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<b>Title</b>	<b>Northern Lakes CMH Policies</b>
<b>Part 105</b>	<b>Recipient Rights Protection System</b>
<b>Subpart A</b>	<b>Recipient Rights Protection System</b>
<b>Policy No.</b>	<b>105.107</b>
<b>Subject</b>	<b>Retaliation and Harassment for Rights Related Activity Prohibited</b>

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### **Applicability**

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all workforce members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that have elected to adopt and adhere to Northern Lakes CMHA policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

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### **Definitions**

Retaliation means an act or acts by a Workforce member, contract workforce member, or volunteer of Northern Lakes CMHA or a contracted provider, to deliberately harm or threaten harm to another person in response or revenge for something the other person has done connected with their work responsibilities or good faith advocacy regarding recipient rights.

Harassment is the act of persistently intimidating, threatening, or attacking another person.

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### **Policy**

The Mental Health Code at Section 778(1) requires that the office initiate investigation of apparent or suspected recipient rights violations in a timely and efficient manner. 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. (MCL 330.1755[3][a]).

When the victim of the alleged retaliation or harassment is a workforce member, a workforce member of the rights office, or any workforce member person engaged in rights related activity, it is not an apparent or suspected rights violation as the victim is not a recipient. However, the community mental health services provider (CMHSP) or licensed hospital must still ensure that disciplinary action is taken if there is evidence of retaliation or harassment. (MCL 330.1755[3][a]).

Northern Lakes CMHA has no-tolerance for any retaliation and/or harassment against persons involved in recipient rights activities or by rights office workforce member. Complainants, recipients and their legal representative, workforce members, contract workforce members, volunteers, workforce member of the Office of Recipient Rights, or other person acting on behalf of a recipient shall be protected from harassment or retaliation resulting from Recipient Rights activities and that appropriate disciplinary action will be taken if there is evidence that establishes harassment or retaliation, as is guaranteed by the Mental Health Code [P.A. 258 of 1974 MCL 330.1755(3)(a)]. Investigation results and conclusions shall be based on a critical review of the credible evidence. Not every disagreement will support a finding of retaliation or harassment. However, NLCMHA will work deliberately to protect recipient rights and assure the effective and credible function of available recipient rights processes and procedures.

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## **Procedures**

### **Retaliation and/or Harassment Against a Recipient**

Any behavior by a workforce member, contract Workforce member, or Northern Lakes CMHA volunteer, which may be construed as retaliation or harassment of a recipient, as a result of the recipient or any other person acting on behalf of a recipient, including the filing of a complaint, the reporting an apparent or suspected rights violation, the providing of information to the Office of Recipient Rights, or performing any other duty within the context of the rights protection system, shall be reported immediately to the Office of Recipient Rights, which office shall promptly initiate an investigation.

### **Retaliation and/or Harassment toward an ORR Workforce member**

The Recipient Rights Director and his or her workforce member shall not be harassed or retaliated against for engaging in activities within the context of the rights protection system.

If an ORR workforce member believes this has occurred, by an Northern Lakes CMHA employee, he/she shall report this immediately orally and in writing to the ORR Director, Human Resource Officer and the Chief Executive Officer (CEO). A summary of any such allegations shall be provided to the Recipient Rights Advisory Committee (RRAC) and Board of Directors no less than monthly.

The Human Resource Officer and the Chief Executive Officer shall follow existing NLCMH administrative policy that addresses disputes and shall promptly initiate an investigation. The Human Resource Officer and the CEO shall ensure that a fair, timely and thorough investigation is completed on all formal complaints. Such an investigation shall determine the facts and usually involves questioning all witnesses and an investigatory interview with the employee. If substantiated, written documentation of the disciplinary action taken must be submitted to the rights office.

If the Recipient Rights Director is not satisfied with the response of the CEO, the Recipient Rights Director is obliged to notify the RRAC chairperson in writing within 5 business days of the CEO's response. The RRAC chairperson will either call a special meeting of the RRAC or include the issue on the agenda of the next regularly scheduled RRAC meeting.

