

# The Labour Party Complaint Handling Handbook

## Complaint Handling Handbook

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## **Introduction**

The Labour Party expects its members to abide by the spirit and letter of its rules and to exhibit our shared values of solidarity, tolerance and respect at all times. We encourage people to report behaviour by our members that may constitute a breach of our rules or does not reflect our shared values. We take all such reports seriously and look to investigate and resolve these matters in the most appropriate way.

This Handbook sets out the Labour Party's complaints process and answers the common questions that people – both those complaining, and those being complained about - may have. The Labour Party will update this Handbook as appropriate in order to ensure that its members (and other interested parties) have an appropriate understanding of the way it conducts its complaint handling processes.

## **Definition of a complaint**

A complaint is any expression of dissatisfaction with the behaviour or action demonstrated by a Labour Party member (or organisational body), which also evidences a breach of its rules and/or conduct requirements.

## **Who can complain?**

Anyone can complain about the behaviour or actions of a Labour Party member: you do not have to be a member yourself to complain. However, there is a difference between whether you will be treated as a complainant or a third party and this will affect whether we will be able to share any information with you during our investigation, or at its conclusion.

You will be a complainant if the behaviour or action was directed at you. You will be a third party if the behaviour or action was directed generally, or at someone other than you. For example, if a discriminatory statement was posted on Twitter, naming you, and you complained to us about it, you would be treated as a complainant. If the discriminatory statement named other people (or was just a

general statement) and you complained to us, you would be treated as a third party.

It makes no difference to how we deal with a complaint whether it is raised by a complainant (someone directly affected), or a third party (someone indirectly affected). The only difference is that if you raise a complaint as a third party, we will be unable to provide any ongoing information due to confidentiality and data protection reasons.

The Labour Party will assess every complaint received and take action where it is about an identifiable member.

### **Who and what can you complain about?**

We only consider complaints about our members or organisational bodies (such as Constituency Labour Parties). If the person you are complaining about is a supporter of the Labour Party but not a member, we will be unable to investigate as they are not bound by our rules and/or codes of conduct. This also applies to conduct or behaviour of current members from a time previous to when they joined the Labour Party as a member.

We understand that you may not know whether the person is a Labour Party member. As long as you have good reason to think that they are a member, you should submit a complaint. We will tell you if they are not a member once we have undertaken a check.

A member could be: an elected representative, a Labour Party candidate, a local Party office holder such as a Constituency Labour Party (**CLP**) chair or just an ordinary member of the Party.

You can complain about anything a member has done or expressed that you think breaches Labour Party rules or conduct requirements. However, please remember that this doesn't include things such as a disagreement with Labour Party policy or strategy.

## What can't you complain about?

Complaints about Labour Party policy, strategy or a stance on a particular issue is not something that can be pursued through the complaint process. However, this type of feedback can be submitted to your National Policy Forum Representative, and you can find out who that is [here](#).

You can't complain about a Labour Party decision to take disciplinary action against you or another member. Neither can you complain about a complaint that's been made about you.

The Labour Party cannot consider complaints about your local Member of Parliament (MP) and the service they have provided to you, for example, if your MP hasn't responded to your correspondence). You can submit a complaint to the Parliamentary Commissioner for Standards who can investigate certain complaints about MPs that relate to breaches of their code of conduct. More information about the remit of the Parliamentary Commissioner for Standards is available [here](#).

You can't complain to the Labour Party about groups that are affiliated to us, such as trade unions or socialist societies. These groups have their own complaints processes and should be approached directly. You also can't complain to the Labour Party about groups that are not affiliated to us.

A full list of complaints that are excluded from this process is detailed in Appendix 1 of the Complaints Policy.

We don't expect people to need to raise multiple complaints about the same behaviours or incidents. If we think your level of complaint reporting is disproportionate, we will let you know and ask you to stop. Similarly, if someone raises complaints that are considered trivial or vexatious, we will ask them to stop and may restrict their ability to complain. More information about our approach to unreasonable behaviour and vexatious complaints can be found in Appendix 2 of the Complaints Policy.

## Social media



Labour Party members have an obligation to behave appropriately when using social media. The NEC Code of Conduct: Social Media Policy states that: *“Everyone should feel able to take part in discussion about our party, country and world. We want to maximise this debate, including critical discussion, as long as it does not result in the exclusion of others.”* This Code of Conduct (which can be found [here](#)) is clear that, *“Harassment, intimidation, hateful language and bullying are never acceptable, nor is any form of discrimination on the basis of age, disability, gender reassignment or identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.”*

The Code of Conduct: Social Media Policy goes on to state, *“We should not give voice to those who persistently engage in abuse and should avoid sharing their content, even when the item in question is unproblematic. For the avoidance of doubt, this includes where members either share or like (or otherwise favourite) any social media content that is racist, antisemitic, Islamophobic, homophobic, transphobic, sexist, ableist, or uses otherwise racist and/or discriminatory language.”*

The Labour Party encourages healthy debate and critical discussion and members are entitled to hold their own personal opinions and debate them openly. However, it is not acceptable to use hateful, discriminatory or bullying language even when the topic under discussion is emotive. Neither is trolling or disrupting a person’s ability to debate.

## **How to complain**

We would prefer that you submit your complaint using the form on our website as this is the quickest and easiest way (you will find the form [here](#)). If you cannot access our website, you can post your complaint to us. Our address is:

National Complaints Team  
The Labour Party  
Southside  
105 Victoria Street  
London SW1E 6QT



The form on the website is short and straightforward and asks for your contact details, as much detail as possible about the Labour Party member you are complaining about (so we can identify the correct person), and details of what you are complaining about. We also ask you to select what type of complaint this is. You can select more than one complaint type if it is appropriate.

If your complaint relates to post(s) on social media, we ask that you send us details of the member's social media profile and the post(s) in question. You can do this by copying and pasting the web address and/or sending us a picture of the post(s).

If, for any reason, you are unable to access the online form or send a complaint by post, you can call our membership team on: 0345 092 2299. (Please note, calls to this number are charged at a local rate from landlines and mobiles and will be included in any mobile minutes you have.)

