

Democratic Socialists of America – Syracuse Chapter

Harassment Grievance Policy

(June, 2020)

Grievance Procedure: The current Harassment Grievance Officers (HGOs) were vetted by the Steering Committee and nominated by unanimous consensus in July, 2019. Their appointment was confirmed by a vote of the membership at the Fall General Meeting in November, 2019. A draft of this policy was submitted to the Steering Committee for review in February, 2020 and voted on by the membership at the General Meeting in June, 2020.

Harassment Grievance Officers (HGOs):

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Background: Syracuse DSA is committed to providing a safe, welcoming, and inclusive space to members of all genders, races, and classes. The National DSA Harassment Policy, passed at the August, 2017 National Convention, can be found [here](#). National's policy describes in detail the definition of harassment and each step of the process for responding to complaints, including reporting, investigation, and decision-making. The following policy describes the grievance process adopted by Syracuse DSA; it draws heavily from the National DSA Harassment Policy as well as those of other chapters in New York State.

I. Scope

- A.** 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 may include, but is not limited to, unwelcome attention, inappropriate or offensive remarks, slurs, or jokes, physical or verbal intimidation, stalking, inappropriate physical contact or proximity, and other verbal and physical conduct that has the purpose or effect of creating a hostile environment interfering with an individual's capacity to organize within DSA.
- B.** Reporting Grievances:
 1. Members are encouraged to follow the complaint process described in this policy if they believed they have been harassed by another member.
 2. There will be no time limits requiring the accuser to file a report within any amount of time after the alleged harassment has occurred. This will include incidents which occurred prior to the adoption of this policy.

3. While this document describes the policy of Syracuse DSA, any complainant who does not feel that their concerns can be adequately addressed at the chapter level may pursue a complaint with the National Grievance Officers without going through this procedure first.
 - a) Paula Branter, the National Harassment Grievance Officer, can be reached at nationalgrievanceofficer@dsausa.org. Additional information on filing directly with National is available [here](#).
4. This policy will be voted on by all members of Syracuse DSA and the document and reporting forms will be included in all chapter-wide emails. Contact information for the HGOs will be made public through general meeting agendas and online via the chapter's Facebook page.

C. Interpersonal Conflicts:

1. Issues may arise that do not rise to the level of harassment, but still warrant a timely and thorough response from the chapter. A complainant may therefore request peer mediation rather than filing a formal grievance.
2. A complainant's decision to pursue mediation does not preclude the complainant from later pursuing filing a formal grievance.
3. HGOs will be trained in peer mediation and solicit volunteers to serve as alternate peer mediators in cases where neither HGO can serve as the mediator.

II. **Grievance Committee**

A. Structure:

1. The Grievance Committee (GC) will be composed of two HGOs, with at least one identifying as a woman/femme.
2. The GC will solicit volunteers to act as alternate peer mediators in the case of conflicts (see below).

B. Harassment Grievance Officers (HGOs):

1. HGOs will be solicited by the SC. They should be vetted thoroughly by soliciting feedback from the membership, including anonymously, and should be asked to submit in writing a description of qualifications and any relevant experience. They will be confirmed by unanimous vote of the SC and majority vote of the membership.
2. The SC should strive to ensure diversity of HGOs with respect to age, gender, race, sexual orientation, and ethnicity.
3. HGOs should be periodically trained in best practices for responding to sexual assaults and harassment, as well as peer mediation, de-escalation, and conflict resolution techniques. The SC in conjunction with the GC will compile a list of relevant trainings through National DSA and community-based resources.

4. The Steering Committee will review HGOs individually each year and may remove an HGO by majority vote. The HGOs should be informed of the cause for removal.
5. HGOs may also resign at any time.
6. Any HGOs that resigns or is removed must be replaced by the SC through the approval process described above.

III. **Complaints**

A. Procedure

1. The GC will establish an email for submitting complaints, which is maintained only by the HGOs.
2. The SC will make a complaint form available ([found here](#)), which will transmit to the GC email. The form will include instructions for how to submit complaints anonymously.
3. The form will allow complainants to indicate whether they would prefer to file a formal grievance, pursue peer mediation, or speak with an HGO for more information. Complaints that do not result in formal grievances will not be reported on to the SC, but will be handled internally by the GC.
4. HGOs and their contact information will be listed publicly, so that a complainant who objects to submitting the complaint to the entire GC may submit directly to a specific HGO.
5. The identity of the complainant and the accused will not be disclosed to anyone not on the GC (and at the request of the complainant, to the HGOs actually investigating the case) pending the outcome of the investigation, except as necessary to conduct any investigation.
6. Not every report will involve action targeted at specific individuals. Members can file complaints regarding hostile environments and other systemic issues.
7. If multiple complaints are filed against the same person or persons, the GC may consolidate these complaints for the purposes of investigation. Such consolidation is wholly discretionary, and complainants may veto such consolidation.
8. A complainant may choose to be represented in these proceedings by a representative of their choosing, which will mean all communication from HGOs will be conducted through that representative.

