

COLLEGE OF INTEGRATED CHINESE MEDICINE ANTI-BULLYING AND HARASSMENT POLICY

1. SCOPE

1.1 The College of Integrated Chinese Medicine (CICM) is committed to providing a working environment for all staff & students that is comfortable and free from all forms of bullying and harassment.

1.2 CICM adopts a zero-tolerance approach towards bullying and harassment and any employee or student who is found to have harassed or bullied a colleague will be subject to disciplinary action, up to and including summary dismissal.

1.3 For the purposes of this policy, and those policies relating to the following outlined procedures, harassment is defined as occurring when: “someone engages in unwanted conduct which has the purpose or effect of violating someone else’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, unwanted conduct of a sexual nature (sexual harassment), treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment “.

2. THE POLICY

2.1 If CICM has grounds to believe that a member of the college¹ may have been bullying or harassing another member of the college, whether or not there has been a formal complaint, CICM will instigate an investigation into the alleged bullying or harassment.

2.2 Any member of the college who believes that another member of the college's conduct amounts to bullying or harassment has the absolute right to complain to the Dean or Principal. Furthermore, employees and students have the right to complain if they believe that they have been bullied or harassed by a third party, for example a patient or supplier.

2.3 Members of the college are encouraged to report any incidents of bullying or harassment that they experience or witness so that CICM can investigate and resolve the matter. CICM will take all such complaints seriously and a member of the college who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

2.4 As part of its investigations, CICM will:

- a) check whether the member of the college suspected of bullying or harassment has received previous warnings for similar misconduct (or other types of misconduct) and, if so, whether any earlier warnings are active
- b) talk in confidence to any member of the college who may have evidence relating to the alleged behaviour

¹ For the purposes of this policy ‘members of the college’ means staff, students, contractors, clinical supervisors, lecturers, graduates, practitioners, regional support supervisors

- c) endeavour to persuade any member of the college who may have been witness to the alleged bullying or harassment, or who may have knowledge of it, to give a written statement to that effect
- d) set up an interview with the member of the college believed to have bullied or harassed a colleague, allowing him/her the right to be accompanied at the interview
- e) allow the member of the college a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct
- f) assess objectively whether the member of the college's conduct appears to have amounted to bullying or harassment
- g) adopt an objective and balanced approach to the information gained as a result of the investigation
- h) avoid allowing personal views about the member of the college to influence the overall assessment of the conduct under review
- i) keep confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 1998.

2.5 CICM reserves the right to suspend or temporarily redeploy the member of the college suspected of bullying or harassment or the member of the college raising a complaint of bullying or harassment during the investigations, if it is considered in the interest of the individual(s) or CICM to do so. Suspension in these circumstances does not constitute disciplinary action and will be on full pay (if an employee).

2.6 As soon as possible following the conclusion of the investigation, CICM will inform the member of the college suspected of bullying or harassment as to the outcome. CICM will decide at that point whether or not it is appropriate to instigate disciplinary action against them. Any disciplinary proceedings will, where possible, be conducted by a different manager or tutor from the person who conducted the investigation.

3. LAW RELATING TO THIS POLICY

3.1 Includes:

- a) Leading statutory authority
- b) Data Protection Act 1998
- c) Equality Act 2010
- d) Employment Rights Act 1996

3.2 If an member of the college is subjected to harassment, whether physical, verbal or non-verbal, on grounds of sex, transgender status, marital status (including civil partnership), race, disability, sexual orientation, religion or belief (including lack of belief), pregnancy & maternity or age, he or she may have grounds to bring a complaint to a tribunal under the Equality Act 2010.

3.3 There is no minimum period of service required to bring a claim for discrimination or harassment to tribunal. Courts and tribunals have consistently interpreted harassment as

behaviour that is unwanted and offensive to the person on the receiving end, irrespective of the motive of the harasser. The Equality Act 2010 contains an express definition of harassment.

3.4 It is important to note that the law states that it is not the intention of the perpetrator which defines a particular type of harassment, but the effect it has on the recipient.