

rs21 complaints and disciplinary procedures

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This document is not a substitute for a culture of respect. Building a culture of respect should be a continuing priority for rs21, as a practical task and a fundamental socialist principle. A robust culture of respect will have a positive impact on all rs21 discussions, decisions and actions, and will make resorting to these complaints and disciplinary procedures less often necessary.

1. rs21 is a collective of revolutionary socialists who believe in changing the world. We want to see the working class take power.

2. Some kinds of behaviour make it harder for rs21 to work as a group or to influence the people or campaigns that we want to work with. Therefore rs21 has to have a complaints and disciplinary procedure. The procedure which follows is not intended to copy the courts or workplace policies. Rather it is intended as guide to the sorts of decisions that the group needs to make, so that we can advance the interests of the working class and of rs21.

THE APPOINTMENT OF A PANEL AND THE DECISION WHETHER TO PROCEED

3. Complaints should be made initially to the Steering Group (SG), who will administer them. When a complaint is made, the first tasks of the SG are to inform the person subject to the complaint and to inform the Complaints Panel. A Complaints Panel of 12, not including SG members, will be elected annually by the National Meeting. They will agree the three most appropriate of their members to hear the complaint.

4. If the complaint includes a complaint of discrimination then the panel should be selected, so far as is possible, in a spirit of equality and anti-discrimination.

5. Both the SG and the panel will respect the confidentiality of those involved and will not reveal the names of those involved unless and until a decision is made to do so in mediation or at the end of the process (see Publicising the Decision, below).

6. The panel will take its decisions fairly, considering the politics of rs21 at all times. It will not favour individuals just because they are long-standing members of rs21 or have played positive roles in past campaigns. It will reach its decisions in good time, bearing in mind the limits of resources available to a group of volunteers.

7. No decisions of the panel may be changed by the SG. It can only be altered by the members of the panel themselves or by a National Meeting of rs21.

8. Early on in the process, the panel will make this document available to both the complainant and the person subject to the complaint (unless it is a disciplinary decision, and there is no named complainant). At the same time, the panel will seek from the complainant a summary of the complaint (this should be limited to a maximum of 250 words) and make that summary available to the person subject to the complaint.

9. When members of the panel receive a complaint, their first decision is likely to be whether the complaint which is one that they can investigate:

a) It is not appropriate for rs21 to investigate, under this procedure, complaints of rape, domestic violence or sexual harassment. They should be addressed under rs21's separate policy.

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b) It is not appropriate for a panel rs21 to investigate other complaints above a certain threshold of seriousness (i.e. criminal allegations which, if proven, would be likely to lead to imprisonment). If the panel receives a complaint which is too serious to be formally investigated then the panel will have to decide whether it can take action without investigation. In these circumstances, the panel has all the powers set out under 'Outcome', below, including a power to simply expel the member without investigation.

c) There are may also be complaints which are unsuitable to investigate, for example, because the allegations (even if believed) would not be serious enough to require action to be taken; or because a complaint is being made in an attempt to resolve a purely political dispute which is better handled at the next National Meeting.

10. If a decision is taken not to investigate, the panel will provide reasons for declining to investigate it, and give them to the person who has made the complaint and the person who has been subject to it.

MEDIATION OR INVESTIGATION; SUSPENSION

11. If it is decided that the matter can be investigated, then the panel will decide whether to mediate the complaint or whether to hold a hearing to investigate it.

12. The purpose of a mediation is to negotiate between two or more members of rs21 and to assist them in resolving an issue. Mediation is most likely to be appropriate if the individuals concerned have a close working relationship which will need to continue in future, or the complaint is of a borderline seriousness so it might not be serious enough for investigation at all. On the other hand, mediation is always voluntary for both parties: if either party asks for an investigation, it is never appropriate for a panel to impose mediation on them.

13. If it is decided that the complaint should be mediated, the panel (or a mediator appointed by the panel) will assist both parties in drawing up an agreed position that will enable them to work together in future. It will be for the people involved in that mediation to decide whether and how the outcome is publicised.

14. If the matter is to go to a hearing for investigation, the panel will decide at the same time whether to suspend the person subject to the complaint from rs21.

15. Suspension will not be treated as automatic but can only be decided by the panel on a case by case basis. If the panel decides to suspend a member of rs21, it may not do so for more than 2 months, and the panel has no power to extend this period of suspension except after concluding its investigation of the case.

16. If the matter is to go for investigation, the following principles will apply.

THE INVESTIGATION

17. By this stage, the panel will have already asked the complainant to draw up a summary of the complaint. The person subject to the complaint will be given an opportunity to respond at the same length.

18. Depending on the nature of the complaint, the panel may then ask the complainant to provide a longer statement, including potentially the statements of supportive witnesses or other evidence. The panel may also ask the person subject to the complaint to provide a statement or evidence. If either party is asked to provide these extra details, the other party will be given an equal opportunity to respond.

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19. All documents provided to the panel will be provided to both parties before the investigation hearing.

20. If the complaint is a disciplinary one and there is no named complainant, the panel will take the same approach towards evidence - i.e. whatever documents it obtains, it will give the person subject to the complaint access to them and a chance to comment them. It will not make decisions based on information which has not been seen by the person who is being investigated.

21. At the hearing, the panel will decide whether questions should be asked. If they are, then all questions will be asked by members of the panel. Either party can suggest questions for the panel to consider. There will be no "cross examination" of the person subject to the complaint by the complainant or vice versa. In normal circumstances it will, however, be appropriate for each party to be present while questions are asked and to listen to the answers.

22. At the end of the hearing, the panel will decide what action to take and will communicate its reasons for its decision.

THE OUTCOME

23. The powers available to the panel include taking no action on a complaint, asking either party to apologise to the other formally in writing, suspending a person from membership for a limited period of time, issuing an oral or written warning, or requiring a person to give up a role within rs21 or an rs21 branch, or expelling a person from the group permanently.

24. Any decision to suspend or expel will apply immediately from the hearing.

PUBLICISING THE DECISION

25. Any decision of a panel will be communicated to the SG.

26. The panel will communicate the substance of its decision to the next National Meeting.

27. The panel will decide, on a case by case basis, whether to keep the parties' details confidential. It will usually be appropriate to waive confidentiality in disputes with a political component. It will also usually be appropriate to publicise the name of the person who is subject to a personal / behavioural complaint, if that complaint is upheld. However in all cases the decision to publicise or not will be for the panel. If the panel chooses to keep the details confidential, it will give the reasons in its report.

27. A record of all decisions of any panel will be kept by SG, including the names of the parties with no anonymity, and will be passed from each outgoing SG to each new SG. It will be the responsibility of panelists and members of the SG to ensure that they do not keep a record of any decisions, or any other documents from a complaint, for longer than three years.

POWERS OF THE SG AND THE NATIONAL MEETING

28. The SG may suspend a member temporarily, while a panel is appointed. However any such suspension is limited to the 4 week period in which a panel must be appointed. The Steering Group has no powers to expel a member except through the above process. The SG has no power to reverse a decision of a panel.

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29. If a member of the group asks a National Meeting to reconsider a decision taken by a panel, it will be up to the National Meeting to consider the procedure it will follow, but (unless a panel has already decided to waive confidentiality) any such request must respect the confidentiality of all those involved. However, the National Meeting will not conduct a fresh hearing of its own.