

Harassment, Sexual Violence, and Domestic Violence Policy

Policy Summary

San Diego Democrats for Equality (“DFE”) is committed to creating and maintaining a community where all individuals who participate in this organization’s programs and activities can work together in an atmosphere free of harassment, exploitation, violence, or intimidation. Every member of the DFE community should be aware that the organization strictly, absolutely, and wholly prohibits harassment, sexual violence, and domestic violence, and that such behavior violates both law and organization policy, and are crimes.

DFE will respond promptly and effectively to reports of harassment, sexual violence, and domestic violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline and/or cooperate with law enforcement authorities regarding any behavior that violates this Policy on Harassment, Sexual Violence, and Domestic Violence (hereinafter, the “Policy”).

DFE’s Beliefs and Commitments

Sexual violence and domestic violence are crimes that are completely incompatible with DFE’s core tenets of tolerance, inclusion, and community. Harassment of any kind creates a culture of exclusion that, too, is incompatible with the core tenets of DFE. Harassment, sexual violence, and domestic violence will not be tolerated.

Accusations of Harassment, Sexual Violence, or Domestic Violence

Any credible accusations against a DFE member, volunteer, or otherwise DFE-associated individual, which allege that they have committed sexual violence or domestic violence against another, are potential grounds for immediate, permanent, and total expulsion and/or disassociation from the organization.

Any accusations against a DFE member, volunteer, or otherwise DFE-associated individuals, which allege that he or she has harassed, as defined below, another shall be reviewed by the board, and a record of the incident kept. If a second accusation of harassment is levied against the same individual, regardless of who the victim of harassment is, then the second allegation will be potential grounds for the immediate and total suspension and disassociation, for a period of time set at the board’s discretion, of that individual from DFE. A record of the second incident shall be kept. If a third accusation of harassment is levied against the same individual, regardless of who the victim of harassment is, then the third allegation will be potential grounds for the immediate, permanent, and total expulsion and/or disassociation from the organization.

The DFE Executive Board is responsible for making all such disciplinary decisions set for in this Policy, and all such determinations must be unanimous to take effect. A decision by the board to terminate or suspend DFE’s association with an individual accused of sexual violence, domestic violence, or harassment shall be appealable, within 60 days of the decision, by said individual to the Judicial Council, which shall comprise of seven (7) appointees - a Council Chair appointed by the DFE President and six (6) members to be appointed by the DFE Executive Board. The appeal hearing shall take place in the timeliest manner possible which allows a quorum of members to gather.

If a DFE Executive Board member learns of conduct prohibited by this Policy (through personally witnessing it, through another DFE member, or by any other means), and the conduct occurred at a meeting, convention, or other gathering that is still in process and ongoing, then the DFE Executive Board shall gather, in a timely manner not to exceed 24 hours, a majority of the Board to discuss the alleged conduct. Under these circumstances, the purpose of this meeting shall be whether, separate and apart from any subsequent disciplinary decisions to suspend, expel, or disassociate the accused from DFE, that individual should be removed from the ongoing and in process meeting, convention, or gathering. When making this determination, the board members present shall consider:

1. The physical well-being and safety of the victim, accused, and general DFE community; and
2. The likelihood of retaliation against a reporting victim, the accused, or others.

If a two-thirds majority of the Board present decides the physical well being of any of the above mentioned parties is potentially compromised, or if a two-thirds majority of the Board present decides that the chances of retaliation occurring against one of the above mentioned parties is more likely than not, then the Board shall make all reasonable efforts to remove the accused from the process and ongoing meeting, convention, or gathering. If a two-thirds majority of the board cannot be gathered to make the determination set forth above, then any decision by the Board (provided a quorum is reached through the presence of a simple majority of the Board at the meeting) that is present must be unanimous. Officer participation by telephonic means or through electronic platforms like Skype or Google Hangout shall be allowed (for both quorum and voting purposes) provided the Officers are given access to the same information (including any written documentation) that is provided to Officers who are present in person. If an Officer must be recused from the proceedings (such as if the Officer is a complainant, defendant, or for any other reason that might pose a conflict of interest to their participation), their recusal shall not count towards the vote total or to establish quorum.

Law Enforcement Involvement

If the DFE Executive Board learns of sexual violence or domestic violence accusations against a member, and the Board believes the safety or well-being of another individual is compromised due to conduct of the accused, then the Board reserves the right to report any crimes or policy violations to local law enforcement authorities, and shall cooperate fully with these authorities.

