2020-2021 Third Annual Grievance Program Report
2017 Convention Resolution 33 (amended)

Paula Brantner, National Harassment Grievance Officer
July 2022
Part I: Results of HGO/Chapter Leader Survey:

Democratic Socialists of America is committed to creating a space that is welcoming and inclusive to members of all genders, races, and classes. This policy (passed as Resolution 33 in 2017, and amended in August 2021) provides guidelines to ensure that everyone is able to organize without fear of harassment, abuse, or harm.

Part I of the report evaluates Resolution 33’s operation with the data received from chapters who have been involved in the implementation and enforcement of Resolution 33. Part II is the National Harassment Grievance Officer (NHGO) report.

Scope

This report, compiled with information from NHGO Paula Brantner and/or supplied by DSA HGOs and chapter leaders, is prepared in compliance with DSA's National Harassment Policy, Resolution 33, which requires mandatory annual reports. This report covers the dates July 1, 2020 to June 30, 2021, to follow last year’s report from July 1, 2019 to June 30, 2020.

Methodology:

DSA HGOs were sent a survey link after the close of the reporting period to facilitate gathering data for the report. To reach chapters without HGOs, chapter leaders were sent a different copy of the survey in January 2021. The first set of 14 questions was required to report compliance with Resolution 33. Section 2 was a set of 10 optional questions concerning the HGO position. Section 3 was a set of 6 optional questions concerning grievance/conflict resolution more generally, including questions about an organizational code of conduct, the impact of the pandemic and the summer’s racial justice protests, and confidentiality. Section 4 was required with 8 questions requesting contact information and information about chapter Codes of Conduct.

We set a goal of exceeding last year’s 106 responses because the more participation the more holistically we can understand the program. We extended the deadline a couple of times in order to provide additional response time over the holidays, and National staff conducted some additional outreach so that as of February 2022, there were 105 responses from HGOs, and an additional 34 from chapter leaders, for a total of 139 responses which are included in this report.

Each of the following responses will be provided individually, along with my interpretation, and any relevant comments submitted for each question. Please note that Google Forms did not always display the full question when the answer graph was copied, so I have cut and pasted questions where necessary to display the full question asked. The x axis varies by question. The y axis on each chart is the percentage for a given answer of the overall responses.
Question 1: Between ONLY July 1, 2020 and June 30, 2021, how many formal harassment grievances were filed with your chapter under Resolution 33? (Formal Res.33 grievances mean grievances filed with allegations that a member violated Resolution 33, DSA’s Harassment Policy, (even if that violation was not later upheld), or where Res.33 allegations were mixed with allegations of other misconduct that didn’t violate Res.33, but may have violated the Chapter By-Laws/Code of conduct.)

Commentary:

Total number: 59 formal harassment grievances (including 4 reported on the chapter leader survey) were filed in chapters between 7/1/20 - 6/30/21, compared to 50 the prior year.

As NHGO, working mostly with chapters with grievance problems, I was pleased that 107 (reporting) chapters did not have any reportable grievances in 2020-21 (roughly the same percentage as last year). While it may feel like conflict in the organization has recently increased, the number of chapters with grievances has not increased significantly. The higher numbers appear to represent an increased response rather than a significant increase in grievance numbers.

Are people choosing not to report reportable conduct because they don’t have faith in the system, or because they don’t know about the grievance process? Or because they may not feel harassment occurred and therefore there is nothing to report (which if true is ideal.) It does appear that after Resolution 33 has been in effect for four years, that members are generally aware of DSA’s grievance process.

Are chapters with a higher number of grievances (3 or more, representing five chapters) more contentious and problematic? Or is it a function of their greater size? At this time it seems that most of the chapters with high numbers are ones that are also larger chapters. We would of course expect chapters in major cities with thousands of members to have more grievances than a chapter or OC with fewer than 100 members.
Question 2: Of the Res.33 grievances filed, how many were investigated by your chapter HGOs?

Commentary:

Total number: 50 were investigated by chapter HGOs, compared to 43 in 2020-21

The disparity between answers to Questions 1 and 2 indicates that in some circumstances, a formal grievance did not lead to an investigation by the HGOs. Unless there is evidence of an effort in a particular situation to suppress an investigation, then it is to be expected that some would be handled informally and not warrant a full investigation. Also, sometimes parties choose not to move forward with a full investigation. That should be respected unless a full investigation is necessary to determine whether there was a pattern of harassment or misconduct and/or people other than the original reporting party continue to face harm. Sometimes, even with a formal grievance pending, chapters are exploring (often with NHGO support) whether other methods for resolving conflict, such as mediation, restorative justice, etc., may be a possible solution instead of proceeding with the grievance.

Having the grievance process in place gives chapters multiple tools to address the behavior and resolve the conflict in the best manner to assure accountability, whether there is a formal grievance or not, and whether there was a formal adjudication of the matter.
Question 3: Of the formal harassment grievances investigated by your chapter HGOs, how many were referred to chapter leadership for a resolution?

Commentary:

Total number: 35 grievances investigated by chapter HGOs were referred to chapter leadership, compared to 25 in 2019-20. (Note: the numbers were added up based upon the responses: 18x1 + 4x2 + 1x3 + 1x6 = 35, which is how all subsequent responses will be calculated.)

Here’s where you would expect to see a significant dropoff. Over time, chapters are becoming more experienced at handling conflict and discouraging inappropriate behavior, making it more likely that HGOs can handle some grievable behavior/conflicts without the steering committee, or use restorative justice and/or mediation in lieu of the chapter leadership’s involvement. While the number of formal grievances may increase over time, it’s good we have stabilized at < 50.

Resolution 33’s system of referring the HGO’s report to the steering committee for a decision is also an important set of checks and balances. Oversight of the HGOs’ work and a review of their reports and recommendations by the elected chapter leadership is also useful for chapter leaders to take responsibility for managing conflict in the chapter. The steering committee is the elected leadership of the chapter and ultimately accountable to chapter members for the climate/culture of the chapter environment. It is important that chapters not bypass this step when there is a live conflict, by punting to the chapter HGOs and/or expecting the NHGO or NPC to solve conflict without making an effort to devise appropriate solutions and consequences, tailored to the specific conflict and assessment of what is needed to resolve it.

If an HGO did not conduct a thorough investigation or reach an accurate conclusion, the steering committee can modify that outcome. Conversely if the HGO’s recommendation is rejected, the appeal can explore why that happened, whether due to bias or misconduct on the leadership’s part or the need for better HGO training and guidance. Also, in smaller chapters and/or in situations where all the parties to the grievance are well-known to the chapter leadership, having an independent HGO report and a separate consideration and validation by the chapter leadership helps reassure the parties that the Res.33 process was followed, and that the consequences imposed were not selected by a single individual or a biased group.
Question 4: Of the formal harassment grievances referred to leadership for a resolution, how many resulted in a finding in favor of the reporting party and/or actions impacting the accused’s membership status (finding of a Res. 33 violation)?

Total number: 31 of the referred cases resulted in a finding of a Resolution 33 violation, compared to 21 in 2019-20.

While the number of findings of a Res. 33 violation went up from the prior year, this seems to be due to increased familiarity with and use of the grievance program when conflict arises. While it is no longer based on the pent-up demand we experienced early on, there is still a considerable amount of inappropriate behavior that chapters feel must be addressed.

With 35 grievances referred to the chapter leadership body and 31 resulting in a finding of harassment, that is a good ratio of HGO recommendations being upheld. We want leadership bodies trusting their HGOs’ judgment and generally following their recommendations, without becoming such a rubber stamp that there is no longer sufficient oversight of the HGO’s role and an independent view of the evidence. This also includes situations where the steering committee didn’t make a formal finding but was able to resolve the conflict another way, so we cannot conclude that the remaining four situations actually “overruled” the HGO.

I have also advised in my trainings and one-on-one technical assistance conversations (advising on applying Resolution 33 in the chapter’s specific situation) to avoid an overly legalistic approach to Resolution 33. 89% (up from 84%) is a very good affirmance rate -- much higher than we find in the legal system for complaints of this nature. Ideal is a high but not 100% affirmance rate, so we remain in the ballpark we would like to see.
Question 5: Of the formal harassment grievances that resulted in a finding of a Res. 33 violation, how many resulted in an appeal to National DSA?

