

CODE OF CONDUCT

EUROPEAN LAW
STUDENTS' ASSOCIATION



The European Law Students' Association

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CODE OF CONDUCT

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As an association, we strive to work towards 'A just world in which there is respect for human dignity and cultural diversity'. We are committed to creating a safe, respectful and inclusive environment for all and believe everyone has the right to be treated with respect.

This Code of Conduct of ELSA shall serve as an embodiment of ELSA's values, as a guide to ELSA members and any other individual taking part in ELSA events, and as a tool to prevent and remedy unacceptable behaviour.

Chapter 1. Aim

1.1 This Code of Conduct aims to:

- a. ensure that ELSA offers a safe space for everyone involved in the Association to experience personal and professional growth;
- b. emphasise the importance of respectful behaviour at all times and set a foundation of shared values;
- c. establish a common understanding of unacceptable behaviour regardless of the cultural or educational background of individuals;
- d. establish procedures to report, deal with and remedy unacceptable behaviour.

Chapter 2. Applicability

2.1 This Code of Conduct applies to all events organised or coordinated by the International Board of ELSA. Within this scope, it is binding on all individuals involved in the organisation or participating in such events, regardless of their status as Local, National or International Officers.

2.2 It is the responsibility of the respective organiser of an event to ensure that all participants are aware of the Code of Conduct and its contents.

2.3. This Code of Conduct also applies at all times to the members of the International Board of ELSA and the ELSA International Team.

2.4 National Groups are encouraged to use the Model Code of Conduct provided by ELSA International within their own National Group or create their own National Code of Conduct.

Chapter 3. Obligations and Responsibilities

3.1 The International Board of ELSA shall:

- a. raise awareness of the content of the Code of Conduct in the Network;
- b. ensure appropriate training to all members responsible for applying the Code;
- c. ensure the independence of all Welfare Officers; and
- d. enforce measures.

3.2 The Director for Welfare shall:

- a. enforce the Code of Conduct;
- b. revise the Code of Conduct of ELSA in collaboration with the Secretary General of the International Board and the Welfare Team;
- c. educate national and international Officers on matters related to Officer welfare and the Code of Conduct;
- d. support Welfare Officers of Event Organising Committees and create materials for them.

3.3 The Assistant(s) for Welfare shall:

- a. support the Director for Welfare in their duties and responsibilities;
- b. coordinate with the Welfare Team and the Secretary General of the International Board of ELSA to educate the ELSA Network on the topic of welfare.

3.4 The Ethical Committee of ELSA shall:

- a. upon request of the Director for Welfare, advise and deliberate on ethical questions related to this Code of Conduct when a reported conduct requires it;
- b. decide upon breaches of the Code of Conduct;
- c. upon request of the Director for Welfare, assist in developing and furthering welfare in the Network.

3.5 Organising Committees of ELSA events shall:

- a. in particular where neither the Director for Welfare nor the Assistant(s) for Welfare will be present at the event, appoint a member of the Organising Committee as a Welfare Officer who is in contact with the Director for Welfare and in charge of contacting relevant national authorities and national services;
- b. introduce the relevant Welfare Officers who shall present this Code of Conduct at the beginning of each event;
- c. inform participants on how to report unacceptable behaviour;
- d. take appropriate measures during the event to prevent breaches of the Code of Conduct and to safeguard individuals.

3.6 All attendees shall:

- a. be aware of what constitutes behaviour prohibited by the Code of Conduct;
- b. behave and act in accordance with this Code of Conduct and the applicable law under all circumstances;
- c. notify one of the Welfare Officers if they witness or observe a possible violation of the Code of Conduct.

Chapter 4. Prohibited Behaviour

4.1 Behaviours Not Explicitly Mentioned

4.1.1 Other behaviours not explicitly mentioned in the Code of Conduct may also constitute a breach of the Code of Conduct if sanctioning them is in line with the scope and purpose of this Code of Conduct. Behaviour prohibited by the national penal code of the country where an

event occurs may constitute a breach of this Code of Conduct. Physical or psychological actions aimed or having as its effect the violation of rights and freedoms of other persons are prohibited by this Code of Conduct, in particular:

- a. bullying;
- b. harassment;
- c. sexual harassment;
- d. violence.