B. Assignment of HGOs

1. In response to formal grievances, one HGO will be assigned to the investigation while the other will act as Steering Committee (SC) liaison – serving as a point of communication between the SC and GC, especially pertaining to questions about interpretation of this policy.

2. If either HGO is conflicted out of a particular investigation, the other HGO will serve as both investigator and SC liaison. If both HGOs are conflicted out, complainants are encouraged to file through National DSA.
3. An HGO or member of the SC is required to recuse themselves from any investigation involving either a complainant or accused who is the HGO's or SC member's close friend or family member, or with whom the HGO or SC member has an extensive working relationship or past or present romantic or sexual relationship. An HGO or SC member should also recuse themselves if other conflicts would present an appearance of impropriety. Such potential conflicts may be raised by any party or by any member of the GC at the outset of an investigation and may be determined by other members of the Grievance Committee or Steering Committee by majority vote.
4. If the complainant requests it, the GC must require that the investigation be carried out by people who do not identify as men.

IV. **Responding to a Complaint**

A. Peer Mediation

1. If the complainant requests peer mediation, the assigned HGO will contact the complainant to discuss their preferences for the mediation process – e.g. meeting place, mediator, the presence of any supporters, etc. Once their preferences have been taken into account, the HGO will contact the accused to determine their willingness to comply with such a procedure. If the accused is opposed to this suggestion, or if the HGO finds that mediation would be unfeasible under the circumstances, this will be communicated to the complainant, who may escalate the complaint to a formal grievance.
2. Selecting peer mediation in the initial complaint does not prevent the complainant from escalating the complaint to a formal grievance at any point.
3. If the complainant does not select either formal grievance or peer mediation on their initial complaint, the HGO will contact them to discuss the process of mediation as opposed to an official grievance, and the merits and drawbacks of each process. If the HGO feels the complaint is appropriate for peer mediation, they may recommend that course of action, but the choice is ultimately up to the complainant.
4. Mediation will take place within one month of the complaint being filed at a mutually agreed upon time and place.

5. Each party has the opportunity to bring a representative/supporter to the mediation. The identity of any representatives/supporters will be communicated to each party by the HGO beforehand.
6. If the GOs determine that mediation is not an appropriate process for resolution of the complaint, they may recommend to the complainant that the complaint be escalated to a formal grievance.

B. Official Grievance

1. Responding

- a) The HGOs will respond to the complainant within five business days to set up an interview.
- b) If the complainant requests that the process be expedited due to the seriousness of the complaint, they may indicate that on the complaint form.
 - (1) In cases involving serious allegations, including but not limited to sexual assault, HGOs may encourage the complainant to seek appropriate community-based (non-law enforcement) services such as those offered by Vera House.
- c) The HGOs will take notes at the interview and every stage of the process, including informal conversations (in this case notes may be recorded after the fact, which must be included in the official record of the case). Notes will not be turned over to the SC unless specifically requested.
- d) The HGOs will notify the accused of the complaint, including a description of the complaint, and request a written response.
- e) If there are any facts in dispute, the HGOs will commence an official investigation. If there are no facts in dispute, the HGOs may prepare their recommendations in a report immediately.
- f) The HGOs may prohibit the accused from contacting the complainant, and/or recommend that the parties not contact one another, for the duration of the investigative process. They may direct both parties to refrain from any harassing or retaliatory behavior. They may not prohibit the complainant or the accused from discussing the complaint with third parties.
 - (1) In cases involving serious allegations, including but not limited to sexual assault, by consensus decision the GC may issue a temporary suspension of the accused from all chapter activities.

