

# DEMOCRATIC PARTY OF SACRAMENTO COUNTY

## RULES COMMITTEE REPORT

7/11/2019 – DPSC Office, Sacramento

These two documents are for your review only, and will be voting items at the *next* Central Committee meeting. The DPSC Rules Committee has approved the following language except for Section 5 of Bylaws Amendment 2019-04, which is still being discussed. This is to serve as notice of a vote on this Bylaws Amendment and Standing Rule at the August Central Committee meeting.

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## BYLAWS AMENDMENT 2019-04

*Adopting Bylaws Amendments Regarding the Disciplinary Process,  
Deleting Article V & Sections 2 & 7 of Article VI*

### ARTICLE V. DISCIPLINARY PROCESS

#### SECTION 1. CAUSES FOR COMPLAINTS & PUNISHMENTS FOR VIOLATIONS

- A. Any Member who endorses or materially supports a Republican running against a Democrat, or who endorses a non-Democrat running against a Democrat endorsed by the Central Committee, shall be expelled from the Central Committee and shall also be ineligible from being seated on the Central Committee during the next term of office of the Elected Members.
- B. Any Member who misses at least three Central Committee meetings within a five month period, or five meetings within a twelve month period, without providing an Alternate who attends in their place or notifying the Chair or Secretary that they request to be Excused, shall be removed from the Central Committee for the remainder of the term of the Elected Members. Any elected Officer who misses at least three Executive Board meetings within a five month period, or five meetings within a seven month period, without notifying the Chair or Secretary that they request to be Excused, shall be expelled from their office for the remainder of the term of the Officers.
- C. Any Member found to have violated the Code of Conduct adopted by the Central Committee as a Standing Rule shall be subject to the following possible punishments:
  - 1. Restorative justice;
  - 2. Reprimand or censure;
  - 3. Monetary fine, which shall prevent the Member from voting or participating in the DPSC until the fine is paid;
  - 4. Suspension of any or all privileges, including voting and attending events, for a defined period of time;
  - 5. Removal from their position as an Officer; or
  - 6. Expulsion from the Central Committee.

#### SECTION 2. COMPLAINTS

- A. A Member (hereinafter referred to as the Complainant) may file a complaint alleging that another Member (hereinafter referred to as the Respondent) has engaged in conduct that may subject the Respondent to this Disciplinary Process. A complaint must detail each charge against the Respondent, so that they may prepare an adequate defense.
- B. The Complainant must file the complaint with the Executive Board, or any member thereof. Within three (3) days of receiving a complaint, the Executive Board member who received the complaint shall notify the Investigatory Committee, the Executive Board, the Respondent, and the Complainant of receipt of the complaint and its substance.
- C. After receiving notice that a complaint has been filed, the Executive Board shall, within seven (7) days, appoint an Investigatory Committee of at least three (3) Members to produce a report detailing any facts and evidence relating to the complaint, and detailing the preponderance of each charge, which shall be presented to the Executive Board.

### SECTION 3. INVESTIGATORY COMMITTEE

- A. An Investigatory Committee shall be selected from members in good standing, and shall be gender balanced to the greatest extent possible with regards to self-identified males or females.
- B. Nobody named in a complaint shall be a member of the Investigatory Committee concerning that complaint.
- C. Members of the Investigatory Committee shall maintain the confidentiality of information derived from the complaint process, or else become subject to discipline.

### SECTION 4. EXECUTIVE BOARD HEARING

- A. The Secretary (or Chair) shall provide at least fourteen (14) days notice of an impending Disciplinary Hearing to the Complainant and Respondent, which shall be held during the next regularly scheduled Executive Board meeting after notice is given, or as otherwise scheduled by the Board, and shall be composed of all voting members of the Executive Board, unless any of them should be subject to recusal.
- B. The Complainant & Respondent shall have the right to:
  - 1. At least three (3) days before the Hearing is to begin, request that the Hearing be rescheduled to a date before the next regularly scheduled Central Committee meeting, subject to approval by a majority of the Executive Board;
  - 2. Confront all witnesses and evidence provided against them; and
  - 3. Speak in their own defense.
- C. The Hearing shall hear the facts of the complaint, and based upon the preponderance of evidence, by simple majority vote, shall:
  - 1. Rule as to whether a violation was committed; and then
  - 2. Determine the appropriate disciplinary action as proscribed in Section 1 of this Article.