### **What happens to your complaint?**

When you submit the complaint form you will receive an email acknowledgment. This tells you that it has been received. We will assess your complaint to make sure that it does relate to a Labour Party member. If it doesn't, then we will let you know. If it does, then we will assess it in more detail to see if it is something that we can, or should, be investigating.

Occasionally we will decide not to investigate the complaint you have raised. This might be because there is insufficient evidence of the behaviour complained about, that no rules would have been breached by the behaviour complained about, or that there are no membership sanctions that would be appropriate even if we did investigate. Sometimes, if for example, a police investigation or a legal case is ongoing, we will also suspend any potential Party investigation into a complaint until the outcome of the relevant external process has been concluded. Whatever we decide, we will let you know and explain our decision. You can find out more in our Complaints Policy.

The general route that a complaint investigation follows (also see Appendix 1) is, after it is assessed and accepted for investigation it will be allocated to a member of staff in the Labour Party's Governance and Legal Unit (**GLU**), who specialises in this type of work. That member of staff will ensure they understand your complaint fully and will approach both you and the Labour Party member complained about (where appropriate) to ask for any further information they may need. They may need to talk to several people and will undertake a desk-based investigation in order to get sufficient detail before they are able to come to a conclusion. Investigations can take some time.

Once an investigation is completed, a recommendation for the outcome is passed to the National Executive Committee (**NEC**) and/or the National Constitutional Committee (**NCC**). The committee will then make a decision on all the evidence and whether they agree with the recommendation. If the complaint involves witnesses and cannot be determined on a written report and accompanying evidence alone, it is likely to be referred to the NCC for a hearing and determination.

There are slightly different complaint handling processes depending on the type of complaint you have submitted. The reason for this is that we recognise there are different sensitivities that relate to certain complaints such as sexual harassment or those about discrimination, such as antisemitism, and we want to be sure that we deal with your complaint in the most effective and sensitive way.

### **Antisemitism**

Antisemitism is hatred aimed at Jewish people. This can include discrimination against Jewish people, as well as abusive behaviour and bullying.

The Labour Party recognises that there is a long and cyclical history of antisemitism around the world and Jewish people have seen periods where they have been: blamed, stigmatised, hounded, displaced, attacked and even killed, just for being Jewish.

Antisemitism, like many other hate incidents, has unfortunately been spread by the widespread use of social media and there are many antisemitic



conspiracy theories circulating, which are often used to insult, belittle, blame and demonise Jewish people for many different things within our society and government structures. Antisemitic behaviour can include sharing and/or liking antisemitic content on social media sites.

None of this is acceptable, and such behaviour from Labour Party members will not be tolerated as it does not align with our aims and values.

The Labour Party takes complaints about antisemitic behaviour exhibited by its members extremely seriously and aims to deal with them swiftly and appropriately. All staff dealing with these kinds of complaints undertake specific training.

All complaints about antisemitism that proceed to an investigation are ultimately referred (with a recommendation from the investigating officer) for a decision to an NEC panel, who is advised by an external legal professional specialising in equality law. These complaints will never be decided by individuals.

If complaints about antisemitism are upheld (regardless of the severity), the Labour Party is introducing a requirement for the member in question to undertake appropriate education or training modules. This will apply to all members found to have engaged in anti-Semitic conduct (apart from those who are expelled).

### **Sexual harassment**

We take complaints that a Labour Party member has sexually harassed someone, very seriously. We understand that bringing a complaint of this kind can be very difficult and there can be many barriers to prevent individuals reporting such behaviour, so we have arranged support for our complainants, provided independently of the Labour Party, should they need it.

Any person can report a complaint of sexual harassment by a member of the Labour Party (including volunteers, staff and elected representatives).

You can use the complaint form on our website or a complaint can be sent directly to us at: [sexual\\_harassment@labour.org.uk](mailto:sexual_harassment@labour.org.uk). Alternatively, you can phone: 07595 432542 to talk about your complaint. Full guidance for sexual harassment complainants can be found on our website.

All complaints about sexual harassment that proceed to an investigation are ultimately referred (with a recommendation from the investigating officer) to an NEC panel, advised by an independent legal professional, for independent consideration. If the NEC panel find there is a case to be answered, it will be referred to the NCC. These complaints will never be decided by an individual.

### **Other protected characteristics**

The Labour Party stands strongly against discrimination in all its forms. Complaints involving discrimination against protected characteristics, such as race, disability, religion and sexual orientation are taken very seriously and will be decided by an NEC panel. The Labour Party is currently developing further codes of conduct in this respect.

Where appropriate, specific processes will be developed and this Handbook updated accordingly.

### **How investigation conclusions are reached**

Conclusions are reached by weighing up all the evidence available. In order to get to this point, the investigating officer will:

- Confirm their understanding of the complaint(s) raised
- Examine the evidence supplied at the outset
- Determine what further evidence/information they will need
- Approach the person raising the complaint, the respondent (the member being complained about) and any other third parties who may be able to provide the further information required and request it
- Consider the evidence and information against the complaints raised

- Consider how serious any rule breach has been, what the effect has been and what the recommended sanction should accordingly be

Rule breaches can be moderate, significant or serious. This, alongside the effect that the rule breach or conduct has had, will also be taken into account when deciding what the outcome or sanction on the member should be.

### **What are the possible outcomes?**

Occasionally a member will resign their membership during our investigation. If that happens then we won't be able to continue our investigation as the person complained about will no longer be a member of the Labour Party and there will be no sanction we can impose. This can also happen if we discover that their membership has lapsed.

We may decide that – considering all the circumstances and available evidence - we will take no further action. This might be where the complaint is unfounded.

Other outcomes of a complaint investigation might be where we issue the member with a 'Reminder of Values' or a 'Reminder of Conduct'. This is akin to an informal warning.

Other outcomes are known as sanctions. We can issue a Formal Warning to the member based on the behaviour or conduct we have seen. This will stay on their membership record for a period of at least 12 months and can inform outcomes of any further upheld complaints.

Other potential outcomes of a complaint investigation are: suspension for a defined period of time (which may include specific restrictions on membership such as preventing someone from holding office or representing the Party); and expulsion from Party membership or auto-exclusion (i.e. if a member does something like join another political party, which would mean that they are no longer eligible to be a Labour Party member).

