BERRIEN MENTAL HEALTH AUTHORITY
-- PROCEDURE --

SUBJECT: Protection from Harassment & Retaliation	SECTION: 01-60-01 Page 1 of 2
APPLICATION: All Programs and Services EFFECTIVE DATE: 2/24/99 APPROVED BY: _____ Chief Executive Officer REVISED: 4/05, 5/14	REQUIRED BY: MHC 755 [3] [a]; Whistle Blowers Protection Act

POLICY:
It is the policy of Berrien Mental Health Authority (BMHA) to ensure that all persons involved in investigative proceedings; including the complainant/appellant, investigative staff and any staff acting in behalf of a recipient, are protected from harassment and retaliation.

PURPOSE:
The purpose of this procedure is to administratively promote the ethical and lawful reporting as well as the integrity of regulatory processes and outcomes of investigations that result. To assure those engaging in the harassment and retaliation of persons in the above situations will receive appropriate disciplinary action by BMHA.

STANDARDS:
- BMHA shall protect persons from harassment and/or retaliation related to administrative investigations.
- All persons will follow mandatory reporting requirements and agency policy and procedures.
- All staff shall cooperate in investigative proceedings.
- All staff found to be engaging in harassment and/or retaliation resulting from administrative reviews or investigation shall be disciplined.

DEFINITIONS:
Harassment: Any verbal or non-verbal conduct directed at an individual or group of individuals with the purpose or effect of unreasonably interfering with an investigation or an individual's work, or creating an intimidating, hostile, offensive environment.

Retaliation: To repay (as an injury) in kind; to return like for like; to get revenge or retaliate vengefully.

PROCEDURE:
All department staff charged with responsibilities of regulatory and/or investigative proceedings – Office of Recipient Rights, Compliance, Human Resources, Customer Services, and the Privacy/Security Officer shall be protected by BMHA from harassment or retaliation resulting from: Recipient Rights complaints and investigations, Compliance reviews and investigations, HR employer/employee proceedings, Customer Services complaints, and Privacy related practices/complaints and policy monitoring.

All staff, contract staff, volunteers or agents of BMHA, reporting or causing the report of allegations involving policy violations, to the departments charged with protecting & promoting the rights of consumers, and ethical clinical and business practices, shall be protected by BMHA from harassment &/or retaliation resulting from that activity.

Any person filing a complaint and designated as a "complainant" in Recipient Rights issues, such as employees, recipients, others on behalf of recipients, MDHHS staff, and/ or other advocacy staff or agencies, shall be protected from harassment &/or retaliation resulting from that activity.

If harassment &/or retaliation is alleged as a result of these related activities, any of the forgoing departments or Human Resources may be contacted for assistance in finding the right avenue to most appropriately accept their grievance. The Anonymous Compliance Hotline, **1-800-876-2501**, may also be utilized for the purpose of reporting harassment or retaliation. If the person is a BMHA employee, the Grievance Procedure contained in the agency Personnel policies or the Collective Bargaining Agreement should be the mechanism utilized to object to the alleged harassment and/or retaliation.

If investigation of alleged harassment or retaliation is necessary, an investigator from another department, agency, or Rights Office external from the organization the harassment or retaliation is alleged to have occurred, shall complete the investigation. They must be unbiased and not have a conflict of interest as to the outcome/findings of the process. The determination of the appropriate avenue for such a complaint will be in consultation with the other regulatory departments of the CMH/Authority, the CEO, and/or the State Office of Recipient Rights to best protect the integrity of the findings and appropriate response to such allegations.

Employees found to be engaging in harassing or retaliatory behaviors shall be appropriately disciplined by BMHA in accordance with disciplinary procedures and the severity of the violation, which could be actions up to and including termination. If the conclusion requires disciplinary action be taken and it involves the CEO, the Board of the Authority shall take action. If there is concern that the actions taken are not adequate, the State ORR shall be involved as necessary.

FORMS:
Complaint form

Reviewer: Office of Recipient Rights
Reviewed: 5/07, 2/08, 7/09, 6/10, 9/11, 9/12, 7/13, 5/14, 7/15, 4/16, 3/17, 3/18, 3/19, 2/2020, 9/2021, 7/2022, 8/2023, 8/2024, 8/2025