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**Document Scope:** (applies to Policy & Procedure only)

- The requirements herein apply only to the GCBH Central Office and its functions.
  - The requirements herein apply, verbatim, to GCBH and its network providers<sup>2</sup>.
  - X - The requirements herein apply both to GCBH and its network providers<sup>2</sup>. Additionally, network providers must have internal documents outlining their processes for implementing the requirements, insofar as they relate to actions for which network providers are responsible.
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**PURPOSE:** To establish standards prohibiting discrimination against, or sexual harassment of, employees and consumers.

## DEFINITIONS

- I. Consumer – A person who has applied for, is eligible for or has received mental health services from a Greater Columbia Behavioral Health (GCBH) network provider, regardless of Medicaid eligibility. For a child under the age of thirteen, or for a child thirteen or older whose parents or legal guardians are involved in the treatment plan, the definition of consumer includes parents or legal guardians. Additionally, for the purposes of this policy, “consumer” includes any individual chosen by a consumer to represent him/her in transactions with GCBH.
- II. Contractor – Includes all entities with which/whom GCBH contracts, and their subcontractors.
- III. Disability – A physical or mental impairment which substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Physical or mental impairments include, but are not limited to: visual, speech, and hearing impairments; mental retardation, emotional illness, and specific learning disabilities; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; orthopedic conditions; cancer; heart disease; diabetes; and contagious and non-contagious diseases such as tuberculosis and HIV disease (whether symptomatic or asymptomatic). An individual with a disability is a person with a physical or mental impairment, as defined above, or who has a history of or is regarded as having one.
- IV. Discrimination, Discriminatory Practices – Includes any action taken, or decision made, that results in unequal or derogatory treatment on the basis of race, color, religion, creed, national origin, sex, age, marital status, Veteran status, disability, sexual orientation or political ideology. Encompasses all aspects of employment, and also includes: (1) harassment on the basis of race, color, religion, sex, national origin, disability, or age; (2) retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices; (3) employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and (4) denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion,

national origin, or an individual with a disability, or because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

- V. GCBH – For the purpose of this policy, includes the GCBH Board of Directors, as well as GCBH employees and network providers.
- VI. Retaliation/Retaliatory Action – An adverse action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples include: (1) Employment actions such as termination, refusal to hire, and denial of promotion; (2) Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and (3) Any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.
- VII. Sexual Harassment – Is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Examples include, but are not limited to, suggestive or obscene letters, notes and invitations; derogatory comments, slurs or jokes; inappropriate touching, impeding or blocking movements, or assaults; leering or sexually oriented gestures; display of sexually suggestive or derogatory objects, pictures, cartoons or posters

## **POLICY**

- A. GCBH is committed to the fair and equal treatment of all consumers, contractors, employees, and applicants for employment, and does not discriminate on the basis of race, color, religion, creed, national origin, sex, age, marital status, Veteran status, disability, sexual orientation or political ideology. Discriminatory practices, including sexual harassment, are excluded from all aspects of employment and service provision, and from the workplace environments of GCBH and all entities with which GCBH contracts. GCBH and its contractors comply with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968; Titles VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Subtitle A, Title II of the Americans with Disabilities Act (ADA)(1990); Title IX of the Education Amendments of 1972; the Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and 28 CFR Part 35 and Part 39. (See [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr) for additional information and access to the aforementioned Federal laws and regulations.)
- B. Charges of discrimination received by GCBH and the entities with which it contracts are promptly investigated by the officials/management of the entity receiving the complaint. Retaliation for reporting discrimination or for cooperating with an investigation is not tolerated; retaliatory acts are subject to discipline, up to and including termination of employment or the contractual relationship.
- C. Should the GCBH Board of Directors become aware of it, the failure of an entity with which GCBH contracts to address a complaint of discrimination, whether made by an employee of that entity or by a consumer, or a retaliatory response by a contractor to such a complaint, may result in dissolution of the contractual relationship.

D. Specific, written procedures for reporting and addressing complaints of discrimination are maintained by the GCBH Regional Office and all entities with which GCBH contracts and their employees are made aware of what constitutes discrimination and how to respond to it. Consumers are encouraged to file a grievance if they believe GCBH employees or network providers have related to them in a discriminatory manner.

**APPROVAL**

/S/ William Wilson  
William Wilson, DrPH  
Director

06/07/07