	General Policy			
	Chapter:	Personnel Administration	Policy #	4-3-1
	Section:	Discrimination-Free and Harassment-Free Workplace; Prohibition Against Unprofessional Conduct	Revision #	3

- I. **PURPOSE:** To define WMCMH's position regarding discrimination and harassment, to maintain a working environment that is free of discrimination, harassment and other unprofessional conduct, and to communicate the consequences of a substantiated complaint.
- II. **APPLICATION:** All staff members, independent contractors, vendors, customers, and visitors of WMCMH.
- III. **REQUIRED BY:** Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act; Americans with Disabilities Act; Michigan Elliott-Larsen Civil Rights Act, and the Michigan Persons with Disabilities Civil Rights Act.

IV. **DEFINITIONS:**

Contractors: Those individuals engaged on a contract basis, rather than through regular employment status, to perform work on behalf of WMCMH. Contractors receive Form 1099s at the end of the calendar year rather than Form W-2s

Discrimination: Unjust or prejudicial treatment of different categories of people based solely on the grounds of their race, ethnicity, nationality, gender, gender identity, sexual orientation, veteran status, spiritual beliefs, physical ability or attributes, political beliefs, age, culture, language, socioeconomic status, or other characteristics.

Harassment – Verbal or physical conduct that does or that is designed to threaten, intimidate, or coerce another person, or which has that effect.

Independent Contractors – Those people hired to perform work at WMCMH facilities, but who are not considered employees of the Agency. Examples of independent contractors include but are not limited to a carpenter making a repair to the building or a mental health clinician hired under a time-limited grant to deliver specific skills or complete a specific project.


Retaliation: Any action that would cause a reasonable employee not to engage in activity protected by applicable laws or this policy.

Staff members – All employees, students, interns, and volunteers at WMCMH.

Unprofessional Conduct – conduct that fails to meet WMCMH's standards, whether or not based on a legal protected characteristic.

Vendors – Those on the premises of WMCMH for the purpose of selling a product or service. Examples of vendors include but are not limited to the following: a prescription drug company representative or Federal Express delivery person.

Visitors – All other persons who come to the premises of WMCMH for any other reason not related to employment, service or product delivery, or to seek services.

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WMCMHS Property – This includes all WMCMH owned or leased buildings and properties, as well as motor vehicles.

- V. **POLICY:** WMCMH fully supports and complies with all applicable laws, which are enacted to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without being subjected or exposed to harassment, discrimination or retaliation in the workplace. WMCMH requires the reporting of all perceived incidents of discrimination, harassment, or other unprofessional conduct through the appropriate channels. Similarly, WMCMH expects those subjects to this policy to treat one another professionally in the course of their work or other dealings with WMCMH. It is the policy of WMCMH to conduct a prompt and appropriate investigation into such reported matters. WMCMH prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Substantiated allegations of violation of this policy will result in WMCMH providing an appropriate remedy to the situation, which may include disciplinary action for the perpetrator(s) up to and including termination of association with WMCMH.

VI. **PROCEDURES:**

A. Prohibited Conduct Under This Policy

1. **Discrimination:** It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity expression, marital status or other characteristic protected by law.
2. **Harassment:** This policy prohibits harassment of any kind – physical, verbal or nonverbal. Examples of verbal harassment include but are not limited to: comments which ridicules, denigrates, insults, belittles or shows hostility or aversion toward an individual or group because of nationality, origin, race, color, religion, gender, sexual orientation, gender orientation or expression, age, disability status or appearance, marital or other protected status; epithets, slurs, or negative stereotyping. Examples of nonverbal harassment include but are not limited to: unwelcome physical contact, threats, distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, gender identity or expression, disability status or appearance, marital or other protected status.

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3. **Sexual Harassment:** This policy prohibits sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct:
 - a. Is made explicitly or implicitly a term or condition of employment, or
 - b. Is used as a basis for an employment decision, or
 - c. That has the purpose or effect of unreasonably interfering with an employee's work performance or that otherwise creates an intimidating, hostile, or offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. Examples of conduct that may constitute sexual harassment include:

- a. **Verbal:** sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, and requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). It also includes statements that denigrate or show hostility toward an individual because of their sex, sexual orientation, gender identity or gender expression.
- b. **Nonverbal:** 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, intranet sites, that is sexual in nature.
- c. **Physical:** unwelcome, unwanted physical contact, including, but not limited to: touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.

Types of Sexual Harassment:

- a. **"Quid pro quo"** – This type is where submission to harassment is used as the basis for employment decisions. (Employee benefits such as raises, promotions, better working hours, discipline, demotion, etc. are directly linked to compliance with or rejection of sexual advances.)
 - b. **"Hostile work environment"** – This type is where, based on its severity or frequency, harassing conduct has the purpose or effect of creating an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment including peers, supervisors or managers, customers, vendors, independent contractors, visitors, etc.
4. **Consensual Sexual Relationships:** WMCMH prohibits romantic or sexual relationships between management or supervisory staff and their staff

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members (a staff member who reports directly or indirectly to the management or supervisory staff person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts.


B. The Complaint Process

WMCMH provides a complaint process for those who feel that have been subjected to discrimination, harassment, retaliation or other unprofessional conduct. These allegations will be investigated swiftly, thoroughly, and as confidentially as possible.

