

CODE OF CONDUCT AND CONDUCT REVIEW COMMISSION

CODE OF CONDUCT

Democratic Party of Orange County

This Code of Conduct of the Democratic Party of Orange County (the “DPOC”) applies to the following individuals (each a “DPOC Colleague”): (1) each member of the DPOC Central Committee, including elected members, appointed members, ex officio members, alternates, and associates; and (2) any non-member who is appointed to a DPOC officer position, Standing Committee or Special Committee.

Expected Behavior

The DPOC is committed to providing a safe, professional and harassment-free environment for all DPOC Colleagues, employees, and all others associated with the DPOC. The DPOC expects all DPOC Colleagues, employees, and others associated with the DPOC to act professionally, respecting the personal rights and dignities of all individuals involved with the party so as to create a productive, inclusive environment for all.

All individuals should feel safe within the DPOC, regardless of their sex, gender, gender identity, gender expression, sexual orientation, pregnancy, race, color, ethnicity, national origin, immigration status, ancestry, religion, creed, age, physical or mental disability, medical condition, genetic information, marital status, military or veteran status, body size, domestic violence victim status, or any other legally protected classifications they may have.

The DPOC’s behavior standards apply to meetings of the DPOC Central Committee, Executive Committee, standing committees, special committees, other DPOC related meetings, any and all events sponsored by or affiliated with the DPOC, as well as in DPOC-related calls, texts, emails, and social media like Facebook, Instagram, Twitter and SnapChat. The DPOC behavior standards also apply to matters unrelated to the DPOC if the behavior (or consequences of the behavior) (i) is detrimental to the DPOC’s reputation or is harmful to the DPOC’s purposes or operations or (ii) targets, directly or indirectly, a DPOC Colleague.

Unacceptable Harassment

The DPOC will not tolerate harassment—that is, disrespectful or unprofessional conduct based on any of the protected categories listed above. Prohibited harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing based on the protected categories listed above), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails based on the protected categories listed above), or physical (such as physically threatening another person, blocking someone’s way, touching private parts, making physical contact in an unwelcome manner, etc.).

The DPOC will not tolerate sexual harassment, that is, harassment based on sex or conduct of a sexual nature, which includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity or gender expression. Prohibited sexual harassment may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

The DPOC prohibits quid pro quo sexual harassment, such as when submission to sexual conduct is made explicitly or implicitly a term or condition of an individual’s membership in the party, appointment to committee, leadership, or other role within the DPOC; or submission to or rejection of sexual conduct by an individual is used as the basis for decisions affecting that individual.

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The DPOC prohibits the creation of a hostile environment, that is, conduct that creates an intimidating, abusive, hostile or otherwise offensive environment, including but not limited to: unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts; sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets; leering, obscene or vulgar gestures or making sexual gestures; displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items; impeding or blocking movement, unwelcome touching or assaulting others; any abusive yelling or screaming, other verbal threats, or disrespectful language directed at a person; any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances; and conduct or comments consistently targeted at one gender, even if the content is not sexual.

The examples above are just that—examples. In general, any conduct listed above or that is based on the protected classifications listed above that could interfere with an individual's participation in the DPOC or could create an offensive environment will be considered harassment in violation of this code of conduct. This is the case even if the offending individual did not mean to be offensive. It is essential that we all be sensitive to the feelings of others.

Disrespectful or Intimidating Behavior Prohibited

A DPOC Colleague shall not create or contribute to an environment that is intimidating, offensive, or abusive to others. Prohibited behavior includes but is not limited to: physical intimidation or harassment including holding, impeding or blocking movement; following, stalking, or any other inappropriate or known to be unwelcome physical contact or advances; threats or demands to submit to sexual requests; and threats or other conduct which impair Party operations or frighten, alarm, or inhibit others.

Support for Endorsed Candidates

A DPOC Colleague shall not:

1. Publicly denigrate a candidate endorsed by the DPOC; or
2. Endorse, or allow their name to be used to support, or encourage others to vote for any candidate in a partisan race who is not a registered Democrat; or
3. Give support to or publicly advocate for a candidate of another party or a candidate who is opposed to a candidate endorsed by the DPOC. For purposes of this section, public candidate advocacy includes, but is not limited to donations; oral, written, or electronic communication of support; endorsement; or campaign appearances with candidates or on behalf of a candidate.

