

Note from the Harassment Working Group: this policy was passed at the 2017 DSA Convention on August 4, 2017. If you would like more information about implementing it in your chapter, please contact the HWG.

DEMOCRATIC SOCIALISTS OF AMERICA: HARASSMENT POLICY

Written by the Harassment Working Group

Democratic Socialists of America is committed to creating a space that is welcoming and inclusive to members of all genders, races, and classes. The following policy provides guidelines to ensure that everyone is able to organize without fear of harassment, abuse, or harm.

1. Scope

- a. **Prohibited behavior.** Members shall not engage in harassment on the basis of sex, gender, gender identity or expression, sexual orientation, physical appearance, disability, race, color, religion, national origin, class, age, or profession. Harassing or abusive behavior, such as unwelcome¹ attention, inappropriate or offensive remarks, slurs, or jokes, physical or verbal intimidation, stalking, inappropriate physical contact or proximity, and other verbal and physical conduct constitute harassment when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of a member's continued affiliation with DSA;
 - ii. Submission or rejection of such conduct by an individual is used as the basis for organizational decisions affecting such individual; or
 - iii. Such conduct has the purpose or effect of creating a hostile environment interfering with an individual's capacity to organize within DSA.²
- b. **Other protected classes.** Harassment based on categories not encompassed by those listed section (a) will be evaluated at the discretion of the HGO and Steering Committee representatives.

2. Reporting Harassment

- a. **Complaints.** Members may follow the standard DSA complaint process as set out in the following sections if they believe they have been harassed by another member. There will be no time limits requiring the accuser to file a report within any amount of time after the alleged harassment has occurred.

¹ "Unwelcome" means in the sense that the member did not solicit or incite it, and in the sense that the member regarded the conduct as undesirable or offensive. See *Henson v. City of Dundee*, 682 F.2d 897, 903 (11th Cir. 1982).

² A "hostile environment" is one in which the harassment is sufficiently severe or pervasive as to alter the conditions of membership and create an abusive organizing environment. See *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986). Whether harassment is severe enough to reach this level is determined by whether a reasonable person would be offended by the conduct. See *id.* at 77. Further, in evaluating the severity and pervasiveness of harassment under this standard, DSA representatives should focus on the perspective of the victim. See *Ellison v. Brady*, 924 F.2d 872, 878 (9th Cir. 1991). This means critically analyzing, among other things, the different perspectives of those in a protected class. See *id.*

- b. **Harassment Grievance Officers.** Members filing a formal complaint must contact a DSA harassment grievance officer ("HGO").
 - i. Each DSA chapter with over one hundred members will:
 - 1. Vet and appoint at least two members to serve as the designated HGO(s);
 - 2. Determine term limits for HGO(s) and develop methods for removing HGO(s) for cause.Chapters with one hundred or fewer members will direct all grievance complaints through the national HGO.
 - ii. DSA National will:
 - 1. Vet and appoint at least one staff member to serve as the designated national HGO;
 - 2. Determine appropriate training requirements for HGOs
 - 3. Determine term limits for HGO(s) and develop methods for removing HGO(s) for cause.
 - iii. Each DSA chapter with over one hundred members and DSA National will:
 - 1. Establish an email address to function as a confidential reporting "hotline" that is only accessible by the HGO(s); and
 - 2. Develop template forms both for reporting and responding to accusations of harassment that include:
 - a. The parties' contact information
 - b. The names of the parties involved
 - c. A description of reported incident
 - 3. Develop template forms for appealing the form of relief determined by Steering Committee that include:
 - a. The grounds of the appeal
 - iv. Each DSA chapter and DSA National will have these structures in place no later than July 1, 2018.
- c. **Reporting procedure and timeline**
 - i. After a written report has been submitted--whether through the email hotline or otherwise:
 - 1. The HGO(s) responsible for the reporting channel used by the accuser will contact the accused member within seven days to notify them that a report has been filed against them and request a written response to the report either affirming or denying its substance;
 - 2. The accused will submit their written response within seven days of being notified. If the accused does not meet this deadline, the HGO will recommend the Steering Committee move to take appropriate disciplinary action;

