



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

Policy Regarding Respectful Behavior

It is the policy of the Massachusetts Medical Society that all participants in MMS meetings, events, and activities are expected to exhibit respectful, professional, and collegial behavior during such meetings, events, and activities, including but not limited to committee meetings, House of Delegates meetings, dinners, receptions, and social gatherings. Attendees/participants should exercise consideration and respect in their speech and actions, including while making formal presentations to other attendees, and should be mindful of their surroundings and fellow participants.

The MMS will not tolerate language or behavior that demeans a guest, participant, or attendee on the basis of race, ethnicity, nationality, age, gender, creed, religion, sexual orientation, gender identity, gender expression, disability, economic status, or other similar identifier.

Demeaning language and behavior are that which a reasonable person in the same or similar circumstances as the person being described would feel adversely affects their participation in the meeting, event, or activity. Such language and behavior include, but are not limited to epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is visible during an MMS meeting, event, or activity.

As a condition of attending and participating in any MMS meeting, activity, or event, each attendee will be required to acknowledge and accept (i) this policy and (ii) applicable adjudication and disciplinary processes for violations of this policy. All attendees are expected to conduct themselves in accordance with this policy.

Additionally, individuals elected or appointed to a leadership role in the MMS or its affiliates will be required to acknowledge and accept this policy and related procedures. (HP)

MMS House of Delegates, 12/4/21

Procedures Regarding Alleged Violation of the Respectful Behavior Policy

The host, moderator, or presiding officer of the meeting, event, or activity shall, on their own initiative, have the authority to address demeaning language or behavior, including by (a) directing that any written words be removed or redacted from any online or physical publication in which they appear, (b) silencing the speaker while they are speaking, or (c) excluding the speaker from some or all of the remainder of the event, meeting, or activity. If the meeting, event, or activity is conducted pursuant to parliamentary procedure then, as with all rulings of the presiding officer, any action taken pursuant to this paragraph will be subject to appeal by another participant.

Any attendee at an MMS meeting, event, or activity (including participants in MMS online reference committee testimony) who believes another attendee/participant has violated the Respectful Behavior Policy may promptly notify (i) the MMS Office of General Counsel and/or (ii) the host(s), moderator(s), or presiding officer(s) of the meeting. Additionally, the MMS will establish an online mechanism by which a delegate or other attendee at an event, meeting, or other activity may file a complaint, which may be anonymous if desired. All reporting mechanisms will be publicized widely to ensure awareness of their existence.

Complaints will be directed to a committee consisting of (1) the General Counsel of the MMS, or if unavailable or ineligible, a designee from the Office of the General Counsel, (2) the President Elect, or if unavailable or ineligible, the Immediate Past president, (3) the Chair of the Committee on Ethics, Grievances, and Professional Standards, or if unavailable or ineligible, the Vice Chair, (4) the Chair of the Minority Affairs Section, or if unavailable or ineligible, the Vice Chair, and (5) the Resident and Fellow Section Primary Trustee, or if unavailable or ineligible, the Secondary Trustee (6) the Medical Student Section Primary Trustee, or if unavailable or ineligible, the Secondary Trustee. Neither the complainant nor the subject of the complaint may be a member of the committee.

Upon receipt of a complaint, under the leadership of the General Counsel, or designee, a subcommittee consisting of the General Counsel and two members of the committee, selected on a rotating basis, will gather preliminary information such as dates, parties involved, and a brief description of the incident. The subcommittee will then conduct a review of that information to determine whether the conduct described in the complaint constitutes a violation of the policy. This review is not concerned with whether the conduct actually occurred as the complainant described it, but rather with the question of whether the conduct described rises to the level of a violation of the MMS Respectful Behavior Policy.

If the conduct described in the complaint does not constitute a violation of the policy, the subcommittee will notify the complainant of its conclusion, and no further process or review will occur. If the subcommittee determines that the conduct described in the complaint, if substantiated, constitutes a violation of the policy, the subcommittee will notify the subject of the complaint of the nature of the allegations. The subcommittee will also, if appropriate, contact the complainant to offer an opportunity for a mediated discussion between the complainant and the subject of the complaint. If the complainant consents, the committee will contact the subject of the complaint to offer such a discussion in lieu of or in advance of any further inquiry.

At the request of any member of the subcommittee, the full committee may undertake this initial review.

If the initial review determines that the conduct described violates the respectful behavior policy and the matter is not resolved during a mediated conversation between the person making the complaint and the subject of the complaint, the full committee will, under the leadership of the General Counsel or their designee, conduct an inquiry without undue delay. Inquiries should consist of interviews with the person making the complaint (the reporter), if known, the person targeted by the inappropriate conduct (if they are not the reporter), witnesses that the reporter or

target identify, other witnesses the committee deems appropriate, and the subject of the complaint. The committee may also review any records created of the incident (if, for example, there is a recording, notes, or meeting minutes that reflect the incident). Based on this inquiry, the committee will determine:

- Whether the alleged event occurred
- Whether the language or conduct was demeaning, based on whether a reasonable person in the same or similar circumstances would find it demeaning;
- Whether the conduct rises to being unprofessional or conduct unbecoming a physician; and
- What the consequences should be for the conduct, which could include one or more of the following remedial and educational/non-disciplinary actions contingent upon the current regulation of the Board of Registration in Medicine:
 - A discussion with, or note sent to, the subject of the complaint describing the complaint and recommending modifications to the member's behavior, as appropriate, including identification of potential areas for improvement
 - A recommendation that the subject of the complaint engage in some meaningful self-education regarding the behavior
 - A request that the subject of the complaint apologize orally or in writing to the target, reporter, and/or the other attendees of the meeting, event, or activity

The committee's findings and actions will be reported to the individual who was the subject of the complaint. Following an inquiry:

- If the complaint is substantiated, the committee will provide a report to the BOT, summarizing the behavior complained of, the findings, and the actions taken;
- If the complaint is not substantiated, the committee will issue a formal statement of exoneration to attendees of the meeting, event, or activity, and to the BOT, if requested by the subject of the complaint, within six (6) months of completion of the inquiry.

The committee will provide an annual report to the HOD, including (1) the number of complaints received in the prior year, categorize based on the resolution of each complaint, and (2) a summary of the general nature of the complaints received in the prior year.

All proceedings of the committee will be kept as confidential as practicable. Reports, inquiries, and actions under these procedures will be kept confidential to the fullest extent possible, consistent with usual business practices.

(D)

MMS House of Delegates, 5/11/24