Commentary:

Total number: 11 chapter findings of a Resolution 33 violation were appealed, up from 5.

While I hope this number will go down over time, I believe the high number is due in part to a consolidation of our grievance process which took place in early 2021, which routed all appeals through the NHGO, whether they were under Resolution 33 or not. An appeal means the parties were not able to reach a resolution at the chapter level, but sometimes are able to do so with the NHGO's assistance before the appeal is presented to the NPC.

We continue to streamline the process over time, in an effort to reduce the appeals with policy or process issues to address before the underlying appeal could be processed and recommended consequences could be determined. Virtually every appeal early on identified new issues that lacked concrete guidance from Res. 33, but that is not as often the case now. After the reporting period for this report, the Convention amended Resolution 33, which will hopefully continue to reduce the number of policy and process issues on appeal.

I continue to rely upon my professional background and best practices and assess the grievance’s impact to prioritize appeals for resolution. There are also other, non-appeal priorities that are addressed through technical or other support to chapter HGOs, so that the NHGO’s work is not all focused on the appeals process, but continuing to look for ways to support HGOs and chapter leaders in handling conflicts in the optimal fashion to promote accountability and change behavior that violates Resolution 33 and other organizational norms.
Question 6: How many formal grievances were filed where the conduct didn’t come under Res. 33 but was handled under your Chapter By-Laws/Code of Conduct (non-Res.33 grievances)?

Commentary:

Total number: 39 non-Resolution 33 cases were filed, compared to 25 in 2019-20.

With Resolution 33 in place for over four years, and 250+ members trained as HGOs, it is more clear than ever that a number of disruptive conflicts do not fit under Res. 33. To address non-Resolution 33 conflict, some chapters have created codes of conduct that encompass other conduct. Others have used the expulsion procedure in their by-laws that typically covers “undemocratic, disruptive behavior,” and/or “failure to follow the policies of DSA.”

Originally non-Resolution 33 grievances were addressed in an alternative appeal procedure for members to appeal their chapter expulsion to the NPC. The NPC voted, however, in November 2020 to consolidate the process, so that there are equivalent protections for parties regardless of the expulsion’s grounds. As this bifurcated system was one of the most complicated parts of Res. 33’s language for chapters to navigate, this approach makes the process easier.

Some do not think Res. 33 goes far enough to discourage harmful conduct not based on the target’s membership in a protected class. Others think it goes too far, by using a process developed for "harassment" to deal with less important, minor disputes. There is still a lack of organizational consensus around dealing with disruptive conduct. Some prefer a more punitive approach that removes the member and prevents further harm to the chapter’s reputation. Others feel strongly that a restorative justice approach is most consistent with DSA’s values.

In September 2020, the NPC passed a National Code of Conduct that reconciles the various approaches (Res. 33, chapter expulsion, National expulsion by the NPC), eliminates barriers to enforcement against parties and chapter leadership, uses a consistent methodology to managing conflict and inappropriate behavior, and takes into account current threats and disruption within DSA. This year’s increase is largely attributable to these developments.
Question 7: How many requests for conflict resolution did you receive? (The request for conflict resolution could have come in conjunction with a grievance, or may have been requested without a grievance having been filed.)

Total number: 63 requests for conflict resolution, including five from the chapter leader survey.

This is a new question, asked this year for the first time, and represents an area for further exploration and training. Not every conflict needs to result in the filing of a grievance, and training HGOs, chapter leaders, and members in conflict resolution strategies could result in fewer grievances being filed. This would reduce the amount of time that is now being spent on grievances, and would strengthen relationships in the chapter if conflicts could be handled without a formal grievance process.

Ana Avendaño, who works with the NHGO to address identified needs in the grievance program, in 2021 developed a complex conflict resolution training that was approved by the NPC, and then delivered during the 2021 Pre-Con meetings. (She was unable to present the training at the 2021 Convention due to a family emergency.) We will continue to work with chapters on conflict resolution strategies, and to present information to the membership that will assist in resolving conflict in ways other than filing a grievance. We also plan to do conflict resolution trainings on a regular basis for HGOs and other people involved in conflict resolution in chapters, including chapter leaders.
**Question 8: How many requests for mediation did you receive? (The request for mediation could have come in conjunction with a grievance, or may have been requested without a grievance having been filed.)**

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<th>Number of Requests</th>
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*Total number: 38 requests for mediation, with none reported in the chapter leader survey.*

This is also a new question, asked this year for the first time, and represents an area for further exploration and training. Sometimes a conflict can be mediated to reach a mutually agreed upon solution, and prevent further escalation of the conflict.

Ana Avendaño, who works with the NHGO to address identified needs in the grievance program, is trained in conducting mediations, and began conducting mediations of DSA conflicts in the reporting period, starting in late 2020. Resolution 33 was also amended in 2021 to provide for mediation of conflicts, with the important caveats that mediation must be voluntary and conducted by trained mediators. We are aware anecdotally of situations where parties experienced pressure to mediate conflicts where it was not something that they wanted. We are also aware of situations where the NHGOs’ assistance was sought after a failed mediation that had the unfortunate impact of escalating the conflict. We have also received requests for mediation in situations where in Ana’s professional judgment, the conflict was not well suited or appropriate to be resolved via mediation, particularly in situations where the harm had not been sufficiently articulated or identified through even a preliminary investigation of the reporting party’s complaint, or where mediation could not be successful due to a party’s inability to take accountability for their actions.

We will continue to work with chapters on conflict resolution strategies, including mediation where appropriate, and to support chapters who need a trained mediator and prefer to use DSA’s free resources rather than paying for a mediator in the local community.
Question 9: Of the non-Res.33 grievances handled by the chapter, how many resulted in chapter expulsion?

![Graph showing the number of expulsions](chart)

**Commentary:**

*Total number: 9 non-Resolution 33 cases resulted in chapter expulsion, compared to 7 in 2019-20*

If only 10 of 39 grievances that were not brought under Res. 33 resulted in an expulsion (7 of 25 in 2018-19), then it is still reassuring that chapters are reserving expulsion for the most serious offenses. However, we still see too many situations where parties are overly weaponizing the expulsion process for minor transgressions. The recently enacted National Code of Conduct and amendments to Resolution 33 passed in August 2021 are expected to significantly standardize the treatment of non-Res. 33 grievances among chapters and reinforce specific cultural norms throughout the organization nationwide, which was hard to do without a common non-Res.33 standard.

**This remains one of the major challenges to be faced by DSA at the current time.** The left is well aware of the dangers of expulsions without verification of the underlying conduct, and those who believe in restorative justice may believe that expulsion is a last resort before someone is cast out of the community. However, this is also coupled with the reality that the continued presence of a toxic individual or small group in a chapter can sometimes cripple the chapter’s operations, causing the chapter to either spend all of its time mired in conflict resolution and grievance processing, or individuals in the chapter using their organizing skills and available time to organize around individuals instead of issues and politicians.

This level of toxicity in an organizing committee or small chapter can prevent DSA from ever establishing a foothold and creating an active and functioning chapter in a particular community. There also are continuing concerns about infiltration from within, where an individual’s access to organization resources can permit significant damage if there is not a quick way to separate someone from the organization for deliberately disruptive conduct contrary to DSA’s values.
Question 10: Of the chapter expulsions, how many did you send notice of to the National office via contacting the NHGO or via other means?

Commentary:

Total number: 14 of the chapter expulsions were sent to the National office, up from 8 in 2018-19.

The increase in chapter expulsions is most likely attributable to publicity surrounding amendments to Resolution 33, which sought to clarify communication with National over chapter expulsions. Some chapters have also chosen to expel a member locally, but have not pushed for a National expulsion. In most cases, we have been communicating with chapters more closely and working with them at an earlier stage, before the expulsion is actually voted on. That way we know what chapters are recommending when they expel a member locally, and chapters know when they expel someone, that there should also be a recommendation regarding National membership. However, we encountered confusion this year around members who had been expelled from their chapter, but who sought to participate as an at-large delegate to the Convention. This confusion required a second grievance process to be determined by the Elections & Credentials subcommittee of the Convention Committee.