If complaints about antisemitism are upheld (regardless of the severity), the Labour Party is introducing a requirement for the member in question to undertake appropriate education or training modules. This will apply to all members found to have engaged in antisemitic conduct (apart from those who are expelled).

The more serious the behaviour or conduct that has been deemed to have breached Labour Party rules, the more serious the sanction is likely to be.

If, at the outset, we consider that the allegations present a clear risk to individuals, the integrity of our investigation or the reputation of the Party and there is some evidence to accompany these allegations, then we may decide to administratively suspend the person's membership while we investigate.

If an NEC panel has decided to suspend or expel the member, they are entitled to submit an appeal to the General Secretary of the Labour Party within 14 days of that decision. An NCC panel will then consider the appeal.

### **Other useful information**

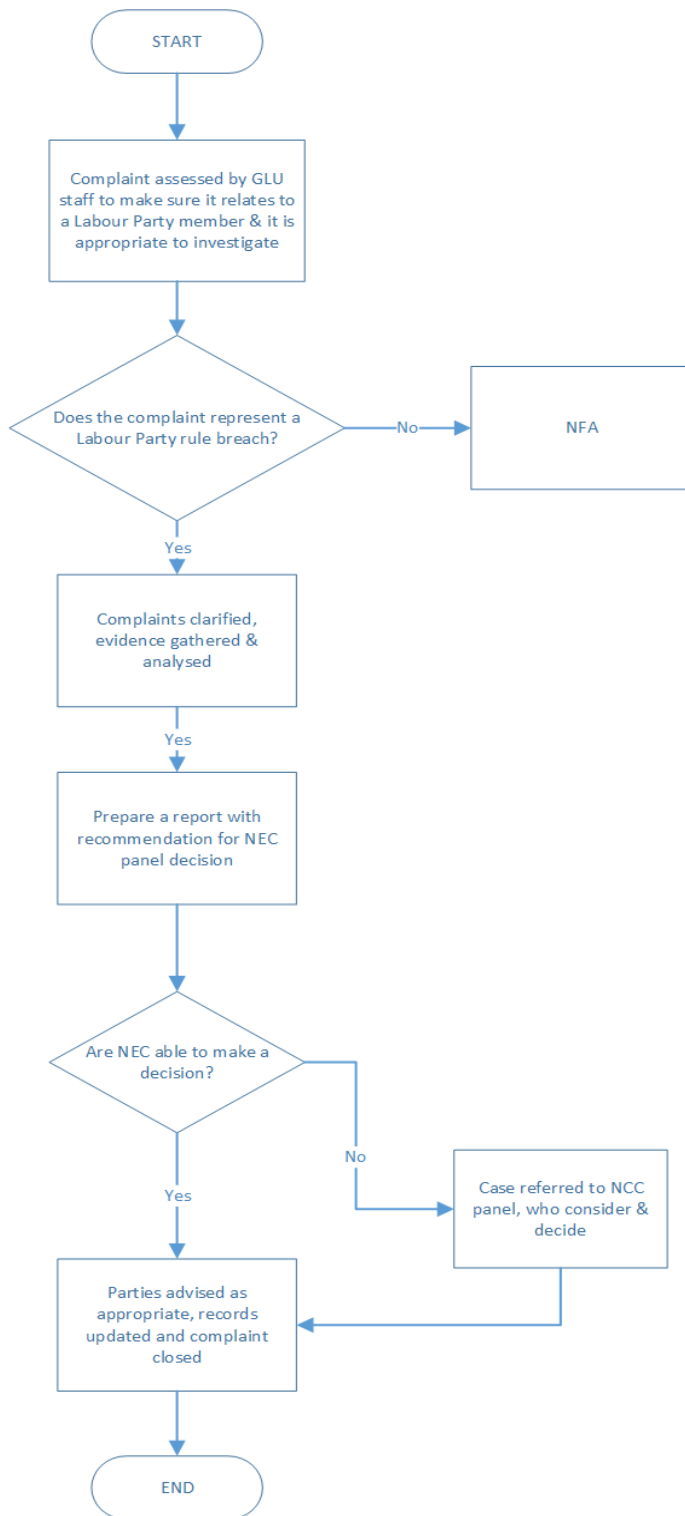
If you are concerned that a child, young person or vulnerable adult is at risk of harm, then please contact your local authority's safeguarding team. You can find your local authority [here](#).

The NSPCC can provide guidance and support if you are concerned about a child or young person. Their helpline is 0808 800 5000 and is open 24 hours a day.

Adults and young people can contact the Samaritans for support on 116 123, and this is available 24 hours a day.

You can find the Labour Party's Rule Book [here](#) and the NEC Codes of Conduct currently in force can be found in Appendix 3 to this Handbook.

## Appendix 1: Complaints Process



## Appendix 2: Glossary

**Branch** – local Labour Party Branch of a CLP

**CLP** – Constituency Labour Party

**GLU** – Governance and Legal Unit (of the Labour Party): the unit within which complaints are managed

**MP** – Member of Parliament

**NCC** – National Constitutional Committee: a committee of the Labour Party that is primarily concerned with determining disciplinary matters

**NEC** – National Executive Committee: the governing body, and administrative authority of the Labour Party, which oversees its overall direction and policy-making. There are several panels and/or committees within the NEC, one of which is the NEC Disputes Panel, which considers complaints against members

**NFA** – No further action

**Protected characteristic** – the Equality Act 2010 states that it is illegal to discriminate against someone due to either their: age, disability, sex, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief or sexual orientation

## **Appendix 3: NEC Codes of Conduct**

All codes of conduct and NEC statements form part of the agreed relationship between individual Labour Party members. Those codes of conduct and NEC statements that are currently in force are replicated in this Appendix 3 for ease.

### **1. Code of Conduct: Sexual Harassment and Gender Discrimination**

The Labour Party is the party of equality and has fought to ensure that society provides equal opportunities for all and will continue to do so. Labour strongly believes that no one should feel disadvantaged, discriminated against or harassed due to their gender either inside the party or in the wider society.

The Labour Party understands that sexual harassment is a form of sex discrimination that takes place when someone is subjected to unwelcome and unwanted sexual behaviour or other conduct related to their gender. This can range from inappropriate comments to assault, can be verbal, non-verbal or physical and can take place both in person or online.

