

# Sexual Harassment policy

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**Owner of policy: Board of Trustees**

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## Overview

RCVS Knowledge believes that sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals, on the workplace and for RCVS Knowledge. Sexual harassment is unethical, unprofessional and undermines the RCVS Knowledge organisational values and aims. For these reasons, RCVS Knowledge takes a zero-tolerance approach to sexual harassment.

RCVS Knowledge is committed to promoting an environment free from all forms of sexual harassment and recognise that it is responsible for protecting all employees and workers, contractors and self-employed people hired to undertake work for RCVS Knowledge and job applicants from sexual harassment.

RCVS Knowledge believes that sexual harassment is not inevitable and can be prevented through practical action to protect employees and workers against harassment and transform workplace cultures, and therefore agrees that appropriate steps should be taken to achieve this as set out in this policy.

Sexual harassment does not always occur in plain sight. It can happen in-person and online, and outside as well as during working hours.

This policy applies to all employees and workers, contractors and self-employed people hired to undertake work for RCVS Knowledge and job applicants on RCVS Knowledge premises or engaged in RCVS Knowledge activities.

## What is Sexual Harassment?

Sexual harassment is unlawful. It is defined in the Equality Act 2010 as unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them whether the perpetrator intended this or not.

Sexual harassment can still be unlawful even if a person may not have intended their conduct to be offensive.

A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

- Sexual images displayed or shared e.g. graphic pictures, posters or photos.
- Offensive words or comments or jokes.
- Demeaning or humiliating behaviour or language.
- References to someone's body.

- Intrusive questions about someone's private life or sex life or a person discussing their own sex life.
- Suggestive looks, staring or leering.
- Stalking, including online stalking.
- Sexual posts or contact on social media.
- Sending sexually explicit emails or text messages.
- Sexual gestures, such as simulating sexual acts.
- Unwanted touching, such as putting a hand on someone's knee, massaging or hugging them.
- Unwanted sexual attention whether verbal or physical.
- Coercing someone into sexual relations through pressure, manipulation or threats, propositions of a sexual nature or offering rewards in exchange for sex.
- Sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.
- Spreading sexual rumours about a person.
- Indecent exposure.

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

The conduct does not need to be sexually motivated, only sexual in nature.

It is not necessary for someone to object first before conduct can be described as unwanted.

The conduct does not need to be a 'pattern of behaviour' under employment case law (although there is separate criminal legislation, the Protection from Harassment Act 1997 which does require a "course of conduct"). A series of incidents which taken separately may seem trivial, can together constitute sexual harassment. Equally, one isolated incident can be sexual harassment e.g. unwanted kissing.

The conduct does not have to be specifically targeted at an individual to amount to sexual harassment. Sexual harassment is not always obvious, repeated or continuous, it can be a one-off incident.

Sexual harassment creates an intimidating, hostile, degrading, humiliating or offensive environment for people experiencing harassment and those that witness the harassment.

Some forms of sexual harassment are also criminal offences, for example behaviour that would be called exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether or not employees and workers etc also reports them to police.

It is also unlawful to treat an employee or worker less favourably because of sexual harassment that happened to them.

## How can sexual harassment be prevented?

Under the Equality Act 2010 employers are liable for harassment or victimisation committed by its employees and workers unless they can show that they took all reasonable steps to prevent such behaviour.

RCVS Knowledge recognises that whilst there is no prescribed minimum on what an employer can do to prevent sexual harassment at work, there are multiple measures that can help prevent all types of sexual harassment, including but not limited to:

- At each RCVS People team induction, reference will be made to the Sexual Harassment policy. All RCVS Knowledge staff will be expected to sign and date that they have read and understood the policy.
- All employees will have to undertake mandatory training via Litmos (online training platform) and refresher training for each employee once per year will be required.
- The preventative steps in place for sexual harassment will be a quarterly agenda item for all teams, including senior team, to discuss actions and environment, and to be able to monitor what is in place and if any changes need to be made.
- An employee survey will request feedback on matters relating to sexual harassment.
- There will be a small team of internally trained investigators who will be able to lead on investigations in the unfortunate event a sexual harassment allegation is made.
- An external anonymous helpline (Safecall) will be made available, so employees feel they have an outlet to express concerns outside of the organisation.
- The RCVS People team will continue to signpost RCVS Knowledge employees to MyMynd and the Employee Assistance Programme (EAP) service for additional support and specific podcasts, articles etc relating to sexual harassment will be shared with employees.
- Via the RCVS Inclusion and Wellbeing calendar, we will share information and/or promote engagement activities relating to the active prevention of sexual harassment.
- A risk assessment in relation to the prevention of sexual harassment will be conducted and will be reviewed and updated on an annual basis.
- Third parties will be made aware of RCVS Knowledge's stance on sexual harassment. There will be visible signs at events explaining RCVS Knowledge's approach to harassment, external email footers with appropriate messaging explaining the RCVS Knowledge's position at online or in person events. We will also review contracts with those organisations that RCVS Knowledge already has a relationship with and deal swiftly and effectively with third party perpetrators with the view to banning third

parties from events, meetings, premises, contacting employers, employees and workers or ending contracts.

