National Harassment Grievance Officer
Annual Report on
Convention 2017 Resolution 33

Paula Brantner, National Harassment Grievance Officer
March, 2020
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) 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 a full year of 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 chapters, is prepared in compliance with DSA's National Harassment Policy, Resolution 33 from the 2017 national convention, which requires mandatory annual reports. This report covers the dates July 1, 2018 to June 30, 2019, so that future reports will cover entire one-year periods, and will be ready in time for subsequent DSA Conventions. This one year period is also a more accurate timeline with which to evaluate my role in launching a national grievance program, as I was hired and began work on June 15, 2018. While chapters could and did engage in grievance processing before July 1, 2018, that was not informed by the trainings, technical assistance, and policy guidance that has been created since that date, and any actions that were still pending (including appeals) on July 1, 2018 would be included in this report.

Methodology:

DSA HGOs and chapter leaders were sent a survey link in November 2019 to facilitate gathering data for the report. The first set of 11 questions was required to report compliance with Resolution 33. Section 2 was a set of 8 optional questions concerning the HGO position. Section 3 was a set of 5 optional questions concerning grievance/conflict resolution more generally, including questions about an organizational code of conduct. Section 4 was required with 5 questions requesting contact information.

There was an initial deadline set of November 25, 2019, with a goal of having between 50-75 responses. As of that deadline, there were 50 responses. However, after we extended that deadline past the Thanksgiving holiday, and National staff conducted some additional outreach as of December 15, 2019, there were 81 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, 2018 and June 30, 2019, how many formal harassment grievances were filed with your chapter under Resolution 33?

1) Between ONLY July 1, 2018 and June 30, 2019, how many formal harassment grievances were filed with the Chapter By-Laws/Code of conduct.

81 responses

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Commentary:

Total number: 63 formal harassment grievances were filed in chapters between 7/1/18 - 6/30/19

While of course as NHGO, I primarily deal with chapters that have grievance problems, I was pleased to see that over two-thirds of reporting chapters did not have any reportable grievances in 2018-19. This will help establish a baseline for future reporting, so that we can try to analyze whether more members feel empowered to file reports once the program has been going for some time, or whether over time, the number of reports will diminish due to the effectiveness of prevention strategies and/or other methods of resolving conflict.

It is unclear at this time whether people are choosing not to report reportable conduct because they don’t have faith in the system (as is often the case in the workplace setting and criminal law setting), or because they don’t know about the grievance process (especially with a newly adopted process.) Or they may not feel any harassment occurred and therefore there is nothing to report (which is ideal when and if it’s the case.) This is consistent with conventional wisdom about reporting barriers in other settings. It is also unclear whether chapters with a higher number of grievances (six here) are more contentious and problematic, or whether it’s a function of their greater size. We would expect chapters in major cities with thousands of members to have more grievances than a chapter with 100 members or less. Future analysis plus anecdotal information from individual grievances will help determine what a high number in a chapter signifies, and whether the lack of grievances indicates that harassment is less of a problem in that chapter, or because reportable conduct wasn’t reported.
Commentary:

*Total number: 57 were investigated by chapter HGOs*

There is a disparity in each answer which 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.

While those identified as the accused in grievance filings are not permitted to resign to evade the consequences of the grievance outcome, some who file grievances choose to leave the organization rather than engage in a protracted battle that embroils the chapter in conflict. It is my hope that the more that individual chapters employ the grievance process, the more likely it is that people will see the voluntary resignation of the accused as an effective way to solve conflict. A voluntary resignation removes the potential harm to other members from the accused’s continued presence, and quickly accomplishes Res. 33’s primary enforcement mechanism, a separation from DSA’s membership. Having the grievance process in place gives chapters multiple tools to address the behavior and resolve the conflict in the best manner, whether there is a formal grievance or not, and whether there was a full adjudication of the matter.
3) Of the formal harassment grievances investigated by your chapter HGOs, how many were referred to chapter leadership for a resolution?

