

# Procedures to Address Code of Conduct Complaints

The 45th District Democrats value inclusion, honesty, and respectful communication. All members and guests of the organization are expected to abide by the 45th District Democrats adopted Code of Conduct (the Code) to ensure the organization is a welcoming, safe space for all who wish to participate in the work of the Democratic Party. This document sets forth the process through which complaints alleging a violation of the Code of Conduct can be lodged with the leadership of the 45th District Democrats and addressed. Complaints shall be handled with care and discretion to protect the confidentiality of those involved. Responses within the 45th District Democrats to confirmed violations shall prioritize identifying and healing harms, and creating learning experiences for violators and others. Matters of security, physical harm, or other illegal activity will be reported to law enforcement as required by law.

## Overview

Written complaints made to the 45th Leadership (the Chair or a Vice Chair) are referred to the Code of Conduct Committee for investigation and recommendations. Following receipt of the Committee's report, the Executive Board will consider and decide upon remedies. All parties and the membership will be notified of the results, with due consideration of privacy and the right to appeal.

## A Filing a Complaint:

- A-1 Members and guests have the right to report a perceived violation of the Code of Conduct to the leadership of the organization.
- A-2 Complaints must be written and may not be made anonymously. They must include contact information of the person alleging the violation. Written complaints may be delivered to the 45th District Democrats Leadership through the U.S. Mail, by hand, or through the 45th's electronic communications infrastructure as described at [45thDemocrats.org](http://45thDemocrats.org).
- A-3 In order to be investigated, written complaints must specify by name a member of the 45th District Democrats who allegedly violated the Code (the Respondent) and describe the behavior or activity of the alleged violation, including the time, date and location of the incident, along with any pertinent details, such as names of any other persons involved and witnesses.
- A-4 Identifying a perceived harm will help those investigating the complaint.
- A-5 A member must co-sign a complaint filed by a guest; co-signing attests that the member considers the guest reliable but does not imply the member has specific knowledge of the complaint.
- A-6 A person wishing to file a complaint may ask any member of the Executive Board who is not involved for assistance.

## B Referral to the Code of Conduct Committee for investigation and to make recommendations:

The leadership shall refer the complaint to the Code of Conduct Committee within 5 days of receipt of the complaint.

B-1 **A Code of Conduct Committee** is authorized by the bylaws of the 45th District Democrats. Members of the Committee shall automatically be recused from investigating a complaint if they are involved. As stated in the bylaws, no member of the Executive Board may serve on the committee.

B-1-i The Committee shall be responsible for acknowledging complaints within three (3) business days by sending written notifications to the Complainant and the Respondent.

B-2 **The Investigation:** The Committee shall determine the steps required to impartially, objectively and adequately investigate the allegation, including determining whether a violation occurred or whether there is inadequate evidence to support a determination.

B-2-i The Committee shall provide an opportunity for the Respondent to present their version of the event(s) described in the complaint and provide additional witnesses.

B-2-ii The findings of fact must have credible evidence as determined by the Committee.

- B-2-iii The Committee shall use a preponderance of the relevant, credible evidence standard to determine if the allegations are true, with the understanding that the committee is not the equivalent of a criminal court, where the standard of proof is beyond a reasonable doubt.
- B-2-iv The Committee shall also determine whether or not any harm was done. If so, the committee shall seek to learn whether it is possible to heal this harm via a restorative justice process. (Is the harmed person willing to engage with someone trained in restorative justice along with the offending person to seek a way to repair the harm?)
- B-2-v The Committee shall also identify any learning, or opportunities for learning, by anyone involved in the complaint (the Complainant, the Respondent, Committee members, or the Executive Board).
- B-3 Recommending a Remedy:** The Committee shall recommend to the Executive Board a response to a violation.
  - B-3-i The Code of Conduct Committee and the Executive Board shall first consider remedial and restorative measures in response to confirmed violations whenever feasible.
  - B-3-ii If harm to a person is found and if both parties are agreeable to engaging with someone trained in restorative justice to seek a way to repair the harm, this approach will have priority consideration.
  - B-3-iii If harm is not to a person, and a way acceptable to the Respondent is identified to repair the harm, that approach will also have priority consideration.
  - B-3-iv If repairing the harm directly is not acceptable or reasonable, the Committee may recommend to the Executive Board issuing a warning, expelling a non-PCO member in accordance with the bylaws, restricting event and meeting attendance through a suspension, or take other measures it deems reasonable and appropriate to uphold the Code and protect the organization.
  - B-3-v Any actions recommended and taken in response to the complaint must not be arbitrary or discriminatory.
- B-4 Reporting to the Executive Committee:**
  - B-4-i The Committee shall submit a report detailing its findings and recommended remedial action, if a violation was confirmed, to the Executive Board within three (3) weeks.
  - B-4-ii The Committee shall also report on learning opportunities or actual learning, as described in B-2-v above.