1. Before Filing a Complaint:

- a. WMCMH wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. It is understood that individuals may be concerned about the confidentiality of information they share, and WMCMH will strive to preserve confidentiality to the fullest extent possible given the circumstances and given its legal obligations.
- b. WMCMH's Employee Assistance Program (EAP) provides confidential counseling to staff members. Staff members wishing to discuss confidentially an incident of possible discrimination, harassment, or retaliation, or persons seeking information and advice without committing to future action, may consider contacting the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment of the person who is then considered an EAP client; it is not a complaint or report to WMCMH. Utilization of the EAP is not required, and employees are free to and encouraged to report concerns or complaints to appropriate supervisory or management personnel.
- c. Discussions for the purpose of obtaining general information or advice with WMCMH management staff may remain confidential. Generally speaking, no action will be taken when individuals wish only to make an inquiry, so long as they do not disclose any identifying information about themselves or the other individuals involved.
- d. The anonymity described cannot always be maintained if the individual shares identifying information and / or wishes to have WMCMH take some corrective or disciplinary action in a particular case. WMCMH is legally obligated to take action once it is informed that discrimination, harassment, or retaliation has occurred or may be occurring. Complete confidentiality cannot be guaranteed in such a case, but information will generally be shared only with those with a need to know.


2. During the Complaint Process:

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- a. Once an individual discloses identifying information, and such information is sufficiently complete and specific to state a claim of discrimination, harassment, retaliation or other violations of this policy, he or she will be considered to have filed a complaint.
- b. WMCMH will take prompt responsive action upon receipt of the complaint. The expressed wishes of the complainant for confidentiality and potential resolutions will be considered in the context of WMCMH's legal obligation to act upon the allegation and the right of the charged party to obtain information. In most cases, confidentiality will be strictly maintained by WMCMH and expected of those involved in the investigation.

3. Complaint Procedure

- a. A person who feels harassed, discriminated, or retaliated against, or who has been subjected to unprofessional conduct, or who witnesses such conduct or behavior may initiate the complaint process by contacting their Director/Coordinator, the Senior Management Team Member of their area, or the Human Resources Director. All complaints filed with Directors/Coordinators or Senior Management Team members must be reported immediately to the Director of Human Resources.
- b. An investigation will be promptly undertaken.
 1. The first step in this process is an interview of the complainant(s) and the completion of a written allegation by the complainant submitted to the Director of Human Resources. The Director of Human Resources will assist with a written statement as needed due to the circumstances but will have any statements approved for accuracy before it is finalized by the complainant(s).
 2. Witnesses, if any, will be contacted, interviewed, and directed to maintain the confidentiality of the situation. Witnesses may submit a written statement as they feel warranted to aid in the process of reviewing the allegation(s).
 3. Substantiating materials or documents will be gathered, initialed, and dated by the submitting party, and will become a part of the investigation file.
 4. The person(s) alleged to have violated the policy will also be interviewed by the Director of Human Resources. The person(s) may submit a written statement as they feel warranted to aid in the process of reviewing the allegation(s).
 5. Legal counsel may be consulted or utilized during the investigation process.
- c. Based on all submissions and information obtained during the investigation, the Director of Human Resources will determine if there is a reasonable basis for substantiating the complaint and the violation of this policy. If substantiated, corrective or disciplinary action for the perpetrator

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and remedy(s) for the complainant will be implemented. If the investigation is inconclusive or it is determined that there has been no discrimination, harassment, retaliation or other conduct in violation of this policy, but that unacceptable conduct is revealed, preventative action may be taken in the form of education, training, coaching and/or possible disciplinary action.

- d. The Chief Executive Officer, or designee, will review the Director of Human Resources report and make recommendations for remedies for the complainant.
- e. Following the recommendation of the Chief Executive Officer, or designee, the Human Resources Director will meet separately with the complainant and the perpetrator or alleged perpetrator in order to notify them in person of the findings of the investigation and to inform them of the action, if any, that will be taken.
- f. The complaint, investigation notes, documents, and final determination report will be maintained in a confidential file in the office of the Human Resources Director.


C. Sanctions

1. If there is a substantiation of the claim of harassment, discrimination, retaliation or unprofessional conduct, appropriate corrective measures and/or sanctions will be applied. These measures or sanctions will be dependent on the severity of the incident(s) and may range from training and education, mandatory EAP counseling, to suspension, demotion, or termination of the relationship with WMCMH.
2. Filing groundless and malicious complaints or providing knowingly false information in an investigation will be considered an abuse of this policy and is prohibited. Corrective or disciplinary action will be taken as appropriate.
3. Any disciplinary action taken will be filed in the personnel file of the party(s) disciplined.
4. Nothing in this policy shall prevent the complainant(s) or the alleged perpetrator from pursuing formal legal remedies or resolution through state or federal agencies or the courts.

- D. Retaliation: No hardship, no loss or benefit, and no penalty may be imposed on a staff member as punishment or retribution for filing or responding to a bona fide complaint of harassment, discrimination, or retaliation; appearing as a witness in the investigation of such a complaint; or serving as an investigator. Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to investigation, and if substantiated, severe sanctions up to and including termination.

VII. **SUPPORTING DOCUMENTS:** Not Applicable.

VIII. **POLICY/PROCEDURE REVIEW:**

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REV#	APPROVED BY	Policy/Procedure	DATE
NC	Unknown		01/2006
1	Admin Policy Comm	Annual Review	02/2021
2	Admin Policy Comm	Procedure	03/2022
2	Admin Policy Comm	Annual Review	02/2023
2	Admin Policy Comm	Annual Review	2/2024
3	Admin Policy Comm	Policy	06/2024
Board Approval Date: 01/18/2005			

IX. **CHIEF**

EXECUTIVE OFFICER ENDORSEMENT:

I have reviewed and approved of policy # 4-3-1 Revision # 3.

CEO: Lisa A. Williams

Approval Signature: _____