Commentary:

Total number: 32 grievances investigated by chapter HGOs were referred to chapter leadership

This is where you would expect to see a significant dropoff, with grievances getting resolved in other ways besides making a formal report to chapter leadership. Given the time it can take for chapters to resolve grievances, and other ways of resolving conflict-filled situations, grievances that make it all the way to chapter leadership for resolution are usually the most serious that cannot be dealt with in any other way.

This number over time may go up before it goes down, as people become more familiar with the grievance process and more grievances work their way through the various stages of the process. But I expect that number to stabilize at less than 50 annually, and potentially even lower, based upon the volume I continue to hear about after the June 30, 2019 deadline. If the number of reports goes up, due to familiarity with and trust of the grievance process, those will continue to be balanced with chapters being more experienced at handling conflict and discouraging inappropriate behavior, therefore making it more likely that they will be able to handle some grievable behavior/conflicts without a referral to the steering committee.

Over time, the goal is to discourage those with a history of problematic conduct from joining the organization and causing harm, and to create awareness locally that DSA has successfully established and is committed to enforcing conduct standards, and there are consequences for violating them.

Reporting to the local steering committee is an oft-misunderstood yet critical piece of the grievance process. As provided in Res.33, “The HGO(s) responsible for adjudicating the dispute will determine whether the report is credible and, if necessary, make a recommendation
to [the] Steering Committee of appropriate disciplinary action...." 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 National HGO or NPC to solve this problem without making an effort to devise appropriate solutions and consequences, tailored to the specific conflict and assessment of what is needed to resolve it.

The system of referring the HGO's report to the steering committee for a decision is also an important set of checks and balances. If the steering committee is concerned that the HGO did not conduct a thorough investigation or reach an accurate conclusion, that can be overturned or modified. 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 training and guidance for HGOs. 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)?

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)?

81 responses

Commentary:

Total number: 26 of the referred cases resulted in a finding of a Resolution 33 violation

In the first year, this number may seem very high. Time will tell whether it was the pent up demand of not having a process in place before, a very high rate of inappropriate behavior, or some combination of the two.

With 32 grievances referred to the chapter leadership body and 26 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 these six situations actually “overruled” the HGO.

I have also advised in my trainings and one-on-one technical assistance conversations (technical assistance = advice on applying Resolution 33 in the chapter’s specific situation) to avoid an overly legalistic approach to Resolution 33. 79% is a very good affirmation rate -- much higher than we find in the legal system for complaints of this nature. Ideal is a high but not 100% affirmation rate, so we are 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?

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?

81 responses

Commentary:

Total number: 12 of the findings of a Resolution 33 violation were appealed to the National DSA

Thus far, there have been nine appeals filed and sent to the NPC for a final resolution. Part of my post-report followup will involve cross-checking the affirmative answers to this question to ensure that I am familiar with all of these cases and any explanation for the 3 discrepancies.

Typically, appeals take one or two months to resolve once an appeal form has been filed, but this year, since we were starting appeals for the first time, some took longer than that to resolve. There is only room on a standard NPC Steering Committee’s call agenda for two grievances, and potentially only one if there are other grievance matters to be discussed.

In this first year, there was a great deal of triage involved, which may not be visible to the NPC or membership. Sometimes there were time-sensitive deadlines, such as for the Convention, to be resolved to determine a party’s participation. Some appeals had policy or process issues to address before the underlying appeal could be processed and recommended consequences could be determined, as virtually every appeal early on identified new issues that lacked concrete guidance from Res. 33. I relied upon my professional background and best practice and assessed the grievance’s impact to prioritize appeals for resolution. Of course, there were sometimes also other, non-appeal priorities that were addressed through technical or other support to chapter HGOs. If a case in a chapter was particularly severe or required swift action, that would take precedence over processing an appeal at the national level. This is especially the case when the appealing party has already been expelled by the chapter, and the subject of the appeal is when they will be permitted to return.
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)?