**C The Executive Board:**

- C-1 Any members of the Executive Board who are involved in the complaint shall automatically be recused from voting on any matters pertaining to the complaint and shall only have voice at the meeting in their capacity as Complainants or Respondents.
  - C-1-i If all members of the Executive Board must be recused, the complaint will be elevated to the county level.
- C-2 Portions of Executive Board meetings or Executive Board meetings devoted to Code of Conduct matters shall be closed sessions and not open to the membership.
- C-3 The Executive Board must consider the recommendation and decide how to respond within one week of receiving the report.
- C-4 After hearing the Committee's report and if a violation was found, the Executive Board shall vote on whether to adopt the investigating body's recommended action or, following discussion, substitute the proposed action with a different action to address the behavior or conduct that was deemed inappropriate and a violation of the code. The Executive Board shall take into account the same considerations for action as the Committee, as described above under B-3 **Recommending a Remedy**.
- C-5 The Executive Board may adopt its own remedial action, but it cannot overturn the findings of fact made by the investigating body.

C-6 Within a week of having met, the Executive Board shall provide the Complainant and the Respondent with a copy of the Committee’s report and the Board’s decision in writing. The report transmitted by the Executive Board to the Complainant and Respondent may be redacted to protect sensitive information.

**D Appealing the Decision:**

D-1 A Complainant or Respondent may appeal to the Executive Board within thirty (30) calendar days after notification of the final disposition. The appeal must be in writing and specify why the decision is unreasonable or unfair.

D-2 Representatives of the Washington State Democratic Party shall be permitted to observe the appeals process if requested by the Complainant, the Respondent, or the Executive Board.

**E Learning from the Complaint and Responding to Lessons Learned:**

The Chair or Executive Board may choose to report learning identified (or opportunities for learning) to the membership. Based on this experience, the Executive Board shall determine whether any additional action is appropriate and reasonable for the benefit of the 45<sup>th</sup> District Democrats.

**F Reporting to the Membership:**

Following the time allowed for an appeal (30 days) and after the conclusion of any appeals, the Chair shall notify the membership of any confirmed violations of the Code and what actions were agreed upon in response to said violations. The Executive Board will decide on the specific details related to the findings of fact that will be communicated to the membership based on the specifics of each case. The report shall include any learning, opportunities for learning, and further actions to be taken by the Executive Board to benefit the 45<sup>th</sup> District Democrats.

**G Preserving Records:**

The Code of Conduct Committee shall designate an archivist to keep appropriate records of its investigation for at least three years.

**Timeline for Code of Conduct Investigations**

Action ID	Procedure Reference	Timing	Acting Body	Action required
#1	A	Day 0	Complainant	Submits complaint to 45 <sup>th</sup> District Democrats Leadership (Chair or Vice Chair)
#2	B	Day 5	45 <sup>th</sup> Leadership	Refers complaint to Code of Conduct Committee
#3	B-1-i	#2 + 3 days	Code of Conduct Committee	Notifies Complainant & Respondent of complaint
#4	B-4-i	3 weeks	Code of Conduct Committee	Submits report to Executive Board, Complainant and Respondent
#5	C-3	#4 + 1 week	Executive Board	Consider Committee’s recommendation
#6	C-6	#5 + 1 week	Executive Board	Provide report to Complainant & Respondent
#7	D-1	#6 + 30 days	Respondent or Complainant	May appeal decision and recommended response
#8	F	The later of #6 + 30 days or completion of the Appeal Process	Executive Board	Provides report to membership
#9	G	3 years	Code of Conduct Committee	Maintains records of investigations