### SECTION 5. APPEAL TO THE CENTRAL COMMITTEE

- A. The Respondent or Complainant may appeal the decision of the Executive Board to the Central Committee by informing the Secretary (or Chair) before the date required to send notice for Central Committee meeting agendas, and the appeal shall be added to the agenda of the next regularly scheduled Central Committee meeting.
- B. The Central Committee shall only consider the material facts of the case as presented to the Executive Board, which shall be presented to the Central Committee by the Investigatory Committee. The Complainant and Respondent shall also be provided equal time to speak.
- C. After deliberation among only the members of the Central Committee, the Central Committee shall vote to uphold or overturn decision of the Executive Board:
  - 1. A simple majority of those present and voting shall be required to uphold the Executive Board's decision; and

2. A two thirds (2/3<sup>rd</sup>s) majority of those present and voting shall be required to overturn the Executive Board's decision; but
  3. If there are neither enough votes to uphold nor overturn the Executive Board's decision, then the decision shall be returned to the Executive Board so they may modify the decision, which may be appealed to the Central Committee.
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## **STANDING RULES AMENDMENT 2019-01**

### *Adopting Standing Rules regarding a Code of Conduct*

#### **ADDENDUM V: STANDING RULE – CODE OF CONDUCT**

##### SECTION 1. CODE OF CONDUCT GENERALLY

1. The Democratic Party of Sacramento County is committed to providing an environment that is free of harassment and retaliation with respect to any member of the Central Committee.
2. This Code of Conduct seeks to ensure a setting where members are free from racial, age, disability, ethnic, gender, or personal harassment; where everyone is treated with dignity and respect; and where there is zero tolerance for retaliation.
3. Actions fitting the definitions described in this Code of Conduct may subject members to the DPSC's Disciplinary Procedure.

##### SECTION 2. DEFINITIONS OF HARASSMENT

1. Harassment means any inappropriate conduct, comment, display, action, or gesture by a person that is either based on race, religion, gender, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin.
2. Examples of harassment may include, but is not limited to:
  - A. Inappropriate touching, suggestive or abusive remarks of a sexual nature, compromising invitations, sexual assault, course language of a sexual nature, displaying pornographic material, or seeking sexual favors;
  - B. Unwelcome remarks, jokes, innuendos, or taunts of a sexual, racial, gender-based, or ethnic nature;
  - C. Displaying materials, pictures, or graffiti that degrades one's race, gender or ethnic background; and
  - D. Insulting gestures, jokes, and disparaging written material based on race, ethnic background, or gender that causes embarrassment or humiliation.

##### SECTION 3. DEFINITIONS OF PERSONAL HARASSMENT

1. Personal harassment is conduct or comments which are intimidating, threatening, demeaning, or abusive and is behavior which is known or ought reasonably to be known as unwelcome:
  - A. Personal harassment takes many forms and can be a source of great anxiety to an individual;

- B. Personal Harassment may be so serious and unrelenting that the person who is being, or has been, harassed feels it necessary to stop attending party functions; and
  - C. Harassment has the impact of creating an environment that is hostile, and affects the integrity and dignity of members and limits their involvement with the Party.
2. Examples of personal harassment can include, but are not limited to:
- A. Ostracism;
  - B. Public reprimand, ridicule, sarcasm, humiliation, constant criticism, or trivializing of achievements; and
  - C. Bullying, which can be defined as offensive, malicious, intimidating, insulting, or humiliating behavior, often associated with the misuse of power or position.

#### SECTION 4. DEFINITION OF RETALIATION

- 1. Retaliation is an extreme form of bullying which goes beyond personal harassment and attempts to severely negatively impact a person's life outside of the Party.
- 2. Examples of retaliation include, but are not limited to:
  - A. Threatening the livelihood of a member in order to alter their future voting behavior in the Central Committee; and
  - B. Conspiring to have a member terminated from their occupation based on their votes in the Central Committee.

#### SECTION 5. DEFINITION OF UNBECOMING CONDUCT

- 1. The DPSC shall consider the severity of the offense when considering whether a member has violated the Code of Conduct or what corrective action should be taken to address a complaint.
- 2. The DPSC shall weight retaliation and actions that are illegal more severely than actions that are only unbecoming.
- 3. Examples of unbecoming conduct include, but are not limited to:
  - A. Violation of the law or of the Bylaws of the Party;
  - B. Disruption of the Central Committee, a Standing Committee, or Party event; and
  - C. Any other act, omission, or condition deemed to be good cause by the Executive Board.

#### SECTION 6. SEVERITY & LIMITATIONS

- 1. The DPSC shall consider the severity of the offense when considering whether a member has violated the Code of Conduct or what corrective action should be taken to address a complaint.
- 2. The DPSC shall weight retaliation and actions that are illegal more severely than actions that are only hurtful or against this Code.
- 3. Nothing in this Code of Conduct shall be abused so as to punish or remove members for their personal opinions, votes, or freedom of association, nor to settle personal affairs between two members if there is no relevance of a complaint to the meetings, events, functioning, or reputation of the DPSC.