The National office continues to maintain a list of members who have been expelled, whether under Res. 33 or the expulsion procedure, as well as those who resign without facing consequences, so that all concerned are in agreement as to an individual’s membership status, especially if it is believed a particular member’s continued participation presents the risk of harm to others within DSA. To alleviate concerns that people are getting back in and causing harm, we have this “do not fly” list, and continue our work to ensure that chapters and the National office have consistent membership rolls and a shared understanding regarding someone’s grievance status and any consequences attached to its resolution. We also intend to train HGOs and chapter leaders about the new Resolution 33 amendments so that they better understand what procedures to follow when they expel a member.
Question 11: Of the non-Res.33 grievances that resulted in expulsion, how many were referred to National for a National Expulsion via contacting the NHGO or via other means?

Commentary:

Total number: 6 non-Resolution 33 grievances were referred to the National DSA for national expulsion, up from 0 in 2019-20.

All of the National Expulsion appeals in 2019-2020 were referred before the cutoff date of the previous year’s report (June 30, 2019). Now that the expulsion procedure is further integrated with Resolution 33 and/or a National Code of Conduct, it will be one number for all appeals. However, since part of the reporting period came before the November 2020 amendment integrating the two, we have included this question so as not to cause further confusion. It will be eliminated from future surveys.
Question 12: Of the inquiries or requests to file a grievance (whether Res. 33 or not) how many were resolved without the filing of a formal grievance?

[Graph showing the number of inquiries resolved without a formal grievance, with 81 inquiries (77, 1%) and 14 inquiries (13.3%)]

Commentary:

Total number: 63 inquiries were resolved without a formal grievance, up from 32 the prior year.

It is positive to see so many situations resolved without a formal grievance, even with an increase in inquiries, which indicates more awareness of the grievance program overall. The goal is to create a climate where it is perceived as safe to report conduct issues, but also where HGOs work with members to resolve conflict without always going through the formal grievance process. These numbers are consistent with that goal.

The steps built within the grievance process to ensure a full HGO investigation and a fair, unbiased consideration of the party’s complaint can also be time-consuming and impact a chapter’s operations while they are pending, as well as prevent the parties from full participation in chapter activities while the determination is being made. This demonstrates to me that chapters are working in good faith to resolve relatively minor complaints without the formality of the process, and educating their members about when it is appropriate to use the grievance process vs. working out their conflict some other way.

Some chapters have also created ombuds or mediation teams to sort out conflicts which do not require a formal process. Sometimes, when particularly abrasive/adversarial individuals are asked to file a formal grievance and/or advised about DSA’s grievance process, they decide to move on of their own accord, which is also healthy for DSA’s culture.

Members should understand that in an ideal, healthy organizational culture, complaints of inappropriate behavior will be listened to, taken seriously, and thoroughly investigated, but there will also be a sorting process where the full machinery of the grievance process is reserved for the situations with the most egregious behavior and/or the greatest amount of conflict.
Question 13: As of June 30, 2021, how many Res. 33 grievances were pending/unresolved? (defined as not having had your leadership body vote yet)

Commentary:

Total number: 6 grievances were unresolved (including 2 from the chapter leader survey), down from 7 in 2019-2020.

Given when the reporting period falls, there often remains unresolved grievances, but as that number has held steady, there is no sign of a significant backlog and/or an expected deluge in this reporting period.
Question 14: As of June 30, 2021, how many NON Res. 33 grievances (based only on code of conduct/chapter by-laws) were pending/unresolved? (defined as not having had your leadership body vote yet)

Commentary:

Total number: 7 non-Resolution 33 cases were unresolved, down from 9 in 2019-20.

Similar to the prior question, given when the reporting period falls, there often remains unresolved grievances, but as that number has held relatively steady, there is no sign of a significant backlog and/or an expected deluge in this reporting period.
Optional Information About HGOs

How many HGOs does your chapter have?

- 38.8%: None: our chapter has fewer than 100…
- 16.5%: None: while we have more than 100…
- 16.5%: One
- 13.6%: Two
- 13.6%: Three
- 13.6%: Four
- 13.6%: Five or more, or we have a Grievance…
- 13.6%: One elected, one standing in as no ot…

Other answers:
- One elected, one standing in as no other members opted to run
- Our policy has three open seats for HGOs, but we currently only have one elected position. We have the ability to appoint temporary HGOs if caseload gets too much.
- 2 for the time this report covers, but currently 0

Is the number of HGOs in your chapter:

- 41.2%: Not enough
- 25.5%: Just right
- 24.5%: Too many
- 24.5%: I don't know
- 24.5%: We don't have any HGOs.
Commentary:

Based on chapters that filled out the form, about half of the chapters with HGOs have at least the required minimum, two HGOs, with about two-thirds having at least one. Some even recognize that the workload necessitates more than the minimum. However, around 40% do not have HGOs. Our continued focus will be on helping chapters without HGOs identify, select and train them, and in giving additional support to HGOs with time-consuming grievances or particularly difficult conflicts. The creation of the HGO database, and the addition of Dana Martinez-Ocker (Chapter Pipeline Coordinator) has made it easier to identify which chapters lack HGOs, particularly those required to have them, enabling more outreach.

We still find that because grievances typically involve significant conflict, the HGOs’ work can be very stressful, and may become very politicized. Those who embrace HGO work need considerable support, especially in the initial phases of grievance program implementation where there are few “routine” grievances. We continue to provide that extensive support on a customized basis through technical assistance calls and emails.
Are your HGOs Elected or Selected?

Options provided were:

- They are part of our annual officer elections.
- They are selected by the chapter leadership (Steering/Executive/Coordinating Committee)
- I don't know/selected some other way

Other responses were:

- An annual election which coincides with...
- No HGOs
- Volunteer, approved by consensus
- They are elected by the chapter mem...
- Volunteered when call for HGOs went...
- Volunteer
- We don't have an HGO
- 2 elected, 3 selected
- N/A see above
- A call was made for HGOs at our last...
- I remember there being an ask for the...
- They are elected in separate elections.
- Elected as volunteers apply
- Grievance Council members are elected by Chapter members.
- We don't have one
- Our bylaws need updating to account...
- We don't have HGOs
- We do not have this position in our gro...
- Volunteer
- N/A
Commentary:

Based upon my experience when first starting as NHGO, gathering information about this would inform whether I would recommend that a specific requirement be added to Resolution 33, which currently requires chapters to develop a process for having HGOs, but is agnostic as to whether they should be selected or elected. This result is still fairly evenly divided, with around 40% electing their HGOs and 60% selecting them or having them volunteer.

I am still not aware of any situation where an HGO has been voted out due to an unpopular recommendation, or voted in due to their loyalty to individuals which would compromise their integrity in dealing with grievances (although we are aware of situations where those outcomes have been threatened.) There have been a not insignificant number of situations where HGOs have resigned over the level of stress caused by handling a particular grievance and/or blowback over their role. Obviously all of these situations continue to present a possibility that HGO selection could become politicized according to prevailing chapter politics and/or factions.

My general inclination remains to minimize the number of specific requirements on chapters that are not required by Res. 33. Therefore, I am not making a specific recommendation whether to favor election or selection, and we chose not to include this in the NPC-proposed 2021 amendments for that reason. However, it still may be something for future consideration if there is more evidence of the HGO position being politicized or weaponized through particular means.
How long are the terms in office for HGOs?

**Commentary:**

Resolution 33 requires chapters to develop terms of office for HGOs, but doesn’t dictate what they are. While it is important to develop term limits, it also takes some time for HGOs to be trained and get up to speed. If, for example, the term of office is a year, but there were no pending grievances, and they were not able to attend a training until their term was nearly complete, then the term limit would be counterproductive in that instance. Now having been in the NHGO position for nearly four years, I am now starting to see considerable turnover among people who were initially trained in 2019, but they have also been a valuable resource to new HGOs as they transition.