## Roles and responsibilities

### Managers

As a manager you are responsible for:

- Acting as an exemplar of acceptable behaviour by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others. In addition to self-awareness, managers should regularly seek and act on feedback from their team and peers. Preventing sexual harassment requires managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated.
- They must ensure that they and their team participate in regular sexual harassment training.
- Creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are robustly challenged and tackled. Managers are crucial in fostering a culture built on mutual respect where employees feel safe to share their views and raise concerns. This is key to ensure reporting procedures are effective and people feel able to speak up about inappropriate behaviour they have experienced or observed. Managers need to be open and approachable so that people have a direct channel to share concerns.
- Managers are often the first point of contact for receiving reports of sexual harassment. It is important that managers are also alert to any signs of inappropriate behaviour (which we accept maybe difficult in a remote working context) as employees may be reluctant to report due to fear of potential negative implications for themselves or their careers. Providing reassurance and demonstrating that issues raised are taken seriously can encourage team members to report any concerns. Managers who receive a report of sexual harassment, whether formally or informally, or believe that a report should be made, should follow RCVS Knowledge's policy and seek advice from the RCVS People Team.
- Treating team members fairly and taking prompt action where they are aware of unacceptable behaviour; and ensuring that staff who report sexual harassment, or support others to do so, are not treated less favourably than others because of this (victimisation). If you suspect victimisation is occurring, you should speak to the person affected and encourage them to report it via the RCVS Knowledge's procedures. You must also ensure staff who report sexual harassment are not treated less favourably at work because they have been sexually harassed or they have rejected someone trying to sexually harass them.

- Considering the implications for the team if a romantic relationship is consensual. This does not constitute sexual harassment. However, where personal relationships occur, it's important to be aware of the potential risks for team dynamics and prevent behaviours like potential favouritism or abuse of power imbalances.
- Ensuring this policy is followed through at all times.

### Employees and workers, contractors and self-employed people hired to undertake work for RCVS Knowledge

All employees etc have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All employees etc should:

- Ensure they understand this policy and act in accordance with it, particularly if they are an alleged perpetrator of unacceptable behaviour.
- Fully cooperate with any investigation and take seriously requests to cease or amend behaviour.
- Not participate in, encourage or condone sexual harassment or victimisation of others through banter, familiarity or established relationships.
- Promote an inclusive culture in which colleagues or peers are not subjected to sexual harassment or victimisation by challenging and/or reporting these forms of behaviour to the appropriate staff member.
- Treat all workers and those they encounter through work with dignity and respect.
- Think about their own behaviour and whether it might amount to sexual harassment and change their behaviour.
- If you witness any acts of sexual harassment, we recommend you speak with the relevant parties in the first instance. If the alleged victim advises you, they are not comfortable with the behaviour of the alleged perpetrator, encourage them to report it to their manager or the RCVS People Team or utilise one of the resources available in the "Support for staff who have experienced sexual harassment" section of the policy.

## Procedure for receiving and responding to complaints of sexual harassment

RCVS Knowledge commits to dealing with cases of sexual harassment promptly, thoroughly, objectively and sensitively when they become aware of them. You do not have to be the recipient or target of sexual harassment to make a report about it. If you see it happening or

become aware of a problem, you have the right to challenge it and to make a report to a manager.

The word “reporter” is used to describe a person who has decided to share their experience of sexual harassment, whether informally or formally in the form of a complaint. At RCVS Knowledge, we do not refer to people who make reports of sexual harassment as “complainers” or “complainants” because we welcome their reports.

The phrase “alleged harasser” is used to describe any person who the reporter is saying was responsible for the harassment. The alleged harasser cannot be described as a “harasser” until after there has been a formal disciplinary decision. Using the word “alleged” does not imply that the reporter has made up an accusation. RCVS Knowledge will always assume that reports have been made in good faith unless there is evidence to the contrary. Any investigation will always examine the evidence from the case.

## **Allegations made a long time (over three (3) months) after the incident**

If an allegation has been made a long time (over three (3) months) after the incident took place, RCVS Knowledge will take it seriously and deal with it completely, or as far as we possibly can. In some cases where a considerable amount of time has gone by since the alleged incident/s there may be limits on how far the complaint can go.

