

Morris County Democratic Committee Anti-Harassment Policy

The language for this policy was based on the model policy provided by the NJ Coalition Against Sexual Assault.

We, the Morris County Democratic Committee (MCDC), are committed to creating a respectful and safe working environment for every individual who works or volunteers with or for MCDC, including campaign staff, independent contractors, volunteers, vendors, consultants, fundraisers, interns, and candidates (“Campaign Workers”).

MCDC does not tolerate harassment, bullying, or discrimination of any kind, in the workplace or in work-related situations. To achieve an environment that is free of harassment, bullying, and discrimination, it is essential that all workers and volunteers feel comfortable raising complaints about harassment or other misconduct when they see or experience it. This Policy covers prohibited conduct, including behaviors that may or may not be legally actionable as "harassment," and covers individuals who may not have legal protections in all jurisdictions but who are at high risk of being targeted for harassment. MCDC further strictly prohibits any form of retaliation against anyone who reports or assists in reporting a concern regarding a violation of this Policy.

Recognizing that it may take months or even years for victims of harassment, sexual assault, or discrimination to come forward, this Policy will apply retroactively in serious cases.

I. Who Is Covered

This Policy applies to all individuals working or volunteering with or for MCDC. This includes municipal Democratic committees, Democratic campaigns within Morris County, and any other organizations or campaigns that fall under the oversight of or are coordinated with MCDC. It includes but is not limited to candidates, campaign staff, independent contractors, volunteers, vendors, consultants, and fundraisers. Each individual to whom it applies is responsible for following and upholding this Policy. MCDC is committed to protecting its workers and volunteers against all harassment, discrimination, and bullying, regardless of the source. Therefore, workers and volunteers should report all instances of harassment, discrimination, or bullying, even if committed by those to whom the policy does not expressly apply.

EXAMPLE

Nick is a field coordinator in Parsippany for a countywide campaign. As part of his job, he frequently invites volunteers to meet one-on-one to discuss campaign matters. In response to Nick’s invitation for a working coffee meeting, a volunteer asked to move the mid-day coffee meeting to a dinnertime date followed by watching Netflix at his apartment. Nick declined, explaining that he wanted to keep the meeting strictly professional. The volunteer jokingly responded that he was a committed volunteer and so Nick should agree to the date for the good of the campaign. He has continued to text Nick with invitations to go on dates under the pretenses of campaign work. Nick should report this behavior to the designated reporting contact.

Managers, supervisors, and any other individuals with supervisory authority must report suspected violations of this Policy when they become aware of such a violation. Managers and supervisors may become aware of a violation when they are explicitly told about the violation, when they hear about a violation indirectly, or when they witness a violation. In each scenario, the manager or supervisor must bring the suspected violation to the designated reporting contact.

II. Application of the Policy

The Policy applies to any interactions involving covered individuals, regardless of whether the conduct occurs in the office, in the field, at work-related social events, at fundraising events, at parties, or elsewhere. This Policy also applies to electronic transmissions, such as email and text messages, as well as postings on social media.

EXAMPLE

After a day of get-out-the-vote efforts, two volunteers, Angela and Trevor, go out to a bar. After several drinks, Trevor rubs Angela's thigh and tells her that he is attracted to women of color like her because they "know what they are working with." The next morning, Angela tells Trevor she was uncomfortable with his comments, and he explains that he was "joking" and that he was too drunk. They go out for drinks again, and Trevor repeats the same behavior. Trevor is engaging in harassing behavior. It does not matter that they are volunteers, or that the behavior is happening outside of working hours; it is still covered by the Policy. The behavior is also not excused because Trevor is "joking" or under the influence.

III. Prohibition Against Harassment

This Policy prohibits harassment. For the purposes of this Policy, harassment is conduct that creates a disrespectful, intimidating, hostile, degrading, humiliating, or offensive environment for a covered individual based on that individual's protected status. Under the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq) "Protected status" includes the following: race; religion or religious creed; color; ethnic or national origin; nationality; age; ancestry; sex, including pregnancy, childbirth, and breastfeeding, or related medical conditions; sexual orientation; gender; gender identity or expression; marital status; domestic partnership status; civil union status; familial status; physical or mental disability; atypical cellular or blood trait; genetic information or characteristics (or those of a family member); and military or veteran status. This policy also covers immigration status; citizenship status; and status of a victim of domestic violence, stalking, or sexual assault.