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)?

81 responses

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Commentary:

Total number: 29 non-Resolution 33 cases were filed

Now that Resolution 33 has been in place for over two years, and 200+ individuals within DSA have been trained, it is becoming increasingly clear that there are a number of situations that do not fit under Res. 33, but are nonetheless disruptive to chapter operations. Early on in my tenure, I observed that some members would file a grievance any time that they became upset about another member’s conduct, which required HGOs and chapter leaders to define the parameters of the grievance program and weed out those conflicts that didn’t fit under Res. 33. Some chapters have created codes of conduct that encompass other conduct. Others have used the expulsion procedure contained within their by-laws that typically covers “undemocratic, disruptive behavior,” and/or “failure to follow the policies of DSA.”

National staff and the NPC created an alternative appeal procedure to enable a member who has been expelled from a chapter to appeal their expulsion to the NPC, separate and distinct from the Res. 33 appeals process. While we should work to improve and enhance both appeal procedures, accompanied by work on a National code of conduct, it is a positive development to see chapters thinking about enforcement considerations and how to address behavior that does not fit within Res. 33 parameters. While this is the most complicated part of Res. 33’s language to navigate right now, we are making progress at further refining our approach to this issue. Some do not think Res. 33 goes far enough, in that harmful conduct is not covered unless it is motivated by the target’s membership in a protected class. Others think
it goes too far, by using a process developed for "harassment" to deal with what they see as less important, minor disputes. Accused parties often feel that facing a grievance under this process labels them as an abuser and causes them to dig in and fight the process and its outcome much more than they might otherwise.

There is a lack of organizational consensus around dealing with disruptive conduct that is not based upon a person’s individual characteristics. Some would prefer a more punitive approach that removes the accused's access to organizational resources and prevents further harm to the chapter's reputation. Others feel strongly that a restorative justice approach is warranted, consistent with DSA’s other deeply held values. Several chapters have attempted to employ a restorative justice process which did not lead to the desired outcome or caused a perception that the chapter did not sufficiently address undesirable behavior.

While my trainings and technical assistance conversations have urged a broad funnel to consider and investigate potentially grievable conduct, rather than immediately dismissing it as not fitting under Res.33’s coverage, I have also advised the NPC to devote significant resources in 2020 to building 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.
7) Of the non-Res.33 grievances handled by the chapter, how many resulted in chapter expulsion?

Commentary:

Total number: 8 non-Resolution 33 cases resulted in chapter expulsion

(This number is smaller than the answer to the next question, which appears to be due to an expulsion that occurred before the reporting date.)

If only eight of 29 grievances that were not brought under Res. 33 resulted in an expulsion, then it does appear that chapters are reserving expulsion for the most serious offenses, which is reassuring that it is not being overly weaponized for minor transgressions. When and if we are able to enact a National Code of Conduct, that will help standardize the treatment of non-Res. 33 grievances among chapters and reinforce specific cultural norms throughout the organization, which is currently hard to do without a common standard for non-Res.33 conduct.

I see this as one of the major challenges to be faced by the organization in the next year. 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. This is also coupled however, 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 it to either spend all of its time dealing with 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. There can also be 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.
Question 7A (see below):

7) Of the chapter expulsions, how many did you send notice of to the National office via the form on the national website or via other means?

81 responses

![Bar chart showing the number of chapter expulsions sent to the National office]

Commentary:

Total number: 9 of the chapter expulsions were sent to the national office

(Please note that there was inadvertently a duplicate question 7, so this is labeled as 7A here to prevent further confusion.) While there has been much publicity surrounding Res. 33, there has been less coverage of the National expulsion procedure. Some chapters have also chosen to expel a member locally, but have not pushed for a National expulsion. We will work in 2020 to communicate with chapters more closely so that we know what chapters are recommending when they expel a member locally, and so that chapters know when they expel someone, that there should also be a recommendation regarding National membership.

