

Policy 8.02

POLICY TITLE:	EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION	POLICY # 8.02	ADAPTED FROM	
Topic Area:	HUMAN RESOURCES	Page 1 of 5	REVIEW DATES	
Applies to:	Lakeshore Regional Entity (LRE) Staff, CMHSP, Vendors, and Contractors	ISSUED BY: Chief Executive Officer APPROVED BY: Board of Directors	3/20/14	5/1/15
Developed and Maintained by:	LRE Human Resource Coordinator			
Supersedes:	N/A	Effective Date: 4/1/2014	Revised Date: 8/20/2015	

I. POLICY

- A. Lakeshore Regional Entity will provide a work environment that values equal opportunity and non-discrimination.
- B. LRE is an equal opportunity employer. LRE will not discriminate against any applicant or employee because of race, color, religion, ethnicity, national origin, gender, age, veteran status, disability, pregnancy, genetic information, sexual orientation or any other protected class status.
- C. LRE's equal employment opportunity and non-discrimination policy extends to all terms and conditions of employment, including, but not limited to, recruitment, selection, promotion, compensation, training, layoff, recall, and termination.

II. PURPOSE

To define LRE's position regarding equal opportunity and non-discrimination, to maintain a working environment that is free of discrimination, and to communicate the consequences of a substantiated discrimination complaint.

III. REQUIRED BY: Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act; Americans with Disabilities Act; and Michigan Elliott-Larsen Civil Rights Act

IV. APPLICABILITY AND RESPONSIBILITY: All staff members, independent contractors and subcontractors, customers, and volunteers of LRE

V. MONITORING AND REVIEW

- A. Monitoring and review of compliance with the policy will be the responsibility of the Human Resources Coordinator. Enforcement will be provided by the Chief Operating Officer.

VII. 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, religion, ethnicity, national origin, gender, age, veteran status, disability, pregnancy, genetic information, sexual orientation or any other protected class status.

B. The Complaint Process

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

2. Before Filing a Complaint:

- a. LRE 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 LRE will strive to preserve confidentiality to the fullest extent possible.
- b. Discussions for the purpose of obtaining general information or advice with LRE management staff may remain confidential. No action will be taken when individuals wish only to make inquiry, so long as they do not disclose any identifying information about themselves or the person accused (i.e. to ask a question in the 3rd person about a hypothetical scenario).
- c. The anonymity described cannot always be maintained if the individual shares identifying information and / or wishes to have LRE take corrective or disciplinary action in a particular case. LRE 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 as case, but information will be shared only with those with a need to know.

3. During the Complaint Process:

- a. Once an individual discloses identifying information, and such information is sufficiently complete and specific to state a claim of discrimination, harassment, or retaliation, he or she will be considered to have filed a complaint.
- b. LRE will take prompt responsive action upon receipt of the complaint. The expressed wishes of the complainant for confidentiality will be considered in

the context of LRE'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 LRE and those involved in the investigation.

4. Complaint Procedure

- a. A person who feels harassed, discriminated or retaliated against may initiate the complaint process by contacting their supervisor or the Human Resources Coordinator. All complaints filed must be reported immediately to the Human Resources Coordinator.
- b. An investigation will be undertaken.
 - i. The first step in this process is an interview of the complainant(s) and the completion of a written allegation by the Human Resources Coordinator. The complainant will be asked to sign and date the allegation report once it is deemed accurate.
 - ii. Witnesses, if any, will be contacted, interviewed, and directed to maintain the confidentiality of the situation. A written report of all witness accounts will be produced by the Human Resources Coordinator and the witness will be asked to sign and date the report once it is deemed accurate.
 - iii. Substantiating materials or documents will be gathered, initialed and dated by the submitting party, and will become a part of the investigation file.
 - iv. The person(s) alleged to have harassed, discriminated, or retaliated against another or others will also be interviewed and the Human Resources Coordinator will develop a written statement. Once this statement is deemed accurate, the individual(s) will be asked to sign and date the document.
 - v. Legal counsel may be consulted during the investigation process.
- c. Based on all submissions during the investigation, the Human Resources Coordinator 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 and remedy(s) for the complainant will be recommended to the Chief Executive Officer (CEO) (or if involving the CEO, the Chief Operating Officer (COO) and the LRE Board Chair for communication to the LRE Board Executive Committee) for review and action. If the investigation is inconclusive or it is determined that there has been no discrimination, harassment, or retaliation in violation of this policy, but some potentially problematic conduct is revealed, preventative action may be taken in the form of education and training.
- d. The CEO (or if the CEO, the LRE Board Executive Committee) will make the

final decision on whether the policy has been violated and what the consequences for such violation shall be. The CEO (or if the CEO, the LRE Board Executive Committee), if appropriate, will also determine remedies for the complainant.

- e. Following the determination of the corrective action, the Human Resources Coordinator 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 as it pertains to them. Specific disciplinary action for the offending party will only be shared as required for notification, and will otherwise be held in confidence.
 - f. The complaint, investigation notes, documents, and final determination report will be maintained in a confidential file in the office of the Human Resources Coordinator.
5. Sanctions
- a. If there is a substantiation of the claim of harassment, discrimination, or retaliation, sanctions will be applied. These sanctions will be dependent on the severity of the incident(s) and may range from training and education, mandatory 3rd-party counseling (e.g. Employee Assistance Program), to disciplinary action up to and including termination of employment.
 - b. Filing groundless and malicious complaints will be considered an abuse of this policy and is prohibited. Corrective or disciplinary action will be taken as appropriate.
 - c. Any disciplinary action taken will be filed in the personnel file of disciplined employee.
 - d. 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.
6. Retaliation
- a. There will be no hardship, no loss or benefit, and no penalty imposed on a staff member as punishment 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 of

employment.

VIII. RELATED POLICIES AND PROCEDURES:

8.1 Code of Conduct