



San Francisco Democratic Party

Special Committee on Sexual Assault and Harassment in the San Francisco Political Community

Code of Conduct and Policies for Sexual Assault and Harassment for the San Francisco Democratic Party

1. Statement of Values

The San Francisco Democratic Party / Democratic County Central Committee (SFDCCC) is committed to providing a welcoming, respectful, friendly, safe, supportive, and harassment-free environment for members, employees, interns, volunteers, contractors, and all others associated with the SFDCCC. The SFDCCC firmly believes that everyone has a right to safety and to be free from assault and harassment when engaging in the political process.

We acknowledge that the political environment is particularly predisposed for abuses due to historical common hierarchies of power including, but not limited to, race, gender, socioeconomic status, sexual orientation, gender identity, and physical and learning disabilities, the reliance on temporary and volunteer work, and environments with inherent unequal power dynamics.

As leaders of the SFDCCC, we must build inclusive spaces for all, free from all forms of sexual abuse and harassment, and lead in implementing guidelines and procedures that will ensure a positive and safe environment for all members, employees, interns, volunteers, and all others associated with the SFDCCC.

As political activists and leaders we must hold ourselves to a higher standard.

2. Policy Text

1. The California Democratic Party Code of Conduct

The SFDCCC has adopted the California Democratic Party [Code of Conduct](#), which prohibits sexual harassment, and sexual assault.¹

2. Policy Coverage

The SFDCCC Code of Conduct and California Democratic Party Code of Conduct are not limited to official meetings. Conduct in violation of these Codes will not be tolerated at any events sponsored by or having an official connection with the SFDCCC or chartered clubs, as well as in any SFDCCC or chartered club office and in any call, text, or email, or on any digital communication platform or social media, that occurs in the context of conducting SFDCCC or chartered club business.

3. Bystander Intervention/Enabling

The SFDCCC supports ‘SEE SOMETHING, SAY SOMETHING’ to protect those participating in politics.

Bystander intervention is a prevention strategy that encourages witnesses to take safe action when they see a situation that might lead to sexual violence or abuse, and to support victims after an incident.

Recommended Bystander Intervention Steps:

- Notice what is happening around you.
- Identify when it's appropriate to intervene.
- Recognize personal responsibility for intervention.
- Know how to intervene.
- Take action to intervene.

Enabling sexual assault and harassment is also subject to the disciplinary process outlined in this policy. Enabling means knowing of ongoing sexual assault and harassment and giving protection, authority and/or means to allow it to continue.

4. Trainings and Endorsement Requirements

The SFDCCC shall create or adopt a comprehensive anti-sexual assault and harassment training applicable to political and campaign work. If one does not exist specific to political and campaign work, the SFDCCC shall work to create one, and in the meantime, substitute with a general workplace training.

The trainings shall be (1) training on preventing and eliminating Sexual Harassment and Abuse, and (2) training on Managerial Leadership in handling complaints, investigations, and corrective measures.

¹ The SFDCCC’s definition of sexual harassment, sexual assault and other prohibited behavior can be found under Terms and Definitions.

- a. These trainings should be available to all members of chartered clubs who wish to participate;
- b. These trainings must abide by requirements in Assembly Bill 1825 & Senate Bill 1343;
- c. These trainings are vetted, approved, and paid for by the SFDCCC;
- d. Proof of passing the training should be provided to the SFDCCC Executive Director;
- e. Trainings do not have to be repeated if a person meets the requirement in multiple roles;
- f. This requirement will begin in January 2025.

Members of the SFDCCC:

All SFDCCC members, elected and appointed, must complete the training no later than 90 calendar days after election to the SFDCCC or appointment.

Chartered Clubs:

Chartered club leadership must complete the training no later than 90 calendar days after election or appointment to a chartered club leadership position.

Candidates:

Candidates seeking the SFDCCC endorsement shall complete the training in advance of receiving the endorsement. Candidates' senior staff must also complete the training, or sign and acknowledge the Code of Conduct in lieu of training.

5. Consequences For Failing to Comply With Training Requirements

Chartered Clubs:

- Failure of democratic club leadership to complete the required training will result in their suspension from club leadership with no voting rights in the club until they have taken and passed the training.
- If the person in club leadership is a President, Co-President, Chair, or Co-Chair, they shall have no floor privileges at a meeting of the SFDCCC; if the person serves in any appointed capacity for the SFDCCC, CADEM or Executive Board of the state party, they shall have their privileges suspended or revoked until they have taken and passed the training.