EXAMPLE

Jacinda was a volunteer with a county campaign. For months, Bill, another volunteer, made comments about Jacinda's body, told people he was dating Jacinda, encouraged her to drink even though she was underage, and tried to create situations in which the two would be alone. Jacinda told Amelia, her supervisor within the campaign, about Bill's behavior, and Amelia told Jacinda that Bill was just "joking" and that's just "how he is." Bill harassed Jacinda in violation of this Policy, and Amelia also violated the Policy by condoning his conduct and not reporting the misconduct for investigation.

For the purposes of this Policy, sexual harassment is any harassment specifically based on sex that would make a reasonable and similarly situated person feel offended, demeaned, or uncomfortable. To be clear, this Policy prohibits harassment based on sex, even if it does not rise to the level of illegality under state and federal law. Note that sexual harassment can happen regardless of gender, gender identity, gender expression, and/or sexual orientation. This means that sexual harassment can occur between same-sex individuals as well as individuals of different sexes. Sexual harassment need not be motivated by sexual desire.

While not an exhaustive list, harassment can include the following types of conduct:

- Derogatory or insensitive jokes, comments, or pranks;
- Sharing the derogatory or insensitive jokes, comments, or pranks of others;
- Use of slurs or epithets;
- Inappropriate familiarity, invasive questions about personal lives or relationships;
- Intentionally misgendering an individual;
- Refusing to refer to an individual by their chosen name and/or pronouns;
- Unwelcome sexual or romantic advances or invitations (including asking an individual out more than once if the individual declines the first invitation);
- Displaying or sharing images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual;
- Comments about appearance or other personal or physical characteristics, such as sexually charged comments or comments on someone's physical disability;
- Unwanted bodily contact such as groping or massaging, blocking normal movement, unnecessary touching, or physically interfering with the work of another individual.

IV. Prohibition Against Bullying

This Policy prohibits bullying. Bullying is repeated behavior that a reasonable covered individual would find disrespectful, intimidating, hostile, degrading, humiliating, or offensive, regardless of whether the conduct is based on an individual's protected status.

While this is not an exhaustive list, bullying behavior can appear as the following:

- Excessive monitoring or micromanaging;
- Deliberately excluding a covered individual or isolating them from activities that they would normally be included in;
- Singling out a covered individual for unfavorable work assignments or demands;
- Regularly teasing or making a covered individual the subject of pranks or practical jokes;
or
- Publicly reprimanding, embarrassing, or shouting at a covered individual.

EXAMPLE

A campaign staffer named Penelope helped the candidate, Carla, prepare for a candidate forum. When the forum did not go well, the campaign manager, Kristen, blamed Penelope in front of the entire campaign staff and multiple volunteers, including yelling at Penelope on the day of the appearance and then repeatedly raising the incident and berating Penelope for the problems. Kristen then excluded Penelope and assigned her menial and time-consuming tasks instead of the strategic projects she had been working on. Kristen is bullying Penelope. While it is appropriate for supervisors to provide feedback and address performance issues, Kristen's actions went beyond her supervisory authority over Penelope.

V. Prohibition Against Discrimination

This Policy prohibits discrimination. For the purposes of this Policy, discrimination occurs when a Campaign Worker is treated differently than their peers based on their protected status as enumerated above in Section III.

Discriminatory behavior can appear as the following, though this list is not exhaustive:

- Adopting policies that disproportionately affect individuals of a certain protected status;
- Assigning responsibilities based on an individual's protected status;
- Sharing or displaying hate symbols such as nooses and cross burning; or
- Excluding certain individuals from work-related events or opportunities based on their protected status.