The national office is maintaining 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 it is helpful for all concerned to be 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. There is concern that people are getting back in and causing harm; however, we already have the “do not fly” list referenced above, and continue to work on protocols specific to certain situations 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.
8) Of the non-Res.33 grievances that resulted in expulsion, how many were referred to National for a National Exp...ing the form on the national website)?

81 responses

![Bar chart showing 77 responses (95.1%) and 2 responses each for 1 and 2 expulsions, with the rest being 0% for 3 to 10 expulsions.]

Commentary:

*Total number: 6 chapter expulsions were referred to the National DSA for national expulsion*

*While this number is currently very low, that is to be expected with a new expulsion procedure that was enacted in the middle of the evaluation year (in January 2019). This number is likely to increase for a while as chapters learn about and utilize the expulsion procedure, and as the expulsion procedure is further integrated with Resolution 33 and/or a National code of conduct.*
9) 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?

81 responses

Commentary:

Total number: 43 inquiries were resolved without a formal grievance

It is positive to see so many situations resolved without filing a formal grievance. 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. 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. So following the full grievance process through to completion may not always be the best way to handle every conflict.

Over time, as we do more training on conflict resolution generally, and newer members who joined post-2016 become more integrated within DSA’s culture, we will hopefully continue to see members contacting the HGOs when there is conflict to report.

The goal is to create a climate where it is perceived as safe to report conduct issues, but also where the HGOs can work with members to resolve their conflict without going through the formal grievance process every time. Some chapters have also created ombuds or mediation teams, to sort out conflicts of this nature which do not require the formality of the Res.33 process or chapter expulsion procedures. Sometimes, when particularly abrasive/litigious individuals are asked to file a formal grievance and/or advised about DSA’s 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.
10) As of June 30, 2019, how many Res. 33 grievances were pending/unresolved? (defined as not having had your leadership body vote yet)

**Commentary:**

_Total number: 4 grievances were unresolved_

_This number is very promising and demonstrates we may be through the worst of handling a large volume of grievances._ As discussed in previous responses, there was a great deal of pending conflict when I started work in June 2018, which is reflected in the responses to this report.

If by establishing processes and procedures, we have been able to channel this conflict productively by separating disruptive individuals intent on engaging in harassing behavior from the organization and enabling other conflicts to be handled informally, then the process is working as intended.

_New conflict can and does arise at any time, so it is unlikely we will ever see zero in any category listed here. That would be just as alarming as having hundreds in any category._ But if we can keep moving towards the “timely, efficient, accurate, and discreet adjudication of all reports” contemplated by Res. 33, then we will be able to focus on continued improvements to the process rather than having to triage the backlog of either grievances at the chapter level or appeals at the national level.
Question 11: As of June 30, 2019, how many NON Res. 33 grievances (based only on code of conduct/by-laws) were pending/unresolved? (defined as not having had your leadership body vote yet)?

11) As of June 30, 2019, how many NON Res. 33 grievances (based only on code of conduct/by-laws) were pending...g had your leadership body vote yet)

81 responses

Commentary:

Total number: 6 non-Resolution 33 cases were unresolved

Similar to the number in question 11, I am glad to see this number be relatively low, which may indicate we are mostly through the backlog of grievances that existed in mid-2018. It also indicates that chapters are understanding and addressing the differences between conflicts that arise under Res 33 and those which do not, and handling the latter less formally.

However, this does not obviate the need for National guidance on a code of conduct so that chapters understand the optimal way to handle non-Res. 33 conflict and that it is handled with some consistency throughout the organization, especially as it relates to restorative justice and/or expulsion.
Commentary:

Based on chapters that filled out the form, a majority of chapters which have HGOs have at least the required minimum number of two HGOs, with some recognizing that the workload is enough that even more than the minimum is needed. The focus in 2020 will be on helping chapters without HGOs identify, select and train them, and in giving additional support to HGOs who have particularly time-consuming grievances or difficult situations that don’t fit cleanly into the parameters of the grievance program.

