This policy and procedure is not a contract (or promise to enter into a contract) for employment, volunteerism, or continued employment, nor does it create any rights that are not otherwise provided by law.
ARTICLE I ANTI-HARASSMENT POLICY

A. General Provisions
The Utah State Democratic Party (“Party”) is committed to fostering dignity and respect in our Party. The Party is committed to providing all people who attend Party events or participate in official Party digital spaces (“attendees and participants”)\(^1\) with an environment free of discrimination, harassment, and harm. Consistent with our respect for the rights and dignity of all people, harassment based on race, color, religion, sex, gender, sexual orientation, gender identity, pregnancy or childbirth, breastfeeding, national origin, ethnicity, age (40 and over), physical or mental disability, veteran status, genetic information, familial status, physical appearance, and/or any other characteristic protected by law (collectively, “protected characteristic(s)”) will not be sanctioned or tolerated.

All attendees and participants are expected to avoid any conduct that could reasonably be interpreted as harassment prohibited by this policy. Attendees and participants are encouraged to inform Party leadership (i.e., members of the Executive Committee, members of the Judicial Standing Committee, Issue and Identity Caucus leadership, or House District officers, and county party equivalents) when they find conduct at any Party event or in any official Party digital space to be offensive, unwelcome, or otherwise in violation of this Anti-Harassment Policy.

The Party will not tolerate any harassment of attendees or participants because of their protected characteristic(s) or because of the protected characteristic(s) of their relatives, friends, and associates, at any official Party event or in any official Party digital spaces. Further, any retaliation against an individual for making a good faith complaint about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint will not be tolerated and are subject to disciplinary action. However, if after investigating any complaint, the party determines that the complaint was not made in good faith or that an attendees or participants have provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information. In the event there is not a determination of harassment, that alone does not constitute that the complaint, or any evidence submitted in support of the complaint, was

\(^1\) This is a broad definition meant to capture: Party staff; Party leadership (i.e., all elected or appointed officers or members of any committees); delegates; candidates and their friends, family, and campaign staff and volunteers; and anyone else who attends or participates in any Party event or official digital space—including Issue and Identity Caucus events or official digital spaces—for any reason. Attendees and participants at county party events and in official county party digital spaces—including Issue and Identity Caucus events or official digital spaces—are also covered by this Anti-harassment Policy and Procedure.
made in bad faith.

The Party takes allegations of harassment seriously and will respond promptly to complaints of harassment through the Judicial Standing Committee. Any person who believes that there has been a violation of the Party’s Anti-harassment Policy, whether as the victim or a witness, should consult the Harassment Complaint Procedure, below. If it is determined that this Anti-harassment Policy was violated, the Party will act promptly to eliminate the conduct and impose corrective action it deems appropriate.

While this policy sets forth our goal of promoting an environment that is free of harassment, the policy does not limit our authority to discipline or take remedial action for conduct that the Party determines to be unacceptable, regardless of whether that conduct meets the definition of harassment.

B. Examples of Sexual Harassment and Discrimination
In Utah, there is no specific legal definition for sexual harassment but discrimination or harassment on the basis of sex is prohibited. Examples include direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.

Definitions of sexual harassment are broad and, in addition to the above examples, other sexually-based conduct, intended or not, that is unwelcome and has the effect of creating an environment that is hostile or conduct that is sexually offensive, intimidating, or humiliating, to attendees and participants of any gender, may also constitute sexual harassment.

Listing all circumstances that may constitute sexual harassment is impossible but these are some examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Making sexual advances, regardless of whether or not physical touching is involved;
- Making sexual epithets, jokes, or written or verbal references to sexual conduct;
- Discussing one’s sexual activities, commenting on an individual’s body, or commenting about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, or other visual depictions;
- Lascivious leering, whistling, brushing against the body, making sexual gestures, making suggestive or insulting comments;
- Disseminating sexually explicit voicemail, email, graphics, downloaded material, websites, or other materials; and
• Inquiring about one’s sexual experiences.

