

# Bullying and Harassment policy – members and employees

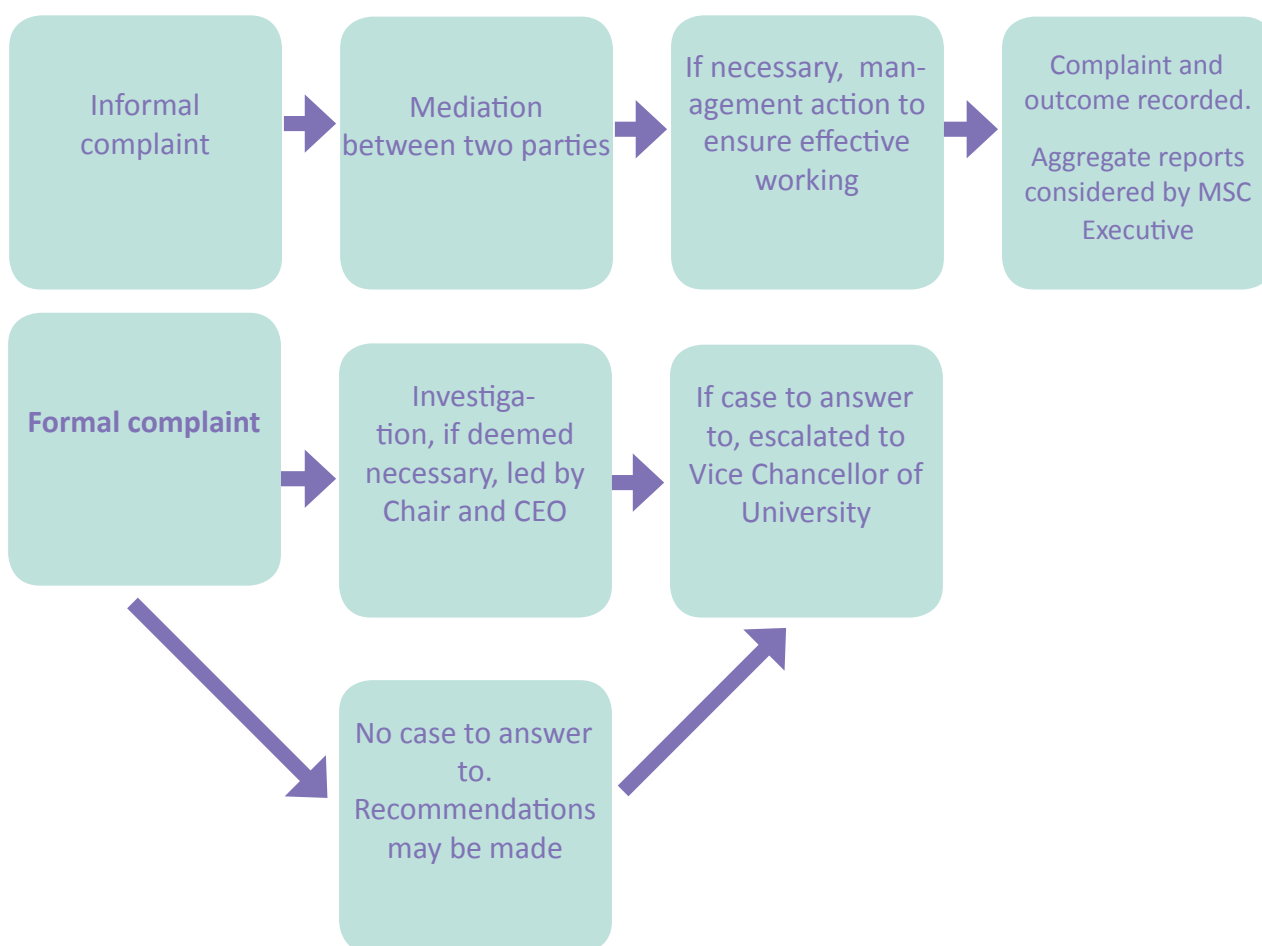
## 1. Purpose

To encourage an environment in which every member of the Medical Schools Council (MSC) and every employee of MSC is entitled to join in activities and work without harassment, victimisation or bullying, due to their disability, race, gender, health, social class, sexual orientation, marital status, nationality, religion, employment status, age or membership or non-membership of a trade union or staff association.

## 2. Scope

This policy applies to personal harassment in relation to all MSC members, deputies, staff and visitors in the course of their duties for the MSC and related organisations.