EXAMPLE

Sean is a white field organizer for a state senate race. When deciding which volunteers should knock on doors for the candidate in a predominately white neighborhood, Sean says that only white volunteers should be sent to the neighborhood because they are the only ones who can really talk with the voters there. When a volunteer who is Black says that he grew up in the neighborhood and volunteers to knock on doors there, Sean refuses to believe that he will be able to connect with the voters in that neighborhood. Sean's behavior is discriminatory, and the volunteers should report his behavior

VI. Role of Bystanders

Bystanders should speak up if they see or hear something that they believe violates the Policy or something that they think is inappropriate, including suspected instances of retaliation.

Bystanders are encouraged to intervene on the spot when they see inappropriate behavior unless doing so would risk the bystander's physical safety. Bystanders should protect the vulnerable against predatory or improper behavior. If bystanders do not believe that they can safely intervene – for example, if the offender is threatening violence – bystanders are expected to call law enforcement.

MCDC also encourages bystanders to engage with the victim to see if they would like to report the violation or would like assistance in reporting. As mentioned before, managers, supervisors, and any other individuals with supervisory authority must report suspected violations of this Policy when they become aware of such a violation.

EXAMPLE

Samuel was a municipal chair. A member of the county executive board, Sasha, began making unwanted advances and asking overly personal questions about Samuel's love life. Samuel told a fellow municipal chair named Ellen about the unwanted advances, and Ellen encouraged Samuel to report the misconduct. Shortly after Samuel reported Sasha, Ellen observed Sasha purposely excluding Samuel from the types of planning meetings and emails that he would normally be included on. Ellen forwarded the relevant emails to Samuel, and later told Sasha in a one-on-one meeting that she should be sure to keep Samuel in the loop on county issues. Sasha was retaliating against Samuel for complaining about her, and Ellen effectively intervened as a bystander.

Examples of successful intervention by a bystander can include telling the perpetrator that their behavior is inappropriate, or approaching them later and asking a non-confrontational question about an inappropriate comment, such as saying, "Were you aware of how you came off in that conversation?" If bystanders do not feel comfortable addressing the behavior directly with the perpetrator, then bystanders should feel empowered to report the misconduct or encourage the victim to report the misconduct.

MCDC also commits to providing covered individuals with the training and education necessary to be effective bystanders. MCDC will provide training on bystander intervention annually, and will integrate bystander intervention principles into other relevant trainings.

VII. Prohibition Against Retaliation

MCDC strictly prohibits any form of retaliation against a campaign worker who reports or assists in reporting a concern regarding a violation of this Policy. Retaliation against a campaign worker is a violation of this Policy and the retaliating individual will be subject to discipline under this Policy.

Retaliation occurs when a campaign worker experiences a negative change in their working conditions because they reported what they believed in good faith to be harassment or a violation of this Policy; expressed an intent to report what they believed in good faith to be harassment or a violation of this Policy; assisted another individual in an effort to report harassment or a violation of the Policy; or participated in any investigation under this Policy.

This is not an exhaustive list, but retaliation can include the following types of conduct:

- Termination or demotion;
- Intimidation or excessive discipline;
- Social exclusion or isolation;
- Blacklisting;

- Unfavorable work assignments or reduction in responsibilities; or
- Denial of advancement.

MCDC may need to employ protective measures for the benefit of the complainant while the report is investigated. MCDC pledges that any protective measures that are undertaken will not penalize the complainant. MCDC will perform regular check-ins with the complainant while the investigation is ongoing to ensure no retaliation is happening.

VIII. Procedures for Reporting a Violation of the Policy

If you suspect harassment, bullying, discrimination, or retaliation has occurred, you are encouraged (and supervisors are required) to promptly provide a written or oral complaint internally to a member of the MCDC Executive Board or, in a case in which you are concerned about confidentiality, to a fellow MCDC member you entrust to carry your complaint to the MCDC Executive Board for you.

There are two processes for reporting harassment within MCDC: an informal complaint resolution process and a formal harassment complaint process. If legislation sponsored by Senators Vin Gopal and Loretta Weinberg is enacted, an independent process for reporting and investigating harassment, sexual assault, and discrimination in campaigns through a non-partisan, non-political entity will be created that will give victims a third avenue entirely outside the regular political party structure.

