

## **I. Introduction and Overview**

As a democratic socialist organization, it is imperative that we address misconduct within our organization thoughtfully and consistently. Unlike mainstream progressive organizations, the goals of this misconduct policy are neither to protect our organization from financial liability or to harshly penalize transgressors. Instead, this policy is an extension of our both our deeply held beliefs and highest political goals as democratic socialists.

We aim to avoid replicating the kinds of oppression under capitalism that we seek to end in our organizing work. Our organization cannot be effective if we are constantly encountering and battling the same forms of marginalization internally that we are fighting externally. Therefore, we need to make our organizational spaces safe and empowering for people who are disproportionately impacted by gendered violence, racism, classism, ableism, homophobia, transphobia, and other forms of aggression and targeted harassment. At the same time, our socialist politics dictate that we treat everyone involved in a case with humanity and dignity. We acknowledge that some individuals who commit misconduct may be capable of making reparations and transforming their behavior. We believe that upholding these principles means managing a certain tension between them, and that effectively managing that tension makes our organization a strong socialist organization for all.

As a democratic socialist organization, we need to be able to work cooperatively and towards common goals at all times. Therefore, we have also specified forms of misconduct that do not necessarily replicate egregious forms of oppression, but do violate essential values of collective decision-making and consensus-building, and prevent us from working together as individuals and as an organization.

This scope of this policy extends to all members of the DSA-LA Local—including leaders elected at the Local group or Steering Committee level, and members working as ombudspople. The entirety of this policy applies to:

1. misconduct involving members within DSA-LA events and spaces;
2. misconduct involving members at events and spaces affiliated with or endorsed by DSA-LA;
3. misconduct involving members at events and spaces affiliated with DSA-LA coalition partners; and
4. misconduct between members online.

The scope and application of this policy will be adapted as appropriate for the following situations:

1. misconduct involving members outside of DSA-LA events or events affiliated or endorsed by DSA-LA or DSA-LA coalition partners;
2. misconduct between members and non-members within DSA-LA events and spaces;

3. misconduct between members and non-members outside of DSA-LA events or events affiliated or endorsed by DSA-LA or DSA-LA coalition partners;
4. misconduct between members that predates their involvement in DSA-LA.

## **II. Evaluating Types of Behavior**

Within this section, misconduct is broken down into distinct types in order to delineate between different behaviors that violate our norms and values as an organization, and prevent us from working effectively towards our political goals. These are not atomized and frequently overlap in practice, which we address in our Misconduct Process below. Most of these categories exist on a spectrum, and can encompass a variety of different behaviors and forms of misconduct. Some of the below forms of misconduct are inherently more serious and unacceptable than others, while some become more serious based on the specific context—such as power imbalances between individuals—and whether the behavior covers multiple categories of misconduct.

Listing out these different categories of misconduct does not imply a hierarchy of offense but is rather a way to help outline what processes are available when an offense occurs for those who are tasked with responding. We recognize a significant amount of emotional labor is placed on a harmed party and want to clarify that we do not expect harmed parties to categorize their own offense or feel the need to justify their decision to report misconduct. All forms of misconduct are of serious concern for the organization. We also want to acknowledge that many of them can take place in online interactions and that misconduct carried out in digital spaces is as serious as misconduct that takes place in physical spaces.

This list and the examples contained within are comprehensive but not exhaustive. They are a reflection of the various forms of misconduct that we have seen and experienced ourselves, both in and outside of organizing spaces. They are not a reflection of how common any of these behaviors are within our own organization or other socialist organizations. Unfortunately, misconduct and mistreatment among members, colleagues, comrades, and friends is part of our social reality. We do not believe that as a socialist organization we are any more susceptible to misconduct than other types of organizations, but we do believe that there is particular urgency within our organization to identify what forms of behavior are antithetical to our political work and address them thoughtfully.

### **A. Violations of the Code of Conduct**

1. Interpersonal behavior that does not adhere to our agreed-upon community norms as dictated in the code of conduct, either in formal meetings or one-on-one conversations.
2. “Uncomradely behavior” such as dominating conversations, speaking over other members, or speaking in an aggressive or disrespectful tone to other members. Often these behaviors are socialized, unconscious, and shaped by implicit

biases. Unconscious violations of our shared values are differentiated from repeated violations, or violations which persist after warnings or “call-ins.”

**B. Sexual or Gendered Harassment, including Transphobia, Homophobia, and Misogyny**

1. Sexual relationships can be pervasive and most of our social interactions are gendered; group activities are particularly susceptible to any and all forms of sexual and gendered harassment
2. “Uncomradely behavior” that involve a lack of sensitivity or other unconscious forms of misogyny, sexism, and gender bias, including misgendering.
3. Sexual or gendered public shaming around personal issues, or defamation of character with a focus on the individual’s gender or sexuality.
4. Denying an individual the legitimacy of their own subjective experience -- or minimizing their concerns in relation to issues involving sexual and gendered harassment (i.e. Gaslighting, being reductive about a specific concern).
5. Direct and targeted forms of harassment such as unwanted touching, verbal insults, objectification, aggressive sexual or romantic advances, invasions of privacy and space, and stalking.