Candidates:

- Candidates will not be able to seek SFDCCC endorsement without completion of training. Candidates' senior staff must also complete the training, or sign and acknowledge the Code of Conduct in lieu of training.

6. Events and Alcohol & Drugs

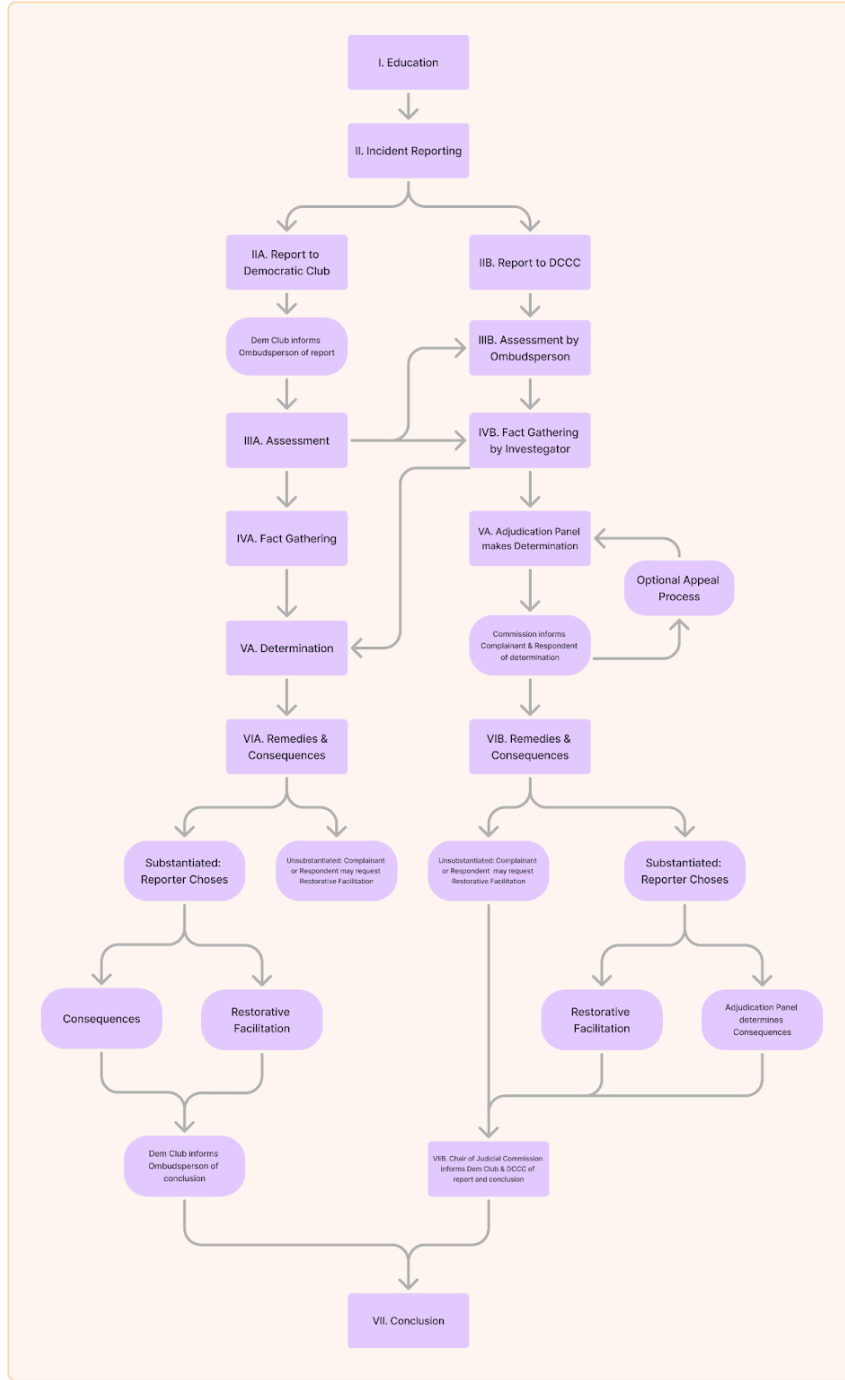
The following statement must be clearly posted on all RSVP and event pages for SFDCCC and chartered club events, as well as posted clearly at the events themselves:

Use of drugs, alcohol, or other substances, and/or any forms of intoxication or inebriation do not excuse violations of the Code of Conduct. Any violation of the San Francisco Democratic Party Code of Conduct and/or the California Democratic Party Code of Conduct committed under the influence of drugs, alcohol, or other inebriating substances can and should be reported to either the SFDCCC disciplinary process [LINK], the leadership of the sponsoring organization, or to the proper authorities.