Because grievances typically involve significant conflict between individuals and sometimes groups of individuals, and the outcome often leaves at least one side unhappy, the HGOs’ work can be very stressful, and can also become very politicized within the chapter. People don’t join DSA to do grievance work, but those who embrace it as part of their commitment to DSA need considerable support, especially in the initial phases of grievance program implementation where there are few “routine” grievances.
Commentary:

This result is obviously fairly evenly divided, even if the actual answer to the “I don't knows” were to tip it slightly in one direction. While Res. 33 requires chapters to develop a process for having HGOs, it is agnostic as to whether they should be selected or elected.

Thus far, I am 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. I am aware 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 present a possibility that HGO selection could become politicized according to the prevailing chapter politics and/or factions.

My general inclination is to minimize the number of specific requirements on chapters that are not required by Res. 33. So at this time, I am not making a specific recommendation whether to favor election or selection, but it may be something for future consideration if Res. 33 is amended or there is further evidence of the HGO being politicized or weaponized through particular means.
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 an in-person training until their term was nearly complete, then the term limit would be counterproductive in that instance.

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 does not rise to the level of something that requires national-level consistency, nor have serious problems with a particular approach been identified, I am not making a specific recommendation at this time. This is something to watch in the future when and if revisions to Res. 33 are under consideration.
Do your HGOs also serve on the chapter's leadership body (Steering/Coordinating/Executive Committee)
71 responses

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 the respondents did not think that was 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.

That recommendation was tabled by the former NPC Steering Committee but I will urge that it be resurrected, especially if there are proposed amendments to Res. 33, or if it continues to propose a problem in particular grievances. I recognize that there would need to be a phase-out period, so that additional candidates can be identified, and elected in their next chapter elections. 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 see it as properly aspirational, something chapters should be working towards, rather than a strict requirement, but it is something that could impact the grievance program.
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?

62 responses

Commentary:

Total number: 51 HGOs have gone through training provided by National DSA

While 51 HGOs who were identified by this form indicated that they had gone through training, based upon the internal information we have, by asking training participants to sign in, and doing a head count at each training, the actual number is closer to 200 total. 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.

We now have enough HGOs which have been trained and enough training materials available to assess what would be needed to bring more formality to the HGO structure, such as a formal job description and training requirements. I have worked with several chapters to assist them in selecting and training HGOs. This will be a constant ongoing need.

One of the proposed budget items for 2020 is an enhanced training program which would enable “certification” of trainees and interactive trainings via Teachable. Another proposal for continued expansion will provide additional administrative support 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.)

47 responses

Commentary:

This feedback is useful to determine future training needs, both in-person, via webinar, and on a one-on-one basis. **There are some common responses that indicate that HGOs haven’t had the opportunity to attend the in-person trainings that are offered, or are waiting until they actually have a grievance to be trained.** There are also a number of other more individual responses that will need to be addressed with each chapter. This will be an important focus in 2020.

We learned a great deal from our earliest regional trainings about what was most effective. **Although we started with an NPC-approved training, we then incorporated feedback from each training to focus on the needs that HGOs were actually experiencing.** Some problems were unique to each venue: one did not have the AV capacity for slides and cut the anticipated two hours to one hour (a variation of this happened at several trainings where the morning agenda ran long, and the trainings at the end of the day were cut to make up time). I was out of the country or otherwise unavailable for three of nine trainings. While the selected presenters were professional anti-harassment trainers, they could not anticipate DSA-specific process questions.

But as far as the content, we learned several things over the course of doing the trainings and chapter HGO support.

One, the nuances of distinguishing behavior under Res. 33 and that which doesn’t meet the guidelines are very fact-specific, especially when there is not a standardized code of conduct nationally and many chapters do not have one at all.