Resources and Victim Assistance

DFE commits to making, at each meeting, the following resources available to any individual who requests such resources, or as otherwise required by this policy:

1. [The National Domestic Violence Hotline](#) (1-800-799-7233);
2. [The National Sexual Assault Hotline](#) (1-800-656-4673);
3. [The National Sexual Assault Online Hotline](#);
4. The number to and location of the local law enforcement agency (if unknown, the hotlines above may be able to provide this information);
5. The number to and location of the nearest hospital that is equipped to perform sexual assault forensic exams (if unknown, the hotlines above may be able to provide this information).

Definitions of Prohibited Conduct

Harassment

Harassment is unwelcome conduct that is based on a person's sex, national origin, race, color, sexual orientation, age, disability, religion, or other immutable characteristic. Harassment can include but is not limited to:

1. Unwelcome sexual advances;
2. Unwelcome requests for sexual favors;
3. Other verbal or physical harassment of a sexual nature;
4. Offensive remarks about a person's sex or other characteristic listed above;
5. The use of social media or mobile technology to portray another individual in a sexually explicit way without their freely given, voluntary, and conscious consent;
6. Stalking.

Sexual Violence

Sexual violence of any kind will not be tolerated by DFE. Sexual violence is any act of a sexual nature--including the touching, fondling, or penetration of another individual or the use of an object to touch, fondle, or penetrate--performed on an individual, or in which an individual is made to perform on another, without his or her freely given, voluntary, and conscious consent to such act. Sexual violence includes rape, sexual battery, and sexual assault.

An individual cannot consent to a sexual act if that individual is underage, unconscious, asleep, intoxicated due to alcohol, drugs, or another substance, or is otherwise incapacitated. Lack of protest, silence, or lack of resistance do not by themselves constitute consent. A prior sexual or romantic relationship between the persons involved is not by itself an indicator of consent.

Domestic Violence

Conduct by a current or former spouse or intimate partner of the victim--or a person with whom the victim shares a child in common--that intentionally or recklessly causes bodily injury to the victim, another, or an animal, or places the victim or another in reasonable fear of serious bodily injury.

Retaliation

Retaliation includes threats, intimidation, reprisals, and/or adverse organizational actions against a person based on their report of harassment, sexual violence, or domestic violence. Retaliation is strictly prohibited by DFE.

If You Have Experienced Harassment, Sexual Violence, or Domestic Violence

Anyone who has experienced harassment, sexual violence, or domestic violence is urged to immediately seek help. If you are in immediate danger, please call 911. Get to a safe place and seek help from a law

enforcement officer, medical professional, confidential or crisis response, and/or a DFE Officer. DFE will help any individual get to a safe place, seek medical services, contact a law enforcement agency, and offer information, resources, and help with any other accommodations whenever possible.

DFE's sole concern is the safety of its community, and it shall neither inquire nor focus on any drug or alcohol law violations a potential victim of harassment, sexual violence, or domestic violence may have committed when they were victimized.

If You Are a Member of the DFE, and Someone Needs Assistance

1. Ensure that they are safe and uninjured.
2. If they are injured and need medical attention, assist them in receiving such attention.
3. If they would like to report to the police, ensure, and accompany them if they wish, that the person and their support system has transportation to the local precinct, or can call 911.
 - a. Suggest that certain things--such as taking a shower, or washing clothes--may be against their best interests if they want to report to police. Because their body, clothes, and/or personal space and belongings are potential evidence, it is in their best interest to leave as much undisturbed as possible before speaking to law enforcement.
4. If they do not need medical attention, and are safe, and do not wish to report to law enforcement, then ask about any accommodations that may make them feel more comfortable. Including:
 - a. A change in room;
 - b. A change in hotel;
 - c. Transportation elsewhere;
 - d. A phone or internet access to reach support services or loved ones.
5. Provide the following resources to them (if you do not have these resource readily available, please ask a DFE Executive Board Officer for assistance):
 - a. [The National Domestic Violence Hotline](https://www.nv.org/) (1-800-799-7233);
 - b. [The National Sexual Assault Hotline](https://www.nsv.org/) (1-800-656-4673);
 - c. [The National Sexual Assault Online Hotline](https://ohl.rainn.org/online/); <https://ohl.rainn.org/online/>
 - d. The number to and location of the local law enforcement agency (if unknown, the hotlines above may be able to provide this information);
 - e. The number to and location of the nearest hospital that is equipped to perform sexual assault forensic exams (if unknown, the hotlines above may be able to provide this information).
6. Let them know that you plan to notify a DFE Officer that a Harassment, Sexual Violence, or Domestic Violence incident occurred, and ask permission if they wish to remain anonymous.