



The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Mental Health

25 Staniford Street

Boston, Massachusetts 02114-2575

Department of Mental Health NON-DISCRIMINATION GRIEVANCE PROCEDURES

The Department of Mental Health (DMH) prohibits unlawful discrimination on the basis of race, color, national origin, ancestry, age, disability, religious creed, sex, sexual orientation, gender identity, gender stereotyping, genetic information, or veteran status. DMH has adopted an internal grievance procedure providing for prompt and equitable resolution of discrimination complaints and related retaliation complaints.

These grievance procedures cover any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and its implementing regulations (45 CFR Part 84) (Section 504), Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations (45 CFR Part 92) (Section 1557), the Americans with Disabilities of 1990, as amended, Act ([42 U.S.C. § 12101](#), et seq.); and its implementing regulations (28 CFR Parts 35 and 36), Massachusetts General Laws, Chapter 151B; Article 114 of the Massachusetts Constitution; Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000a, et seq.), as amended by the Equal Employment Opportunity Act of 1972 (42 U.S.C. §2000e, et seq.) and the Civil Rights Act of 1991 (42 U.S.C. §1981a, et seq.); and Executive Order No. 11246, 3 C.F.R. 1964, as amended in 42 U.S.C. §2000e.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, ancestry, age, disability, religious creed, sex, sexual orientation, gender identity, gender stereotyping, genetic information, or veteran status may file a grievance under these procedures.

Complaints of disability-based discrimination may include complaints of wrongful denial of reasonable accommodations or modification of policies and procedures in the operation of programs, activities, and services. The grievance procedures hereunder will not supplant any appeals allowed under DMH regulations at 104 CMR 29.00.

GRIEVANCE PROCEDURES

1. Complaints may be submitted to the DMH Diversity/Civil Rights Officer, 25 Staniford Street, Boston, MA 02114, phone # 617-626-8133, fax # 617-626-8131, email: joy.connell@state.ma.us.
2. A complaint must include the name and contact information of the person filing the complaint and a brief description of the alleged action prohibited by the laws and regulations and the date it allegedly occurred.
3. The complaint should be submitted within a reasonable amount of time after the person filing the grievance becomes aware of action alleged to be legally prohibited, and, absent good cause, within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
4. The Diversity/Civil Rights Officer shall investigate the complaint to determine its validity. This investigation may be informal, but it will be thorough, affording all interested persons, as determined by the Diversity/Civil Rights Officer, an opportunity to submit evidence relevant to

the complaint.

5. The Diversity/Civil Rights Officer will maintain the files and records of DMH relating to such grievances. To the extent possible, and in accordance with applicable law, the Diversity/Civil Rights Officer will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know..
6. The Diversity/Civil Rights Officer shall issue a written decision determining the validity of the complaint no later than thirty (30) days after its receipt, absent extensions for good cause, and, if a complaint is substantiated, shall include an appropriate recommended remedial action plan. The decision shall also include a notice to the complainant of their right to pursue further administrative or legal remedies.
7. The Diversity/Civil Rights Officer shall maintain the files and records relating to complaints filed hereunder. The Diversity/Civil Rights Officer may assist persons with the preparation and filing of complaints and will notify the Commissioner of the resolution of complaints.
8. Within 15 days of receipt of the Diversity/Civil Rights Officer's decision, the complainant may appeal the decision by written notice to the Coordinator who shall forward the matter to the DMH Chief of Staff for review.
9. The Chief of Staff shall, within 30 days of receipt of notice from the Diversity/Civil Rights Officer, review the Diversity/Civil Rights Officer's findings, decision and recommended corrective action plan, conduct such additional investigation as s/he deems appropriate to the circumstances, and issue a written decision affirming, reversing or modifying the original decision.
10. The right of a person to file a complaint hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the Massachusetts Office on Disabilities, the Massachusetts Commission Against Discrimination, the appropriate federal Office for Civil Rights, and/or any other federal and/or state entity or any state or federal court, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.
11. A person may file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 509F, HHH Building, Washington, DC 20201. Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html>. Such complaints must be filed within 180 days of the date of the alleged discrimination.
12. DMH will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Diversity/Civil Rights Officer will be responsible for such arrangements.
13. The law and regulations may be examined in the office of the DMH ADA/504/1557 Coordinator (Diversity/Civil Rights Officer), who has been designated to coordinate DMH's Section 504, Section 1557, and other non-discrimination compliance efforts, at 25 Staniford Street, Boston, MA 02114, phone # 617-626-8133, fax # 617-626-8131, email: joy.connell@state.ma.us.

Note: The law and these procedures protect the individual's right to file a complaint without retaliation. Retaliation against a person who files a complaint, based on a reasonable belief that a violation has occurred, whether or not the allegation proves to be true, is illegal.