**C. Racist, Ableist, Classist, Religious and Other Forms of Oppression**

1. Any form of targeted personal harassment (verbal or physical) where race, class, and other factors play a role.
2. Using pejorative terms or slurs (intentionally or unintentionally) in conversation, making assumptions about another individual based on these factors, speaking down or condescending to someone based on these factors, and excluding someone from activities or organizing work based on these factors
3. Public shaming of character or defamation of character or gaslighting.
4. Denying an individual the legitimacy of their own subjective experience, or minimizing their concerns in oppression or conflict. (i.e. Gaslighting, being reductive about a specific concern)

**D. Threatening Behavior**

1. Interpersonal behavior that makes individuals or multiple people feel explicitly unsafe or uncomfortable
2. Any type of manipulative “quid pro quo” actions - threatening to withhold something positive or enact something negative in exchange for something else, leveraging power to affect an outcome in exchange for a favor or action.
3. Implying any kind of retaliation, including physical violence

**E. Physical Assault or Violence**

1. Physical violence, within official DSA-LA organizing spaces or outside of them

**F. Violations of Privacy**

1. Exposing private information about members without their consent and/or with the intent to harm, including contact information such as home address and sensitive biographic details such as sexual orientation, gender identity, or

immigration/citizenship status that could expose the individual(s) to additional or increased harassment

2. Especially serious if this is done intentionally and with a particular aim to harm an individual or group
3. Manipulation of information, media, or correspondence presented for public misrepresentation of the individual(s)
4. Entering someone's physical or private space without their knowledge or permission, including forms of stalking and intimidation

#### **G. Direct Interference with Organizing Work**

1. Intentionally undermining, harming or sabotaging organizing efforts, as part of a targeted personal attack or in a direct attempt to damage the organization
2. Engaging in entryism or other organized attempts to advance an outside agenda within the organization through undemocratic means
3. Avoidance or refusal to participate in conflict resolution
4. Ignoring or directly contravening Local-wide policies or processes

### **III. Misconduct Process**

#### **A. Guiding Precepts**

1. Speed—DSA-LA commits to responding immediately to conflict and to addressing it as quickly as possible. However, there are factors that may extend the time required for a full and fair investigation. Promptness is valuable but thoroughness and fairness should be prioritized over promptness when necessary.
2. Transparency—The parties involved should know exactly what process will be implemented and should be kept informed as the process moves forward.
3. Uniformity across the organization—Our organizational process should ensure that all incidents are treated according to our defined processes, regardless of who is involved.
4. Accountability—Once the investigation is completed and if misconduct is found to have occurred, the designated body will hold the responsible party accountable for any harm caused and identify a clear plan of action. We will also hold our organization accountable for meeting the needs of the party harmed, to the best of our ability.

#### **B. Ombudspople and the Misconduct Investigative Commission**

As an organization, we are committed to building structures and processes that respect the complexity of people's experiences and ensure that all members feel acknowledged and heard. To that end, the Steering Committee is tasked with establishing a group of trained ombudspople—members of which are available on a semi-regular basis to assist members in resolving issues and conflicts, and listening to concerns informally. Members of the ombudsperson group must submit applications to the Steering Committee for consideration and are provided with extensive internal and external training before taking on ombudspople responsibilities. Members in elected leadership roles, including members of a current Steering

Committee and Committee or Working Group co-chairs, are not eligible to be active ombudspeople.

One significant responsibility of the ombudspeople group is to hear all complaints about conduct and organizational weaknesses. It should not be the sole responsibility of aggrieved or victimized parties to redefine their experiences in the context of this policy. It's similarly the responsibility of the ombudspeople to help parties decide whether or not to report a given action as misconduct and to guide them through the process, while respecting the needs and wishes of the reporting party. When actions do not lead to formal misconduct reports, it is the responsibility of the ombudspeople group to keep confidential records and to suggest opportunities to improve the practices and culture of the Local to rectify complaints. It is our duty to be constantly improving our collective Local culture and praxis – not to be reactive only to individual and formal misconduct reports.

In addition to hearing concerns and informally supporting parties in conflict, the ombudspeople are tasked with assessing instances where member concerns may require a formal organizational response or can be realized more informally. In these instances, the ombudspeople are responsible for liaising with and informing the third-party organization(s) which comprise the Investigative Commission. Prior to contacting the Investigative Commission and notifying the Local's Steering Committee, any conversation that the harmed party has with an ombudsperson or other member of the Local is not considered a formal report.

There are four roles that the Investigative Commission fills:

1. **Fact-finding:** Investigating the misconduct by interviewing affected parties, as well as interviewing other members of the affected community where necessary. The fact-finding process also assesses the conditions that facilitated the misconduct with the aim of recommending a course of action which addresses these conditions within the accountability plan, and within the broader organization.
2. **Harm Assessment:** Assessing the harm done by misconduct and categorizing it according to our four-category scale, based on the findings of the investigation.
3. **Recommending an Accountability and Resolution Plan:** Determining the type of supports and/or sanctions which are appropriate for all parties to the misconduct, and formulating and recommending an accountability plan for all relevant parties, shared with the Steering Committee.
4. **Implementing the Accountability and Resolution Plan:** Implementing the recommended course of action aligned with the accountability plan--which in severe cases would necessitate termination of membership—if approved by the Steering Committee.