## 3. Summary of process



## 4. Definitions

Harassment includes:

- Unwanted conduct affecting the dignity of persons. It includes unwelcome physical, verbal or non-verbal conduct and it could amount to unlawful discrimination. It can involve a single incident or may be persistent and may be directed towards one or more individuals. In addition to racial and sexual harassment, for the purposes of the policy, harassment on the basis of age, disability, health, social class, membership or non-membership of a trade union, religion, sexual preferences, nationality or employment

status are also included.

- Unwanted physical contact such as unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault, coerced sexual intercourse or rape.
- Unwanted verbal conduct such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to an individual or a group's gender, colour, race, nationality, ethnic or national origins, disability, sexual preferences or repeated suggestions for unwanted social activities inside or outside the workplace.
- Unwanted non-verbal conduct such as racially or sexually based graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature or other items, pictures or films/videos or inappropriate use of visual display units or network systems for this purpose.
- Treating an individual less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the equality legislation.
- Bullying, including persistent criticism and personal abuse and/or ridicule, either in public or private, which humiliates or demeans the individuals involved, gradually eroding their self-confidence, the setting of impossible tasks or deadlines, and picking on people unfairly.
- Other unwanted conduct which denigrates, ridicules, intimidates or is physically abusive of an individual or group.

It is of note that many forms of harassment may be considered to be criminal. Where MSC believes this to be the case, it will not hesitate to involve the police. It may be appropriate for the victim to contact the police immediately.

## 5. Responsibilities

It is the duty of every MSC member to take responsibility for their behaviour and modify it, if necessary, so as to avoid harassment from taking place.

## 6. Procedures for dealing with harassment

If an MSC member, or an MSC employee, considers that they have been subject to harassment by an MSC member, then MSC's primary concern is that they should receive appropriate support, assistance and confidential advice.

There are various ways that they may wish to take the matter forward ranging from asking the person to stop, to taking up a formal complaint.

If it is an MSC employee who considers that they have been subject to harassment by an MSC member, then they should at first instance raise the matter with their line manager.

If an MSC member considers that they have been subject to harassment by another MSC member, or MSC member of staff, then they should raise the matter with the MSC Chair or Chief Executive in the first instance, or with any other member of MSC Executive Committee if more appropriate.

The complaint will then be dealt with either informally or formally, depending on the circumstances and the wishes of the person who has made the complaint.

## **7. Informal**

If it is decided that the matter be dealt with informally, then it is likely that the person concerned will be informed that the behaviour is unacceptable, and must not be repeated. Mediation may be required.

If, despite having taken informal action, the harassment continues, or is of a more serious nature, then the matter may be dealt with formally.

No action will be taken at any stage without the consent of the person making the complaint.

## **8. Formal**

If the harassment is serious or has not been resolved informally, then the MSC member or employee has the right to make a formal written complaint to the MSC Chair or Chief Executive, or another member of MSC Executive Committee.

In these circumstances, the complaint will be investigated by a person appointed by the MSC Executive Committee and/or a trained staff representative, who will form an investigative panel. If the complaint is against a member of the Executive Committee then that person will be excluded from any discussion or involvement regarding the matter. All complaints will be investigated impartially with due respect to the rights of the complainant and alleged harasser. Both the complainant and the alleged harasser will be told that they have the right to be represented.

If the panel concludes that, on the balance of probabilities, the complaint is substantiated, they may recommend action against the harasser up to and including notification to the member's governing body and exclusion from MSC member meetings and other activities (if a member), or disciplinary action up to and including dismissal from employment in accordance with the disciplinary procedure (if a member of staff).

If the panel concludes that, on the balance of probabilities, the complaint is not substantiated, no further action will be taken against the alleged harasser.

If the panel concludes that the allegations are either false or malicious, they may recommend action against the complainant up to and including notification to the member's governing body and exclusion from MSC member meetings and other activities (if a member), or disciplinary action up to and including dismissal from employment in accordance with the disciplinary procedure (if a member of staff).

Anyone experiencing harassment has the right to avail themselves of the right which may

exist to pursue a grievance through an employment tribunal or a court of law.

MSC will ensure that this policy is widely publicised and its contents made known to all MSC members and members of staff.

## **9. Harassment and Bullying involving external parties**

Where the alleged harassment or bullying involves an external party, the Chair and Chief Executive will take all reasonable steps to address the complaint in line with the principles of this policy, in consultation with the person making the complaint. These steps may include reporting the incident to the individual's manager, reviewing or terminating a contract with the external organisation, or assigning the work to another member of the team.

## **10. Review**

This policy will be subject to a planned review every 3 years. It is recognised however that there may be updates required in the interim, arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from professional bodies. These updates will be made as soon as practicable to reflect and inform revised policy and practice.