### **For example, if:**

- the alleged harasser no longer works for RCVS Knowledge
- witnesses no longer work for RCVS Knowledge
- some of the evidence was destroyed a long time ago because it was thought it was no longer needed

In the circumstances, where potential limits might be relevant, we will advise the reporter of this. Presented with this situation, we will still investigate the complaint as far as we possibly can, keep the reporter informed and let the reporter know the outcome as soon as there is one.

## **Informal process**

If a reporter feels confident and able to do so, they can raise their experience directly with the alleged harasser. The reporter can explain directly to the harasser why their behaviour was unacceptable, how their behaviour made them feel and that they would like them to stop it. This can be done verbally or in writing.

RCVS Knowledge recognises that sexual harassment may occur in unequal relationships (i.e. between a line manager and their employee) or may be considered threatening behaviour, and that it may not be possible for the victim to inform the alleged harasser. If the reporter feels

unable to approach the harasser, they can ask a third party, either their line manager or a member of the RCVS People Team or a manager that has received enhanced training in responding to reports of sexual harassment to support them. This third party will be fully engaged in resolving the issue and equipped to provide them with guidance in how to do so.

**The third party will take one or more of the following actions:**

- listen to reporter
- provide the reporter with advice on how to approach the issue directly with the alleged harasser
- accompany them when speaking to the alleged harasser
- help the reporter set out their thoughts in writing
- raise the matter informally with the alleged harasser on the reporter's behalf
- help to obtain advice on how best to resolve the issue and/or assistance in doing so from the RCVS People Team
- help to obtain counselling or support for the reporter
- assure the reporter that they do not have to raise a formal complaint, unless they want to, and they will be led by their choices.
- In some, limited circumstances mediation could be considered. This will only be arranged at the request of the reporter. Mediation can normally only be suitable where there is an admission of wrongdoing on the part of the alleged harasser whether or not they intended harm. It is not suitable where serious or systematic harassment or violence is being alleged, nor where there is an imbalance of power or where reporters fear reprisals or for their safety. Both parties must enter into mediation voluntarily

If the reporter feels able to, they can also approach the line manager of the alleged harasser. This is something a third party can also support individuals with.

If you have experienced sexual harassment, it is advisable that you keep a diary of incidences. This will give a helpful record of the nature of the sexual harassment and when it occurred. It will be important if you choose to report the sexual harassment to establish a pattern over a period of time.

## **Formal process**

If a reporter does not wish to pursue an informal route, the informal route has been tried and not worked, it is felt the alleged harasser will not respond to an informal process or the case is too serious for an informal process to be appropriate, a formal process is also available and stipulated here.

A formal complaint can be initially made to your manager or any manager in RCVS Knowledge who is senior to the harasser or, if this is not possible, to a manager who is equally senior, i.e. a member of the RCVS Senior Team.



The designated person who initially received the complaint will refer the matter to the RCVS People team addressing their concerns to the RCVS People Director to instigate a formal investigation. The RCVS People Director will decide whether the allegation/s against the harasser warrant suspension from work on full pay or an alternative course of action e.g. ensuring the reporter, and the alleged harasser are not required to work together while the alleged harasser is under investigation, then refer the matter to an internal or external investigator who has experience of this area or has received training to investigate complaints of this nature.

If possible, you should keep notes of what happened so that the written complaint can include:

- a) the name of the alleged harasser;
- b) the nature of the alleged harassment;
- c) the dates and times when the alleged harassment occurred;
- d) the names of any witnesses/bystanders; and
- e) any action already taken by you to stop the alleged harassment

**An investigation will usually consist of an:**

- interview with the reporter
- interview with the alleged harasser
- interview/s with other relevant witnesses/bystanders
- a report detailing the investigation, findings and any recommendations e.g. referral to disciplinary action

The investigation will be done as quickly as possible and all records concerning the matter will be confidential and will only be shared on a strictly need-to-know basis.

The reporter may prefer to talk to an investigator of the same sex in some sensitive cases and this preference will be respected.

Both the reporter and the alleged harasser have the right to be accompanied by a colleague or trade union representation at their investigation meeting.

If the investigation concludes that the allegation/s against the alleged harasser should be referred for formal disciplinary action, a disciplinary hearing will be arranged for the alleged harasser to formally respond to any allegations levelled against them.

The alleged harasser has the right to be accompanied by a colleague or trade union representative at their disciplinary hearing.

**The disciplinary outcome may be one or more of the following:**

<b>Employee</b>
<ul style="list-style-type: none"><li>• written warning</li><li>• final written warning</li></ul>

- |  |
|--|
| <ul style="list-style-type: none"><li>• temporary or permanent exclusion from certain events, locations and activities</li><li>• apology to those affected</li><li>• compulsory training</li><li>• dismissal</li></ul> |
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The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial.