It helps to strike a balance between accountability to the membership and not having someone in office indefinitely, and the value of having someone in the role for long enough that they can be trained and develop experience from going through the process at least once. Over time, it is hoped that HGOs can be a stabilizing influence on chapter culture and help educate the entire active membership as to appropriate conduct within the organization.

Since this still does not rise to the level of something that requires national-level consistency, nor have there been serious problems with a particular approach, I am not making a specific recommendation at this time about the length of a chapter HGO term, and chose not to include this in the NPC-proposed amendments for 2021. This remains something to watch in the future when future revisions to Res. 33 are under consideration.
Do your HGOs also serve on the chapter's leadership body (Steering/Coordinating/Executive Committee)?

- Yes: 70.7%
- No: 18.5%
- I don't know: 10.9%

Does your chapter have an explicit prohibition on HGOs serving in chapter leadership or elected working group leadership?

- Yes, we have an explicit prohibition, and HGOs are not permitted to serve on the chapter’s leadership body: 32.6%
- We don't have an explicit prohibition, but HGOs do not serve on the chapter’s leadership body: 19.6%
- No, we do not have an explicit prohibition or other policy against it. HGOs do serve on our chapter's lead...: 13%
- I don't know: 34.8%

Commentary:

It appears that a clear majority of HGOs do not serve on the chapter's leadership body, and some of the comments received indicated that would not be appropriate. Based upon my experience with particular grievance situations, I have previously recommended that we specifically advise chapters to NOT have HGOs serve on the chapter leadership body.

However, it hasn't continued to pose a significant problem in grievances. It may also pose a hardship for chapters of fewer than 100 members who are attempting to comply with Res. 33, even though not officially required to, since they may not have enough individuals willing to assume leadership roles.

I continue to see it as properly aspirational, something chapters should be working towards, rather than a strict requirement. If required, there would need to be a phase-out period, so that additional HGO candidates can be identified, and elected in their next chapter elections.
How many HGOs in your chapter have gone through training provided by National, at a regional conference in the spring or at the national convention in August?

Total number: 68 HGOs have gone through training provided by National DSA, up from 30 last year.

Commentary:

Based upon asking training participants to sign in, and doing a head count at each training, the actual number of HGOs who have been trained is around 250 total (although some may no longer be HGOs). This included not just chapter HGOs but also officers and other interested members, especially from chapters who had not yet gotten their grievance program off the ground. It also included some former HGOs.

The increased number this year reflects that more training is done in odd years, and Ana and I had 11 trainings for HGOs and chapter leaders in 2021. The significantly increased amount of one-on-one, chapter-specific technical assistance has also reinforced and strengthened what is learned in a more generic training, akin to having a personal tutor instead of learning from a teacher in a class with 20 or 30 people. Detailed training materials and Zoom videos of the trainings have also been posted to the National website, so that new HGOs can first look those over before handling a case or before the next live training is offered. Even in 2022, we anticipate doing two trainings quarterly, for HGOs and more generally for leaders and members on conflict resolution.

In working with Dana, DSA's staff Chapter Pipeline Coordinator, and in developing an HGO database, we have enhanced capacity to reach out to HGOs and chapter leaders and help ensure new HGOs have a seamless transition into their role by starting with our basic training. We want chapter leaders and HGOs to be proactive, so that training is not conducted simultaneously with a live grievance, but in advance so they know what to do when a conflict in the chapter arises and are prepared to quickly and appropriately respond.
If none of your HGOs have gone through training, why not? (Select the answer that best fits.)

Other responses:
- No training has been offered since we...
- We were unable to attend an in-person...
- We have used the materials on the D...
- We were trained by another organizati...
- We plan to be trained at the next oppo...
- We haven’t had a grievance yet to han...
- We attended training
- We have watched the online trainings...

Commentary:

The most common responses indicate that HGOs haven't yet had the opportunity to attend the trainings that are offered, or are waiting until they actually have a grievance to be trained. At this time, we don’t know when in person trainings will resume, but we will continue to offer virtual trainings quarterly. We have learned the following about HGO training:

One, the nuances of distinguishing behavior under Res. 33 and that which doesn’t meet the guidelines are very fact-specific, especially when there was not a standardized code of conduct nationally and many chapters do not have one at all. Now that chapters are required to adopt their own Codes of Conduct, we hope to counter some of this confusion, especially through the training focused on conflict resolution that is not specific to Res. 33.

Two, true trauma-informed training takes far longer than the organization has capacity to provide in a 90-min or two-hour time slot. Starting in 2020, Ana Avendaño, who has specific expertise in trauma-informed work, worked with NHGO Paula Brantner to take over the
responsibility of investigating some grievances based on sexual violence or emotional abuse, to minimize additional harm/trauma caused by insufficiently trained individuals.

Three, technical assistance and maintaining confidentiality throughout the grievance process is critical to ensuring that HGOs and chapter leaders do not exacerbate the conflict during the grievance process. The chapters using technical assistance and preserving confidentiality seem to have much better outcomes, handling grievances faster and with less disruptive drama.

Preserving confidentiality and relying on technical assistance from trained individuals are considered best practices in the field of survivor-centered and trauma-informed responses. It makes it less likely the survivor will be forced to relive the harm they suffered over and over in the chapter and local community. It also communicates to other survivors that if they choose to step forward to report misconduct that matters they wish to keep private will be handled sensitively and without retaliation.

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**Have any HGOs in your chapter gone through restorative justice training by an external service provider in your community?**

- Yes: 70%
- No: 21.1%
- Not HGOs, but other chapter members/leaders have: 7.8%
- No, but we have used restorative justice service providers in our community for DSA conflicts: 0.1%

**Have any HGOs in your chapter gone through mediation training by an external service provider in your community?**

- Yes: 65.9%
- No: 28.1%
- Not HGOs, but other chapter members/leaders have: 6.4%
- No, but we have used mediation service providers in our community for DSA conflicts: 0.6%
These two questions are being asked for the first time, given the interest in restorative justice and mediation being used either as a grievance outcome or in lieu of going through the formal grievance process. Res. 33 was amended in 2021 to officially recognize these potential resolutions to grievances and to allow chapters to utilize those approaches when appropriate.

The National grievance program now offers restorative justice and mediation services as a cost free alternative to community services for which chapters must spend their own funds. These services, included in the 2021 NHGO contract, are primarily provided by Ana Avendaño.

With approximately one third of chapters reporting leaders with restorative justice and mediation training, this is a promising avenue for conflict resolution. However, with increased use of these approaches, we still must ensure that members aren’t discouraged from using the grievance process at all or feel coerced into using these approaches when they want an adjudication of their grievances: concerns reflected in the Res. 33 amendments. Now that the new provisions are part of Resolution 33, we will continue to monitor how these approaches were used to ensure that situations resolved without filing a formal grievance were appropriately handled.
Have any of your HGOs ever had a listening session/meeting with and/or requested assistance from Paula, the National Harassment Grievance Officer, or Ana, who works with Paula?

Other responses:

One best practice that has been a hallmark of the grievance program since the very beginning is the availability of Paula, and now Ana, for technical assistance Zoom/phone calls for HGOs and chapter leaders with a particular need for support in their chapter. These calls are typically initiated by HGOs and chapter leaders, or referred from the Field Organizers.

I will have final numbers later in this report, but estimate I have averaged at least three sessions weekly in 20-21, and quite possibly more. Some weeks I have as many as five or six, with three in one day. I also estimate approximately 7-10 technical assistance email exchanges weekly, not counting the appeals that are part of my regular workload.

Often these calls head off what could have been a major misstep jeopardizing the grievance outcome or even raising legal liability for the organization. Sometimes the HGOs/chapter leaders have figured out an approach, often but not always through reviewing the written guidance on the national DSA website or lessons learned through trainings, yet they seek validation that it is the correct one. Some cases required significant follow through including subsequent conversations; others were quickly resolved in a single call.