These four roles do not necessarily need to be filled by the same person, group of people, or third-party organization. The Investigative Commission may be comprised of one or more third-party organizations so long as they maintain the capacity and commitment to administering

the DSA-LA Misconduct Polity to the fullest of their abilities—with an emphasis on the principles of speed, transparency, uniformity, and accountability.

As appropriate and available, resources aligned with the National Harassment Policy will inform and be integrated into the implementation of the DSA-LA Misconduct Policy.

### **C. Supporting the Involved Parties**

As soon as a report of grievous misconduct is brought forward, the first concern of the organization, as carried about by ombudspople, is providing safety and support to all parties.

1. Address immediate health and safety concerns. Try to offer safe accommodations if involved parties deem it necessary.
2. Validate the experience of those involved:
  - Use the tools of active listening.
  - Try not to react with extremely strong emotions and maintain a levelheaded demeanor when discussing or facilitating the resolution process.
  - Do not ask repeated questions about the details of what happened. Your job is to support, not act as a prosecutor. At the same time, allow them to go into as much detail as they want.
  - An important aspect of supporting parties in conflict is restoring agency and control. At the same time, recognize parties may be unsure of what they want from the accountability process. Supporters need to seek out the requests without pressuring them for immediate answers in a way that could negatively impact resolution process. One way to do this is by providing a series of suggestions that they can choose from.
  - During the investigation, be cognizant of the result of involved parties inhabiting or interacting in shared spaces.

### **D. Begin By Listening**

The investigative commission will investigate an accusation of misconduct through a process of careful listening in order to determine what has occurred. It is true that DSA-LA does not have the time or expertise to carry out a criminal investigation. Still, we have a responsibility to determine, as best we can, what has happened so that we can develop a plan that promotes accountability, restoration and due process.

In evaluating claims of misconduct we start with a statement from all parties about what happened. In addition to listening to the accounts of involved parties, the Commission should assess during the process about what they want to see happen.

Sometimes the same event can be experienced or interpreted differently by two different people, and both interpretations are necessary to understand the roots of the misconduct, determine how to hold parties accountable and best those who have experienced harm, and identify aspects of our organization that need to change in order to prevent future misconduct.

If there are other people whose interpretations may shed light on the events in question, we should listen to their stories too. The goal here is not to facilitate a quasi-legal process, but to listen to the accounts and see where they are the same and where they vary, either in terms of facts or interpretations.

Generally, these statements should be taken individually and privately, unless involved parties mutually agree that a coordinated, mediated discussion would be more conducive to resolution.

### **E. Organizational Responses to Categories of Determined Misconduct.**

For each category, we have identified the following criteria for assessing how serious or severe a particular instance of misconduct is and what kind of response from the organization is necessary:

- 1) Whether the behaviors verbal versus physical
- 2) Whether the behavior occurred over a sustained period of time, versus within a specific situation or isolated instance
- 3) Whether the behavior is intentional, planned or organized, versus unintentional or unconscious
- 4) Whether the behavior encompasses multiple forms of unacceptable activities as defined in the categories above
- 5) What kind of impact and level of harm the behavior caused, both to the immediately affected party and within the organization
- 6) If the behavior relied on or exacerbated a power imbalance
- 7) If the behavior was aimed at an individual who had previously reported the accused party of misconduct

In each category, any and/or all of the listed organizational actions may be considered in each situation. Generally, willful and repeated misconduct of a particular category may be escalated to a higher category if behavior continues after the conclusion of the accountability process.

#### 1. Category 0

##### **Description:**

- Actions do not transcend verbal (written or spoken) communication, and are generally minimally hostile and/or aggressive
- Unintentional or not clearly targeted towards an individual
- No or few prior reports of similar misconduct
- Low-level harm caused, such as making someone feel uncomfortable (versus directly threatened or unsafe) in a short or contained period of time (versus pattern of behavior)

**Examples of organizational actions under consideration(NB: all of the responses below may be considered in each situation):**

- Verbal or written warning
- A mediated discussion about the misconduct, centering the harm it causes to comrades.