If a complaint of retaliation or harassment is filed regarding a contractual provider (individual professional or the owner or workforce member from a organizational contract provider) written notice shall be provided to the CEO, who in turn shall notify the assigned contract manager, unless the allegation is first investigated through the rights protection process. It is the expectation that the contract provider chief administrator shall complete a fair, timely, and thorough internal investigation if the allegation is that a contract workforce member member engaged in such behavior. The results of this investigation shall be provided the CEO and the assigned contract manager. If the allegation is against the contract provider Chief Administrative Officer, the investigation shall be conducted by the assigned contract manager and other network management workforce member as assigned.

**Retaliation and/or Harassment Workforce member to Workforce member**

Any Northern Lakes CMHA employee shall not be harassed or retaliated against for engaging in activities within the context of the rights protection system. If a workforce member believes he/she has been subjected to retaliation and/or harassment, the workforce member shall report this immediately orally and in writing to the Human Resource Officer. A summary of any such allegations shall be provided by the CEO to the RRAC and Board of Directors at the next scheduled meeting.

The Human Resource Officer shall follow existing Northern Lakes CMHA administrative policy that addresses disputes and shall promptly initiate an investigation. The Human Resource Officer and the CEO shall ensure that a fair, timely, and thorough investigation is completed on all formal complaints. Such an investigation shall determine the facts and usually involves questioning all witnesses and an investigatory interview with the workforce member. If substantiated, written documentation of the disciplinary must be submitted to the rights office.

**Retaliation and/or Discriminatory Harassment by an ORR Workforce member**

Actions initiated by workforce members of the Office of Recipient Rights to safeguard recipient rights will be accomplished in a manner that does not violate a workforce members right to protection from retaliation and harassment. If a Northern Lakes CMHA employee believes he/she has been treated inconsistent with this policy, he/she shall immediately notify his/her supervisor, the Human Resource Officer, and the CEO. A summary of any such allegations shall be provided by the CEO to the RRAC and Board of Directors at the next scheduled meeting.

Also See Policy 108.107 – Discriminatory Harassment

Also See Policy 108.108 – No Retaliation

In the event a contract provider and/or employees of a contract provider feel the actions of rights office workforce member have been inappropriate, harassing, or retaliatory this shall be verbally communicated to the Contracts Manager (with a copy to the Northern Lakes CMHA CEO) and then submitted in writing if a formal complaint is being made. This complaint shall describe the facts of the complaint and shall be submitted within 5 days of the event leading to the complaint. The CEO shall ensure that a fair, timely and thorough investigation is completed on all formal complaints. Such an investigation shall determine the facts, and usually involves questioning all witnesses and an investigatory interview with the employee.

**Retaliation and/or Harassment Contract Provider toward an ORR Workforce member**

The Recipient Rights Director and his or her workforce member shall not be harassed or retaliated against for engaging in activities within the context of the rights protection system. If an ORR workforce member believes this has occurred he/she shall report this immediately orally and in writing to the ORR Director, the Contracts Manager, and the CEO. A summary of any such allegations shall be provided by the CEO to the RRAC and Board of Directors at the next scheduled meeting.

The Contracts Manager and the Chief Executive Officer shall follow existing Northern Lakes CMHA administrative policy that addresses disputes and shall promptly initiate an investigation. The Contracts Manager and the CEO shall ensure that a fair, timely and thorough investigation is completed on all formal complaints. Such an investigation shall determine the facts and usually involves questioning all witnesses and an investigatory interview with the Workforce member. If substantiated written documentation of the disciplinary must be submitted to the rights office.

**Retaliation and/or Harassment Contract Provider to Their Workforce member**

A contract provider employee shall not be harassed or retaliated against for engaging in activities within the context of the rights protection system. If an employee believes he/she has been subjected to retaliation and/or harassment the employee shall report this immediately orally and in writing consistent with contract agency policy. The employee may also contact the Northern Lakes CMHA Contracts Manager and the Northern Lakes CMHA CEO requesting assistance. Based on information received, the Contracts Manager and CEO shall determine if a contract management meeting should be scheduled. The CEO shall include this report to the RRAC and Board of Directors at the next scheduled meeting.

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**Adoption Date:** May 23, 2006

**Review Dates:** June 8, 2009  
March 27, 2012  
February 24, 2014  
April 7, 2015

**Revision Dates:** April 15, 2013  
March 4, 2014  
February 1, 2018