What all have in common is that they are a way for HGOs and chapter leaders to get customized confidential advice tailored to their situation, and a survivor-focused, trauma-informed perspective on harassment and other conduct.
Ana and I plan to continue our outreach to encourage those with concerns about how grievances have been or should be handled to contact us for assistance. Many concerns about the grievance program’s effectiveness can also be quickly clarified and resolved once they are brought to my attention by those with the ability to resolve these issues in their chapters. The specific feedback on working with Ana and I will be provided confidentially to the NPC as part of their evaluation of the grievance program’s effectiveness.

(Optional) Information on Grievance/Conflict Resolution

Aside from HGOs (Harassment Grievance Officers), do you have any other position in the chapter who plays a specific role regarding conflict resolution (aside from leaders stepping in)? (like an Ombudsperson, Comrade-at-Large, Mediation Team, etc.)

Has conflict in your chapter increased in the 2020-2021 reporting period from the prior year?

When asked previously, these questions informed our work to develop a National Code of Conduct, which passed in September 2020, and the August 2021 Res. 33 amendments which require chapters to adopt a Code of Conduct. Chapters who have drafted their own codes of conduct, community agreements, and other chapter norms will be able to continue their use of those documents, and teams or leaders who focus on these processes to the extent they
provide greater protections for members. However, chapters who are experiencing conflict over conduct that doesn’t fit under Resolution 33 will have this as part of their toolbox to manage and adjudicate conflict and non-Resolution 33 grievances.

It is also noteworthy that chapters report either no significant change in the level of conflict or that there was less conflict in the reporting period. Some of the increased conflict which arose around the grievance program itself happened in August 2021, after the end of the reporting period. It thus remains to be seen how this will impact conflict in chapters.
Over the last couple of years, I have anecdotally observed a significant rise in conflict that appeared to be pandemic related, and thus wanted to ask chapters what their experience had been, since only the worst situations make their way to the NHGO. In the previous reporting period, after the pandemic started in March 2020, 39% said yes or maybe, while the rest, a majority, said either no or that there was less conflict. This time, with the pandemic part of the entire reporting period, 48% said yes/maybe, with 52% reporting either less conflict/no change.

The pandemic has impacted some members who personally experienced COVID-related stress, due to loss of employment, caregiving or remote schooling responsibilities, or themselves contracting the coronavirus. Most chapters moved to virtual meetings early on, and to our knowledge, very few have resumed regularly meeting in person, especially for meetings that would be held indoors. Some conflict could be attributable to the communications challenges of only communicating online and/or via Zoom, rather than in person.

It is clear that the pandemic will have an impact on chapters for the foreseeable future, but it does not appear to have an outsized impact on the amount of conflict.
Has conflict in your chapter been affected by 2020's racial justice/#BLM protests/increased spotlight on racial justice issues?

- Yes, there seems to be more conflict that is related to racial justice issues: 7.4%
- Yes, there seems to be less conflict that is related to racial justice issues: 25.5%
- No, there has been no significant change in the level of conflict: 67%
- Maybe: I’m not sure whether racial justice issues has affected conflict or not: 7.4%

The 2020 protests in many communities throughout the United States in response to the murder of George Floyd and the Movement for Black Lives’ organizing efforts captured national attention. Given the demographics of DSA, and some individual grievances that we knew about, we wanted to survey HGOs to determine whether what was happening nationally had an impact in chapters.

This year, approximately one-third of those responding answered yes or maybe to the question about whether there was more conflict related to racial justice issues, while the rest, 67% said there was either no change. This is in contrast to last year, right after the protests themselves started, over one-quarter of those responding answered yes or maybe to the question about whether there was more conflict related to racial justice issues, while the rest, nearly 75% said there was either no change or less conflict.

In 2021, a training on racial justice issues was developed and approved by the NPC, and later delivered to the Political Education Committee. This training by Ana Avendaño was delivered to a chapter upon request with particular conflict related to racial justice, and will continue to be used as a resource when needed.
Have you had issues with keeping matters related to the grievance process confidential? (Check all that apply.)

<table>
<thead>
<tr>
<th>Issue Description</th>
<th>Number of Responses</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Yes, one or both parties have violated confidentiality</td>
<td>8</td>
<td>8.6%</td>
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<tr>
<td>Yes, supporters of one or both parties have violated</td>
<td>5</td>
<td>5.4%</td>
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<td>confidentiality during the process</td>
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<td></td>
</tr>
<tr>
<td>Yes, HGOs have violated confidentiality during the</td>
<td>1</td>
<td>1.1%</td>
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<tr>
<td>process</td>
<td></td>
<td></td>
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<tr>
<td>Yes, chapter leadership has violated confidentiality</td>
<td>1</td>
<td>1.1%</td>
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<tr>
<td>during the process</td>
<td></td>
<td></td>
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<tr>
<td>Yes, the matter was not confidential outside DSA,</td>
<td>4</td>
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<tr>
<td>which made managing it inside DSA more difficult</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No, we have not had significant issues related to</td>
<td>36</td>
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<tr>
<td>confidentiality</td>
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<td></td>
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<tr>
<td>No, we did not have a grievance during this time</td>
<td>50</td>
<td>53.8%</td>
</tr>
<tr>
<td>period</td>
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</tbody>
</table>

Answer Choices (cut off above):

- Yes, one or both parties have violated confidentiality during the process.
- Yes, supporters of one or both parties have violated confidentiality during the process.
- Yes, HGOs have violated confidentiality during the process.
- Yes, chapter leadership has violated confidentiality during the process.
- Yes, the matter was not confidential outside DSA, which made managing it inside DSA more difficult.
- No, we have not had significant issues related to confidentiality.
- No, we did not have a grievance during this time period.

(The choices do not add up to 100%, with multiple responses allowed):

The NHGOs have been involved in a number of cases where the confidentiality of the Resolution 33 process was violated, with the breaching parties divided between parties, supporters, and outsiders (consistent with the NHGO’s experience). This informed confidentiality-related amendments to Res. 33 which passed at the 2021 Convention.

We continue to work with HGOs and parties to ensure that they keep the grievance process confidential, and work to limit confrontation and escalation of conflict while the
grievance is still pending. It remains a struggle when conduct is brought to DSA from outside the organization, where either the individuals are not aware of or are not beholden to DSA’s process, and/or believe the best way to proceed is via a public confrontation or “call out,” or shaming via social media. DSA members often feel the need to “inform” the chapter publicly. Also, some members of DSA continue to use “trial by Twitter” to inflame the conflict either prior to or during the grievance process.

However, our experience over the two years has only reinforced our view of best practices that handling these matters confidentially is less harmful to the reporting party/survivor, encourages future reporting, leads to a less adversarial response from the accused party, better facilitates restorative justice and mediation, and is less harmful and disruptive to the chapter’s operations. Now that approach is required under Resolution 33, and we will continue to work with chapters to reinforce those expectations.
Have you had issues with retaliation related to the grievance process? (Check all that apply.) (Retaliation is further defined in recent amendments to Resolution 33, linked above).

- Yes, one or both parties have engaged in retaliation during the process. 9 (9.7%)
- Yes, supporters of one or both parties have engaged in retaliation during the process. 4 (4.3%)
- Yes, HGOs have engaged in retaliation during the process. 0 (0%)
- Yes, chapter leadership has engaged in retaliation. 1 (1.1%)
- Yes, there was retaliation in the community outside DSA, which made managing it inside DSA more difficult. 3 (3.2%)
- No, we have not had significant issues related to retaliation. 34 (36.6%)
- No, we did not have a grievance during this time period. 52 (55.9%)

**Answer Choices (cut off above):**

This question is being asked for the first time, to establish a baseline for future annual surveys. In 2021, amendments to Res. 33 clarified in more detail what constitutes retaliation, as we had observed instances where individuals did not know that the conduct in which they engaged was retaliatory. The original provision banning retaliation uses legalistic language pulled from workplace discrimination laws, while the amendments cover forms of retaliation which have I have identified as problematic in grievance matters based on several years and hundreds of cases. **We continue to work with HGOs and parties to ensure that they keep the grievance process free from additional retaliation, and work to limit confrontation and escalation of conflict while the grievance is still pending.**
My chapter has a Code of Conduct that covers member conduct in addition to Resolution 33 anti-harassment provisions.

