BERRIEN MENTAL HEALTH AUTHORITY
--PROCEDURE--

SUBJECT: Harassment	SECTION: 09-29-01 Page 1 of 3
APPLICATION: All Staff and Contractors EFFECTIVE DATE: 12/04 APPROVED BY: Chief Executive Officer REVISED: 3/07, 3/08, 9/11, 6/2024	REQUIRED BY: Federal & State Law

POLICY:
It is the policy of Berrien Mental Health Authority to maintain a work environment that is free from harassment and from retaliatory harassment based on opposition to discrimination or participation in the discrimination complaint process.

PURPOSE
To prevent harassment from occurring and to address conduct.

STANDARD
It is a violation to engage in harassment, or to retaliate against anyone bringing forth a complaint of harassment.

DEFINITION
Harassment includes, but is not limited to, any verbal or non-verbal conduct directed at an individual or group of individuals due to their race, religion, ethnic origin, gender, sexual orientation and identity, age, height, weight, marital status or disability, when such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile, or offensive environment.

Specific Types of Harassment
Certain forms of harassment tend to occur more frequently and are described below in more detail. Harassment of any kind, however, will not be tolerated at BMHA, regardless of whether or not it is defined in detail here.

Sexual Harassment
Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- Submission to such conduct is either explicitly or implicitly made a condition of employment or where there is an implied or expressed promise of reward or threat of negative consequence for refusal

- Submission to or rejection of such conduct by an individual is used as the basis for employment affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile, or offensive environment

Examples of sexual harassment include, but are not limited to:

- Coerced sexual activity.
- Some incidents of physical assault.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status or promotion.
- Direct propositions of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or environment.
- A pattern of conduct that unreasonably interferes with the work or environment including:
    - Sexual innuendoes, inappropriate comments or remarks about an individual's clothing, body, or sexual activities.
    - Suggestive or insulting sounds, inappropriate humor and jokes about sex or gender in general; sexual propositions, invitations, or other pressure for sexual intimacy.
    - Inquiries and commentaries regarding a person's sexual activity, experience, or orientation.
    - Unwanted patting, pinching, brushing against a person's body, attempted or actual kissing or fondling, or any other touching or feeling, or staring inappropriately.

Racial Harassment

Racial harassment includes behavior which threatens, intimidates, coerces, or degrades an individual or group because of race, ethnicity, or national origin in a manner that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.

Examples of racial harassment include, but are not limited to:

- Racial/ethnic slurs of any kind .
- Any behavior, including the production, wearing or display of graphic or written statements, that threatens, intimidates, coerces, or degrades an individual or group because of race, ethnicity, national origin, or calls attention to the race, ethnicity, or national origin of another person in a manner that prevents or limits their work and/or personal freedoms.
- Physical assault, destruction of property, intimidation, or any behavior that is physically threatening, harmful, or humiliating when such conduct is directed against an individual or group because of their race, ethnicity, or national origin.

Disability Harassment

Disability harassment includes behavior which threatens, intimidates, coerces, or degrades an individual or group based on an actual or perceived disability in a manner that unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive environment.

Examples of disability harassment include, but are not limited to:

- Name-calling.
- Any behavior, including the production or display of graphic or written statements, that threatens, intimidates, coerces, or degrades an individual or group because of an actual or perceived disability that prevents or limits their work and/or personal freedoms.
- Physical assault, destruction of property, intimidation, or any behavior that is physically threatening, harmful, or humiliating when such conduct is directed against an individual or group because of an actual or perceived disability.
- Behavior that creates a hostile environment by unreasonably interfering with or denying a person's participation in or receipt of benefits, services, or opportunities because of an actual or perceived disability.

Reporting and Preventing Harassment

1. The individual is encouraged to politely but firmly tell the harasser to stop the behavior.
2. The individual may inform the harasser that his/her behavior is inappropriate and unwelcome by verbal or written communication.
3. If the behavior does not stop, the employee shall contact the Human Resources Director, who will conduct a formal and confidential investigation.
4. Violations of this procedure by employees may result in disciplinary action up to and including discharge, based on the severity and frequency of the behavior.
5. Violations of this procedure by a contractor may result in contract termination or non-renewal.
6. Employees shall not retaliate in any way against employees, contractors or recipients who have initiated, cooperated, or been associated with an investigation. Disciplinary action up to and including discharge shall be instituted against any employee who retaliates.
7. Employees who knowingly make false accusations of harassment may be subject to discipline for deliberately abusing the harassment policy.

FORMS: None

Reviewer: Director of Human Resources
Reviewed: 3/08, 9/09, 8/10, 10/12, 7/13, 7/14, 6/15, 6/16, 6/17, 6/18, 6/19, 10/2020, 9/2021, 9/2022, 9/2023, 7/2025