The Labour Party will not tolerate any form of discrimination or harassment. Labour is committed to ensuring the party is a welcoming environment for all who share our aims and values to engage in political activity and debate without feeling disadvantaged or unsafe. Any behaviour that is perceived to discriminate against or harass another due to their gender has no place within the Labour Party.

## **2. Code of Conduct: Antisemitism and other forms of racism**

The Labour Party is an anti-racist party, committed to combating and campaigning against all forms of racism, including antisemitism and Islamophobia. Labour will not tolerate racism in any form inside or outside the party.

The Labour Party will ensure that the party is a welcoming home to members of all communities, with no place for any prejudice or discrimination based on race, ethnicity or religion.

The Labour Party welcomes all who share our aims and values, and encourages political debate and campaigns around the vital issues, policies and injustices of our time.

Any behaviour or use of language which targets or intimidates members of ethnic or religious communities, or incites racism, including antisemitism and Islamophobia, or undermines Labour's ability to campaign against any form of racism, is unacceptable conduct within the Labour Party

### **NEC Code of Conduct: Antisemitism**

#### **Introduction**

1. Clause 2.1.8 of the Party's Rule Book contains the basic conduct rules applicable to all Party members:

***"No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party. The NEC shall take account of any codes of conduct currently in force and shall regard any incident which in their view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation as conduct prejudicial to the Party: these shall include but not be limited to incidents involving racism, antisemitism, Islamophobia or***



***otherwise racist language, sentiments, stereotypes or actions, sexual harassment, bullying or any form of intimidation towards another person on the basis of a protected characteristic as determined by the NEC, wherever it occurs, as conduct prejudicial to the Party.***

2. Where a complaint is made, and an investigation by the NEC or a CLP under Chapter 6 of the Rule Book results in a reference to the NCC, it is for the NCC to determine whether the member has breached that provision.
3. This is the Code of Conduct on antisemitism. It applies to all cases of conduct alleged to be in breach of Clause 2.1.8 because it constitutes an “incident involving antisemitism” or any other kind of hostility, prejudice or racist behaviour directed against Jews. In this Code, “antisemitism” refers to all conduct in those categories. The adoption of Codes of Conduct addressing antisemitism and other forms of racism was a key recommendation of the Chakrabarti Report. The NEC has adopted the Chakrabarti Report and agreed to implement it.
4. This Code supplements the brief “Code of Conduct: Antisemitism and other forms of racism”, reproduced in Appendix 9 to the Rule Book. Future Codes of Conduct are likely to address other kinds of racism, in particular Islamophobia. Meanwhile some of the principles set out in this Code are likely to be relevant to cases involving racist behaviour other than antisemitism. This Code should to that extent be taken into account when dealing with such cases.

### **Antisemitism: principles**

5. Labour is an anti-racist party. Antisemitism is racism. It is unacceptable in our Party and in wider society. To assist in understanding what constitutes antisemitism, the NEC has endorsed the definition produced by the International Holocaust Remembrance Alliance (IHRA) in 2016. This reads:

***“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism***

***are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”***

6. The IHRA definition captures the idea of hostile conduct towards individuals and institutions on the ground that they are Jewish. In some cases it will be obvious that a member’s conduct falls into this category: for instance, denying or belittling the Holocaust (including accusing Jewish people of inventing or exaggerating it); and repeating familiar antisemitic tropes such as an international “conspiracy” of Jewish interests (the outlook identified long ago as the ‘socialism of fools’) or supposed negative character traits associated with Jewish people. But many cases are less obvious. The IHRA text is not a legal definition, and on its own does not provide clear guidance about the circumstances in which particular conduct should or should not be regarded as antisemitic. The publication of the IHRA definition was accompanied by a series of examples to guide IHRA in its intergovernmental work.
  
7. An area of particular difficulty, and the subject of much academic and legal debate around the IHRA definition, is the relationship between antisemitism and criticism of the State of Israel in the context of the long-running and complex dispute about political relations in the region. This is a dispute about which people have widely diverging and deeply held opinions, which can be closely bound with questions of personal identity. The expression of opinions on this topic can easily offend or upset people holding an opposite opinion. The European Court of Human Rights has long recognised that the principle of freedom of expression protects views which “offend, shock or disturb” society or a section of it. But the Court has also emphasised that the principle does not protect the expression of racist views or “hate speech”. Nor, as Chakrabarti made clear, should the party tolerate the expression of views in a manner simply intended to upset or offend. A “civility of discourse” is essential. In general terms, the expression of even contentious views in this area will not be treated as antisemitism unless accompanied by specific antisemitic content (such as the use of antisemitic tropes) or by other evidence of antisemitic intent. In short, the Party will encourage considered

and respectful debate on these difficult topics, but will not tolerate name-calling and abuse.

8. What follows is a series of guidelines designed to help all those involved with the Party and its disciplinary processes understand what kind of behaviour is likely to be considered antisemitic, and – where a complaint is made – decide whether breach of Clause 2.1.8 has occurred. The guidelines draw on a number of sources, including the IHRA working examples, the Home Affairs Select Committee report of October 2016, the Chakrabarti Report itself and other contemporary material. They are not exhaustive or decisive. As the text of the IHRA examples points out, it is necessary to take into account the overall context in which the behaviour takes place. For example, a comparison or an argument made in a work of analysis or scholarship constitutes a different context to a curt social media post. The guidelines should be read in the light of the discussion and recommendations in the Chakrabarti Report under the headings “Explicit abusive language”, “Stereotyping”, “Insensitive and incendiary language, metaphors, distortions and comparisons” and “Zionism and Zionists”, which were framed with the context of the Labour Party’s rules and disciplinary procedures in mind.

### **Antisemitism: guidelines**

9. The following are examples of conduct likely to be regarded as antisemitic. They are in part derived from the IHRA working examples:
  - a. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
  - b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

- c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
  - d. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during World War II (the Holocaust).
  - e. Accusing the Jews as a people, or Israel as a State, of inventing or exaggerating the Holocaust.
  - f. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis. Classic antisemitism also includes the use of derogatory terms for Jewish people (such as “kike” or “yid”); stereotypical and negative physical depictions/descriptions or character traits, such as references to wealth or avarice and – in the political arena – equating Jews with capitalists or the ruling class.
  - g. Holding Jews collectively responsible for actions of the State of Israel.
10. To those examples the Party would add the making of unjustified reference to the protected characteristic of being Jewish. This practice, often a disguised form of racism or racial stereotyping, is well-known in relation to other kinds protected characteristic. For example, well into the 1970s, media reports of alleged crime would routinely refer to the race of a “black” suspect when no equivalent reference would be made to the race of a white suspect.
11. Discourse about the State of Israel raises two issues that can cause particular difficulty in the context of deciding whether language or behaviour is antisemitic: Israel’s description (of itself, and frequently by others) as a “Jewish State”; and the use of the term “Zionism” and “Zionist”.