- Yes: 33.7%
- Yes, but we've adopted the National Code of Conduct for Members: 27.7%
- No: 14.9%
- I don't know: 23.8%

These questions are being asked to help us measure compliance with the new amendments to Resolution 33, which require chapters to have Codes of Conduct which cover both physical and online spaces. Chapters with codes uploaded that information so that the NHGOs and Dana, the chapter pipeline coordinator, can track whether chapters have codes or need more guidance in implementing them. With around 40% having a code of conduct, and nearly a third having an online code of conduct, we know what our starting point is, and we will continue to work with established and new chapters to ensure these codes get added to chapter bylaws and implemented as new chapter norms.

My chapter has an Online Code of Conduct that covers member conduct in online spaces such as the chapter Slack, posting on social media accounts, etc.

- Yes: 52%
- Yes, but we've adopted the National Code of Conduct for Members: 17%
- No: 20%
- I don't know: 11%
Part II: Status Report on the NHGO’s Work:

Each annual report included a status report by NHGO Paula Brantner that is submitted to the NPC as part of regular updates on the processes and operations of grievance matters and appeals. The NHGO continues to submit quarterly reports and/or as otherwise requested to the NPC. While part of these reports are intended to be confidential, this portion of the report includes non-confidential portions that can be released to the membership.

My NPC reports are typically focused on the current state of grievance matters, but with nearly four years worth of progress, I have also identified some important “big picture” next steps to continue to make progress in changing DSA’s culture to comply with the intent and values expressed by Resolution 33 (Res 33) from the 2017 convention and recent 2021 amendments.

Part of my work is building capacity at the chapter level by providing technical assistance to advise chapters so that they may learn by doing, in addition to the trainings I have conducted. The technical assistance is tailored to a specific chapter’s situation in a way the training can never be. The longer I have been in the organization, the more that this has become a significant part of my work (perhaps even the most significant), as I have built visibility, awareness, and trust through my work.

In my experience, this work continues to fly under the radar, as when done correctly my assistance to chapters helps them head off conflicts that will either not result in an appeal, or will make the appeal outcome significantly less complicated because the chapter complies with Res.33 and uses best practices in handling the matter. But by handling matters confidentially between us and helping HGOs and chapter leaders navigate that at the chapter level, we have minimized harmful conflict and behavior which can not only harm the survivor but also other individuals who may be deterred from reporting other grievances and damage the chapter’s reputation and effectiveness.

As discussed in more detail below, setting aside the chapters with appeals and extraordinary circumstances, which typically involve multiple calls with HGOs and chapter leaders, I fielded 61 requests for technical assistance in the basic and intermediate grievance related categories, plus the chapter technical assistance category, which involves questions about the process itself not related to an individual grievance.

Another key part of my work is handling appeals of chapter level decisions under Res 33 and carrying out decisions of the NPC based on my recommendations. We set up the appeals process in April 2019, and then have steadily moved through appeals cases each year. The 2019 - 2021 NPC heard several grievances in advance of the 2021 Convention, in order to “clear the deck” for the new NPC elected at the Convention.

In Convention years, I am asked to assist the Elections and Credentials Subcommittee of the Convention Committee in facilitating credentials determinations based upon grievance matters. We were busy with 14 separate matters in the months prior to the August Convention, with most of this work taking place in June 2021.
Starting in August 2019, Ana Avendaño has been part of the NHGO team, and has continued to be an essential partner in our work, handling a major chapter investigation and multiple grievance reports where the reporting party has reported sexual assault, sexual violence, and/or emotional abuse. After preparing an initial Code of Conduct report and training for the NPC’s February 2020 meeting, a Meeting Code of Conduct passed by the NPC in April 2020, the NPC passed the National Code of Conduct in September 2020. The 2021 Res. 33 amendments require chapters to adopt Codes of Conduct, and the National Code of Conduct will be a helpful model as chapters develop codes to comply with Res.33’s new requirement.

When I was hired in June 2018, I was advised about the importance of closely following Res 33’s language in setting up the grievance program, and of course that is important so that everyone understands the policy and the consequences for violating it. I was not involved in the drafting of Res. 33. I thus inherited a harassment policy with clear intent about the values it sought to instill among DSA members, and considerable evidence of a need for the policy.

Yet there were critical gaps that needed to be filled before the grievance policy could even be considered operational, much less effective at curbing harassment. I frequently am called upon to use my best judgment, based upon 30 years of work in this field, as to what is workable, and to make recommendations to HGOs, chapter leaders and to the former NPC. Over time, we continue to build out the grievance program and establish precedents for handling particular issues that were incorporated into advising HGOs, added into trainings, coordinated with DSA National staff and guided consistent recommendations to the NPC for resolving complex grievance situations.

In 2021, there was the opportunity to amend Res. 33 substantially to address four previously identified concerns:

- Confidentiality breaches surrounding the grievance process
- Retaliation against individuals involved in the grievance process
- Distinguishing Res.33 (harassment) from non-Res.33 grievances, brought under chapter bylaws or codes of conduct
- Integrating National and Chapter Codes of Conduct with Resolution 33

Here are the most persistent issues the NPC will need to understand and address in 2022:

**Integrating the Code of Conduct into Other Grievance Adjudication and Conflict Resolution:**

My previous reports discussed the limitation that DSA as a whole did not have a mechanism to address conduct that falls into the latter category outside of the Res 33 enforcement process beyond the expulsion and appeals process which does little to indicate what are the norms of acceptable behavior. This gap was one of the most challenging aspects of effective Res 33 enforcement, leading to confusion and frustration at the chapter level, as chapters are not sure what they can and cannot do to address this type of behavior. The gap
also allowed individuals who engaged in problematic conduct not covered by Res 33 to weaponize the Res 33 process and keep acting in ways that are toxic, disruptive, and in some instances, with what appears to be malicious intent to harm the chapter and its leadership, because they know it is unlikely they will be held accountable. Moreover, it also made it difficult to consistently address prohibitions on disruptive and harmful conduct within the organization, since some chapters have individually adopted codes of conduct with varying language and enforcement mechanisms. We needed to be able to go beyond Res.33 and reach this conduct, without providing an opportunity for those whose conduct is at issue to tie up HGO and chapter resources endlessly with fights about whether they can be held accountable.

In the last quarter of 2019, with funds allocated in the 2019 NHGO contract, Ana and I worked together to create an initial code of conduct report for the NPC’s consideration. On that basis, the NPC voted to expand the 2020 NHGO contract so that DSA could tackle this issue head on with the amount of resources that are needed to make sufficient headway. This resulted in the following outcomes:

- Code of Conduct/conflict resolution training at the February 2020 NPC Meeting
- Meeting Code of Conduct passed in April 2020
- National Code of Conduct proposed for July 2020 NPC Meeting and passed in Sept. 2020
- Conflict Resolution training for Field Organizers, started November 2020 and continuing.

Some of the specific tasks conducted in 2020-21 include:

- Identifying the types of conduct that have proven problematic in DSA so far based on my time as NHGO (bullying; interpersonal political disagreements, abuses of power, etc.)
- Soliciting and reviewing existing codes of conduct within DSA chapters and in other organizations
- Drafting language that covers online and offline conduct, social media usage, meeting and event behavior and other venues in which DSA members interact
- Proposing an enforcement mechanism that defines the roles of chapter HGOs, chapter leaders, the NHGO and the NPC.
- Creating model language for a National Code of Conduct to be recommended for ratification by the NPC.
- Recommending conflict resolution techniques that address code of conduct violations in a helpful, proactive fashion to strengthen chapters and improve the quality of cooperative relationships between members.
- Drafting proposed amendments concerning Codes of Conduct to Resolution 33, to be presented by the NPC as that body’s recommendations.

Enforcement of the Appeal Outcome/Censuring Grievance-Related Misconduct:

A successful grievance outcome requires that each link in the process handle its duties maturely and in accordance with Res 33.
1. HGOs must be fair and impartial, evaluating grievances and conducting investigations in compliance with Res 33 and the training and technical assistance they’ve received.

