

Kansas Democratic Party

Code of Conduct Policy Draft

Foreword

Any form of discrimination, bullying, or harassment is prohibited and shall be subject to appropriate corrective action.

The Kansas Democratic Party (KDP) values diversity. The KDP acknowledges that varying opinions and perspectives will always be a hallmark of our party and the different ways we look at issues are essential to the democracy we uphold. There is always a place for discourse within the KDP, but there is no tolerance for bullying, harassment, discrimination, or immoral or unethical conduct.

Any member of the KDP may file a Code of Conduct Violation Complaint. The filing of Code of Conduct Violation Complaints is reserved for instances that specifically relate to bullying, harassing, discrimination or other intentional violation of the moral and ethical conduct that is expected of Kansas Democrats.

Filing of a Code of Conduct Violation Complaint and the KDP Code of Conduct violation process is not meant to replace vigorous discourse. It is not meant to regulate every disagreement, nor is it meant to silence opposing voices on issues. The majority of disagreements can and should be handled between the individuals in question or brought to the County Party Chair or Vice Chair or the Congressional District Chair or Vice Chair to moderate and find common ground and resolution.

Jurisdiction

Persons subject to the Code of Conduct include the elected officers of KDP and Affiliated Committees, paid staff, volunteers, and other person(s) engaging regularly with the KDP. This includes such person(s) as: paid consultants and vendors to the KDP, candidates, campaign staffers, campaign consultants, vendors, and campaign volunteers regardless of their registration status.

Candidates will be held responsible for the behavior of people working on behalf of and by instruction of their campaign, regardless of whether those people are paid staff members, consultants, vendors, or volunteers.

Exemptions

Elected legislators and statewide representatives such as the Governor, Lt. Governor, Secretary of State, Attorney General, State Treasurer, Insurance Commissioner, State Senators, State House Representatives, State Board of Education Members, elected city council and county commission members, Mayors, members of the United States Congress, and the United States Senate are exempt from the jurisdiction of the KDP Code of Conduct Complaint process.

While these exemptions apply to the filing of a complaint and the jurisdiction of the KDP Code of Conduct, the KDP maintains its right and responsibility to bring serious violations of moral and ethical standards by any registered democrat in Kansas before the KDP Executive Committee or the KDP State Committee for referral and redress.

Procedure

Code of Conduct Violation Complainants must be submitted on the form available on the KDP website. No formal complaint will be considered unless this form has been submitted. All Code of Conduct Violation Complainants will be received by the KDP Chair for referral to the Investigative Committee. The KDP Chair may review complaints for validity and standing before an Investigatory Committee is formed.

Appeals of the initial decision of the Investigative Committee may be submitted on the Appeal Form available on the KDP website. No appeal will be considered without this form being completed and submitted. Upon receipt of an appeal, the KDP Chair will refer the appeal to the Appeals Committee.

Timing

All complaints that have been submitted with the official form will receive a response within 72 hours of the receipt of the form by KDP.

The KDP Chair will acknowledge receipt of a complaint to the Complainant and pass the formal complaint on to the Investigative Committee within 48 hours of receipt.

The Investigative Committee shall complete its investigation and submit a written finding to the KDP Chair within 21 days after receipt of a Code of Conduct Violation Complainant.

Investigative Committee

The Investigative Committee shall consist either a Chair or Vice Chair from each Congressional District and the Chair of the County where the complaint was filed.

Three or more members shall constitute a quorum of the Committee.

In the case that the County Chair is named or must recuse themselves, the KDP Chair shall appoint the Vice Chair, Secretary, or Treasurer from the County Party as the fifth member of the Investigative Committee.

Appeals Committees

The appeals committee shall consist of the KDP Treasurer, Secretary, Vice Chair, Chair, the two KDP DNC National Committee Persons, and the KDP Executive Director.

For violations that warrant Censure and Suspension, the KDP Executive Committee shall be the Appeal Committee.

Scope

Affiliated Committees include the KDP Caucuses, Kansas County Democratic Parties, KDP Congressional District Organizations and all political committees registered with the KPDC or FEC associated with those organizations.

Nothing in this Code of Conduct may infringe upon the rights of Affiliated Committees of the KDP as established by law, including but not limited to, Section 7 of the National Labor Relations Act (NLRA).

If any portion of this Code of Conduct is found to be in conflict with the KDP Bylaws or any provision of law, the law and the KDP Bylaws shall prevail, and the remainder of this Code of Conduct shall remain in effect.

Definitions

Discrimination

Any adverse treatment of an individual on the basis of their actual or perceived race, color, creed, sex, age, national origin, economic status, religion, ethnic identity, ancestry, marital status, sexual orientation, gender identity, physical appearance or disability.

Bullying

An action or series of actions found to demean, intimidate, or humiliate an individual. Bullying can be verbal, physical, or social. It includes but is not limited to name calling, threatening to cause physical or social harm, spreading rumors that are personal in nature or knowingly false, or making any kind of unwanted physical contact.

Harassment

Verbal, physical, or sexual conduct that threatens, terrorizes, or intends to coerce an individual. This includes but is not limited to:

- Unwanted sexual advances
- Offering benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to perceived harassment
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, etc.
- Verbal conduct such as threats, epithets, derogatory comments, slurs, using degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct such as assault, unwanted touching, or blocking normal movement.
- Retaliation for reporting harassment or threatening to report harassment.