All clubs are encouraged to identify venues and activities that are not centered on alcohol or substance use or to provide non-alcoholic options.

Policies for Sexual Assault and Harassment for SFDCCC and Chartered Clubs

1. Process Diagram



2. Process Guideline

Stage I: Education

- Trainings: All members of the SFDCCC, Democratic Club leadership, and endorsed candidates are required to participate in sexual assault/harassment prevention trainings. See Code of Conduct for details.
- SFDCCC should make public on its website:
 1. Policy prohibiting sexual harassment and assault
 2. Form for submitting incident reports
 3. List of resources for survivors to get help and support, including from external parties
 4. An indication that a record of the report and its findings will be kept on file with the SFDCCC
 5. A statement encouraging reporting of sexual harassment and assault and prohibiting retaliation for reporting misconduct and/or participating in investigations of alleged misconduct.
- All SF Democratic Clubs must publish on their website:
 1. Form for submitting incident reports to the Club
 2. A link to the SFDCCC website to report the incident via the SFDCCC
 3. List of resources for survivors to get help and support, including from external third parties
 4. A statement encouraging reporting of sexual harassment and assault and prohibiting retaliation for reporting misconduct and/or participating in investigations of alleged misconduct.

Stage II: Incident Reporting

Stage IIA: Reporting to Democratic Club

- Complainant informs the Democratic Club of an incident
 - Club must report the incident to the SFDCCC Ombudsperson² within 5 business days of reporting filed via online form.
 - The report must include names of individuals affected, name of Democratic club, and date of incident
 - If it comes to light retroactively that the Democratic Club knew of an incident and did not file a report in the appropriate time frame, disciplinary action by the Commission may be enforced (See Stage V for Commission)
- Once a report is filed with the DCCC, the Democratic Club Officers will further assess the severity of the incident as defined in the Code of Conduct and determine whether it should be referred to the DCCC directly or handled internally by the Club.

² The qualifications and role of the Ombudsperson are further described in Stage IIB, and in Terms and Definitions, Parties Involved..

- If the Democratic Club is handling the report internally, the Democratic Club must assess the report, investigate the report, and make a determination. See [Guidelines for Democratic Clubs](#) in Appendix.
- The DCCC retains discretion to conduct a separate investigation if warranted by the circumstances.
- Once a determination has been made, see Stage VI for Remedies and Determinations.
- The club must file additional reports detailing any additional information received regarding the incident every 30 calendar days to the Ombudsperson, via an online form.
- At the conclusion, an update summarizing the incident report must be filed to the Ombudsperson within 5 business days, via an online form.

Stage IIB: Reporting to SFDCCC Ombudsperson

- SFDCCC will retain an Ombudsperson
 - Ombudsperson's role is to determine whether the details provided in the report, if accepted as true, constitute a violation of the Code of Conduct
 - DCCC should make a good faith effort to find a neutral Ombudsperson that does not have a personal, professional, or political relationship with any party
- SFDCCC website hosts instructions for contacting ombudsperson
 - Accessibility for reporting by phone, email, form
- Complainant or Democratic Club files report to Ombudsperson
 - Ombudsperson submission is confidential
 - Information is not accessible to DCCC members or club members
 - Pseudonymized monthly report will be provided by Ombudsperson to SFDCCC to report aggregate statistics through the conclusion
- It will be made clear on websites and report form instructions that any information submitted could be subpoenaed

Stage IIIB: Assessment

- Ombudsperson determines as to whether the facts presented in the report constitute a potential violation of the Code of Conduct.
- If the Ombudsperson finds a potential violation, both the Complainant and Respondent are notified. The SFDCCC is also informed with pseudonymized information that it is moving on to Fact Gathering Stage. The identity of the Complainant and Respondent are anonymous to SFDCCC.

Stage IVB: Fact Gathering

SFDCCC appoints an Investigator³

- Investigator's role is to gather facts and evidence pertaining to the incident report
- Investigator investigates and gathers facts and evidence of the case for no more than 2 months, unless the facts and circumstances merit a longer inquiry.