## 2. Category 1

### **Description:**

- Actions do not transcend verbal (written or spoken) communication, but may be particularly aggressive or hostile and/or target someone's gender, race, sexual orientation, class, etc.
- Intentional but not planned or organized
- Relatively isolated or limited to very specific settings/events/situations
- No or few prior reports of similar misconduct
- Medium-level harm caused, such as making someone feel personally targeted or uncomfortable enough to not want to be in the same space as the aggressor (including people other than parties directly involved in conflict)

### **Examples of organizational actions under consideration:**

- Sanctions on participation in DSA-LA events (such as: cannot attend DSA - LA socials, can only attend DSA-LA social events with a designated check-in person/buddy, cannot drink at DSA-LA events)
- Harmed parties may request that applicable parties avoid activities for a specific period of time that would bring them into contact with the other
- Suggestion to seek counseling for repeat or more severe incidents
- Reparations and behavior change: assessed harm impact panels, formal apologies, conflict mediation, accountability circles, anti-oppression trainings
- Suspension and removal from leadership may be considered depending on the severity

## 3. Category 2

### **Description:**

- In addition to other Category 2 offenses, refusal to cooperate with a Category 2 Accountability Plan or lower will be considered a Category 2 offense punishable by indefinite suspension while non-cooperation continues
- Planned, coordinated, or organized harassment that targets an individual's gender, race, sexual orientation, class, etc.
- Generally includes an intent to emotionally harm or belittle the individual.
- Individual or party takes advantage of power imbalance or social/organizational status, through dishonesty or disingenuous behavior, or other means



- Misconduct made to gain an extreme amount of emotional or political control of another individual through emotional manipulation and/or threats

**Examples of organizational actions under consideration:**

- Lengthy suspension and removal from leadership should be considered, and expulsion may be appropriate for the more severe cases in this category. Protocol for expulsion is outlined in the Category 3 response section
- Accused must avoid events and activities that would bring them into contact with the other party
- Sanctions in participation in DSA-LA events (such as; cannot attend DSA-LA socials, can only attend DSA-LA social events with a designated check-in person, cannot drink at DSA-LA events)
- Suggestion to seek counseling
- Leadership may request one or more meetings to discuss progress and lessons learned, may ask that the aggressor read material; may request phone and/or in-person meetings with leadership to discuss and reflect upon behavior; may be asked to read selected material to inform discussions and process
- Reparations and behavior change: assessed harm impact panels, conflict mediation, accountability circles, anti-oppression trainings

4. Category 3

**Description:**

- Use or threaten to use physical force, or otherwise causes an individual to fear for their safety
- Abuse of power or violation of consent; this would also include sexual violence against an individual who cannot make informed consent based on their mental state or intellectual ability
- Physical abuse
- Engaging in a variety of repeated, egregious behaviors over of a sustained period of time, covering multiple categories of misconduct

**Examples of organizational actions under consideration:**

- A vote to expel is called, according Article III, Section 2 of DSA-LA Bylaws. An expelled member may appeal to the relevant officer at the National level of DSA.
- Aggressor must avoid DSA-LA events and activities, including public events.
- Aggressor is urged to seek counseling / treatment

## **F. Status in the Organization During the Investigation**

During the investigation, the involved parties should be immediately suspended if the issue in question is sexual assault / rape OR if the accused is deemed an imminent danger to others; for other issues this will be at the discretion of the appropriate body. In all cases, involved parties are to avoid contact with each other during the investigation, with rare exceptions in order to accommodate a desire by the harmed party for contact based on practical or other considerations, e.g. the need to communicate re: shared personal business, etc. Additionally, if the investigative commission recommends a party should be sanctioned from participating in DSA-LA activities or events at any point during the process, such sanctions will be enacted.

It may be necessary for involved parties to step back from activities that would put them in the same space as each other—both within the organization as well as in any other organizations—pending investigation. If not suspended, the involved parties' task is to remain part of the organization, participate in the investigation process and, if harm has occurred, to engage in the accountability plan that is created. Failure to participate in any aspect of this process can be considered grounds for suspension or expulsion.

## **G. Accountability Plan**

The principle of accountability is critical to balancing our commitment to unequivocally addressing problematic behaviors and our commitment to treating everyone with dignity. Without a process aimed towards accountability, we are left with options that conflict with our values— either harshly condemning our comrades without opportunity to make amends or excusing their actions even when we find them unacceptable. Holding ourselves accountable is necessarily difficult and uncomfortable work, but it should not be treated as a punitive measure. Instead, the goal is to restore and rebuild trust between individuals and within the organization on a number of levels. For the accuser, having the harm and their experience acknowledged is the first step to feeling comfortable and safe again, both around the accused and within the organization as a whole. For the accused, the opportunity to acknowledge harm and make amends allows them to rebuild trust in themselves. Denying them that opportunity (whether by attempting to condemn them outright or shield them from facing the consequences of their own actions) is essentially denying everyone the opportunity to move forward and heal from whatever harm has been done.

In the investigative phase of the process, investigative commission listens to the accounts provided by the parties in conflict. After the investigation, the next step in the process involves determining how applicable parties will be held accountable for their behavior and the harm done to individuals, to DSA-LA, and potentially to other social movement communities. It is also possible that during the investigation the investigative commission may determine that DSA-LA as an organization needs to take responsibility for in some way ignoring or tolerating misconduct, or the conditions that led to misconduct or violence. In the following, we focus on

how DSA-LA could organize accountability processes; many of these same guidelines could be implemented within social movement organizations as well.