Two, we have recognized that true trauma-informed training takes far longer than the organization has capacity to provide in a 90-min or two-hour time slot (one HGO reports that the training they conduct in their professional capacity is 40 hours). That is why we hone in on the basics in training, but do not see training as the be-all and end-all.
Three, technical assistance throughout the grievance process is critical to ensuring that HGOs and chapter leaders do not exacerbate the conflict through their handling of the grievance. The chapters who have sought out and are receptive to technical assistance seem to have much better outcomes, handling grievances faster and with less disruptive drama. These are considered best practices in the field of survivor-centered and trauma-informed responses. It makes it less likely that confidentiality will be breached and 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.
One best practice that I established almost immediately upon beginning my tenure as NHGO was the availability of listening sessions to those with a vested interest in the grievance program. Early on, the listening sessions were with chapter leaders and HGOs who helped develop Res. 33 itself or chapter grievance programs, either prior to or simultaneous with Res. 33’s passage in August 2017 (which had been in place 10 months before I started as NHGO). It was particularly important for me to be available since there had been a lapse between the Res. 33 passing and national DSA’s search process prior to hiring me, so coming in I knew there were a number of chapters I needed to support immediately. As time progressed, and I had conducted more regional trainings and became more well-known in DSA, I was referred many more calls.

While it will take some time to recreate my calendar, based upon my recollection, I have averaged at least one a week since I started, and quite possibly more. (I estimate that I am somewhere between 75-100 listening calls for the 19 months I have been in this position as of January 15, 2020, with roughly 60 calls in the year covered by this report.) I also estimate approximately 3-5 technical assistance email exchanges weekly, not counting grievances and/or 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 I have provided on the national DSA website, yet they seek validation that it is the correct one. Sometimes the calls are with parties who have encountered barriers in their chapter to filing and/or fairly processing grievances, which is one reason that the number of HGOs reporting calls does not match up with the number of calls I have done. 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 members who have been harmed to get specific, customized, confidential advice that is tailored to their situation, and a survivor-focused, trauma-informed, professionally-trained perspective on harassment and other inappropriate conduct.

In 2020, I intend to investigate any individual discrepancies identified by this report and continue my outreach to encourage those with concerns about how grievances have been or should be handled to contact me for assistance. Many of the current concerns about the grievance program’s effectiveness, which I understand have been raised by members of the NPC, can be quickly clarified and resolved once they are brought to my attention by the person with the necessary information and/or insight to resolve these issues.
Part II: Status Report on the NHGO’s Work:

NHGO Paula Brantner submitted this status report on DSA’s grievance program to the NPC on February 1-2, 2020, as a quarterly update on the processes and operations of grievance matters and appeals. While part was intended as a confidential supplement to the Annual Report, non-confidential portions were intended to be included here within the public document which will be released to the membership. My quarterly reports are typically focused on the current state of grievance matters. Now that we have over 1 1/2 years worth of progress, I have identified some important 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.

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 am in the organization, the more this is a significant part of my work, as I have built visibility, awareness, and trust through my work. Some of this work may 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. And by handling matters confidentially between us and helping HGOs and chapter leaders navigate that at the chapter level, we have minimized harmful conflict and drama 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.

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. After setting up the appeals process in April 2019, we have slowly but steadily moved through a backlog of appeals cases. After the NPC Steering Committee heard one appeal in November 2019, we now have a handful of pending cases that have unfortunately been sidelined by a focus on other grievance-related matters. We have now resolved 9 grievance appeals total.

In August I was on medical leave, which gave me the opportunity to begin familiarizing Ana Avendaño with DSA matters and culture, and she has continued to be an essential partner in our work, handling a major chapter investigation, multiple grievance reports where the reporting party has reported sexual assault, and preparing an initial Code of Conduct report and training to take place at the NPC’s February meeting.

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 over 27 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 built out the grievance program and established 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.