The outcome of the investigation will be shared with the reporter and alleged harasser either by the investigator or their managers.

If the alleged harasser actions are deemed to amount to gross misconduct, this could result in summary dismissal without notice or payment in lieu of notice. The alleged harasser has the right to appeal the outcome of the disciplinary hearing.

## Appeals

The reporter has the right to appeal the outcome of the investigation. The reporter should set out their grounds for appeal in writing.

An appeal must be lodged in writing within seven (7) days of the date of the outcome letter. The appeal should be addressed to a senior manager (appeal manager), as set out in the outcome letter. The grounds of appeal should be based on one or more of the following:

- The sexual harassment policy was not followed correctly
- Substantial new evidence has now come to light that was not available at the time of the investigation
- The findings of the investigation are inaccurate or unfair

If the appeal does not meet one or more of the following grounds, then we may decide that it does not constitute appeal and therefore will not be heard.

The reporter will be invited to an appeal hearing in order for the appeal manager to consider the objection/s. The reporter, if they wish, will be offered the opportunity to be accompanied by a work colleague or trade union representative. It is the reporter's responsibility to arrange their representation and to advise them of the date, time, location of the meeting and provide copies of all relevant documentation to your representative.

When considering a work colleague as a representative, any possible conflicts of interest that may arise through choice of representative should be considered. RCVS Knowledge however can object to the chosen representative if a conflict of interest arises.

Your companion may offer support and ask for clarifications but may not answer questions or make representations on your behalf at the appeal hearing.

If you do not attend the appeal hearing, we will rearrange it only once and write to confirm the new details. If you fail to attend the rearranged meeting, we reserve the right to hold the meeting in your absence and inform you of the outcome of the appeal in writing.

Once the appeal hearing is concluded the appeal manager will consider the evidence and decide on the outcome of the appeal. The outcome of the appeal will be communicated in writing without unreasonable delay. This will signify the end of the appeal process, and the conclusion of the appeal manager is final.

## Legal action

If an act of sexual harassment may also amount to a criminal offence, RCVS Knowledge would consider raising the possibility of reporting the matter to the police with the reporter and provide them with the support to do so. Wherever possible, RCVS Knowledge will follow the wishes of the reporter.

## Third party harassment of employees

In the event an employee has been sexually harassed by a third party (someone who is not an employee) this will lead to the RCVS Knowledge to taking action to reduce or eliminate the harasser's opportunity to interact with the victim and or other employees or workers, such as by banning them from activities or premises and enforcing the ban. This action would include a formal notification being made to that person and kept on record. It may be necessary and or proportionate (a legitimate purpose / substantial public interest) to inform the harasser's own employer, to assist them with their own duty of care to others. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

## Support for staff who have experienced sexual harassment

We acknowledge reporting sexual harassment takes courage and can be extremely stressful. If you have experienced sexual harassment at work, you can contact the following organisations for free and confidential support and advice:

- Your trade union
- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Health Assured Employee Assistance Programme counselling helpline: 0800 023 2296
- MyMynd is provided free of charge to eligible staff. You should have received a personal invitation from MyMynd (sender: [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk)) with your own secure, unique access link. If not, email [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk) to receive your unique access link

- Rights of Women free and confidential legal helpline for women who have experienced sexual harassment at work: 020 7490 0152
- Galop, the LGBT+ anti-violence charity, 0800 999 5428
- Citizens Advice Bureau
- Equality and Human Rights Commission (EHRC)

## Support for staff who has been accused

We acknowledge being the subject of an investigatory process can be stressful. If you have been accused of sexual harassment at work, you can contact the following organisations for free and confidential support and advice:

- Your trade union
- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Citizens Advice Bureau
- Health Assured Employee Assistance Programme counselling helpline: 0800 023 2296
- MyMynd is provided free of charge to eligible staff. You should have received a personal invitation from MyMynd (sender: [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk)) with your own secure, unique access link. If not, email [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk) to receive your unique access link

## Bystanders who have witnessed sexual harassment

We acknowledge bystanders who have witnessed sexual harassment may also require additional support, you can contact the following organisations for free and confidential support and advice:

- Your trade union
- ACAS [www.acas.org.uk](http://www.acas.org.uk)
- Citizens Advice Bureau
- Health Assured Employee Assistance Programme counselling helpline: 0800 023 2296
- MyMynd is provided free of charge to eligible staff. You should have received a personal invitation from MyMynd (sender: [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk)) with your own secure, unique access link. If not, email [wellness@email.mymynd.co.uk](mailto:wellness@email.mymynd.co.uk) to receive your unique access link

**To signify, you have read and understood the Sexual Harassment Policy, please state your full name (first name and surname) and add the date below:**

Name –

Date -