



**Order Sons and Daughters of Italy in America
Grand Lodge of New York
NYS Commission for Social Justice**

****Complaint Directory for the NYS Commission for Social Justice**
Adopted 10-09-2018 by the Executive Board**

- **Opening Comment:**

This memo serves to address the recommended policies and protocols by which the CSJ is to follow concerning complaints forwarded to the CSJ for action. Understanding that not every valid complaint warrants our intervention, these suggestions are intended to operate as guidelines in determining what issues the CSJ will embrace to investigate and act, and those issues which are to be set aside and not addressed. In forming these policies, we mention at the start that the CSJ simply cannot address every valid complaint, noting further that we are a volunteer operation with limited funding and jurisdiction. We do, however want to remain an effective and relevant body for purposes of fighting and eradicating bias and bigotry as it relates to not only Italian Americans, but to all groups.

The following notes and guidelines are meant to be suggestive and instructive and not hardline mandates, so that the CSJ body as a whole may entertain certain issues as they see fit and with approval of the NYS Foundation and President.

- **Background:**

There are innumerable complaints, requests, and issues of bias and bigotry that are filed or forwarded to the CSJ for action. The sources of these "complaints" vary from Executive Board members, Lodge Presidents, Members of the Order, Groups, and individuals all of whom fall under the umbrella definition of "complainants". The CSJ is the anti-defamation arm of the order, standing for the proposition that no group should suffer from the vile aspersions of hate. The CSJ is committed, therefore, to entertain "complaints" brought to their attention provided that the nature, scope, and degree of the complaint are appropriate for our review as outlined below.

The NYS CSJ generally confines its jurisdiction to New York State. Therefore, if the nature of the complaint, the complainant, and/or the "target" operates outside of NYS, that matter is likely to be addressed first with the National CSJ body, but does not necessarily mean that the NYS CSJ would ordinarily decline action. The NYS body can handle the issue with the approval of the National CSJ, work in unison with the National CSJ or carve out the local NYS issues and handle the complaint as it deems appropriate. The goal, however, is to always coordinate and advise the National Body so as to avoid multiplicity or to overstep our jurisdictional bounds.

- **Procedure:**

All complaints must be eventually reduced in writing (form attached) and signed by the complainant, who then must articulate the complaint in sufficient detail so that the CSJ can readily identify the issues and possible actions. Complaints are acceptable in USPO mail, email and/or FAX forms. All complaints must be filed with and go through the NSY CSJ Chairperson, who will then address whether the questions are to be forwarded to the attention of the CSJ Counsel, the CSJ Board or both. The CSJ has the discretion to either "table" the issue or present as noted.

- **Factors to be taken into consideration:**

There are generally three factors to be taken into consideration, which does not rule out exceptions for either or all of the factors.

- **Nature of the complaint: the CSJ is to consider:**

1. Whether the complaints concern verbal remarks, actions, and/or writings. Verbal remarks are often safeguarded by First Amendment rights and are difficult, if not impossible to address. Written remarks are long lasting and offer a more objective review.

2. Whether the issues are singular or repetitive. Singular events are generally less offensive and cause less angst, while repetitive events suggest a longer lasting and deeper insult.

3. Whether the issues are public or private matters. Private matters are generally not subject to action. Such one-on-one type issues are considered private and tend not to warrant CSJ intervention. Public matters are more pervasive, wider in scope and tend to offer up a more offensive tone since there is a larger body involved. The larger the complainant group, the more likely our intervention. However, the CSJ can certainly opt to deal with private matters depending upon the complainant, the situation, in which the offense is made and the overall effect of the communication. (*SEE TYPE OF COMPLAINANT BELOW*)

1. Target of complaint: The CSJ is to consider

Whether or not the target of the complaint involves a singular small group or wider array.

Generally the larger and wider the complainant group, the more likely the CSJ should become involved, while the opposite is true in reverse: the smaller the size of the complainant (*SEE 1C ABOVE* i.e. PRIVATE MATTERS) the less likely our involvement.

2. Type of complainant: The CSJ will consider whether the person making the complaint is an individual, one representing a group, one who has a certain standing in the community and is unique in their presence. The CSJ will not generally become involved in matters concerning individual employees as to their employers, litigants, as to their litigations, or others who want to use the CSJ for purposes of their own separate goal. The CSJ will consider the individual if he represents a larger group subject to a pattern of abuses.

Other facts include whether:

- The concern raised is the subject of a legal, administrative or other legal proceeding.
- Whether or not the complainant has counsel, who may already be addressing this issue since the CSJ will not become involved in "piling on" or being used as a tool or wedge for the complainant's personal motives and purposes.
- Financial Considerations.
- If the issue is political, noting that the OSDIA is an apolitical group and will not become involved in politics for the sake of politics, noting that if there is an agenda that suits our goals then we will address same.
- Whether or not the issue is offensive to the reasonable Italian American in the context it is made.

ACTION:

Once a decision is made to accept a matter the CSJ will exercise discretion on a case by case basis. The CSJ will often directly approach and request of the complainant's target their version, decision making and justification, if any, for the remarks and/or publication(s) forming the basis for the action. It will fall into the discretion of the CSJ Chairman, along with the CSJ Counsel if so desired, and State President, as to whether a written inquiry or reply should be issued. The CSJ Chairman retains the option of bringing the matter to the attention of the CSJ Exec. Board.

The CSJ board must keep the GL Executive Board apprised of any inquiry and actions of a substantial nature as to any actions, noting the supervisory capacity of the State GL Exec. Board to the NYS CSJ.

Revised 9-2018

JF: MAS