12. Article 1(2) of the 1948 UN Charter refers to “respect for the principle of equal rights and self- determination of peoples”. The Party is clear that the Jewish people have the same right to self-determination as any other people. To deny that right is to treat the Jewish people unequally and is therefore a form of antisemitism. That does not, of course, preclude considered debate and discourse about the nature or content of the right of peoples to self-determination.
13. In contrast, discussion of the circumstances of the foundation of the Israeli State (for example, in the context of its impact on the Palestinian people) forms a legitimate part of modern political discourse. So does discussion of – including critical comment on – differential impact of Israeli laws or policies on different people within its population or that of neighbouring territories. It is not racist to assess the conduct of Israel – or indeed of any other particular State or government – against the requirements of international law or the standards of behaviour expected of democratic States (bearing in mind that these requirements and standards may themselves be contentious).
14. However, care must be taken when dealing with these topics. The fact of Israel’s description as a Jewish State does not make it permissible to hold Jewish people or institutions in general responsible for alleged misconduct on the part of that State (see paragraph 9.g.). In addition, it is wrong to apply double standards by requiring more vociferous condemnation of such actions from Jewish people or organisations than from others – a form of racist treatment also all too common in other contexts, e.g. holding Muslims or Muslim organisations to a higher standard than others as regards condemnation of illegal or violent acts by self-defining “Islamic” organisations or States (such as Saudi Arabia or Pakistan). It is also wrong to accuse Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
15. The term “Zionism” is intimately bound up in the history of Israel’s foundation as a State and in its role in international relations more generally. It is inevitable that the expressions “Zionism” and “Zionist” will feature in political discourse about these topics. The meaning of these expressions is

itself debated. It is not antisemitism to refer to “Zionism” and “Zionists” as part of a considered discussion about the Israeli State. However, as the Chakrabarti Report advised, it is not permissible to use “Zionist” (and still less any pejorative abbreviation such as ‘zio’ which the Chakrabarti report said should have no place in Labour Party discourse) as a code word for “Jew”. Chakrabarti recommended that Labour Party members should only use “the term ‘Zionist’ advisedly, carefully and never euphemistically or as part of personal abuse”. Such language may otherwise provide evidence of antisemitic intent.

16. Discourse about international politics often employs metaphors drawn from examples of historic misconduct. It is not antisemitism to criticise the conduct or policies of the Israeli state by reference to such examples unless there is evidence of antisemitic intent. Chakrabarti recommended that Labour members should resist the use of Hitler, Nazi and Holocaust metaphors, distortions and comparisons in debates about Israel-Palestine in particular. In this sensitive area, such language carries a strong risk of being regarded as prejudicial or grossly detrimental to the Party within Clause 2.1.8.

### **International Holocaust Remembrance Alliance (IHRA) definition of antisemitism**

In 2018, and supplementary to the preceding Code, the NEC agreed to adopt the IHRA definition of antisemitism in full, including the 11 examples accompanying the IHRA definition. The definition, and the accompanying 11 examples, are as follows (and further information about the IHRA definition can be found on the [IHRA website](#)):

**“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”**

To guide IHRA in its work, the following examples may serve as illustrations:



Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

1. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
2. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
3. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
4. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
5. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
6. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

7. Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
8. Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
9. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
10. Drawing comparisons of contemporary Israeli policy to that of the Nazis.
11. Holding Jews collectively responsible for actions of the state of Israel.

## **NEC Code of Conduct: Islamophobia**

### **Introduction**

1. The NEC will view any acts of discrimination, prejudice or hostility based on religion or race as prejudicial and grossly detrimental to the Labour Party and its interests. Chapter 2, clause 1.8 of the Labour Party Rule book applies to all members of the Labour Party. It provides:
2. *“No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party. The NEC and NCC shall take account of any codes of conduct currently in force and shall regard any incident which in their view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation as conduct prejudicial to the Party: these shall include but not be limited to incidents involving racism, antisemitism, Islamophobia or otherwise racist language, sentiments, stereotypes or actions, sexual harassment, bullying or any form of intimidation towards another person on the basis of a protected characteristic as determined by the NEC, wherever it occurs, as conduct prejudicial to the Party. The disclosure of confidential information relating to the Party or to any other member, unless the disclosure is*



*duly authorised or made pursuant to a legal obligation, shall also be considered conduct prejudicial to the Party.”*

3. This Code of Conduct on Islamophobia supplements the “Code of Conduct: Antisemitism and other forms of racism,” reproduced in Appendix 9 to the Labour Party Rule Book. The NEC and NCC will take this Code of Conduct on Islamophobia into account when determining allegations of hostility or prejudice based on the protected characteristic of Islam or towards Muslims.
4. Complaints of Islamophobia will be investigated and processed in accordance with the Labour Party’s disciplinary policies, which can be found on the Labour Party’s website and in the Labour Party Complaint Handling Handbook.

### **What is Islamophobia?**

5. There is no single agreed definition of Islamophobia, albeit various civic, social, legal and political sources have attempted to define it. One definition is the All Party Parliamentary Group on British Muslim’s definition (**APPG**). The APPG defines Islamophobia as:

*“... rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness”.*

The Labour Party adopted the APPG definition and its examples in March 2019 as an important statement of principle and solidarity. The NEC reaffirms that position in this Code of Conduct.

