

Policy on Handling Allegations of Sexual Harassment and Sexual Violence in the Organization

Introduction

As an organization of Marxist-Leninists our political goal is the liberation of women. A clear policy on sexual harassment and violence furthers that goal.

Sexual violence has been a weapon of oppression since the formation of society into classes. Sexual violence is intimately linked with the oppression of women. Women, both cisgender and transgender, are the most frequent targets of this violence but genderqueer folks, intersex people and men can also be victims. Street harassment, sexual harassment, sexual violence and threats of sexual violence, and physical and mental abuse in intimate relationships are some forms that women's oppression takes.

The overthrow of bourgeois rule and implementation of socialism will not in the short-term do away with the material basis of women's oppression; only the destruction of class society can do that. Nonetheless, the battle against the oppression of women is a present and daily struggle. Becoming a communist does not strip away the ideological and cultural beliefs that people are indoctrinated from growing up in the context of a male supremacist society. At times those beliefs impact the way people behave in intimate relationships.

A New Standard of Consent.

Learning from the errors of predecessor organizations, it is clearly stated in our rules that the organization will not interfere in the sexual and relationship preferences of our members. This means not only sexual orientation but also gender orientation, relationship structure, etc. As communists, our standard needs to be that relationships of all types rest on a foundation of mutual respect and mutual consent.

This policy is also not intended to discourage intimate relationships or encourage a conservative Victorian-type morality. The intent is to establish norms for intimate relationships that rest on a foundation of the politics of liberation.

In the recent past, the standard of consent was, "No Means No." The leading edge of social practice has transformed that standard to, "Yes Means Yes." For the purposes of this policy: The standard of judgment for mutually respectful and mutually consenting relationships of all types is the standard of affirmative consent.

Sexual violence can occur whenever partners or prospective partners do not actively communicate consent for each new level of sexual activity. In order to be able to give consent, a person must have the option and ability to refuse consent. Thus, a person who is severely intoxicated or unconscious cannot give consent. Differences in power or authority between individuals can limit a person's ability to provide meaningful consent. For example, a young, new activist may feel as though they do not have the option to refuse sex with the leader of a mass organization.

Sometimes all parties in a sexual encounter are severely intoxicated and by this definition neither party is able to give consent. In real life, in those instances the person with the most power in the relationship will likely be held responsible in the event of allegations of sexual assault.

Affirmative consent can also be withdrawn after being given at which point the agreed upon activity needs to stop, the people involved need to check in about what has happened and what if anything they wish to happen going forward.

Comrades are expected to abide by these standards at all times; it is part and parcel of taking up a correct class stand and being a good communist.

Definitions and language:

It is extremely rare for someone to completely fabricate a story of sexual assault or battering. For the purposes of this document, even when we are discussing issues before an official determination has been made on a case, we will use the terms survivor and perpetrator. At the same time, we are committed to ensuring, as best we can, that the process is fair for all involved and that all parties have the opportunity to share their stories.

Sexual Violence: The essence of rape is the sexual abuse of power: a perpetrator's exploitation of dominance, influence, and control over a person in a subordinate position. This way of understanding sexual assault recognizes that, particularly in acquaintance rape, physical coercion can be non-existent or secondary to the perpetrator's ability to exploit their power, authority, or trust.

Sexual harassment: Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or written communication, using any format including social media, of a sexual nature that creates a hostile environment. This can include, but is not limited to:

- Pressure for a dating, romantic or intimate relationship
- Unwelcome touching, kissing, hugging or massaging.
- Pressure for sexual activity.
- Unnecessary and unwelcome references to various parts of the body.
- Remarks about clothing, body, or activities that could be construed as sexual, either in appreciation or as a put-down.
- Belittling remarks about a person's gender or sexual orientation.

Sexual assault: Sexual assault takes many forms including attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats. A sexual assault occurs when someone touches any part of another person's body in a sexual way, even through clothes, without that person's consent.

Process on allegations:

As an organization we take no position on whether people should file legal charges or not. We understand the reasons why people may or may not wish to involve the police.

Whatever the survivor's decision, an internal process is still needed to examine if there are internal practices or events that played a contributing role.

Allegations will be handled at a district level unless the district leadership is unable to do so. The fact that an investigation is taking place will be communicated to the Center, who will monitor follow-through and resolution.

If any comrade believes that district leadership is not following procedures appropriately, it is permissible to go outside normal channels and report this directly to the person designated by the center. At this time, the Political Secretary is that person.