Reporting

The DPOC takes very seriously its responsibility to provide each DPOC Colleague with a safe, professional and harassment-free environment and urges any DPOC Colleague who feels uncomfortable, unwelcome, or unsafe to report harassment (of themselves or observed with respect to others) or any other violation of this code of conduct as soon as possible by submitting a written statement to the DPOC Chair, one of the elected DPOC officers (Vice-Chairs, Treasurer, Secretary) or one of the California Democratic Party Regional Directors. The individual is never required to file a complaint with the harasser(s) or code violator(s).

The statement should provide information such as a summary of the incident or incidents, names of the individuals involved, and names of any witnesses so as to enable the DPOC to initiate an investigation.

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Retaliation Prohibited

Retaliation for reporting an alleged violation of this code of conduct, or for participating in an investigation with respect to this code of conduct, is prohibited.

Retaliation may include, but is not limited to, exclusion from meetings or committees, ostracism, bad-mouthing, or other conduct that may limit engagement with the DPOC, or that would be reasonably likely to deter a reasonable DPOC Colleague from reporting an alleged violation of this code of conduct or participating in a code of conduct investigation.

Remedies/Penalties

1. For alleged violations of the obligations under the section on “Support for Endorsed Candidates”, the procedures are as set forth in the Bylaws: Article II, Section 7 with respect to removing or censuring a member or Article IV, Section 4 with respect to removing an officer.
2. For all other alleged violations, the DPOC will refer the matter to the Conduct Review Commission to investigate the matter. If the Conduct Review Commission determines that harassment or any other violation of this Code of Conduct has occurred, it shall make recommendations on appropriate remedies or sanctions to the Executive Committee. The Executive Committee by a majority vote may impose any recommended remedies or sanctions (other than removal or censure) provided that the alleged violator shall have had an opportunity to appear before the Executive Committee to respond to the statement of charges and the recommendations of the Conduct Review Commission.

Any recommendation by the Conduct Review Commission for the removal or censure of a member or an officer may only be acted upon by following the procedures set forth in Article II, Section 7 or Article IV, Section 4 of the Bylaws. Furthermore, the referral of any matter to the Conduct Review Commission or the pendency of any matter before it does not suspend, delay or affect the right of DPOC members and officers to pursue removal or censure under the foregoing Bylaws provisions.

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CONDUCT REVIEW COMMISSION

The purpose of the Conduct Review Commission (“CRC”) is to investigate and make recommendations to the Executive Committee with respect to any complaint received by the DPOC alleging a violation of the DPOC Code of Conduct (other than a violation under the section entitled “Support for Endorsed Candidates”).”

The CRC shall be comprised of either three or five independent outside experts appointed by the Chair with the approval of a majority of the Executive Committee present and voting. Any CRC member may be removed by a majority of the Executive Committee present and voting.

Each member of the CRC must:

1. Have expertise relevant to the duties of the CRC such as in discrimination, harassment or bullying law or claims; in conflict resolution; in mediation or counseling.
2. Be a registered Democrat.
3. Not have any position (as any officer, central committee member or other committee member whether as principal or as an alternate) with the California Democratic Party, the DPOC or any other county democratic committee.
4. Not be an officer of any club chartered by the California Democratic Party, the DPOC or any other county democratic committee.

The CRC shall conduct its investigations promptly and shall report back to the Executive Committee no later than 30 days after a complaint has been referred to it. Any recommendations of the CRC must be approved by a majority vote of the CRC members present and voting. Recommendations may range from dismissal due to the complaint being unsubstantiated to expulsion of the violator from DPOC office or membership.

The CRC may also seek to resolve matters between the complainant and the alleged violator through agreement on a remedy such as a verbal or written apology or attending an educational program (e.g., on bullying and intimidation). The CRC shall report any such resolution to the Executive Committee.

Neither the pendency of any CRC investigation nor any CRC recommendation or resolution of a matter shall delay, suspend or affect the right of DPOC officers and members from pursuing censure or removal of a member under Article II, Section 7 or removal of an officer under Article IV, Section 4.