Sexual harassment at Party events or in official Party digital spaces may be subject to disciplinary action under this Anti-harassment Policy and Procedure.

C. Examples of Other Harassment or Discrimination
Harassment can also occur with any other protected class. As with sexual harassment, listing all circumstances that may constitute other types of harassment is impossible but these are some examples of conduct that, if unwelcome, may constitute harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

• Verbal, written, or physical intimidation, threats, or violence;
• Derogatory name-calling, jokes, or slurs;
• Displaying or disseminating offensive materials that target a protected characteristic;
• Inappropriate remarks about a person’s body or clothing; and
• Exclusion based on a protected characteristic.

If such behavior occurs at Party events or in official Party digital spaces, it may be subject to disciplinary action under this Anti-harassment Policy and Procedure.

D. Examples of Non-harassing Behavior
The Party encourages robust and passionate civil dialogue on policy, strategy, and the way in which our Party is governed. Attendees and participants are expected to behave lawfully and honestly, to be sensitive to other people’s feelings, and to respect the right of others to have and express different views. This Anti-harassment Policy and Procedure focuses on addressing behavior that targets a protected characteristic, but uncivil behavior will not be tolerated, and uncivil conduct at Party events and official digital spaces may still be subject to disciplinary action even if it does not target a protected characteristic.

E. Reporting Harassment or Discrimination
Any attendee or participant who may have been the victim of or witness to harassment or discrimination may file a confidential complaint with the Party in writing or verbally. Only written complaints may be sent to the Judicial Standing Committee for further investigation; Party leadership will do its best to resolve verbal complaints and written complaints the complainant does not want the Judicial Standing Committee to investigate.

Contact information for members of the Executive Committee and the Judicial Standing Committee are maintained on the Party’s website. The Executive Committee as a whole may be reached via email at fullec@utdem.org and the Judicial Standing Committee as a whole may be reached via email at judicial@utdem.org.
Harassment or discrimination may also be reported at the time it occurs. Any person who feels threatened or is harassed by another person at any Party event or in any official Party digital space may seek the assistance of the sergeant-at-arms (if one is present) or Party staff or leadership in charge of that event or digital space, who shall be empowered to take appropriate action, up to and including removing the accused from that Party event or official Party digital space, and shall inform the reporting person of the option to file a formal written complaint with the Judicial Standing Committee.

F. Limitations
No complaint may be considered under this Anti-harassment Policy and Procedure if more than 365 days have passed since the alleged conduct took place. However, exceptions may be allowed in two circumstances. First, if any government entity issues a legally-binding ruling that affirms the complainant’s claims in a matter involving the complainant and the accused and the alleged conduct, then the complainant shall have 365 days from the date of the ruling to file a complaint under this Anti-harassment Policy and Procedure. Second, upon the request of the complainant, this limitation shall be lifted by a majority vote of the Executive Committee upon a finding that extraordinary circumstances exist.

No complaint may be considered under this Anti-harassment Policy and Procedure if it is based on conduct alleged in a previously filed complaint, regardless of the outcome of the previously-filed complaint. However, upon the request of the complainant, this limitation shall be lifted by a majority vote of the Executive Committee upon a finding that extraordinary circumstances exist.

G. Periodic Review
The chair of the Judicial Standing Committee may initiate a review of this Anti-harassment Policy and Procedure; if no such review has taken place during the previous twelve (12) months, any member of Central Committee may move to request a review at a Central Committee meeting.

To complete a review, the chair of the Judicial Standing Committee shall solicit feedback. All Judicial Standing Committee members and all participants in any harassment complaint filed since the last review—including complainants, those accused, witnesses, Executive Committee members, and others—shall be asked in writing to consider submitting feedback and any potential amendments to improve this Anti-harassment Policy and Procedure.