2. Chapter leaders must fairly and objectively consider grievance reports, taking the facts considered by the HGOs and determining appropriate and consistent consequences.

3. If a grievance decision is appealed, the NHGO must look at the big picture, taking what the chapter determined and making a recommendation that both represents best practices and demonstrates consistency with Res 33’s language and how similar types of grievances have been handled.

4. The NPC must look at the facts presented and make a fair and impartial determination as to the conduct at issue, resolving each matter in a way that strengthens the grievance policy and the organization’s interest in deterring future harassment.

While none of these four steps should merely be a perfunctory rubber stamp, over time as DSA’s culture transforms, there will be trust built between HGOs and chapters, HGOs and the NHGO, chapters and the NHGO, the NHGO and the NPC, and chapters and the NPC, so that everyone involved in the process will trust that the process was executed correctly in accordance with best practices, even if they don’t agree with the outcome.

In 2019, the 2017-2019 NPC passed the following Censure/Removal from Leadership/Expulsion for Non-Compliance with Resolution 33 Appeal Ruling so that participants in the grievance process are put on notice about the consequences of misconduct and/or noncompliance. At the 2021 Convention, part of the NPC recommendations clarified that a chapter’s failure to comply with the grievance outcome was a form of retaliation, as follows:

Refusal by the chapter to implement a final appeal ruling may be considered retaliation and submitted to the NPC at any later time until the grievance is fully implemented and a member’s status restored, if that was the outcome, or following any other final NPC decision. The NPC may also take additional action against chapter leadership as authorized by chapter agreements.

The NPC will be asked to rule on instances where particular individuals and/or chapter leadership bodies have not complied with the Resolution 33 process. For the integrity of the grievance program and for DSA as an organization, it will be important to assess these situations fairly and objectively, without regard to which chapters, individuals, and/or factions are involved. While I will do all that I can to keep as much of the matter confidential to prevent the need for recusals, the ongoing defiance may in some cases involve people publicizing the matters as widely, on Twitter, Slack, DSA forums, chapter communications, or any other communication channels that chapter leadership or individuals can access. And when those channels contain misinformation, to counter the misinformation and repair the harm, the correct information will need to be as widely and publicly spread. Over time, with strict enforcement of confidentiality, these matters will not have to play out publicly, but until then, a strict line regarding enforcement will be necessary to have the necessary impact and establish appropriate boundaries around what is permissible under DSA’s policies and culture.
NPC members who engage in conversations with members about specific grievance cases, or post about grievance situations in DSA spaces represent a huge risk that can undermine effective resolution of those cases. It may mean the NPC member may need to recuse themselves, based upon the information learned outside of the process which has not been investigated and had its credibility assessed by HGOs, chapter leaders, and the NHGO. It undermines the process itself when DSA members are allowed to bypass the process by going outside of established and appropriate channels to obtain information.

The NPC recommendations to the 2021 Convention, which amended Resolution 33, contained the following provisions about NPC confidentiality:

The NPC must abide by confidentiality requirements. All NPC members who receive grievance-related information are required to sign the NPC version of the Chapter Impartiality Form, which requires NPC members to keep the grievance deliberations confidential and to discuss them only in executive session. Grievance matters are initially determined by the Steering Committee, which keeps information about the grievances limited to a small group of people. The Steering Committee may, but is not required to, refer the grievance to the full NPC if the Steering Committee is unable to reach a consensus.

Chapter leadership and HGOs must work through the NHGO and not contact the NPC directly about grievance matters. Chapters and/or parties are not permitted to “lobby” the NPC about their desired outcome on appeal, and efforts to do so may be considered misconduct.

In 2020-2021, the NPC dealt with two expulsion appeals based upon chapter leader misconduct, which resulted in findings against seven individuals. Five other chapter leaders resigned, rather than participating in the grievance process.
Enforcement Considerations and Analysis:

There are a number of categories of grievances that do not fit neatly into the parameters of Resolution 33, or were difficult to assess in the HGO’s Annual Report, so I will give them supplemental consideration here. Please note that these categories are not 100% precise and that the numbers supplied are estimates, since we are establishing and describing these categories essentially for the first time.

Administrative Expulsion: (Total: 12 chapters, involving 17 individuals; 4 in 2019-20)

This is when a member who is either facing a grievance or who lost a grievance decided to resign rather than face consequences from the grievance process, or to appeal the chapter expulsion. They have been noted in the membership database and will not be allowed to return without permission from the chapter/notification that they have gone through a grievance or accountability process:

- 3 members have been expelled from a chapter when they chose to resign once being notified there was a grievance process instead of being accountable to it
- 5 Chapter leaders resigned in protest after refusing to process a grievance, and objecting to how it was handled by the newly elected executive committee
- 4 members were notified several times that a grievance had been filed against them, but never responded to the notifications of the investigation. When that member’s annual membership expired without renewing, they were designated as resigned so that they could not later rejoin without first cooperating with the investigation.
- 4 Members chose not to appeal their chapter expulsion and have left the organization rather than participating as At-Large Members.
- 1 member was previously expelled, but the expulsion was extended when the member engaged in similar behavior in another chapter. The member did not respond to communication about the second chapter’s request for expulsion.
Active Appeals: (Total: 6)

As of February, 2022 (not adhering to the July 1-June 30 time frame of the Annual Report) I have six potential appeals pending, which can be described as follows:

- 3 appeals are Resolution 33 appeals
- 1 appeal is a Non-Resolution 33 appeal, which are now subject to the same appeals process as Resolution 33 appeals.
- 2 appeals are a partial resolution of a prior grievance.

These appeals will be heard by the NPC at their earliest convenience, unless resolved in some other way.
Closed Resolution 33 Appeals: (Total: 6, involving 10 individuals; 5 in 2018-2019)

- 4 were heard by the NPC SC and resulted in some action being taken
- 1 of those was heard for a second time after the conduct recurred.
- 1 involved a couple where the appeal was combined because it presented a common factual situation with the same chapter, so action was taken against 6 individuals.
- 1 appeal originally closed in 2018-2019 required significant additional attention in 2019-20, and was recently closed again in November 2020.

Closed Non-Resolution 33 Appeals: (Total 2)

- 2 were expelled under chapter bylaws provisions, and those expulsions were upheld by the NPC at the chapter level only, with At-Large status permitted.
Convention Related: (Total: 14, in the below categories)

The NHGO is asked to assist with Convention credentials challenges that are based upon the member’s involvement in a grievance process. The types of challenges addressed before the 2021 Convention are as follows:

**Referred to the Elections & Credentials Subcommittee:** (Total: 4)

These were situations that, after analyzing the underlying facts, were more appropriately handled by the E&C Subcommittee due to a sufficient lack of connection to a grievance matter. The total number of individual members impacted is unknown, since the NHGO was not involved in further determination of these member credentials.

**Grievance Related Credentials Challenges:** (Total: 8)

These were situations where a determination was made that due to the member’s involvement in a grievance process, that the member’s credentials will not be granted to serve as a delegate. Four were the subject of a credentials challenge that was overruled by the Convention body.

**Grievance Related - NPC Candidacy:** (Total: 2)

These situations involved NPC candidates who required a determination as to whether they met the candidacy requirements. These two candidates were found to be ineligible.
Extraordinary Circumstances: (Total: 11; 10 in 2019-2020)

- With the expansion of the NHGO’s annual contract in 2020, Paula and Ana took on a significantly deeper level of involvement with four times the number of chapters as happened previously.
- We reserve the term “extraordinary circumstances” where there is a significantly elevated level of conflict with these chapters, and keep them in this category until the high level of ongoing conflict is resolved or calmed and the chapter’s operations are not severely impacted by the pending grievances and/or conflict.
- These 11 chapters had levels of conflict and multiple grievances with multiple parties that required far more of our time and involvement than the rest. Some of the reasons why these are considered extraordinary include:
  - more than 25 hours worth of work by Paula and Ana;
  - the need for an extensive investigation conducted in full or in part by Ana;
  - mediation, restorative justice, or more extensive conflict resolution work;
  - a public disclosure and/or confidentiality breach that has impacted DSA’s reputation in the community and/or invited involvement by individuals outside DSA;
  - incidents of sexual violence or emotional abuse that require additional survivor support by those trained in trauma-informed best practices;
  - multiple grievances/counter grievances that arise out of the same incident or pattern or which involve common parties;
  - an organizing committee where virtually all of the local DSA members are part of leadership and/or involved in the conflict.
- As of June 30, 2021, 7 of the 11 had resolved or dormant conflict, while 4 were still pending as of the deadline and continue to be in this category.
Inactive Grievances: (Total: 3; 15 in 19-20)

This is a category of items that are currently on hold, either because they have seemed to resolve themselves, the reporting party is not choosing to move forward at this time, or there are other factually-specific reasons why the grievance/appeal does not require the resources of the organization right now.