Investigations require a formal complaint from the survivor to the organization/person investigating that outlines the nature and time frame of the charges. The formal complaint needs to contain enough detail that the charge against the perpetrator is clear as to what and when. A charge does not need to be so detailed that the survivor is required to relive the entirety of the event. Investigations will be completed within in a month if possible. All information is shared only on a need to know basis and confidentiality is maintained.

In evaluating claims of rape, other forms of sexual assault, sexual harassment, and partner violence, we start with the survivor's statement about what happened and maintain a presumption that survivors generally tell the truth.

In addition to listening to the survivor's story of what took place, we also ask the perpetrator to provide an account of the situation and events, not to evaluate the "truthfulness" of the survivor's story but to gain a better understanding of what happened.

If there are other people whose interpretations may shed light on the events in question, we should listen to their stories too. This is to listen to the accounts and see where they are the same and where they vary, either in terms of facts or interpretations.

Evaluating Cases

Sexual violence occurs in different forms and at different levels of force/coercion/intimidation—for example, sexual harassment and sexual assault both are expressions of rape culture but the level of violation and the harm experienced by the survivor is different. For this reason we have developed descriptions of 3 groups of behaviors and some of the possible consequences for them. It is intended as a general guide to district leaders

Category 1

Description:

- Verbal harassment.
- Unwelcome pressure for sexual activity.
- Unwelcome sexual advance.
- Unwanted touching, including repeated "incidental" or flirtatious but unwanted light touching over clothing.

Response:

- Sanctions on participation in organization events.
- Survivor has the option to request that perpetrator must avoid activities that would bring them into contact with the survivor for up to 6 months.
- Behavior change and study.
- Probation of up to 2 months may be considered depending on the severity.

Category 2

Description:

- Category 2 offenses do not involve physical force.
- May involve a failure to get continuous active consent during all sexual activity, and before initiating each new level of sexual activity.
- Repeated or escalated incidents from category #1.
- Unwanted touching, including brief but assertive unwanted touching of a sexual nature which ends upon request/demand.

Response:

- Probation of up to one year should be considered, and expulsion may be appropriate for the more severe cases in this category.
- Perpetrator must avoid events and activities that would bring them into contact with the survivor (if so desired by the survivor).
- Sanctions on participation in Organization events including social events.
- Suggestion or Requirement to seek counseling.

Category 3

Description:

- Perpetrator may place the victim in fear of social, economic, political, or professional harm.
- Perpetrator exploits a situation in which the victim is intoxicated with drugs/alcohol.
- Perpetrator may use or threaten to use physical force, or otherwise causes the survivor to fear for their safety.
- Coercion through an abuse of power where survivor is threatened socially/politically.
- Stalking which causes the survivor to feel unsafe.

- Physical abuse.
- When the survivor names the assault as rape it will generally fall into this category.

Response:

- Expulsion is mandatory.
- Perpetrator must avoid organization events and activities, including public events.
- Perpetrator is urged to seek counseling/treatment.

Notes On Determining Levels and Consequences

When using the guidelines to determine the severity of a case and which category it falls into, there are a few precautions to remember. First, the victim's inability to say "No" or "Stop" during a sexual assault should not be used as evidence that a sexual assault did not occur, or as evidence that the sexual assault was less severe. Likewise the perpetrator's general character is not evidence that a sexual assault did not occur, or as evidence that the sexual assault was less severe.

We are all socialized in contradictory ways by society. Some perpetrators' patriarchal behaviors may be (relatively) straightforward for them to self-criticize and understand. These perpetrators, when confronted with criticism of their behavior, will usually experience remorse, a desire to understand the survivor's interpretation of their behaviors, and an eagerness/willingness to change. Perpetrators of this sort will be more likely to be capable of change through an organizational accountability process.

In other situations, a perpetrator might be resistant to organizational calls for accountability and walk away.

The Perpetrator's Status in the Organization During the Investigation

During the investigation, the perpetrator should be suspended if the issue in question is sexual assault /rape OR if the perpetrator is an imminent danger to the survivor or others; for other issues this will be at the discretion of the district. In all cases, the perpetrator is required to avoid contact with the survivor during the investigation.

In starting from the point of view of the survivor, we recognize that many may very well wish not to be around the person who has harmed them. In most cases, the perpetrator should be asked to step back from activities that would put them in the same space as the survivor—both within the organization as well as in any other organizations – pending investigation. If not suspended, the perpetrator's task is to remain part of the organization, participate in the investigation process and, if harm has occurred, to engage in the accountability plan that is created.