6. The Runnymede Trust has defined Islamophobia as anti-Muslim racism and further said:

*“... any distinction, exclusion, or restriction towards, or preference against, Muslims (or those perceived to be Muslims) that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.*

7. Under equality law, Muslims are a religious group and they do not comprise a distinct ethnic or national group. Unlawful discrimination against a person because they are Muslim is, therefore, a type of religious discrimination and not a type of race discrimination. Nonetheless, adherence to Islam may often be used as a proxy for race discrimination against people who are Muslim and from extra-European ethnicities. People may also perceive others to be Muslim and treat them detrimentally because they share perceived cultural or physical traits common to various ethnic groups: that may constitute hostility or prejudice based on race.
8. One example of this sort of race discrimination arises especially against Sikhs, who may be perceived to be Muslims because of their skin colour, names, dress, religious practices and other personal attributes, and therefore subjected to prejudice. This is religious discrimination against Sikhs by perception (that they are Muslim) and also race discrimination (the perception arises from their skin colour and ethnic background).
9. Another example is where a person makes derogatory references to Muslims but the discriminator's real target is people from South Asia or the Middle East. This 'dog whistle' is used particularly by far-right political groups against Muslim, and other South Asian, politicians.

### **Further guidance and illustrative examples**

10. In all cases, whether conduct is discriminatory must be assessed according to the particular context, facts and circumstances at hand. When considering allegations of Islamophobia, the Labour Party is advised to take into account the following sorts of treatment that are likely to amount to prejudice or hostility based on the protected characteristic of Islam or ethnic or national origins:
  - a. Inciting by word or deed hatred or violence against Muslims, including calling for or justifying actual or threatened harm towards Muslims.

- b. Engaging in derogatory or dehumanising stereotypes about Muslims, for example, by suggesting that Muslims in general have a particular propensity to commit, or to support, acts of terrorism; or that individuals who are Muslim are necessarily socially or politically illiberal or regressive; or that Muslims have particular physical characteristics, names, dress or moral or ethical values; or that Muslims have a propensity for violence or are incapable of living peacefully in a democratic society; or that is not used to those of other backgrounds.
- c. Suggesting that Muslims, individually or as a group in British society, pose a threat to British or European society, civilisation or values, for example, by claiming that Muslims are a demographic threat to British people, by claiming that Muslims are taking over British society or civic or political institutions through their presence in the same, or by catastrophising immigration from Muslim majority countries.
- d. Requiring Muslims to act in a way not expected or demanded of any other group.
- e. Requiring Muslims to criticise terrorist acts more vociferously than other people, or requiring Muslims to apologise for terrorism committed by extremists in the name of Islam, or holding Muslims collectively responsible for the acts of Muslim majority countries, paramilitary groups or terrorists.
- f. Using slurs or grossly offensive imagery about Muslims, portraying Muslims as sexually untrustworthy or dangerous, or that Muslims or their contemporary religious practices are cruel or violent.
- g. Mocking or belittling people's personal characteristics that are associated with their national or ethnic identities or origins, for example, by mocking Muslim names, the Arabic language, or national, religious or ethnic clothing, facial hair, or other physical attributes.
- h. Objecting to the presence of Mosques or Koranic scripture because of their association with Islam or Muslims is very likely to be considered

prejudicial. However, an objection to the presence of religious symbols, places of worship or religious scripture on the basis of secularism or atheism is very likely to be protected by the rights to freedom of conscience and freedom of expression and should not, by itself, be considered Islamophobic.

- i. Making irrelevant references to the protected characteristic of being Muslim. This practice is often a form of discrimination and stereotyping. It is perpetuated in media reports of alleged crime, routinely referring to the perpetrators as “Muslim”, when no other equivalent reference would be made to any other faith.
  - j. Accusing Muslims of being a “fifth column” or of lying or acting in ‘stealth’, and/or implying a Muslim, or Muslims in general, are inherently antisemitic, homophobic and/or misogynist.
  - k. Minimising or justifying the persecution, oppression or denial of the human rights of Muslims on the basis of concerns about ‘Islamic’ terrorism, or national security. This may manifest itself by using stereotypes in an international context (for example, in respect of the position of Palestinians or Kashmiris, to deny the right to self-determination) or in a domestic context.
  - l. Denying, or minimising the significance of, discrimination against Muslims may demonstrate hostility or prejudice because of religion.
11. The Labour Party must remain a forum for discussion about important social and political issues that involve Islam or Muslim people. However, these discussions about important social and political issues that involve Islam or Muslim people must always be undertaken sensitively and respectfully. All Labour Party members are required to act with and to promote tolerance and respect. Personal abuse has no place in political discussion and such abuse is, for the purposes of the Labour Party, always unacceptable.

### **3. Code of Conduct: Social Media Policy**

All codes of conduct and NEC statements form part of the agreed relationship between individual Labour Party members, and set the minimum code of conduct expected by the Labour Party of all its members.

#### **National Executive Committee Statement**

A starting point for all our actions as members of a party and a movement is to treat all people with dignity and respect. This applies to all our dealings with people, offline and online. Everyone should feel able to take part in discussion about our party, country and world. We want to maximise this debate, including critical discussion, as long as it does not result in the exclusion of others.

Abusing someone online is just as serious as doing so face to face. We stand against all forms of abuse and will take action against those who commit it. Harassment, intimidation, hateful language and bullying are never acceptable, nor is any form of discrimination on the basis of age, disability, gender reassignment or identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

Chapter 2, Clause 1.8 of the Labour Party Rule Book is clear – and we unequivocally re-endorse it here:

“No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial, or in any act which in the opinion of the NEC is grossly detrimental to the Party. The NEC and NCC shall take account of any codes of conduct currently in force and shall regard any incident which in their view might reasonably be seen to demonstrate hostility or prejudice based on age; disability; gender reassignment or identity; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation as conduct prejudicial to the Party: these shall include but not be limited to incidents involving racism, antisemitism, Islamophobia or otherwise racist language, sentiments, stereotypes or actions, sexual harassment, bullying or any form of intimidation towards another person on the

basis of a protected characteristic as determined by the NEC, wherever it occurs, as conduct prejudicial to the Party.”

**Any member found in breach of the rules, codes of conduct, policies and/or guidelines of the Labour Party will be dealt with according to the rules and procedures of the Labour Party, and this may include being investigated and becoming subject to disciplinary action.**

We wish to build a diverse movement that reflects the whole of society, so should always consider how our actions and words may limit the confidence or otherwise exclude either those less knowledgeable than ourselves or those already under-represented in politics. Those with privilege, whether due to their volume of experience, party position or status in society should have regard to how their actions may be felt by those in different circumstances to themselves.

