COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **03**
Subject **Harassment/Retaliation**	**Authorization**		**Approved: 03/25/97** **Replaces: None**	

Updated: October 2025; Reviewed/No Update: October 2025

I. PURPOSE: To safeguard the rights of recipients

II. APPLICATION: All programs under the governance of or contract with the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Harassment: Words, gestures, or actions which: threaten an individual; unreasonably interfere with an individual's work performance; or create an intimidating, hostile, or offensive work environment.

B. Retaliation: Unjustified negative actions taken against an individual. Examples include but are not limited to discharge; deterioration in performance evaluations; changes in job classification, job responsibilities, compensation, benefits, location, number of hours assigned, or specific shift assigned.

IV. POLICY:

A. Complainants, staff of the Office of Recipient Rights, and any staff acting on behalf of a recipient shall be protected from harassment or retaliation resulting from recipient rights activities;

B. Appropriate disciplinary action shall be taken in accordance with agency policy and procedure if there is evidence of harassment or retaliation.

V. PROCEDURE:

A. If a recipient is the victim of retaliation or harassment because he or she filed a complaint and/or was interviewed during the rights investigation process, etc., this does constitute a rights violation and must be investigated by the rights office. An intervention may not be conducted as disciplinary action is to be taken if there is evidence that retaliation or harassment has occurred.

B. It is a different situation when the victim of the alleged retaliation or harassment is a staff member who is the complainant, a staff of the rights office or any staff person engaged in rights related activity. In this case, it is not an apparent or suspected rights violation as a recipient is not the victim. However, the CMHSP must still ensure that disciplinary action is taken if there is evidence of retaliation or harassment.

C. If, in the course of a rights investigation, a staff, including a staff from the rights office, alleges that he or she has been the victim of retaliation or harassment by another staff person, the rights office should refer to this allegation in its report of investigative findings. The notation should also include that the allegation has been

referred to the Respondent's Director and Human Resources Office for investigation and resolution. In the Recommendation section, the rights office should include that the Respondent's Director submit in writing the results of the investigation and, if retaliation or harassment was substantiated, what disciplinary action was taken. An individual who believes he or she is the subject of harassment or retaliation resulting from recipient rights activities should use the agency's Grievance Procedure as a means for resolving the matter.

D. In any instance where the immediate supervisor is involved, the employee should process his or her grievance with the Department Director, The Executive Director or Recipient Rights Officer.

VI. REFERENCES AND LEGAL AUTHORITY: Act 258 of the Public Acts of 1974, as amended (Mental Health Code) Section 755; Act 469 of the Public Acts of 1980 (Whistleblowers Protection Act); GCMHA Personnel Policy Manual: Disciplinary Action, Grievance Procedure

VII. EXHIBITS: None