The chair of the Judicial Standing Committee shall then draft any proposed amendments based on the feedback collected and present those proposed amendments to the Judicial Standing Committee, who shall hold a vote on whether to support the proposed amendments. The proposed amendments and whether the Judicial Standing Committee supports the proposed
amendment shall then be presented at a quarterly Central Committee meeting. If no amendments are to be proposed, the chair of the Judicial Standing Committee shall report that to the Central Committee.

**H. Amendments**

In addition to the process for amendments arising out of the periodic review process, any proposed amendment to this Anti-harassment Policy and Procedure may be submitted in writing to the chair of the Judicial Standing Committee and shall bear the signatures of five (5) members of the Central Committee. At the next quarterly Central Committee meeting, the chair of the Judicial Standing Committee shall read the amendment as presented, allowing for discussion and further amendment. Any proposed amendment shall be passed by a majority vote of the Central Committee members in attendance.

**I. Additional Information**

Nothing in this Anti-harassment Policy and Procedure is intended to limit in any way a person’s ability to seek the assistance of law enforcement, private attorneys, or others.

All questions about this policy should be directed to the Party Chair or Chief Legal Counsel.
ARTICLE II HARASSMENT COMPLAINT PROCEDURE

A. Confidentiality
Allegations of harassment can be both sensitive and complex. At all times, the emotional and physical safety of the individuals involved is paramount. To maintain the integrity of investigative process and respect the privacy of complainants, victims, and those accused, all proceedings, processes, reports, and conclusions shall be kept confidential, including but not limited to the fact that a complaint was filed, who the investigators were, any new information revealed during the course of an investigation, the disciplinary action, and whether an appeal took place.

Private communications made by a participant to his, her, or their spouse or close family member, physician, mental health therapist, legal counsel, or cleric shall be permitted so long as they are also bound by the same understanding of confidentiality. Additionally, members of the Judicial Standing Committee may make limited, private disclosures as necessary to conduct an investigation or to present findings and/or conclusions to a closed session of the Executive Committee. The Judicial Standing Committee, the complainant, and the accused, may also make private disclosures to the Executive Committee’s Appeals Subcommittee as necessary for an appeal to be considered.

Members of the Judicial Standing Committee shall inform all potential participants of their duty to not make public disclosures of any information they receive and shall obtain a written and signed agreement to maintain confidentiality before revealing any confidential information. If a potential participant does not agree to maintain confidentiality, then that person shall be prohibited from participating.

Violations of confidentiality may subject the offending individual to disciplinary action if a complaint is filed. The Judicial Standing Committee shall then consider the totality of the circumstances surrounding the violation of confidentiality, including the offender’s reason(s) for public disclosure and the harm caused by the disclosure.

Nothing shall prohibit a person from communicating about the underlying events that lead to a complaint, so long as the proceedings, processes, reports and conclusions generated under this Anti-harassment Policy and Procedure remain confidential. The Party shall not be held responsible for any potential consequences of that communication, including but not limited to any resulting claims of defamation or any impact on the investigation and findings.
B. Procedure

1. Any person may file a written complaint with any member of the Judicial Standing Committee or with any member of the Executive Committee who shall then forward it to the full Judicial Standing Committee. Any person filing a written complaint is strongly encouraged to state whether they seek to have their complaint investigated by the Judicial Standing Committee under this procedure, or whether they are seeking a less formal review by Party leadership, to aid the appropriate processing of complaints when they are filed. Complaints may be filed against any current Party member, past Party member for conduct that occurred at the time that person was a member, or nonmembers for conduct at an official Party event or in official Party digital spaces. The complainant may withdraw the complaint at any time prior to the complaint being settled and for any reason, and may be refiled subject to the limitations in Article I, Section F, above.
   a. A complaint filed against a person currently working on a campaign shall first follow the Code of Fair Campaign Practices, if one exists.
   b. A complaint against a person who is not a current Party member shall still be investigated. That person shall not be permitted to participate in any proceedings (including the investigation) without a written and signed agreement to maintain confidentiality. An accused person who is not a current Party member shall be prohibited from attending Party events or participating in official Party digital spaces, including those open to the public, unless and until they agree to subject themselves to the jurisdiction of the Judicial Standing Committee, including signing a written agreement to maintain confidentiality.