It is perfectly possible to have vehement disagreements without descending into personal abuse, shaming people or exhibiting bullying behaviour. Forcefully made points and criticisms of the political views of others are totally legitimate, personal attacks are not. Debates amongst party members should be comradely, acknowledging that whatever our diverse views, we are one party with shared goals. Derogatory descriptions of the positions of others, as well as derogatory language, should be avoided.

Anonymous accounts or otherwise hiding one’s identity for the purpose of abusing others is never permissible.

The use of sexualised language or imagery, and unwelcome sexual attention or advances are not acceptable, nor is the publishing of others’ private information without their explicit permission.

We should not give voice to those who persistently engage in abuse and should avoid sharing their content, even when the item in question is unproblematic. For the avoidance of doubt, this includes where members either share or like (or otherwise favourite) any social media content that is racist, antisemitic, Islamophobic, homophobic, transphobic, sexist, ableist, or uses otherwise racist

and/or discriminatory language. Those who consistently abuse other or spread hate should be shunned and not engaged with in a way that ignores this behaviour.

We all have a responsibility to challenge abuse and to stand in solidarity with victims of it. We should attempt to educate and discourage abusers rather than responding in kind.

We encourage the reporting of abusive behaviour to the Labour Party, administrators of the relevant website or social media platform, and where appropriate, to the police.

This is a collective responsibility and should not be limited to those who have been subjected to abuse.

Trolling, or otherwise disrupting the ability of others to debate is not acceptable, nor is consistently mentioning or making contact with others when this is unwelcome.

### **Principles for the Labour Party's use of Social Media**

1. We are direct, confident and proud in what we have to say – we speak boldly and with clear intention.
2. We are clear about our position and our policies, and will give our members and supporters the language and tools to disseminate these.
3. Collectivism is at the heart of what we do. Our members and supporters are crucial to all our achievements and their contributions, including door knocking, selecting candidates for public office, deciding policy and online activism, are valued and acknowledged.
4. We want debate and discussion to flourish on our channels and will encourage feedback wherever appropriate.

5. We make legitimate criticisms based on policy and political actions, never making personal attacks.
6. We use accessible language and avoid jargon that could exclude or alienate.
7. We put the stories and experiences of the public first. We prioritise the issues that affect people in their everyday lives, rather than providing news for insiders.
8. We are inventive and innovative with our digital strategy and that means experimentation. We need people to be open-minded to change and encourage us to offer the best digital experience possible – even when that means trial and error.
9. We know that not everyone will agree with us. Constructive criticism is welcome, but we want to create a welcoming space for our supporters, so if comments become abusive we will report them.



#### **4. Code of Conduct: Member's Pledge**

I pledge to act within the spirit and rules of the Labour Party in my conduct both on and offline, with members and non-members and I stand against all forms of abuse.

I understand that if found to be in breach of the Labour Party policy on online and offline abuse, I will be subject to the rules and procedures of the Labour Party.

## **5. Bullying and harassment: Policy statement and procedural guidelines for all Labour Party Members, Volunteers and Staff**

The Labour Party believes that everyone in the organisation should be treated with dignity and respect. This Policy Statement and Procedures aims to ensure that no member or volunteer is subjected to any form of harassment whether on the grounds of sex, sexual orientation, race, religion, disability, age, or for no apparent reason.

Specific policies for staff are contained within the staff handbook.

The Labour Party seeks to ensure that the environment within which our activities take place is comfortable for all. No form of harassment will be permitted or condoned under any circumstances.

Where a valid complaint of harassment is brought to the attention of the Party, prompt investigation and corrective action will be instituted, which may include disciplinary action against anyone found to be harassing another.

This policy will be available to all staff, members and volunteers within the Labour Party. Everyone has an individual responsibility to comply with both the spirit and the wording of the policy.

Staff and members have an additional responsibility for safeguarding children (anyone who has not yet reached their 18<sup>th</sup> birthday) participating in Labour Party activities and must ensure that any suspected harassment or bullying of children is reported to their Regional Director or General Secretary in Scotland and Wales (RDGS), who will report it to the Governance and Legal Unit (GLU).

These procedural guidelines should be read in conjunction with existing disciplinary procedures set out in rule and elsewhere.

### **Definition of Harassment**

There is not, and probably cannot be, a single simple definition. This is because harassment takes many forms, occurs on a variety of grounds and may be directed at an individual or group of individuals. It is not the intention of the harasser but rather their conduct and its impact on the recipient, which determine what constitutes harassment. The impact of harassment can result in the following: discomfort humiliation, or may adversely affect the recipient's performance, or create a threatening or intimidating environment. It can also provoke aggressive, retaliatory attitudes and actions. Certain behaviour will be, by its nature or severity, unwelcome even on a single occasion.

Social interaction involving mutually acceptable behaviour should be distinguished from harassment. However, it should be borne in mind that what is initially acceptable to some may be offensive to others.

The defining feature of harassment is that behaviour is offensive or intimidating to the recipient and would be regarded as harassment by any reasonable person.

### **Certain types of harassment may constitute a criminal offence.**

Examples of unacceptable behaviour under this policy (this list is for reference and is not exhaustive):

#### **Harassment**

- Physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault.
- Verbal, written and e-mail harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander.
- Sexually suggestive and unwelcome comments or derogatory remarks including any regarding the sexual orientation or preference of an individual.
- Unwanted requests or pressure for sexual favours.
- Displays of racially suggestive or degrading pictures, graffiti or object in the workplace.
- Unjustifiable exclusion, e.g. withholding information, not talking to, not including in discussions or meetings, or exclusion from social occasions.

- Sexual graffiti or displays of pornographic or degrading pictures or objects including pornographic displays on computer screens.
- Intrusion by pestering, spying, following, stalking, etc.
- Unfair allocation of responsibilities.
- Incitement to commit any of the above.