Please note that Res. 33 doesn’t require a deadline for filing or moving forward, so if the parties want to move forward in the future, I have retained the information that would permit them to do so.

- All 3 required some level of investigation (one was formerly in the Extraordinary Circumstances category, and could end up being resurrected in the future)
- Minor queries where the person didn’t get back to me about proceeding or declared that they didn’t want further processing at this time are now part of the Technical Assistance-Basic category, which explains the discrepancy between this year’s and last year’s numbers.
Non-Resolution 33 Expulsion Cases: (Total:6; 7 in 2018-19)

These are cases where upon closer examination after a chapter expelled a member, that we determined that there were not grounds for a Resolution 33 appeal, and/or the chapter did not use Res.33 to perform the expulsion.

After starting work at the NHGO in 2018, I learned that while both chapters and the National organization have grounds for expulsion in their by-laws, that an expulsion procedure had not really been developed and used. The passage of Res.33 prompted the filing of a lot of grievances, which in turn resulted in many more expulsions than had taken place in the past. As mentioned earlier in this report, initially the NPC established a separate process but they were then merged into one.

In the reporting period, we began hearing expulsion appeals following the same appeals process used under Resolution 33, which was codified at the 2021 Convention in August.

- 2 were chapter expulsions where the chapter recommended National expulsions, and the member chose not to appeal that determination, so their expulsion was entered administratively in the member database.
- 2 were chapter expulsions where the chapter did not recommend a National expulsion, but the members chose not to remain in DSA.
- 2 went through the appeals process and had their chapter expulsion confirmed by the NPC. (After the reporting period, one attempted to be an At-Large Convention delegate, and was denied; while the other chose to leave the National organization without being required to).
Chapter Technical Assistance: (total: 16; 22 in 2019-20)

These are requests for assistance not related to a potential grievance. While the number went down slightly, it appears to be related to the number of trainings we did during the reporting period.

Here are examples of the types of technical assistance I provided in response to chapters reaching out during the time period covered by the Annual Report, most focused on ensuring the chapter was compliant with Resolution 33:

- requesting assistance with enacting their harassment policy/by-laws changes;
- requesting training/templates/forms or following up from trainings;
- questions about selecting or electing HGOs;
- conflict resolution assistance generally, not related to Resolution 33;
- requests referred by the National field staff when they identified chapters who needed assistance.
- reaching out to share materials chapters had developed

Whether it relates to general implementation matters or matters that are more specific to grievances, I highly encourage chapters to use me as a resource for technical assistance.
Grievance Technical Assistance--Basic: (Total: 32; 34 for basic TA in 19-20)

For this report, I’ve created two new categories under technical assistance, in an attempt to further refine my descriptions of my work. I’ve divided this category into “basic” and “intermediate.” The basic category will refer to one-time involvement in a grievance by a chapter that is five hours or less of work, including one or two phone calls or an ongoing email exchange. It’s a quick check in about how the HGO is handling the situation, usually involving the following:

- whether particular conduct is grievable under Resolution 33, and if so, how to proceed
- whether a particular individual was eligible to file a grievance
- input regarding documents the chapter developed for use in a particular grievance
- conflicts of interest in the grievance process
- how confidentiality applies in the grievance process
- some other question that can be quickly resolved

As the grievance program expands, and new HGOs come on board, this number will increase. Over time, as HGOs become more proficient at handling grievances, hopefully more grievances will stay in the “basic” category as opposed to the “intermediate” category.
Grievance Technical Assistance--Intermediate: (Total: 13; 10 in 2019-20)

The second category is “intermediate.” It will refer to more extensive involvement in a grievance by a chapter that is five to fifteen hours of work, including several phone calls, meeting with parties or assisting with an investigation, or an ongoing email exchange over many months. A handful involved concerns about legal liability or what they saw as legal questions, which may have required a consultation with DSA's attorney. It generally involves ongoing monitoring of how the HGO is handling the situation, usually involving the following:

- whether particular conduct is grievable under Resolution 33, and if so, how to proceed
- whether a particular individual was eligible to file a grievance
- input regarding documents the chapter developed for use in a particular grievance
- conflicts of interest in the grievance process
- how confidentiality applies in the grievance process
- some other question that can be quickly resolved

As the grievance program expands, and new HGOs seeking the NHGO’s assistance or who participate in training come on board, this number will increase. Over time, as HGOs become more proficient at handling grievances, hopefully more grievances will stay in the “basic” category as opposed to the “intermediate” category, and we can prevent escalation into the “extraordinary circumstances” category. Sometimes these will become appeals, but the goal if at all possible is to reach a resolution within the chapter that doesn’t require an appeal because the chapter has learned the skills to handle it appropriately locally.
Ana Avendaño’s Work:
(No specific numbers provided because they are addressed in other categories as appropriate.)

Ana is a colleague of Paula’s who joined the NHGO team in mid-2019 to assist with particular types of grievance work that Ana’s skill set uniquely qualified her to address.

- Based upon her experience drafting and working with codes of conduct and civility norms, she began working with the code of conduct drafting and was involved in drafting the Meeting Code of Conduct, passed in April 2020, and the National Code of Conduct, passed in September 2020.
- Based upon her experience as a trainer and adjunct professor, she has trained the 2019-2021 NPC on codes of conduct and civility norms and the National field organizers on conflict resolution.
- As part of the 2021 contract, she developed a racial justice training, that was delivered to the NPC, representatives of the PoliEd committee, and a chapter.
- Also as part of the 2021 contract, she developed a complex conflict resolution training that was delivered at three Pre-Convention meetings in May 2021 and will be delivered periodically in 2022.
- She has developed a curriculum and began working with participants in the New Masculinities program, a one-on-one guided series of conversations for the purpose of changing behavior and involving restorative practices to minimize harm.
- Based upon her experience in conflict resolution and mediation, and as a trained restorative justice practitioner, she has been involved in several of the “extraordinary circumstances” and “technical assistance - intermediate” conflicts, where she has performed investigations, made recommendations about conflict resolution and restorative justice, and conducted mediations/healing circles.
- Based upon her experience with survivor-focused, trauma informed work, she has taken the lead in conversations and investigations where the grievance allegations involve sexual violence, harassment or assault, and/or emotional abuse within relationships. This requires specialized training and sensitivity that goes far beyond what HGOs can learn in training, so enables us to quickly respond when survivors need support beyond what those involved in the chapter-level investigation can provide.
I greatly appreciate all that HGOs, chapter leaders, National staff, and the current and former NPC have done to establish DSA’s grievance program and to bring the aspirations of Resolution 33 to life. HGOs in particular have a very difficult job and have generally performed in an exemplary fashion to address significant amounts of tension and conflict in their chapter. Without their work, many chapters would risk becoming dormant or defunct, in addition to losing their status in communities when outside organizations and individuals are aware of the conflict.

While we still have considerable work to do to transform DSA’s culture to create a fully harassment-free, safe organizing space, we have also made considerable progress since my hire in June 2018. I look forward to the opportunity to move past some of the existing divisions within DSA that impact the grievance program, so that we may continue to expand the grievance program’s work in 2022 in a manner that effectively exemplifies and advances the organization’s values through Resolution 33 and beyond.

Paula Brantner
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