

Last Updated: November 22, 2017

Dear Comrades,

The Harassment Working Group (HWG) was thrilled to see the support Resolution 33 received at the 2017 DSA Convention. Its near-unanimous approval would not have been possible without the valuable feedback we received from members across the country. Now that the Resolution has passed, it is up to those members, chapter leaders, and the newly-elected NPC to successfully implement it. The HWG is writing today in order to offer additional detail on portions of the Resolution, and provide resources to chapters.

We believe Resolution 33 is an important step forward for DSA. The resolution reflects and is subordinate to Article II of DSA's constitution, which enshrines DSA's commitment to an end to gross inequalities of power and to discrimination against marginalized classes and persons. This commitment to a shared vision of a humane social order is reiterated in the opening statement of Resolution 33, and should serve as the basis for any implementation of the procedure outlined in it.

While Resolution 33 was modeled after and borrows from federal and state civil rights law, DSA as an organization is not bound by the precedents or shortcomings of the American legal system, which has, e.g., refused to consider poverty a protected class. DSA is also not bound to address harassment and abuse through Resolution 33 alone. The Resolution is a formal anti-harassment policy and grievance procedure that allows DSA to address harassment after it happens. When implementing it, chapter leadership should consider what educational programs and bystander intervention trainings would stop harassment before it starts.

Below are resources and recommendations put together by the HWG. These are by no means exhaustive, and each chapter will need to work to ensure Resolution 33 is implemented in a way that is beneficial and clear to the community. The HWG plans to update this document as needed. If you have additional questions, or suggestions of how we can improve the guidance here, please reach out to [allisonhrabar \[at\] gmail \[dot\] com](mailto:allisonhrabar@gmail.com).

In Solidarity,

*The Harassment Working Group*

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## **Guidance on Resolution 33**

### **Establishing Reporting Forms**

The first step in implementing Resolution 33 is setting up a dedicated email account and reporting form. Only HGOs should be able to access these reports, and they can only share information from these reports with Steering.

A Gmail address and Google Form is likely the best option for chapter reporting forms. The email address, as established in Res 33, should be accessible only to the two chapter HGOs. A plain Gmail address registered by the HGO's directly (i.e. not through a tech committee or secretary of the chapter) that forwards to the HGO's personal email is the simplest way to accomplish this. Using that gmail account, HGOs can set up a Google Form. [A sample form can be found here](#). Section 2iii of Resolution 33 lays out what information the reporting form must include.

### **Communicating about official complaints**

Section 2c of Resolution 33 establishes deadlines for timely responses to complaints. HGOs should acknowledge the receipt of emails or reports as soon as possible. HGOs, like many DSA members, will have busy schedules, but the HWG encourages them to reach out to schedule follow-ups to reports as early as possible, both to prevent unnecessary stress on reporting members and to avoid missing the required deadlines.

HGOS should also ensure notes are taken in any conversation regarding a formal complaint, and have the notes reviewed by all the parties present. Clear, accurate notes will eliminate confusion after stressful conversations.

### **Hostile Environment**

Not every report will involve action targeted at specific individuals. Members are also empowered to report other members for creating a "hostile environment."

A "hostile environment" is one in which a member's behavior prevents other members from organizing safely. In US case law, the standard for determining whether behavior is severe enough to be hostile is the "reasonable person" standard. In cases where women were subject to hostile comments and behavior from male coworkers, the "reasonable woman" standard was used to acknowledge that women may have a different perspective on unwanted sexual attention than men. The HWG encourages the HGO and steering committees evaluating hostile environment claims to focus on the perspective of the victim. This means critically analyzing, among other things, the different perspectives of those targeted by the behavior.

Some examples of behavior that can create a hostile environment includes the use of racial slurs, sexual language, or disparaging remarks aimed at a protected class.

### **Preponderance of Evidence standard**

Section 3b of Resolution 33 establishes that the standard for determining whether complaints are credible is the “preponderance of evidence” standard. This bar is met if the report is more likely than not to be true. This is the standard of evidence used in both most civil cases and college disciplinary proceedings.

### **Retaliation**

Section 3e prohibits retaliation against any member for making a complaint. It is important that members are not afraid of any negative consequences that may come from reporting harassment. Examples of retaliation include removal from leadership positions, reassignment of responsibilities, or exclusion from chapter social events. No matter the outcome of a report, members should not fear punishment for filing one.

### **Removing a Member from your Chapter**

If your chapter does not have any bylaws concerning expulsion, then Section 3 c of Resolution 33 states that a 2/3rd vote of the Steering Committee is what is required to remove a member from your chapter. If your chapter already has bylaws concerning expulsion, and they state that an ‘X’ vote of the *general membership* is required, then this must be abided to and a general meeting must be held. You can find advice on such meetings [here](#).

## **Additional Guidance**

### **Supporting HGOs**

Chapter leadership should be aware that the people who will most likely gravitate to the HGO role are those who are part of oppressed groups themselves, and likely already do other emotional labor for the chapter. Chapter leadership should check-in with the HGOs regularly, and provide other support that does not infringe upon the confidentiality of the HGO’s work.

### **Supporting Reporting Members**

Chapter leadership cannot and shouldn’t attempt to be totally responsible for the well being of a reporting member. However, they should keep a list of resources on hand, including contact information for rape crisis centers and local counseling options. The HWG suggests writing a short form email with links to these resources that can be sent to any reporting member as soon as a report is received.

**Sharing Resolution 33 With Your Chapter**

The full text of Resolution 33 should be available to members on chapter websites and linked on reporting forms, but chapter leadership and HGOs should make an effort to explain the resolution and the process it establishes in plain language. Reading the resolution can be intimidating, and confusion about the process should may discourage members from utilizing it. In addition, HGOs should be introduced via email or at a General Members Meeting.