2. Once the Judicial Standing Committee receives a complaint, the chair of the Judicial Standing Committee shall immediately send written notice to the complainant that the complaint has been received.

3. The Judicial Standing Committee shall appoint two of its members, of different genders, to lead the investigation of the matter. Those two members shall, as soon as possible, contact the complainant to identify themselves as the assigned investigators and arrange for an interview to be conducted.

4. The two appointed investigators shall complete a full, unbiased, and confidential investigation and submit a Report of Investigation to the Judicial Standing Committee no later than fourteen (14) days after the complaint is received by the Judicial Standing Committee.
   a. All investigations shall include interviewing the complainant and accused, unless the accused refuses to be interviewed or is not a current Party member and has

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2 The Anti-Harassment Procedure in place at the time the complaint is filed shall govern.
not met the requirements noted above for nonmembers to participate in an investigation. The investigators may re-interview the complainant and the accused if additional facts are discovered. The complainant and accused are also encouraged to present a proposal for resolution and the complainant may request an informal resolution.

i. The complainant or the accused may withdraw consent for informal resolution at any time.

ii. During the time an informal resolution is pursued, timelines for the Judicial Standing Committee are suspended.

iii. If the complainant and the accused agree to mediation, they shall choose the mediator.

iv. If informal resolution fails because the complainant and the accused are unable to agree to a mediator or process, either party withdraws consent, or no resolution can be reached, then the complaint shall return to the Judicial Standing Committee and timelines are reinstated.

b. An investigation may also include interviewing additional witnesses and the investigators may re-interview them if additional information is learned.

5. The Report of Investigation shall include the following disclaimer:

   This report is the product of an investigation conducted under a limited time frame and with limited resources, but attempts to review a complaint as fairly as possible. This document is not an official statement endorsed in any way by the Utah State Democratic Party. The Utah State Democratic Party expressly states that this report is not intended for public dissemination and should you receive it, you may not portray it any way as a statement of the Utah State Democratic Party. No unauthorized release of this document is permitted.

6. The Judicial Standing Committee shall meet virtually or in person in closed session with at least sixty percent (60%) of the currently-serving members who have not been recused for a conflict of interest (as defined in Section C Subsection 6) to review the Report of Investigation within seven (7) days of receipt and shall vote on:

   a. Whether the accused violated the Party’s Anti-harassment Policy, as found by a preponderance of the evidence standard (i.e., more likely than not), by majority vote of those present, and if yes, the disciplinary action for the accused.

   b. Alternatively, the Judicial Standing Committee may vote to give the assigned investigators up to fourteen (14) additional days to complete the investigation, by majority vote of those present. In such cases, the complainant and the accused shall be notified of the decision to extend the investigation time.

7. In considering what disciplinary action may be appropriate, the Judicial Standing Committee shall keep in mind the Party’s commitment to rehabilitation and restorative
justice when possible. The Judicial Standing Committee shall also consider the totality of the circumstances, including:

a. The frequency, extent, and severity of the alleged conduct;
b. The length of time that has passed since the alleged conduct;
c. Whether any past complaints have been filed, including the reason for withdrawal if applicable;
d. The victim’s wishes, including if the complainant is not the victim of the alleged harassment;
e. Whether the accused shows remorse and acknowledges any wrongdoing or harm caused; and
f. Any other factor the Judicial Standing Committee believes is relevant.