We are using the concept of accountability as developed by INCITE Women of Color Against Violence. Accountability processes include a range of possible strategies and tools to achieve the goals below. These goals represent the ideals that we orient ourselves to, but we understand that what we can realistically achieve in each situation may be more limited.

- Create and affirm organizational VALUES AND PRACTICES that resist harm, abuse and oppression and encourage safety, support, accountability, and empowerment of all members, with special attention to members of marginalized groups.
- Provide SAFETY AND SUPPORT to members who experience misconduct or violence in a manner that RESPECTS THEIR SELF-DETERMINATION.
- Develop sustainable strategies to ADDRESS HARMFUL BEHAVIOR, creating a process for them to account for their actions and transform their behavior.
- Commit to ongoing anti-oppression education and development of all of our members, and the organization itself, to TRANSFORM THE POLITICAL CONDITIONS that reinforce oppression and violence.

Accountability plans should be tailored to fit specific situations, reflecting the nature of the offense, the needs and wishes of the harmed party, practical constraints for a successful strategy, and other relevant factors. There is no “one-size-fits-all” model. On the other hand, we need to have some guidelines that maximize the safety and integrity of everyone involved.

While most of the accountability process will depend on the specific facts of the case, we have also determined a few automatic consequences that should be implemented. Category 3 offenses are to start the expulsion process as outlined in the current by-laws. Non-cooperation with an accountability process are also grounds to start the expulsion process. Otherwise, the consequences are up to the Steering Committee based on the findings and recommendation of the investigative commission, following the guidelines stated herein. An assessment of progress will be made by the Steering Committee, whether formally or informally, based on the parameters of the accountability plan. The parameters of recourse for non-progress will be assessed by the Steering Committee based on the nature of the misconduct and input from the Investigative Body and Ombudspeople. Any appeal to consequences to non-progress can be considered subject to investigation under the misconduct policy enacted by the aggrieved party.

### **Guidelines for Developing and Implementing an Accountability Process**

#### *1. Prioritize the self-determination of harmed parties.*

In deciding when, why, where, and how applicable parties will be held accountable, it is critical to take into account the harmed parties’ vision. Parties in conflict may want to participate but not be part of the process at all, and sensitivity to that must be realized. For example, in some instances an apology may be applicable or an opportunity for the involved parties to listen

to and acknowledge the harm they have caused. In other instances, parties in conflict may not want to have any interaction with the other party.

*2. Recognize the humanity of everyone involved.*

It is common to feel rage during conflict. The accountability process should provide a space for involved parties to express these emotions without judgment. At the same time, we should also keep in mind that inflating the danger of the conflict and involved parties can foster negative responses, such as physical violence against applicable parties, that are ultimately not helpful to the organization or to the people in it. While holding applicable parties accountable, we need to be aware of problematic dynamics where the inevitable tensions of group life are temporarily overcome through uniting around punishing an individual or party, while failing to challenge the root of the conflict within our organization and broader society.

*3. Be clear and specific about accountability.*

We believe that parties in conflict need to be held accountable for their acts and take responsibility for repairing the harm done in order for them to transform behavior. The strategies we adopt will be shaped by what we understand about the incident, the needs of those harmed, and the contentious party.

*4. Set realistic and achievable goals.*

Although we are committed to holding ourselves and our members accountable, we also need to be practical and work within the limits of what we can reasonably do. For example, we may decide that we cannot sufficiently monitor an individual or party in our organization and its activities. In this case, a suspension may be the most appropriate and realistic response. We might ask that during that suspension, the applicable party meet regularly with some group of members to discuss how they are working toward self-change.

*5. At the outset, establish consequences for an applicable party's failure to stay with the mandated accountability strategy.*

Part of the accountability process includes an explicit stipulation of the consequences for not following up on what has been agreed to. Refusal to cooperate with the accountability may result in indefinite suspension and may be grounds to begin an expulsion process.

*6. Use the accountability process to strengthen anti-oppression praxis in our organization.*

Throughout the accountability process, we will reflect on changes that can be made to strengthen anti-oppression culture within our organization and prevent future incidents of violence or misconduct. We will look for the ways in which our organization and broader community may have ignored or permitted the conditions that led to misconduct.

In the accountability plan, parties in conflict will be asked to take steps to repair the damage done to involved parties and the organization. For example, said party might write a letter of apology to the organization, or help organize educationals for members on intervening in misconduct. As we understand more that members of an organization that asserts a socialist-feminist and anti-oppression politics can nonetheless engage in oppressive behavior

and misconduct, we learn more about how to prevent such behavior in the future. This will strengthen our entire group.

## **Appendix I: Misconduct Process Specific to Sexual Misconduct**

Many of us are accustomed to seeing misconduct or HR policies, in both corporate and organizing spaces, that exclusively or extensively focus on sexual misconduct. In some cases, this points to a sincere desire to help address the underlying causes of harmful behaviors and support survivors, but often has the effect of framing sexual misconduct as the *only* true form of misconduct or harmful behavior, which in turn places the burden of any harmed or aggrieved party to define whatever happened to them as sexual in nature before they feel they can be taken seriously. Our goal with this policy is to emphasize that we take *all* forms of misconduct and harmful behaviors seriously, so we chose not to focus exclusively on sexual misconduct, but at the same time, we recognize that it is critical for our organization to address these particular behaviors with special consideration and sensitivity given the prevalence of sexual misconduct in our society and mistreatment of survivors, especially those who report or speak out.