³ The qualifications and role of the Investigator are further described in Terms and Definitions, Parties Involved.

- Investigator submits report to Judicial Commission⁴

Stage V: Determination

- Chair of Judicial Commission designates a 3-person Adjudication Panel⁵ to be composed of members of the Judicial Commission on an ad hoc basis per incident.
 - The Chair of the Judicial Commission must assemble an Adjudication Panel within 5 business days of receipt of completed investigation.
 - Chair of the Judicial Commission should make a good faith effort to ensure Commission members selected per incident do not have a personal, professional, or political relationship with any party involved in the report.
- Adjudication Panel's role is to adjudicate whether a violation of the Code of Conduct occurred based on the fact gathering provided by the investigator
 - Panel makes determination by a preponderance of the evidence
 - Panel may request additional information from the Investigator, if it can be procured.
 - Determination can be: accusation has been substantiated, accusation has been partially substantiated, accusation cannot be substantiated.
- Commission submits ruling to the complainant and respondent for Stage VI: Remedies & Consequences.
- **Note: at this point, the full membership of the SFDCCC is still not informed of the details or proceedings of any incident.*

For Both Clubs and SFDCCC

Stage VI: Remedies & Consequences

- Substantiated cases: Complainant has the option to pursue two paths: (1) Restorative Facilitation, or (2) Consequences.
 - 1. Restorative Facilitation
 - The Complainant may request a restorative facilitation process with an independent third party expert provided by, but not affiliated with the SFDCCC.
 - Both the Complainant and Respondent must accept the findings of the investigation and consent to move forward with restorative facilitation for the process to begin.
 - Reference the [Guidelines for Restorative Facilitation](#) in Appendix.
 - If the Respondent does not consent to move forward with restorative facilitation, the Adjudication Panel may determine consequences as advised by the [Guidelines on Consequences](#) in Appendix.

⁴ The qualifications and role of the Judicial Commission are further described in Terms and Definitions, Parties Involved.

⁵ The qualifications and role of the Adjudication Panel are further described in Terms and Definitions, Parties Involved.

- 2. Consequences
 - The Adjudication Panel determines the consequences and is advised to reference the [Guidelines on Consequences](#) in Appendix.
 - Discipline recommendations may include, but are not limited to: a. Private Admonishment; b. Public Admonishment; c. Expulsion from Clubs and SF Democratic Party
- Note: If this is the Respondent's second offense, no restorative process will be offered
- Unsubstantiated cases
 - Both the Complainant and Respondent have the option to request a restorative facilitation process.
 - Both the Complainant and Respondent must consent to move forward with restorative facilitation for the process to begin.
 - Both the Complainant and Respondent is informed by the Chair of the Judicial Commission that restorative facilitation may be discoverable in legal proceedings, including ones not pertaining to the specific incident at hand.
 - Reference the [Guidelines for Restorative Facilitation](#) in Appendix.
- Appeals, for SFDCCC
 - The Complainant and Respondent both have the option to appeal a decision within 14 calendar days.
 - Once the Notice of Appeal has been submitted, the Chair of the Judicial Council will assemble an Appellate Adjudication Panel.
 - The Chair of the Judicial Commission must assemble an Appellate Adjudication Panel within 5 business days of receipt of the appeal.
 - The Appellate Adjudication Panel will review the materials and decision of the original Adjudication Panel, but shall not reverse the decision unless the decision was arbitrary and capricious.
 - The Appellate Adjudication Panel shall have 14 calendar days from the time the panel is constituted to render a final decision.
- Consequences for SF Democratic Club
 - If no action is taken by the Club in response to a report, the Club will face discipline which may include, but are not limited to: a. Suspension of Club Chartering; b. Revocation of Club charter. Other Consequences for the Club are outlined in the Guidelines on Consequences in Appendix.

Stage VII: Conclusion

- SFDCCC Conclusion
 - The Chair of the Judicial Commission reports to the full membership of the SFDCCC and Democratic Club of the incident, determination, remedies and consequences.

