the situation warrants. Discipline may include suspension or dismissal, if appropriate.
2. Takes immediate action to limit the affected employees from any further work contact.
3. 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.

Harassment - According to the Equal Employment Opportunity Commission (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.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

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- 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.
- 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, gender, sexual orientation, age, military status, disability, genetic information, or on any other basis in violation of any applicable federal, state, or local law.

Sex-Based harassment – is when comments are made about a person's sex, such as making an offensive general comment about a particular gender, gender identity, gender expression, or sexual orientation group.

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.

There are two types of sexual harassment:

1. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.
2. "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 verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a

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sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

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.

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- Serving as an investigator of a complaint.

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 will be 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

Sexual Harassment Investigation Questions

The United States Equal Employment Opportunity Commission (EEOC)

LE:mgr

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