8. The Judicial Standing Committee shall determine disciplinary action tailored to the specific facts. Potential disciplinary actions may include, but are not limited to:

a. Written or verbal apologies, by majority vote of those present;
b. Mandatory training, by majority vote of those present;
c. Private censure, by majority vote of those present;
d. Any other action designed to address and discourage the unwanted conduct, by majority vote, so long as it is short of removal from leadership, suspension, expulsion, and withdrawal of all support;
e. Removal from Party leadership position(s), by a two-thirds (2/3) vote of those present;
f. Suspension for a specified period of time, including banning from Party events and digital spaces regardless of whether those events are open to the public, by a two-thirds (2/3) vote of those present;
g. Permanent expulsion from the Party, including banning from Party events and digital spaces regardless of whether those events are open to the public, by a two-thirds (2/3) vote of those present;
h. Withdrawal of all support if the accused is a candidate or officeholder, by a two-thirds (2/3) vote of those present.

9. The Judicial Standing Committee shall, within seven (7) days of the vote(s) described in Subsection B.6.a., submit a written Summary of Outcomes to the complainant, the accused, and the Executive Committee. The Summary of Outcomes shall include the result(s) of the vote(s) and the Judicial Standing Committee’s final outcome. In most cases, there will be one of three possible final outcomes:

a. No Action: The behavior was not found to violate the Party’s Anti-harassment Policy and/or the complainant withdrew the complaint.
b. Informally Resolved: The complaint was resolved informally with the assistance of the Judicial Standing Committee and/or another informal resolution
mechanism at the request of the complainant.

C. Concluded: The Judicial Standing Committee concluded its investigation and voted to determine disciplinary action against the accused.

10. If the outcome is “Concluded,” and both the complainant and the accused accept the decision of the Judicial Standing Committee, the decision shall be final and any disciplinary action shall be implemented immediately. The chair of the Judicial Standing Committee shall inform the Executive Committee that the decision has been accepted.

11. Alternatively, either the complainant or the accused may appeal the conclusion of the Judicial Standing Committee to the Executive Committee’s Appeals Subcommittee by following the procedure below. The person who filed the appeal may withdraw the appeal at any time, and the decision of the Judicial Standing Committee shall then be final and implemented.

   a. The Executive Committee’s Appeals Subcommittee shall have seven (7) members, randomly selected after each appeal is filed, from the voting and non-voting Executive Committee members with the exception of the Chair, Vice Chair, and Parliamentarian and any other member who serves on the Judicial Standing Committee.

   b. All appeals procedures shall be conducted in closed session and shall remain confidential as outlined in Article II, section A.

   c. An appeal may only be filed to challenge the processes and conclusions of the Judicial Standing Committee, on the following bases:

      i. Inadequate process;
      ii. Failure of the Judicial Standing Committee to follow proper procedures;
      iii. Failure to consider relevant evidence; and/or
      iv. Inappropriate disciplinary action.

   d. An appeal must be submitted in writing via email to judicial@utdem.org within ten (10) days of receiving the Summary of Outcomes.

      i. The appeal shall state the basis (or bases) for the appeal and provide all additional information to be considered.
      ii. No additional information may be provided, so the appeal should be as thorough as possible.

   e. Upon receipt of an appeal, the chair of the Judicial Standing Committee shall immediately send notice of the appeal to the Party Secretary and the non-apppealing party. Within seven (7) days:

      i. The Party Secretary shall randomly select seven (7) members to serve as the Executive Committee’s Appeals Subcommittee; and
      ii. The nonappealing party and the Judicial Standing Committee may each file a written response to the appeal. No additional information may be
f. Within one (1) week after the deadline for responses to be submitted, the Executive Committee’s Appeals Subcommittee shall meet in person or virtually to consider all information provided. The Executive Committee’s Appeals Subcommittee shall vote by a two-thirds (2/3) majority on whether they have a definite and firm conviction that the Judicial Standing Committee made an error, and if yes:
   i. They may order the Judicial Standing Committee to correct those errors and issue new findings and conclusions within fourteen (14) days; or
   ii. They may impose its own disciplinary action, which shall be final and implemented immediately.

g. The Executive Committee’s Appeals Subcommittee shall immediately forward the decision to the Judicial Standing Committee, the complainant, and the accused.