- The Complainant has the option to keep their identity confidential in this final report.
 - **Note: at this point, this is the first time the SFDCCC is informed of the details of any incident.*
 - If the consequence is a public admonishment, then the Chair of the DCCC will determine the course of public admonishment.
 - Only the Chair of the DCCC has access to the full investigation and discretion to distribute.
- Democratic Club Conclusion
 - Democratic Club provides an update summarizing the incident, determination, remedies and consequences to the Ombudsperson within 5 business days of the conclusion, via an online form.
 - **Note, the SFDCCC continues to only be provided with a pseudonymized report by the Ombudsperson through the conclusion.*

Terms and Definitions

Terms and Definitions

Consent:

- Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires free and voluntary agreement and knowledge of the nature of the act involved. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity.
- A person is unable to give consent to sexual activity if they are:
 - a) under the age of 18,
 - b) unable to understand the fact, nature, or extent of sexual activity due to the influence of drugs, alcohol, medication, or a mental or physical condition,
 - c) unable to communicate due to a mental or physical condition, or
 - d) asleep or unconscious. Consent must be freely given and cannot be coerced by intimidation or fear of bodily harm or retaliation.

Sexual harassment:

- Sexual harassment ranges from unwanted touching, gesturing, and sexual jokes, to someone promising you a promotion in exchange for sexual favors or requiring sexual favors in order to give you something you deserve or want in a political, volunteer, or work setting, whether a single occurrence or repeated. Sexual harassment does not always have to be “sexual.”
- Sexual harassment can look or feel like teasing, intimidating or offensive comments based on stereotypes (e.g., about how certain people “are” or should act), or bullying

someone based on their sex, gender identity (man, woman, trans, intersex, nonbinary, two-spirit, gender queer/fluid, etc.) or sexual orientation (queer, bisexual, lesbian, gay, asexual, pansexual, etc.).

- The sexually harassing person can be the same sex as their victim.
- There is no requirement that the sexually harassing person or persons derive any sexual pleasure from their acts or that they are sexually attracted to their victim.
- Sexual harassment is unlawful if it is severe or pervasive.

Sexual Assault:

- **Sexual Assault - Penetration:**

Without the consent of the Complainant, penetration, no matter how slight, of:

- the Complainant's mouth by a penis or other genitalia; or
- the Complainant's vagina or anus by any body part or object.

- **Sexual Assault - Contact:**

Without the consent of the Complainant, intentionally:

- touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks);
- making the Complainant touch another or themselves on any intimate body part; or
- touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

Other Prohibited Behavior:

- **Invasions of Sexual Privacy:**

- Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- Using depictions of nudity or sexual activity to extort something of value from a person.

- **Retaliation:**

- Retaliation is an adverse action against a person based on their report or other disclosure of alleged conduct.

- An adverse action is conduct that would discourage a reasonable person from reporting conduct such as threats, intimidation, harassment, discrimination and coercion.
- Threatening to post or share depictions of nudity or sexual activity unless a person takes a particular action.

Parties Involved:

- **Ombudsperson:**

- Ombudsperson's role is to determine whether the details provided in the original intake report constitute a potential violation of the Code of Conduct
- DCCC should make a good faith effort to find a neutral Ombudsperson that does not have a personal, professional, or political relationship with any party
- The Ombudsperson will be recommended by a committee and approved by the Chair of the DCCC.
- The Ombudsperson will serve at the Chair's discretion.
- The Ombudsperson will provide pseudonymous monthly reports to the DCCC with aggregate statistics.
- The Ombudsperson will report to the Chair if there is indication of a need to conduct an investigation in parallel to a democratic club, if there is concern of a club or a member of the party.

- **Investigator:**

- Investigator's role is to gather facts and evidence to evaluate whether or not the Code of Conduct was indeed violated
- Investigator gathers facts and evidence, and evaluates case for no more than 2 months
- Investigator's evaluation will be independent with fair consideration of perspectives.
- Investigator submits report to Judicial Commission

- **Judicial Commission:**

- The Judicial Commission is made up of 6 people who will serve for one-year terms based on the calendar year
- Commission to be composed of designated experts in sexual assault and harassment
- Commissioners can include, but are not limited to, retired judges, Title IX coordinators, etc
- Commissioners will elect a Chair to receive investigator reports and create the Adjudication Panels
- Commission Chair designates a 3-person Adjudication Panel on an ad hoc basis per incident.

- The Commission Chair designates the Adjudication Panel or Appellate Adjudication Panel within 5 business days from receipt of completion of investigation, or receipt of appeal.
- Chair of Judicial Commission should make a good faith effort to ensure Commission members selected per incident do not have a personal, professional, or political relationship with any party involved in the report

Appendices

Appendices

1. [Guidelines for Democratic Clubs](#)
2. [Guidelines on Consequences](#)
3. [Guidelines for Restorative Facilitation](#)

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