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

**Distinguishing Harassment from Other Disruptive Behavior/A Member Code of Conduct is Needed:**

My October report discussed in greater detail the limitation that **DSA as a whole does not currently 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 has been 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 has also allowed individuals who have engaged in problematic conduct not covered by Res 33 to weaponize the Res 33 process and continue to act 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 makes it difficult to consistently enforce disruptive and harmful conduct within the organization, since some chapters have individually adopted codes of conduct with varying language and enforcement mechanisms. We have 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 can tackle this issue head on with the amount of resources that are needed to make sufficient headway.

**The specific tasks we envision occurring through this contract will be discussed in more detail in Ana’s report, and will 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 additional comments from members as part of a “listening period” prior to drafting language
- Sol iciting 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, and suggested model language for chapters to adopt.
- 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.
- Issuing a final report with recommendations for the NPC, NHGO and National staff, with
  specific action items to execute the recommended strategy in 2020.

Confidentiality and the Weaponizing of the Grievance Process:

Historically, grievance processes for workplace harassment, upon which Res 33 language is
based, have been confidential. Res 33 is no exception to that: HGO investigations are to be
conducted “with the utmost respect for the confidentiality of the parties,” and there is to be
“timely, efficient, accurate, and discreet adjudication of all reports.”

Yet with all these precautions taken to enforce confidentiality (as identified in last
quarter’s report), there remains a culture within the organization of improperly sharing
information about grievances (sometimes deliberately), weaponizing the process to
selectively share information that is favorable to one’s position, and/or refusing to
correct misinformation or as identified in the ultimate appeal outcome.

With confidentiality respected, grievances can be minimally disruptive to chapter operations.
The results can often be quickly and non-controversially reinforced on appeal, with expulsion if
warranted removing the violator’s potential for future harm in DSA spaces. Even if adjudication
takes longer, the member has been removed and loses the ability to engage in more harm while
the grievance is being adjudicated. (Members who have been expelled from a chapter do not
participate locally while the appeal is pending, and if necessary, we may take action temporarily
so they do not participate elsewhere in DSA as an at-large member while the appeal is
pending.) That is the policy’s intent and what we work toward in every situation.

We must continue to look for ways to promote and enforce confidentiality at every step
of the process, and enforce consequences against those who violate the confidentiality
of DSA’s grievance program. Chapter leaders and the NPC can show leadership by
continuing to reinforce this value at each opportunity and by modeling good behavior to the rest
of the organization.
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.

The 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.

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.

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: 8)

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. 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:

- 1 member has been expelled from a chapter when they chose to resign once being notified there was a grievance process instead of being accountable to it
- 1 member has been expelled from a chapter when notified there was a grievance process and hired a lawyer to intimidate us to drop that process. (When that didn’t work, they resigned.)
- 4 members resigned after being expelled from the chapter and choosing not to appeal
- 2 members resigned following appeal because they didn’t agree with the outcome

Convention-Related Cases: (Total: 2)

With the Annual Convention in August 2019, we dealt with some grievance situations that were specific to the Convention and whether a member would be allowed to participate:

- 1 concerning whether a member suspended in a grievance process with an appeal pending should be eligible to attend the Convention as a “member in good standing” in the wake of a grievance case. This was heard by the NPC SC with a recommendation to the Credentials Committee
- 1 concerning whether a member expelled from another organization would be allowed to attend the Convention; this was heard by the NPC SC

Active Appeals: (Total: 4)

As of February 1, 2020 (not adhering to the July-June time frame of the Annual Report) I have four potential appeals pending, which can be described as follows:
• 1 will be ready for consideration at the next SC meeting, but has been postponed twice due to the priority of other agenda items.
• 1 has been on hold for several months due to needing to resolve some of the expulsion cases first, as how those are handled will influence my recommendations as to how the appeal should be handled
• 1 appears to have been resolved through conversations I have had with the chapter and with the party, so the NPC SC appeal will not be necessary.
• 1 I am waiting for the party to file, but they have indicated that they plan to do so but were delayed over the holidays.