12. There shall be no further appeals or trials, including those prescribed by Robert’s Rules of Order.

C. Responsibilities

1. The Judicial Standing Committee shall be responsible to:
   a. Appoint two of its members, of different genders, as lead investigators to investigate complaints of harassment, regardless of whether the complainant is the alleged victim;
   b. Separate the alleged victim from the accused during the investigation to minimize any potential for continuing harm. The Judicial Standing Committee shall be empowered to temporarily suspend the active participation, but not the membership, of the accused. Such suspension may not exceed thirty (30) calendar days;
   c. Based upon the results of the investigation, recommend disciplinary action available under the Party constitution and this Anti-harassment Policy and Procedure;
   d. Appropriately document complaints, investigative steps taken, and written conclusions made to the Executive Committee; and
   e. Prepare and submit the Summary of Outcomes to the complainant, the accused, and the Executive Committee.

2. The Chair of the Judicial Standing Committee shall:
   a. Provide written notice immediately to complainants that their complaint was received;
   b. Advise parties of the process and answer any questions about the process;
c. Ensure that the process is followed, including within the prescribed time frame;

d. Arrange for an informal resolution between the parties, if requested by the complainant and agreed to by both parties; and

e. Maintain copies of all documentation pertaining to complaints.

3. The appointed investigators shall:

a. Begin a thorough and unbiased investigation as soon as possible, but preferably within 24 hours after a complaint is received, to be conducted as timely and confidentially as possible;

b. Inform all participants of their duty not to make public disclosures of any confidential information they obtain a signed, written agreement to maintain confidentiality;

c. Inform all parties of their rights and responsibilities, including the right to be represented during the process by the representative of that person’s choice;

d. Provide the accused with a copy of the complaint;

e. Interview the complainant and the accused and may interview any additional witnesses; and

f. Prepare a written Report of Investigation for the Judicial Standing Committee outlining the allegations of the complainant, the response of the accused, the testimony of any other witnesses, any additional information gathered, and the conclusion reached.

4. The Party Secretary shall:

a. Upon notice that an appeal has been filed, randomly select seven (7) Executive Committee members from the voting and nonvoting members, excluding the Chair, Vice Chair, Parliamentarian, or any other member who serves on the Judicial Standing Committee, to serve as the Executive Committee’s Appeals Subcommittee.

5. The Executive Committee’s Appeals Subcommittee shall:

a. Review all materials submitted by the complainant, the accused, and the Judicial Standing Committee;

b. Rule on appeals; and

c. Immediately notify the complainant, the accused, and the Judicial Standing Committee in writing the results of the appeal.

6. Members of Judicial Standing Committee and Executive Committee’s Appeals Subcommittee shall disclose any actual or potential conflict of interest to the body that person is part of, as soon as that person becomes aware of the conflict. That body, except the person in question, shall vote by majority to determine if the actual or potential conflict of interest requires the recusal of that person from participation in the proceeds. The result of the vote shall not be appealable.
a. A conflict of interest shall include any financial interest in the outcome of the proceedings or any personal relationship that threatens the ability to objectively participate, such as family or business relationships.

b. Recognizing that pre-existing personal relationships are inevitable in any organized body such as the Party, a pre-existing personal relationship shall not be grounds for recusal unless the body determines that the relationship will interfere with the person’s ability to participate objectively.

c. Should a vote on a conflict of interest result in the Executive Committee’s Appeals Subcommittee having insufficient membership to meet the requirements of this Anti-harassment Policy and Procedure, then:
   
   i. The Party Secretary shall immediately provide additional randomly selected name(s) from remaining eligible Executive Committee members to serve on the Subcommittee.
   
   ii. If the Executive Committee’s Appeals Subcommittee is unable to form with seven (7) members due to conflicts of interest, then all non-conflicted Executive Committee members shall be deemed sufficient to serve as the Subcommittee.