

FAIR PROCESS PRINCIPLES FOR EQUITABLE POLITICAL WORK SPACES

Clear policies in political campaigns are essential to address all types of harassment by staff and in volunteer work spaces, events, and travel. These policies must apply equally to the candidate, campaign leadership, supervisors, staff, volunteers, surrogates, and anyone who may be in a campaign's orbit (think vendors, delegates, event space staff, security personnel, party leaders/officials, media, and the candidate's "kitchen cabinet").

Among other policies to prevent sexual abuse, **it is important that campaigns immediately establish clear reporting mechanisms for anyone affiliated with the campaign to report harassment, assault, or harm without fear of retaliation.** In these instances, it is important that any and all allegations are taken seriously and a third-party investigation conducted.

A fair and transparent investigation encompasses the following principles:

It should be "trauma-informed" in that it is conducted with care for the needs of any individual(s) who has experienced harm.

Reporting parties should be offered resources such as 24-hour help hotlines, counseling, and other healing services such as those listed at Survivors' Agenda. Campaigns should offer and grant requested accommodations to reporting parties, such as changes in work hours, job duties, or physical locations, to ensure separation from the alleged harasser and otherwise to provide safety. If the reporting party is being attacked in the media, the accused party or political organization should refuse to participate in such attacks and call upon the media to cease them.

A fair process is one that is conducted by an independent, unbiased, trained investigator or entity.

The investigating body should not have ties to and is not influenced by party or political affiliation, political operatives, candidates, or elected officials.

A fair process assesses credibility by using the "preponderance of the evidence" standard used in civil cases (known as "more likely than not").

This standard means that the evidence, taken as a whole, shows that the conduct discussed in the report findings is more likely to have occurred than not to have occurred. The criminal law standard of "beyond a reasonable doubt" is inapplicable; nor is the "clear and convincing" standard appropriate. In communicating about the process or describing its outcome, the parties will not use "guilty," "innocent," "not guilty," and similar terms from the criminal legal system, nor state or imply the reporting party was lying or submitted a false report unless that specific finding was made by the investigator.

A fair process allows for the collection of a variety of evidence.

Such evidence could include anonymous tips, delayed reporting by the survivor and witnesses, text messages, social media, and press reports. Reporting parties must also be free to decline to participate in an investigation or process, without fear of repercussions or retribution.

A fair process is one that recognizes only relevant denials and defenses in its pursuit of truth.

An individual's report should not be discounted or attacked because of delayed reporting, the reporting party's mental health, or sexual history. Similarly, a history of championing "women's causes" and/or gender-based violence issues, being a person of faith, and/or not having been the subject of previous reports of harassing or assaulting behavior other than indicated by a reporting party is not determinative as to whether the accused party has caused harm.

A fair process does not cause further harm to survivors, including retaliatory behavior by accused parties themselves or through proxies.

DARVO, which stands for "Deny, Attack, and Reverse Victim and Offender," is a retaliatory strategy by perpetrators to falsely claim that the survivor has victimized them. The accused party will be instructed not to engage in DARVO or any retaliatory conduct, publicly or privately, nor to enlist proxies to retaliate on the accused party's behalf.

A fair process requires accountability and consequences when harm is found.

If the investigator finds that sexual harassment or assault occurred, there must be consequences, although the exact form of accountability will likely vary based on the severity of the violation(s) and the needs of the survivor. If and when the accused is willing to take responsibility, the needs of those who have experienced harassment or misconduct must be paramount in crafting a response.

All people who come forward to report sexual harassment and assault deserve a fair process designed to elicit truth, promote transparency, hold harmdoers accountable, and provide accommodations and support for those harmed. It is incumbent upon political work spaces and all of our public officials to create systems through which survivors' claims can be fairly evaluated to address the harm they experienced through accountability and consequences for that harm.

We urge your leadership to adopt the Fair Process Principles and promptly implement a process to investigate and resolve sexual harassment and assault reports that is informed by these guidelines.

With respect,

Survivors in political work spaces