Consequences

All findings of the Investigative Committee shall be presented in writing to the complainant, the person(s) named in the complaint, the KDP Chair, and the KDP Director of Operations.

The preferred outcome of Code of Conduct complaints is to get all the parties involved to participate in restorative behaviors that lead to inclusion and resolution rather than additional rift or separation.

Available determinations of the Investigative Committee include, without limitation, the following:

Level 1

“Invalid Complaint” or “Inconclusive Report”

A written statement by the Investigative Committee that the investigation found the allegations to be either uncorroborated, inconclusive, unsubstantiated or invalid. No other action will be taken.

Level 2

“Reprimand and Corrective Action”

This is meant as a restorative correction. A warning in writing, with the explicit direction that the behavior must stop immediately and further materially similar violations within a two year timeframe may result in more severe action.

The person found in violation must also provide a written statement of accountability **“Letter of Acceptance of Findings”**. That statement of accountability will include an apology in writing. It will be submitted to the Investigative Committee and will be shared with the person(s) who made the complaint.

A **Letter of Acceptance of Findings** must include the following 4 things:

- A.) Acknowledgment of receipt of the Investigatory Committee findings
- B.) Acceptance of accountability of actions

- C.) An apology for the behavior and expression of regret for the behavior
- D.) Expressed intent to move forward in productive ways to benefit Kansas Democrats

If additional complaints are filed and found valid or the person or party refuses to submit a **Letter of Acceptance of Findings** they become immediately subject to the repercussions outlined in consequence level 3.

Level 3

“Short-term Suspension and Corrective Action”

This is a sanction with short-term suspension from activities. This suspension prohibits the individual from attending KDP activities as well as activities of Affiliated Committees of the KDP for a period to be determined by the Code of Conduct Committee. That period can include a time frame or a series of events or “activities” not to exceed a 3 month period.

“Activities” include, but are not limited to: meetings, fundraisers, party events, banquets, picnics, meet and greet events, parades, etc. The individual must also provide a **Letter of Acceptance of Findings**.

Level 4

“Suspension”

A severe violation of the KDP Code of Conduct may result in Suspension.

The person or party may be suspended for 3 to 6 months based on the severity of the findings of the Investigative Committee. If an officer of the KDP or Affiliated Committees is suspended, that officer will abstain from their officer duties, volunteerism, and attendance at any KDP or Affiliated Committees events for the duration of the suspension. The affected organization will refer to their bylaws to delegate temporary fulfillment of the duties of that officer by another person. Upon the end of the term of suspension the subject of the suspension shall return to all duties.

Suspension is not removal from an elected position. That can only be done in accordance with the bylaws of the KDP or KDP Affiliated Committees.

Level 5

“Censure and Suspension”

Censure and Suspension is the most extreme consequence of a violation of the KDP Code of Conduct. Censure includes a written letter of censure and a two-year suspension from KDP State Party events and events of Affiliated Committees.

The Executive Committee does not approve or disapprove of the finding of censure, but must be notified by the Investigative Committee. The Executive Committee will not be presented with any additional facts so that the Executive Committee members can remain neutral in case an appeal is brought before them.

If the individual(s) who are censured are vendors or consultants, the KDP reserves the right to name such vendor and or consultant as censured and publish a public designation of “Not Recommended” by the KDP.

Appeals

The Appeals Committee shall consist of the KDP Chair, Vice Chair, Secretary, Treasurer, DNC Committeeman and Committeewoman, and the Executive Director.

Appeals of “Censure and Suspension” shall be decided by the entire KDP Executive Committee.

Procedure for Appeals

Consequences are effective immediately upon the initial investigatory committee’s delivery of findings and consequences. The party subject to consequence has the right to appeal the findings and must do so through the online form available on the KDP website.

Appeals for Level 1 Consequence

There is no appeal process for a Level 1 Consequence.

Appeals for Level 2 to Level 4 Consequence

The KDP Chair will notify the person making the appeal that their Appeal has been received within 72 hours after the completed document is received by KDP.

The KDP Chair will send the written findings of the Investigative Committee and any other documents that have been sent to the KDP Chair and the Operations Director to the Appeals Committee within 48 hours of receipt of an appeal.

The Appeals Committee will read submitted documents and may, at the discretion of the Committee, request an interview with the Investigative Committee and the person filing the appeal.

The Appeals Committee will complete their review of the appeal and submit their findings in writing to the Appellant within ten days. The written findings will be submitted to and kept on file by the KDP Operations Director. The findings of the Appeals Committee are final.

Appeals for Level 5 Consequence

If there is an appeal of a Level 5 Consequence of Censure and Suspension, the same process outlined above will be conducted except that the KDP State Executive Committee will constitute

the Appeals Committee and that committee shall have 20 days to complete their review and submit their findings in writing to the Appellant.

All findings of the Investigatory Committee will be provided to the appellant and they will be given the opportunity to speak to the KDP Executive Committee. To comply with KDP Bylaws, members of the KDP Executive Committee must be notified 10 days prior to any meeting.

Outcomes

Appeal Denial

If the Appeals Committee determines that the appeal is not valid they will notify all parties involved that the investigatory committee determination and consequence stands.

Appeal Affirmation

If the Appeals Committee determines that the appeal of judgement is valid they will notify all parties involved in the complaint of that finding and nullify any future enforcement of consequence to the party.

Consequence Adjustment

The Appeals Committee may make a judgement that affirms the investigatory committee findings but adjusts the consequence.