3. If the accused denies the substance of the report, the HGO overseeing the dispute will have the option to investigate the report by:
 - a. interviewing other members with direct knowledge of the substance of the report;
 - b. requesting documentation from either the accuser or accused or any other parties directly involved; or
 - c. employing any and all other means deemed necessary, with the utmost respect for the confidentiality of the parties, within a time period not to exceed ten days.
- ii. The HGO(s) responsible for adjudicating the dispute will determine whether the report is credible and, if necessary, make a recommendation to Steering Committee of appropriate disciplinary action as soon as practicable, but ultimately within thirty days of the report being filed. This is to ensure the timely, efficient, accurate, and discreet adjudication of all reports. The HGO(s) may notify Steering of the accuser's report and its substance at any time after the report is filed, but must give written notice to both the accuser and the accused member before doing so.
- d. **HGO responsibilities.** The HGO(s) will:
 - i. Receive, acknowledge receipt of, and archive accuser reports;
 - ii. Contact the accused to notify them of the accusations, request their written response, and archive any written response;
 - iii. Conduct any necessary investigation of the claim; and
 - iv. Present their findings to the Steering Committee with a written report and, if necessary, a recommendation for disciplinary action.
 - v. If necessary, HGO(s) may recommend that parties do not contact each other for the duration of the investigative process.
 - vi. Compile a yearly report that details:
 1. How many reports were made
 2. How many were taken to the disciplinary process
 3. How many disciplinary actions were taken
 4. Any recommended changes for making the reporting system more effective

This report will not include personally identifying information of any parties in any dispute. The local HGO(s) will send the yearly report to the national HGO(s) no later than January 1 of the new year.

3. Remedies and penalties

a. Determinations

- i. All reports will be assessed on a case-by-case basis by the HGO(s) and Steering Committee associated with the accuser's reporting channel. The ultimate disposition of each report will be made by the chapter's Steering

Committee or, in the case of DSA National, the NPC, after that body reviews the written report and recommendation of the HGO(s).

b. Standard for Determining if a Report is Credible

- i. The chapter's Steering Committee or, in the case of DSA National, the NPC will find the factual allegation in a report is "credible" if it more-likely-than-not occurred.

c. Remedies and Penalties

If a chapter's Steering Committee or, in the case of DSA National, the NPC finds the report to be credible, they are authorized to carry out the following remedies and penalties:

1. A formal discussion between the accused and the Steering Committee to develop a plan to change the harassing behavior(s);
 2. Suspension from committee meetings and other chapter or organizational events;
 3. Removal from chapter committee(s);
 4. Removal from DSA; and
 5. Any and all other relief deemed necessary and just by the chapter or national leadership.
- ii. If a local chapter has established suspension or expulsion procedures, Steering Committee is authorized to enforce these remedies and penalties in accordance with those procedures.
 - iii. If the local chapter does not have established suspension or expulsion procedures, they will adopt the procedures outlined in Article III, Section 4 of the DSA Constitution and Article I, Section 3 of DSA bylaws.
 1. The NPC majority required in these procedures will instead be a Steering Committee majority
 2. Local chapters that lack these procedures shall have suspension and expulsion procedures in place by July 1, 2018.
 - iv. DSA national is authorized to enforce certain remedies and penalties in accordance with Article III, Section 4 of the DSA Constitution and Article I, Section 3 of DSA Bylaws
 1. Removal from DSA; and
 2. Any and all other relief deemed necessary and just by the chapter or national leadership.
 - v. The appropriate form of relief will be determined by, among other things:
 1. The request of the accuser;
 2. The severity of the offense;
 3. The response of the accused; and
 4. The accused's relevant behavioral histories.

- d. Appeals process.** Either party may appeal the form of relief determined by Steering Committee by filling out appellate form created by the accuser's

reporting channel. Appeals must be filed within thirty days of receiving written notice of the Steering Committee's decision. The limited grounds for appeal are:

- i. Either party believes the behavior was not interpreted using the standards for harassment set out in Section 1a;
 - ii. Procedural errors, misconduct, or conflicts of interest affected the fairness of the outcome; and
 - iii. The remedy or penalty determined by Steering was grossly disproportionate to the violation committed
- e. **Retaliation.** This policy prohibits retaliation against any member for bringing a complaint of harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliatory behaviors includes threats, intimidation, reprisals, and/or adverse actions related to organizing. If any party to the complaint believes there has been retaliation, they may inform the HGO who will determine whether to factor the retaliation into the original complaint, or treat it as an individual incident.