This appendix is divided into a few sections that intend to build upon the full misconduct policy and emphasize how to approach key aspects of the process as they specifically relate to instances of sexual misconduct:

- A detailed overview of behaviors categorized as sexual misconduct, to educate members and develop a shared understanding across the chapter as what constitutes sexual misconduct
- Expanded versions of the sections on “Supporting the Involved Parties” (titled “Supporting the Survivor”), “Begin by Listening,” and “Guidelines for Developing and Implementing an Accountability Process” that include special considerations for

responding to reports of sexual misconduct in a way that prioritizes the safety, comfort, self-determination, and privacy of the reporter.

### **Detailed Overview of Behaviors Categorized as Sexual Misconduct**

The specific behaviors listed below in each section are examples, and do not constitute an inclusive list. We recognize that there is a continuum between aspects of rape culture which are ubiquitous in our society and forms of sexual assault which constitute more severe violations of consent and/or abusive power relations.

**Unwanted Touching:** There is a spectrum of unwanted touching, from aggressive, persistent, or invasive physical contact to an unwanted attempt to escalate a mutually agreed to sexual situation. We distinguish unwanted touching from physical force or violence while recognizing that it can still cause significant harm and signal a progression to more aggressive behavior.

- Touching someone over or under their clothing without consent
- Brief but assertive unwanted touching of a sexual nature which ends upon request

**Aggression, coercion, and violations of consent:** Similar to unwanted touching, there is a spectrum of behavior within this category, some of which are a continuation of the previous category - e.g., continuing to initiate physical contact after being asked not to. Essentially, these behaviors all fall under the umbrella of “not taking no for an answer.”

- Unwelcome and/or persistent sexual advances
- Failure to get continuous active consent during all sexual activity, and before initiating each new level of sexual activity.
- Stalking or invasions of personal space
- Aggressor exploits a situation in which the victim is under the influence of drugs / alcohol
- Abuse of power or violation of consent; this would also include gender violence against someone whose mental state or intellectual ability to make informed consent possible

**Threatening behavior:** Behaviors that do not extend to physical force or violence but cause the survivor to fear for their safety or wellbeing. This can be particularly egregious if there is a significant power imbalance between the aggressor and survivor, or if the aggressor has previously harmed the survivor. Keep in mind that for anyone who has previously been subjected to sexual abuse and/or assault, the threat of any physical violence or assault can be especially traumatic and frightening.

- Aggressor may place the survivor in fear of social, economic, or professional harm
- Direct verbal threats to physically harm the survivor
- Acting in a physically aggressive or menacing manner
- Engaging in “quid pro quo” bargaining

**Intimate partner abuse, emotional abuse and manipulation:** Intimate partner abuse refers to patterns of abuse or harm or pattern of power and control exercised by one person over another within an intimate relationship. Emotional abuse is an ongoing systematic pattern of behavior

designed to control and subjugate a person by destroying their sense of self-worth, which frequently serves as a pretext for sexual abuse. As a result, the survivor of a situation where sexual violence or abuse is accompanied by emotional abuse is prevented from seeking help and support. These patterns are characterized by consistent and frequent emotionally manipulative behavior in which, in an effort to seek and exploit a power imbalance within a relationship, sometimes through chipping away at a survivor's self-esteem and sense of personal power, an aggressor:

- Takes advantage of different levels of experience or social/organizational status, through dishonesty or disingenuous behavior, or other means
- Conveys to survivor that their (survivor's) perceptions, responses, feelings, opinions and/or behaviors are irrational and invalid, sometimes to the point of conveying that the survivor is "crazy" (this set of behaviors is frequently considered "gaslighting")
- Denigrates, insults, verbally abuses, and/or demeans survivor
- Seeks to exert an extreme degree of control of survivor, through emotional and/or other types of threats, erratic behavior and marked swings of engagement and disengagement, destruction of personal property, invasion of personal space without permission, etc.
- Harasses survivor—defined as engaging in repeated hostile remarks, actions, or demands, intended to pressure or intimidate
- Engages in extreme possessiveness, including isolating the survivor from friends and family, and/or depriving the victim of physical, economic, or other resources

**Physical force and violence:**

- Hitting, battering, or other forms of physical abuse and assault with the intention to harm, control or frighten the survivor
- When the victim names the assault as rape it will generally fall into this category

**Supporting the Survivor**

As soon as a report of grievous sexual misconduct is brought forward, our first concern is providing safety, and support to the survivor. Through the entire process of investigation and accountability supporting the survivor must remain a priority. Too often, organizations focus all of their energy on responding to the accused while failing to offer meaningful support to the survivor.