### **Bullying and Intimidation**

- Physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault.
- Verbal, written and e-mail harassment through derogatory remarks, jokes, insults, offensive language, gossip, spreading malicious rumours and slander.
- Open aggression, threats, shouting, and unpredictable outbursts.
- Deliberately setting objectives with unreasonable deadlines, or changing objectives unfairly.
- Belittling, marginalizing or ridiculing; taking credit for someone else's work but never taking the blame if something goes wrong.
- Frequent unjustifiable criticism about minor things.
- Frequent unjustifiable monitoring of someone's activities as volunteer or lay officer or other misuse of power.
- Twisting something someone says or does.
- Threatening disciplinary or other action deliberately to intimidate e.g. making threats or comments about selection/deselection without foundation.
- Unjustifiable exclusion, e.g. withholding information, not talking to, not including in discussions or meetings, or exclusion from social occasions.
- Intrusion by pestering, spying, following, stalking, etc.
- Unfair allocation of work and responsibilities.
- Inappropriate or derogatory remarks in connection with performance, particularly in front of other members.
- Incitement to commit any of the above.

## Other Forms of Harassment

- Behaviour which makes direct or indirect reference to disability or impairment and this causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability.
- Treating someone adversely because they have or it is suspected/believed that they have HIV/AIDS.
- Repeated gibes in reference to personal traits or appearances, invasion of privacy, or practical jokes causing physical or psychological distress.
- Persistent pressure to become involved in anti-social or unlawful behaviour.
- Repeated statements to an individual or third parties, which demean his/her status e.g. copying emails that are critical about someone to others who do not need to know.

## Victimisation

Victimisation may occur when the person who has made a complaint of harassment is treated less favourably than would otherwise be the case.

The Labour Party will not tolerate any incidents of victimisation arising from either:

- making an allegation of personal harassment; or
- having been accused of harassment.

Such victimisation will be dealt with as a disciplinary matter. Individuals who believe themselves to be victimised should bring their concern to the attention of the GLU.

## **6. Code of Conduct: Confidentiality and Privacy**

The Labour Party takes seriously its obligations of confidentiality and privacy. The purpose of this Code of Conduct is to provide clarity to its members as to when matters should be kept confidential, whilst also clarifying the circumstances in which the Labour Party and its members may disclose information in an appropriate manner that does not risk breaching the Labour Party's rules, codes of conduct, policies and/or guidelines.

1. Labour Party members operate in a data-driven world, where personal data must be handled in a lawful, transparent, fair and proportionate manner.
2. Members have a right to maintain privacy and confidentiality over their personal affairs in accordance with the law.
3. The Labour Party has a right to maintain confidentiality over its information, documents and activities where it is necessary to do so to protect the interests of the Labour Party and where to do so is required by law.
4. Breaches of confidentiality may put the interests of the Labour Party, its members and supporters at risk and may damage the Labour Party's good reputation and standing with the electorate.
5. **"Confidential Matters"** include any of the following:
  - a. those matters, documents and information which the NEC, or the Labour Party's national officers acting under the NEC's delegated powers, expressly declare to be strictly confidential, and/or includes confidential information that should not be shared more widely;
  - b. minutes of Labour Party meetings; papers for the Labour Party's national committees; minutes and discussions of the Labour Party's national committees; membership records; all data pertaining to elections; data relating to individual disciplinary investigations or disciplinary decisions about members;

- c. membership records and/or information relating to any individual disciplinary proceedings; and
  - d. any other matters which through custom and practice ought reasonably to be considered confidential in the opinion of the NEC.
6. In order to ensure that members of such national committees can be accountable to the Division (or Divisions) they represent, paragraph 5(b) above shall not prevent such members from:
- a. having such discussions, or sharing documents that are not strictly confidential, as are appropriate and necessary to prepare for in advance of such national committees;
  - b. obtaining appropriate assistance in order to undertake their role and/or duties on such national committee(s);
  - c. reporting back to other Labour Party members; and/or
  - d. reporting back to an executive committee of such member's relevant affiliated organisation,

For the avoidance of doubt, and with respect to members of such national committees, reference to "reporting back" shall include those members reporting back to the Division (or Divisions) that they represent on such national committees of the Labour Party.

- 7. Members of the Labour Party must maintain confidentiality in all Confidential Matters.
- 8. Members may not waive or breach confidentiality in respect of Confidential Matters save as required by law or with the express permission of the NEC or

the General Secretary, or a national officer acting under the delegated power of the General Secretary and authorised to give such permission.

9. It is important that disciplinary action taken by the Labour Party pursuant to Chapters 2, 6, 7, 8 and/or 13 of the Labour Party Rule Book is kept confidential by the Labour Party, its members and its officers so as to maintain the integrity of any disciplinary investigations and to preserve any relevant evidence. Therefore, members must keep information, correspondence and Confidential Matters pertaining to individual disciplinary cases private and must avoid disclosing any such information, correspondence or Confidential Matters to any party, except:
  - a. Where disclosure is required by law or by a legal obligation;
  - b. Where it is necessary for a member who is subject to disciplinary proceedings to make disclosure for the purpose of and in order to obtain legal advice, medical or social support, or support from close family members, trade unions, the NEC or any national officer acting under the NEC's or the General Secretary's delegated powers;
  - c. The NEC or any national officer acting under the NEC's or the General Secretary's delegated powers may disclose the fact of a disciplinary investigation to third parties if it is necessary to do so in the Labour Party's interests and only on condition that the identity of the member subject to a disciplinary investigation is not disclosed by the Labour Party;
  - d. The NEC or any national officer acting under the NEC's or the General Secretary's delegated powers may disclose information to correct false reports in the media where to do so is necessary to protect the Labour Party's reputation or its interests;
  - e. The NEC or any national officer acting under the NEC's or the General Secretary's delegated powers may disclose any matter in relation to a disciplinary investigation or a membership dispute to another national officer, staff member or other person appointed by the Labour Party for the



purposes of carrying out a duty or power under the Labour Party Rule Book;  
and

- f. The NEC, the General Secretary or any national officer acting under the NEC's or the General Secretary's delegated powers may disclose the outcome of a disciplinary complaint to the person who submitted the complaint.
10. Paragraph 8 of this Code of Conduct does not apply to disciplinary procedures taken pursuant to the Standing Orders of the Parliamentary Labour Party.
  11. The NEC may consider any breach of this Code of Conduct to amount to conduct that is prejudicial and grossly detrimental to the Labour Party within the meaning of Chapter 2, Clause 1.8 of the Labour Party Rule Book depending on the facts of the case.