

(was MCCMH Policy 10-20-030)

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **ANTI-DISCRIMINATION AND HARASSMENT**

Prior Approval Date: 8/1/02
Current Approval Date: 12/7/04

I. Abstract

This policy establishes the standards of the Macomb County Community Mental Health (MCCMH) Board regarding anti-discrimination and sexual and other harassment.

II. Application

This policy shall apply to all MCCMH administrative/management staff, independent service contractors, and directly-operated and contract network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board:

- A. To maintain a quality and safe environment within the MCCMH administrative offices, and the MCCMH provider network for recipients, staff, independent service contractors, volunteers, interns, vendors/subcontractors and other visitors.
- B. To prohibit discrimination and harassment within the MCCMH administrative offices and the MCCMH provider network against employees, volunteers, or interns because of race, color, religion, gender, national origin, ancestry, marital status, age, political affiliation, height, weight, physical or mental disability, known association or relationship with an individual with a disability, or other legally protected status.
- C. To ensure that the MCCMH administrative offices and the MCCMH provider network are in conformance with the established rules and/or guidelines of the United States Equal Employment Opportunity Commission (EEOC), and any applicable labor agreement/contract which prohibits discrimination, sexual harassment, and other

harassment.

IV. Definitions

A. Disability

includes but is not limited to:

1. A physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or when an individual, accurately or inaccurately, is perceived by others as having such an impairment; and
2. A perceived impairment attributed to an individual who is discriminated against or subject to harassment on the basis of his/her known or suspected association or relationship with (an)other individual(s) having, or suspected of having, a disability.*

*Perceived impairment, under this policy, does not include or protect any individual who dates or has an intimate or sexual relationship with a Board recipient. Such violation of professional ethics and recipient rights can subject the perpetrator to disciplinary action, loss or suspension of privileging status, loss or suspension of licensure, civil and/or criminal liability, or other such action.

B. Discrimination

unfair treatment or denial of privileges to persons because of their race, color, religion, gender, national origin, ancestry, marital status, age, political affiliation, height, weight, physical or mental disability or other legally protected status.

*Discrimination includes, but is not limited to, disparity in recruitment, selection procedures (testing or academic requirements), hiring, classifying, salary or wages, employment conditions, place of work, transfer, promotion, demotion, discipline, or discharge.

*Discrimination on the basis of gender includes subjecting an individual to disparate treatment on the basis of her (or his spouse's) pregnancy, childbirth or related medical condition, and includes selection procedures, maternity leave, sick or disability leave, health insurance, and the accrual of fringe benefits.

C. Sexual Harassment*

1. **Unwelcome** sexual advances;
2. **Unwelcome** touching, etc., or behavior that, if it occurred to a stranger on the street, would subject the individual to charges of molestation, indecent exposure, assault, or rape. Sexual gestures or other offensive body movements are also prohibited;
3. **Unwelcome** requests for repeated, unwanted social invitations or sexual favors; or

4. Threatening behavior due to or prompted by or on the basis of a person's gender.

Other **unwelcome** verbal communication or physical conduct or communication, of a sexual nature or conduct or comments that ridicule, demean, or insult the victim's gender in general or treat that gender as inferior also constitute sexual harassment.

D. Other Harassment*

Includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin ancestry, marital status, age, political affiliation, height, weight, physical or mental disability, or other legally protected status.

E. Either form of harassment* includes

1. Epithets;
2. Slurs;
3. Negative stereotyping;
4. Threatening, intimidating, or hostile acts;
5. Written, graphic or electronically generated material that is placed on walls, bulletin boards or elsewhere on the employer's premises, or circulated in the work place; or
6. The creation of a hostile environment.

*Harassment exists when a reasonable victim would consider the communication or conduct to be offensive and/or unwelcome.

F. Hostile Environment

an illegal situation which exists when discrimination, sexual harassment or other harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creates intimidating or offensive working conditions.

G. Individual subject to discrimination, sexual harassment or other harassment may be

1. An employee, supervisor, or appointed official;
2. An independent service contractor, vendor, volunteer, or intern;
3. A woman or a man. May be the same sex as the harasser; and
4. The person harassed or others affected by the offensive conduct or communication.

H. Harasser
may be

1. The victim's supervisor, a supervisor in another area, a co-worker, or a subordinate;
2. An independent service contractor, vendor, volunteer or intern;
3. A woman or a man. May be the same sex as the individual subjected to sexual

harassment.

I. Reasonable Accommodations

Modification or adjustment that would assist consumers, personnel, volunteers, and interns (see C. below) to access benefits and privileges that are equal to those enjoyed by others and would not result in undue financial burden to the department or a fundamental alteration in the organization's service or support.

V. Standards

- A. The MCCMH Board shall not tolerate discrimination, sexual harassment, or other harassment within its administrative offices or its provider network.
- B. The MCCMH Board shall foster and promote equal employment opportunity for persons who might otherwise be subject to discrimination because of their race, color, religion, gender, national origin, marital status, age, political affiliation, height, weight, physical or mental disability or other legally protected status within its administrative offices and its provider network.
- C. MCCMH and its providers shall provide reasonable accommodations and support to promote equal opportunity for participation by persons with disabilities; e.g., as members of the governance authority, staff members, and volunteers.
- D. All individuals employed or contracted within MCCMH administrative offices or its provider network have the responsibility of maintaining a non-hostile work environment free from discrimination, sexual harassment, and other harassment.

VI. Procedures

- A. Procedures shall be contained in Provider manuals.

VII. References / Legal Authority

- A. Commission on Accreditation of Rehabilitation Facilities (CARF) 2004 Standards Manual, Human Resources, §1.F.3.a., b., p. 43, Accessibility, §2.D.1.d., p. 60

VIII. Exhibits

- A. None.