1. Address immediate health and safety concerns. Offer to accompany the survivor to a clinic or hospital if the survivor deems it necessary (see Resources section below to find a local crisis center, and see [here](#)). Try to offer safe accommodations if the survivor deems it necessary.
2. Validate the survivor's experience:
  - Use the tools of active listening (see details [here](#)).
  - Try not to react with extremely strong emotions that could make the survivor feel guilty for upsetting you. Remain calm, and say something like "I am sad and angry that you were hurt."

- Allow the survivor time to ‘name’ what happened. Use the same words that s/he uses to describe what happened to them: rape, sexual assault, etc.
  - Do not ask repeated questions about the details of what happened. Your job is to support, not act as a prosecutor. At the same time, allow them to go into as much detail as they want.
  - Do not question or judge the survivor’s actions during the assault. Questions like, “why didn’t you fight back?” will only serve to make the survivor feel shamed or judged.
3. An important aspect of supporting a survivor is restoring agency and control. At the same time, recognize that survivors may be uncertain how to proceed, or unsure what they want from the accountability process. Supporters need to seek out the survivors’ requests without pressuring them for immediate answers in a way that could negatively impact their healing process. One way to do this is by providing a series of suggestions that they can choose from.
  4. Ask before giving the survivor a hug or holding their hand. Do not assume that physical intimacy will always be helpful for a survivor.
  5. During the investigation, the survivor should not be forced to share spaces with the accused – the accused must be asked to leave spaces that the survivor has chosen to be in, with exceptions to accommodate the desires of the victim.
  6. Help the survivor to identify a group of people to support them. Respect the survivor’s wishes about whom to include or not include.
  7. Explain the procedures developed within this policy to handle cases of interpersonal violence.
  8. Emphasize that whether or not to involve the police is a decision entirely within the control of the survivor.
  9. It is important for the survivor to direct their own healing process and to make their own decisions and mistakes along the way. Attempting to prevent the survivor from making what you perceive to be a bad decision encroaches on their rights and will likely impede the healing process.

### **Begin By Listening**

The Commission will investigate an accusation through a process of careful listening in order to determine what has occurred. We have a responsibility to survivors to determine, as best we can, what has happened so that we can craft a response that promotes the survivor’s healing, holds aggressors accountable and ensures due process.

In evaluating claims of sexual misconduct, we start with the survivor’s statement about what happened. The dominant society (from legal institutions to the media to many strands of popular culture) tends to ignore or trivialize survivors’ stories, and it is important for a socialist organization to push back against that and maintain a presumption that survivors generally tell the truth. The notion of fabricated stories of rape / false accusations as a widespread phenomenon is a patriarchal myth.



In addition to listening to the survivor's story of what happened between them and the accused, the Commission should check in with them at several points during the process about what they want to see happen. In some cases, particularly given the effects of trauma and the pressure of speaking out in an emotionally charged, high-stakes political situation, a survivor's memory, interpretations, and/or wishes may vary over time.

We also ask the accused to provide an account of the situation and events, not to evaluate the "truthfulness" of the survivor's story but to gain a better understanding of what happened. Sometimes the same event can be experienced or interpreted differently by two different people, and both interpretations are necessary to understand the roots of the misconduct, determine how to hold aggressors accountable and best support the survivor, and identify aspects of our organization that need to change in order to prevent future misconduct.

If there are other people whose interpretations may shed light on the events in question, we should listen to their stories too. The goal here is not quasi-legal, but to listen to the accounts and see where they are the same and where they vary, either in terms of facts or interpretations.

### **Guidelines for Developing and Implementing an Accountability Process**

#### *1. Prioritize the self-determination of the survivor.*

In deciding when, why, where, and how the aggressor will be held accountable, it is critical to take into account the survivor's vision. Survivors may want to lead and convey the plan to the aggressor, participate but not lead, or not be part of the process at all. For example, in some instances a survivor may want an apology from the aggressor and to have an opportunity for the aggressor to listen to and acknowledge the harm they have caused. In other instances, the survivor may not want to have any interaction with the aggressor. In that case, some other strategy would be used to confront the aggressor—for example, the aggressor might be required to meet with and listen to a group of survivors describe the consequences of the kind of violation that the aggressor has done. The aggressor might be asked to make an apology to that group or to write an apology to the survivor. In a battering situation, the survivor may ask that the aggressor leave their home, but continue paying his share of the rent or mortgage, so that they can remain there. Whether or not they continue to be involved personally and in what way depend on the survivor's wishes.

#### *2. Recognize the humanity of everyone involved, including the survivor(s), the aggressor(s) and the community.*

It is common to feel rage at the aggressor for assaulting another person and the accountability process should provide a space for the survivor and their supporters to express these emotions without judgment. At the same time, we should also keep in mind that treating an aggressor as a monster can foster responses, such as physical violence against the aggressor, that are ultimately not helpful to the organization or to the people in it. While holding

aggressors accountable, we need to be aware of problematic dynamics where the inevitable tensions of group life are temporarily overcome through uniting around punishing an offender, while failing to challenge the roots of violence within our organization and broader society.

