

## rs21 policies on complaints, discipline, sexual violence and domestic abuse

*This motion was passed at the national members' meeting on 12 September 2020.*

rs21 currently has a [complaints and disciplinary procedure](#) introduced in June 2018 and [guidance document on sexual violence and domestic abuse](#) which was introduced in September 2016 and updated in February 2020.

### Reviewing our sexual violence and domestic abuse guidelines

Members are invited to volunteer at this meeting or by emailing [rs21organiser@gmail.com](mailto:rs21organiser@gmail.com) for a working group to review the guidance document on sexual violence and domestic abuse and bring proposals back to a future national meeting. Some of the inter-related issues the working group could consider in the process are:

- How we might learn from theoretical and practical work around transformative justice in political spaces, keeping in mind the work that might be involved
- Whether former known perpetrators might ever be (re)admitted into political spaces and if so what kinds of things would be considered in taking that decision
- What needs to be considered to enable a survivor-centred approach in the longer term, for example in terms of evaluating risk, checking in with the survivor(s), or actions should the perpetrator resurface
- How to encourage comrades to be sensitive to survivors in the longer term? e.g. friendships with perpetrators, sharing stuff online which survivors might see
- What our responsibilities might be as an organisation or as individuals when a perpetrator is not an rs21 member

### Immediate changes to the complaints and disciplinary procedures

The complaints and disciplinary procedures have barely been used, which is a good thing, but there have been various criticisms of how it was set up, including from its chair who stepped down and wrote in the June 2020 internal bulletin.

We agree the document below as an updated complaints and disciplinary procedures with immediate effect, with a new Complaints Group elected today. The substantial changes are shifting responsibility for administering the procedure from the Steering Group to a Complaints Group of five, abolishing the standing 12-person Complaints Panel and empowering the Complaints Group to select a panel of three appropriate rs21 members to deal with a complaint. The smaller elected body makes it more accountable to national meetings, while tasking it with appointing the panel rather than drawing one from its own ranks helps improve demographics and increase flexibility.

### Reviewing our complaints and disciplinary procedures

We recognise that many of the problems which our guidelines on sexual violence and domestic abuse are intended to avoid can also arise in interpersonal matters which would be handled under the complaints and disciplinary procedures. To address this we will:

- Organise discussions and commission content for the website to explore transformative and restorative justice

- Invite members to volunteer at this meeting or by emailing [rs21organiser@gmail.com](mailto:rs21organiser@gmail.com) for a working group to review the complaints and disciplinary procedures and bring proposals back to a future national meeting

The two working groups looking at the guidelines and the procedures may choose to discuss some matters together.

### **New complaints and disciplinary procedures:**

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 complaints and disciplinary procedures. The procedure which follows is not intended to copy the courts or workplace policies. Rather it is intended as a 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 DECISION WHETHER TO PROCEED; SUSPENSION; AND THE APPOINTMENT OF A PANEL**

3. A Complaints Group (CG) of five, not including Steering Group (SG) members, will be elected by the national members' meeting with a term of office of one year (to the nearest national meeting).
4. Complaints should be made initially to the CG, who will administer them. When the CG receive a complaint, their first decision is likely to be whether the complaint is one that they should investigate:
  - a) It is not appropriate for rs21 to investigate, under this procedure, complaints of sexual violence or domestic abuse. They should be addressed under rs21's separate guidelines.
  - b) It is not appropriate for 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 CG receives a complaint which is too serious to be formally investigated then the CG will have to decide whether it can take action without investigation. In these circumstances, the CG has all the powers set out under 'Outcome', below, including a power to simply expel the member without investigation.
  - c) There 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.

5. If a decision is taken not to investigate, the CG will provide reasons for declining to investigate it, and give them, along with this document, to the person who has made the complaint (unless it is a disciplinary decision, and there is no named complainant) and the person who has been subject to it.
6. If the CG decides to proceed, they must decide whether to suspend the person subject to the complaint from rs21. Suspension will not be treated as automatic but can only be decided by the CG on a case by case basis. If the CG decides to suspend a member of rs21, it may not do so for more than 2 months, and the CG has no power to extend this period of suspension except after concluding the case.
7. The CG must also:
  - a) Inform the person subject to the complaint
  - b) 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)
  - c) 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.
8. The CG will select a Complaints Panel (panel) of three appropriate rs21 members not on the SG who agree to hear the particular complaint.
9. 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.
10. Both the CG and 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).
11. Both the CG and the panel will take their decisions fairly, considering the politics of rs21 at all times. They will not favour individuals just because they are long-standing members of rs21 or have played positive roles in past campaigns. They will reach their decisions in good time, bearing in mind the limits of resources available to a group of volunteers.
12. No decisions of the CG may be changed by the SG. It can only be altered by the CG themselves or by a National Meeting of rs21 members.

#### **MEDIATION OR INVESTIGATION**

13. If the CG 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.
14. 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.

15. 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.

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

#### **THE INVESTIGATION**

17. By this stage, the CG 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.

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 on 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 communicate the information gathered and their findings to the CG, and recommend an outcome. The CG will then decide what action to take and communicate its reasons for its decision to the panel and both parties.

#### **THE OUTCOME**

23. The powers available to the CG 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 rs21 permanently.

24. Any decision to suspend or expel will apply immediately.

#### **PUBLICISING THE DECISION**

25. Any decision of the CG will be communicated to the SG.

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

27. The CG 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 CG. If the CG chooses to keep the details confidential, it will give the reasons in its report.
28. A record of all decisions of the CG 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 panellists, members of the CG 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**

29. 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 the CG.
30. If a member of rs21 asks a National Meeting to reconsider a decision taken by the CG, it will be up to the National Meeting to consider the procedure it will follow, but (unless the CG 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.