2. Investigation

- a) The HGOs will interview any relevant witnesses to the behavior detailed in the complaint, and any other relevant members, at the HGO's discretion.
 - b) The HGOs are empowered to conduct any other investigative measures as determined to be necessary.
 - c) The HGOs will strive to maintain confidentiality of the parties and the procedure, except as necessary to conduct their investigation, and will not discuss complaints outside of grievance proceedings other than to receive expert advice where appropriate from third parties not affiliated with DSA. Although they cannot ban parties from discussing the complaint, they can prohibit harassing, abusive, or retaliatory conduct.
 - d) No person in Syracuse DSA shall in any way retaliate against a complainant, witness, advocate, or HGO in connection with any grievance. Retaliatory behaviors include threats, intimidation, reprisals, and/or adverse actions. If any party to the complaint believes there has been retaliation, they may inform the HGOs, who will determine whether to factor the retaliation into the original complaint, or treat it as an individual incident.
 - e) No HGO shall inquire about the complainant's history of sexual activity, sexual reputation, sexual behavior, or manner of dress, whether with the accused or with others.
 - f) Throughout the investigation, HGOs should take into consideration how traditional power structures of our society benefit the parties and give deference to traditionally marginalized individuals.
3. Standard of Evidence
- a) The applicable standard for evaluating the complaint will be a preponderance of the evidence, or the 'more likely than not' standard.
 - b) A complainant's statement(s) during an investigation, even if uncorroborated by external evidence and/or contradicted by the accused's statement(s), shall be sufficient to meet the preponderance of the evidence standard. In assessing the credibility of parties to a grievance investigation, HGOs should give deference to traditionally marginalized individuals and err in favor of believing those individuals.
4. Reporting to the SC
- a) The HGOs should prepare a report outlining the findings of any investigation and any recommendations for disciplinary action.

This report need not include every piece of documentation from the investigation, although such evidence, including any HGO notes, must be available upon request of the SC or the parties. Recommendations for disciplinary action will be made by consensus of the two serving HGOs.

- b) Notes shall be kept on any complaints leading to peer mediation, but will not be reported to the SC. They will be kept on file with the GC and may be included if a complaint escalates to a formal grievance.
- c) Reports should be filed within one month of the formal grievance being filed. If it is not, a status report shall be filed indicating the investigation is delayed, described the reason for the delay, and providing a time estimate for its completion. In no case shall the report be filed later than 60 days after the formal grievance is filed.
- d) Prior to submission to the SC, the report should be made available to both parties, who may submit their own written statements to the SC along with the report. They HGOs may write a response that may include additional evidence.

5. Disciplinary Measures

- a) Possible disciplinary measures may include, but are not limited to:
 - (1) A formal discussion between the accused and the SC to develop a plan to change the harassing behavior(s);
 - (2) A prohibition on offending behaviors;
 - (3) Acknowledgment of the offending behavior and a public apology (if desired by the complainant);
 - (4) A requirement that the accused not contact or approach the complainant;
 - (5) Suspension from committee meetings and other chapter or organizational events;
 - (6) Public censure;
 - (7) Removal from leadership positions, or chapter committees;
 - (8) Removal from the chapter; and
 - (9) A recommendation to the NPC that the accused be removed from DSA
- b) The appropriate form of relief will be determined by, among other things:
 - (1) The request of the complainant;
 - (2) The severity of the offense;
 - (3) The response of the accused;

- (4) The accused relevant behavioral history, including any past grievances; and
- (5) A determination of the best way, if any, to healthily re-integrate the accused into the chapter, with consideration given to restorative justice processes.

6. Decision

- a) Once the SC has received a report, it must consider the report at a meeting within five business days of receipt, including if necessary convening a special meeting to consider the report within five business days of receipt. If necessary, a special meeting may be convened with a quorum rather than full membership of the SC.
- b) The SC will, by majority vote, adopt, modify, or reject the recommendation of the GC. Expulsion of a member will require a two thirds majority. The SC will not significantly modify the GC's recommendation without giving the parties a formal opportunity to respond.
- c) If the SC does not take such action within two weeks of receipt of the GC's report, the GC's recommendation shall become a final decision.

7. Appeals

- a) The accused or the complainant may request a special hearing to present further evidence or argument to the HGOs or SC. This request must be in writing and must lay out the basis for the appeal.
- b) A majority vote of the SC is required to overturn a prior decision in an appeal.
- c) If either party is dissatisfied with the outcome of the Syracuse DSA process they may appeal to the National HGO.

V. **Annual Reporting**

A. The GC must compile a yearly report that details:

- 1. How many complaints were made;
- 2. How many complaints were mediated;
- 3. How many complaints were officially investigated as formal grievances;
- 4. How many complaints were taken to the disciplinary process;
- 5. How many disciplinary actions were taken;
- 6. How many decisions were appealed;
- 7. Any recommended changes for making the grievance process more effective;
- 8. Any additional training completed by members of the GC;

9. This report will not include personally identifying information of any of the parties in any dispute. The HGOs will send the yearly report to the SC and the National HGOs no later than January 1st of the new year.