Survivors should be allowed to be complex people. Many survivors feel mixed emotions about what happened and wonder about the part they played in the incident: they should be able to express these emotions and desires without judgment. At the same time, as a feminist organization oriented against all forms of oppression, we want to help the survivor to stand up to the victim-blaming messages that deeply embedded in social relations in a capitalist society. Responsibility lies with the aggressor.

*3. Be clear and specific about accountability.*

We believe that aggressors need to be held accountable for their acts and take responsibility for repairing the harm done in order for them to transform their behavior. The strategies we adopt will be shaped by what we understand about the incident, the survivor's needs, and the aggressor.

*4. Set realistic and achievable goals.*

One of the critiques that feminists have raised about accountability processes is that the organization ends up spending more time and energy on supporting the aggressor to change than in supporting the survivor. Although we are committed to holding ourselves and our members accountable, we also need to be practical and work within the limits of what we can reasonably do. For example, we may decide that we cannot sufficiently monitor and support an aggressor's engagement in our organization and its activities. In this case, a suspension may be the most appropriate and realistic response. We might ask that during that suspension, the aggressor meet regularly with some group of members to discuss how they are working toward self-change.

Wherever possible, it can be useful to enlist the aggressor's friends and/or family in carrying out the accountability strategies. They may be more motivated to invest time and effort supporting the aggressor to change and can lighten the burden of members who are working with the aggressor.

*5. At the outset, establish consequences for an aggressor's failure to stay with the mandated accountability strategy.*

Part of the accountability process includes an explicit stipulation of the consequences for not following up on what has been agreed to. The consequences for the aggressor will depend on the findings of the Commission's investigation, nature of the offense and on the assessment/recommendation of those responsible for supporting and monitoring the aggressor, but may include termination of membership. Refusal to cooperate with the accountability plan will result in indefinite suspension and may be grounds to begin an expulsion process.

*6. Use the accountability process to strengthen feminist praxis in our organization.*

Throughout the accountability process, we will reflect on changes that can be made to strengthen the feminist and anti-oppression culture within our organization and prevent future

incidents of violence or misconduct. We will look for the ways in which our organization and broader community may have ignored or permitted the conditions that led to the violence or misconduct.

In the accountability plan, the aggressor will be asked to take steps to repair the damage done to both the survivor and the organization. For example, the aggressor might write a letter of apology to the organization, or help organize educationals for members on intervening in misconduct. As we understand more that members of an organization that asserts a socialist-feminist and anti-oppression politics can nonetheless engage in oppressive behavior and misconduct, we learn more about how to prevent such behavior in the future. This will strengthen our entire group.

## **Appendix II. Resources and References Consulted**

Many different resources were consulted during the construction of this policy. In particular, the Solidarity Process Around Reports of Sexual Violence and Battering informed much of the structure and language of the Misconduct Process. A partial list of other consulted references follows below:

Berkeley Student Co-Op. (2015). Antidiscrimination Policy. Retrieved from:

[https://www.bsc.coop/policy/index.php?title=VII.B.\\_BSC\\_Antidiscrimination\\_Policy](https://www.bsc.coop/policy/index.php?title=VII.B._BSC_Antidiscrimination_Policy) .

Berkeley Student Co-Op. (2011). Harassment Policy. Retrieved from:

[https://www.bsc.coop/policy/index.php?title=VII.C.\\_BSC\\_Harassment\\_Policy](https://www.bsc.coop/policy/index.php?title=VII.C._BSC_Harassment_Policy) .

Berkeley Student Co-Op. (2015). Sexual Harassment and Sexual Violence Policy. Retrieved from:[https://www.bsc.coop/policy/index.php/VII.D.\\_Sexual\\_Harassment\\_and\\_Sexual\\_Violence\\_Policy](https://www.bsc.coop/policy/index.php/VII.D._Sexual_Harassment_and_Sexual_Violence_Policy).

Department of Employment and Housing, State of California. (2007). Sexual Harassment Pamphlet. Retrieved from:

<https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/.../DFEH-185P-ENG.pdf>.

INCITE! Women of Color Against Violence. (2004). Gender Oppression, Abuse, Violence: Community Accountability within the People of Color Progressive Movement. Retrieved From:

[http://incite-national.org/sites/default/files/incite\\_files/resource\\_docs/2406\\_cmtty-acc-poc.pdf](http://incite-national.org/sites/default/files/incite_files/resource_docs/2406_cmtty-acc-poc.pdf)

Solidarity. (2015). Solidarity Process Around Reports of Sexual Violence and Battering.

Retrieved from: <https://solidarity-us.org/sexualviolenceprocess>.

United Way Greater Toronto. (2008). An Integrated Anti-Oppression Framework for Reviewing and Developing Policy: A Toolkit for Community Service Organizations. Retrieved from: <http://www.oaith.ca/assets/files/Publications/Intersectionality/integrated-tool-for-policy.pdf>

Upright Citizens Brigade (UCB) Comedy. (2016). Employee Handbook. On file with DSA Los Angeles Steering Committee.