1. Informal complaint resolution process

- a.*** The Informal Resolution Process is, as the name suggests, flexible and intentionally open to individualized response and resources. This will be a confidential process, and the parties' names, the process itself, and any resolution will not be subject to disclosure to any party. The Informal Resolution Process is intended to stop and redirect behavior before it reaches the level of unlawful harassment and to prevent it from reoccurring.
- b.*** The informal process for managing complaints is to be used:
 - i.*** At the discretion and expressed wish of the covered individual who experienced harassing or discriminatory behavior;
 - ii.*** When the harassment or discrimination does not constitute an imminent safety threat; and/or
 - iii.*** When the covered individual who is experiencing harassment or discrimination wants the behavior to stop without severe ramifications (such as termination) for the person committing the harassment.
- c.*** The informal process is to be handled by MCDC with the goal of completing the process within thirty (30) days. During the informal process, MCDC will offer practical remedial and protective accommodations for both the complainant and the respondent.
- d.*** At any time during the process, the complainant may choose to initiate the formal complaint process, as described in section (2) below. Statements made by a complainant or respondent during the informal process will not be used against that person in a complaint or investigation under the formal process.

- e.* The investigator will take such steps as necessary to understand the complaint and find facts to determine if the behavior occurred. These steps need not follow the formal investigation protocols set forth below. After the informal fact finding has concluded, the investigator will determine a range of resources to offer to the parties to resolve the issues.
- f.* Outcomes from the informal complaint process may include:
 - i.* Expertly facilitated alternative justice sessions;
 - ii.* Meetings between the investigator and respondents on behalf of complainants;
 - iii.* Training and educational opportunities;
 - iv.* Referrals to counseling, advocacy, and wellness support; or
 - v.* Other remedial actions deemed appropriate, at the discretion of the investigator.
- g.* The investigator will create a record of all complaints handled under the Informal Resolution Process and the outcome and will maintain such records in secure and confidential files. All such records and work product of this process will be confidential.
- h.* Participation in the Informal Resolution Process will be voluntary. If the parties agree to the Informal Resolution Process, they will be expected to participate fully and in good faith. If a respondent does not agree, or fails to participate fully and in good faith, the investigator will refer the matter to the respondent's supervisor along with the investigator's summary of the material facts. The supervisor may subject the respondent to disciplinary action for the alleged behavior as ordinarily determined by the supervisor of the agency. In all cases of non-participation, the investigator will document the allegations and responses in the complaint file, and this information may be considered as grounds for immediate referral to the Formal Resolution Process or for more serious treatment of future complaints about the same respondent, should they arise.

2. *Formal complaint resolution process*

- a.* The Formal Resolution Process is a more traditional investigative response to certain complaints, including all complaints alleging facts that could constitute discrimination, harassment, or retaliation. This will be a confidential process, and the parties' names, witness names, the process itself and any resolution will not be subject to disclosure to any party, except as provided herein. The Formal Resolution Process is intended to address serious misbehavior and prevent it from reoccurring.
- b.* The formal complaint investigation will only be initiated with the approval of the complainant unless the campaign or organization determines that actions alleged constitute an immediate threat to the safety of the campaign or organization workplace.
 - i.* If the formal complaint process proceeds without the consent of the initial complainant, the identity of the complainant will not be disclosed during the process and it will be considered retaliation if the complainant's identity is disclosed, unless otherwise permitted by law.
- c.* The formal complaint process can be conducted by:
 - i.* Trauma-informed interviewers and data assessors;