Closed Appeals: (Total: 5 + 4)

• 9 were heard by the NPC SC and resulted in some action being taken (8 before the Convention and 1 since then.)
• 4 of those should not be double-counted, 2 in the Conventions category and 2 in the Extraordinary Circumstances category

Extraordinary Circumstances: (Total: 2)

• 2 chapters had levels of conflict and multiple grievances with multiple parties that required far more of my time and involvement than the rest.

Inactive Grievances: Total: 18

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.

• 7 that required some level of investigation or more than an email or two, and which could end up being grievances/appeals in the future
• 11 that were 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

Intrachapter Disputes/HGO at-large: (Total: 3)

This is a new category created once a particular type of dispute kept arising, between members who were in different chapters, or when a party had at-large status, or where the dispute arose in DSA spaces online, and so there was not an chapter HGO available to accept the dispute.
The NHGO cannot handle these cases because I need to be able to objectively review the investigation if either party wishes to appeal the initial decision. There must be checks and balances, so that I am not a “party” to the outcome. (This in my opinion was an unforeseen problem with Res. 33’s drafting that I would recommend updating.)

There was a resolution submitted at the Convention for an HGO committee who would be available to hear disputes of this nature, but it was not considered. Following the Convention, we worked to identify a person who would serve as an “HGO at large,” Michele Rossi. She has received training and has begun processing grievances.

- 2 grievances are under consideration by the HGO at-large
- 1 grievance will potentially be considered by the HGO at large, or may be treated as an “extraordinary circumstance,” as it is tied to those chapters and is mostly taking place online.

**Non-Resolution 33 Expulsion Cases: (Total: 17)**

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, 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. An expulsion process was developed, and cases have now been referred to that process under the supervision of National Director Maria Svart.

- 3 that went to the National Director for administration under the Expulsion Process
- 3 that required some level of investigation before determining there hadn’t been a chapter process or that they were otherwise not appropriate for appeal
- 11 which were minor queries that were clearly not appropriate for any process
Chapter Technical Assistance: (total: 70)

These are requests for assistance not related to a potential grievance. Here are examples of the types of technical assistance I provided chapters during the time period covered by the Annual Report:

Most of the requests were 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, and/or questions about selecting or electing HGOs. Some chapters reached out for conflict resolution assistance generally, not related to Resolution 33. We had requests referred by the National field staff when they identified chapters who needed assistance. Some chapters reached out to share materials they had developed, which was especially helpful to guiding the trainings and materials that have been developed for widespread dissemination. There were some very specific needs related to YDSA, and endorsement of candidates.

I anticipate these numbers will continue to grow, and I highly encourage chapters to use me as a resource for technical assistance.

Grievance Technical Assistance: (Total: 19)

Here are examples of the types of technical assistance I provided regarding grievance matters during the time period covered by the Annual Report:

These were questions from HGOs and/or chapter leaders concerning the handling of a specific active or potential grievance. Most involved a particular set of behaviors where the chapter was wondering whether it was grievable under Resolution 33, and if so, how to proceed. Some concerned whether a particular individual was eligible to file a grievance. A handful involved concerns about legal liability or what they saw as legal questions. I have also been asked to provide guidance about the following topics: documents the chapter developed for use in a particular grievance; conflicts of interest in the grievance process, possible infiltration by Project Veritas, grievable conduct by a coalition partner, and how confidentiality applies in the grievance process.

I expect this number will also continue to grow, as HGOs and chapter leaders that I have trained realize that they don’t have to go it alone, and as new conflicts arise that need special consideration.
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. While we 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 continuing and expanding my work in 2020 to enable further expansion of DSA's grievance program to move beyond the basic parameters of Resolution 33 to advance the organization's values.

Paula Brantner
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