RECOMMENDATIONS FOR THE SUCCESSFUL IMPLEMENTATION OF THIS POLICY

Comrades-

DSA is committed to creating a space that is welcoming and inclusive to members of all genders, races, and classes. The guidelines contained in this harassment policy ("Policy") aim to protect every member's right to organize without fear of harassment, abuse, or harm. To that end, the Harassment Working Group ("Group") would like to make certain formal recommendations that we think will maximize the efficacy of local and National harassment protocols.

First, the Group recommends that each designated harassment grievance officer ("HGO") go through a formalized vetting process developed by their respective chapter. Importantly, the Group recommends that the NPC require HGOs be trained in responding to sexual violence. One tool that might be useful in such a training process is [First Responders: Responding to Sexual Assault Disclosures](#). Vetting HGOs will be critical to the success of a chapter's harassment policy, because it will create the necessary trust and confidence between members and their advocates that must precede any report. This was also the rationale behind designating a National HGO: victims are able to choose whether they report an incident to their local HGO or national, allowing them to have an effective alternative option if they do not have full faith and confidence that their report will be quickly and correctly resolved through local resources. This will be especially helpful to smaller chapters that would be unable to internally resolve conflicts without fear of bias.

Second, the Group acknowledges DSA's commitment to building a broad, inclusive mass movement that spans race, ethnicity, and national origin. To that end, the Group recommends

that all chapters, but in particular chapters with a robust representation of members or affiliates whose first language is not English, prioritize bilingual/polylingual members for HGO positions. If this is not possible, the Group recommends chapters formally loop translators into the investigation and adjudication of reports involving members whose first language is not English whenever possible. This will ease the burden on the parties during the investigation and adjudication as well as produce more accurate results.

Third, the Group suggests that each chapter and DSA national host at least one training annually which specifically focuses on preventing harassment generally and the processes of this Policy in particular within DSA. The Group recommends that the chapters and National use this training to create a space for discussion regarding how to minimize and eradicate harassment and other abusive tendencies within DSA and other socialist spaces. Further, the Group suggests this training be facilitated by the designated chapter HGO(s) as a means to develop trust and rapport between membership and their advocates. It is important that our members understand that DSA has their backs. Moreover, regular, highly-visible trainings will both build solidarity among rank-and-file membership and minimize deniability for abusers who might otherwise claim to not know DSA's stance on harassing behaviors.

Fourth, while this Policy applies to the formal procedure for responding to and resolving disputes over harassment and abusive behavior between DSA members, the Group notes that socialist spaces and the Left are small circles. While the Group understands that new DSA members may have been the victims or perpetrators of abuse before their membership in DSA, we recommend that only incidents that took place when both parties were members be considered reportable. While we cannot relitigate the behavior of members prior to their joining our organization, an effective harassment policy will impart the message that DSA will not tolerate harassment or abusive tendencies of any sort; any harassing behavior will be rooted out and swiftly disciplined.

The Group concludes by noting that this policy is merely a framework. The more meaningful, impactful labor in this process must take place at the chapter level. Each chapter knows the needs and capacities of its members best, and will be most effective at implementing a successful Policy. The Group reminds its audience of the words of Eugene V. Debs, who said that "solidarity is not a matter of sentiment but a fact, cool and impassive as the granite foundations of a skyscraper." The Group affirms its commitment to assisting our comrades in this fight in any way we can, and encourages collaboration both across chapters and between chapters and this Group.

In Solidarity,

The Harassment Working Group

Allison Hrabar, Metro DC - Delegate (allisonhrabar@gmail.com)

Zack Maril, Metro DC - Delegate

Malcolm Bates, Metro DC

Emily (Emma) Coombes, Las Vegas DSA/At-Large

Jennie Yim, Las Vegas

Emily Robinson, Metro DC/At-Large

Kel Keating, Las Vegas

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Illinois
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Illinois
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Southern California
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