- ii.* An Equal Employment Opportunity Officer with substantial experience in Equal Employment Opportunity matters, investigations, data analysis, and reporting; or
 - iii.* Qualified third-party investigators.
- d.* Prior to meeting with the respondent, the investigator will inform the respondent of the general nature of the allegations but will not provide the respondent with a copy of any complaint.
- e.* The investigator will orally inform both the complainant and the respondent of the following and offer the information in writing, but will not send the information to the party, except through a private email account designated by the individual that is not accessible by aides, interns, or other staff:
 - i.* The process, including a timeline; MCDC should endeavor to close an investigation and issue a final determination within sixty (60) days;
 - ii.* The party's rights and responsibilities, including the requirement or importance of maintaining confidentiality;
 - iii.* The prohibition on retaliation and the consequences, including that disclosing the identity of a party or witness may be considered retaliation unless the identity of that party or witness has previously been disclosed by others; and
 - iv.* The resources available to the party.
- f.* The campaign or organization will offer practical remedial and protective accommodation measures to both the complainant and the respondent.
- g.* An anti-retaliation plan will be offered to each party and to any witness(es) and will only disclose to others, such as leadership or the state patrol, the information necessary to implement the anti-retaliation plan.
- h.* Factual finding in an investigation will be made based on a preponderance of the evidence. A finding of a violation of the policy will require both a finding that the complainant subjectively found the actions to be offensive and an objective finding that a reasonable person in the complainant's position would have found the actions to be offensive.
- i.* The investigator will make a record of all complaints handled under the Formal Resolution Process and the outcome and will maintain such records in secure and confidential files. All such records and work product of this process will be confidential.
- j.* Participation in the Formal Resolution Process is mandatory for covered individuals. Parties will participate fully and in good faith. A failure to participate could subject a party to further disciplinary action.
- k.* Individuals are entitled to a support person. If an individual becomes a participant in the Formal Resolution Process, they may be accompanied to any proceedings in the process with the support person of their choice, with the following limited exceptions:
 - i.* The support person will be allowed to be present at proceedings to assist by taking notes, organizing documentation, or providing emotional support and reassurance.
 - ii.* The support person may consult with the individual during the Formal Resolution Process in a way that does not disrupt or delay any proceeding,

except during interviews when the role of the support person is that of silent non-participant.

- iii.* The support person may not be a witness in the matter, present information or evidence on behalf of the participant, attend any proceedings in lieu of the individual, or otherwise actively participate in any proceeding.
- iv.* Support persons who act in a manner contrary to these requirements or otherwise disrupt any proceeding in the Formal Resolution Process may be excluded from that proceeding and/or future proceedings.
- v.* Support persons are bound by complete confidentiality and may not disclose any information they become aware of in their role as a support person.

IX. Confidentiality

MCDC recognizes and respects the covered individual's right to privacy and the need for confidentiality and autonomy. MCDC will maintain the confidentiality of a covered individual's disclosure regarding harassment or discrimination to the extent allowed by law, and unless to do so would result in the threat of physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals, MCDC will limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing covered individual and others, and to comply with the law. To the extent possible, MCDC will provide advance notice to the individual who disclosed information if the disclosure must be shared with other parties in order to maintain safety. MCDC will also provide the individual with the name and title of the person to whom MCDC intends to share the individual's statements and will explain the necessity and purpose regarding said disclosure. This statement should not be construed to require any covered individual to sign and adhere to non-disclosure agreements (NDAs), nor do the mandates of confidentiality laid out in this policy prohibit any campaign worker from speaking freely about discrimination, harassment, or intimidation that they experienced while working on the campaign.

X. Possible Outcomes from Violations

MCDC is committed to investigations that have just and fair outcomes. If an investigation reveals that a violation of this Policy occurred, the offender will be disciplined, but the punishment will be proportional to the violation, with repeat offenses receiving increasing discipline. MCDC will prepare and publish a matrix of the possible outcomes that will be imposed based on a range of behaviors and repeat offenses up to and including denial of campaign funds, denial of endorsement for elected or party office, and denial of the right to run under the party organization line.

XI. Appeals

MCDC will develop an appeals process that can be used by a party involved in the reported incident who does not agree with its resolution.

XII. Distribution of this Policy

This Policy will be:

- 1) Discussed and signed onto by all covered individuals;
- 2) Posted in all physical MCDC locations;
- 3) Available on the MCDC website; and
- 4) Distributed via internal communications, e-mail communications, listservs, or Slack channels.