4.2 Bullying

4.2.1 Bullying is repeated and unwanted behaviour aimed at, or resulting in, victimising, humiliating, undermining or threatening an individual or group of individuals and/or causing psychological/physical harm. Bullying often involves a misuse or abuse of power/authority (real or perceived), where the target(s) can experience difficulties defending themselves.

4.2.2 Examples of bullying include, but are not limited to:

- a. physical bullying: using physical force or aggression against another person (e.g., shoving, hitting, invasion of personal space);
- b. verbal bullying: using words to attack someone (e.g., name-calling, teasing, insulting/offensive remarks, shouting, yelling);
- c. social/relational bullying: trying to hurt someone by excluding them, spreading rumours or ignoring them (e.g., gossiping);
- d. cyberbullying: using electronic media to threaten, embarrass, intimidate, or exclude someone, or to damage their reputation (e.g., sending threatening text messages, publishing demeaning posts about an individual);
- e. work-related: isolating and undermining one's position/authority or purposefully making one's performance of work difficult or unbearable (e.g., avoiding communicating with an individual; ignoring them when they walk by; purposefully giving unmanageable workloads and deadlines; arbitrarily changing tasks; using evaluations to document alleged decreased/lower performance, contrary to facts, using threats, intimidation and pressure to influence the way an individual performs their job).

4.3. Harassment

4.3.1 Harassment is a form of discrimination that includes unwarranted conduct with the purpose or effect of violating a person's dignity, victimising, humiliating, undermining, threatening them or creating a hostile, degrading, or offensive environment, based on their:

- a. age;
- b. race (e.g., skin colour, facial features);
- c. ethnicity (e.g., culture, language, history, accents);
- d. religion (religious beliefs);
- e. gender;
- f. sexual orientation;
- g. family status (e.g., from a single-parent family, adopted, queer parents, non-biological parents);
- h. marital or relationship status;
- i. physical or mental disability (e.g., mental illness, learning disability, using a wheelchair);

- j. or any other distinguishable attribute.

4.3.2 Conduct can be through acts of verbal, nonverbal or physical aggression, intimidation or hostility and is not restricted to any medium. It may consist of a single instance or repeated inappropriate behaviour.

4.3.3 Examples of harassment may include, but are not limited to:

- a. verbal harassment (e.g., jokes, comments, ridicule or songs, victimisation of a person who has suffered a violation of this Code of Conduct);
- b. written harassment (e.g., text messages, emails, notices or comments);
- c. activity on social media (e.g., comments under photos, posts, mentions);
- d. physical harassment (e.g., jostling, shoving or any form of assault);
- e. intimidatory harassment (e.g., gestures, threatening poses, putting pressure on someone not to file a report);
- f. visual displays (e.g., posters, emblems or badges);
- g. isolation or exclusion from social activities;
- h. sexual harassment.

4.4 Sexual Harassment

4.4.1 Sexual harassment may include but is not limited to:

- a. unwelcome sexual advances;
- b. unwelcome physical closeness or touch;
- c. asking for sexual favours;
- d. pressuring someone into performing sexual acts;
- e. unwelcome efforts or pressure to develop a romantic or sexual relationship with that individual or third parties;
- f. unwelcome comments about an individual's body or sexual activities;
- g. threatening to engage in an unwanted sexual act with another person;
- h. unwelcome jokes or teasing of a sexual nature or based upon gender, perceived gender, or sex stereotypes;
- i. other verbal or physical harassment of a sexual nature.

4.5 Violence

4.5.1 Violence is defined as any action that intentionally harms or injures another person. It includes physical aggression, deliberate coercion of another individual to use inappropriate substances (drugs, alcohol) and sexual violence. Sexual violence means any behaviour or act of a sexual nature, or perceived to be of a sexual nature, which is unwanted and takes place without consent or understanding of all persons involved. Sexual violence includes but is not limited to:

- a. rape;
- b. sexual assault;
- c. sexual activity without consent.

4.5.2 ELSA operates under a clear consent culture: everything that is not a clear “yes” is a “no”. No individual should engage in any romantic, sexual or intimate activity with another individual who:

- a. has not explicitly consented to engaging in the activity and/or;
- b. does not have the capacity to give consent (e.g., intoxication by drugs or alcohol, any physical or mental condition that might cause confusion, mental health conditions, under the age of consent applicable in the country where the respective event is taking place) and/or;
- c. does not have the freedom to consent (e.g., is coerced, pressured, forced, blackmailed or constrained when giving apparent consent).

Chapter 5. Welfare Team

5.1 Welfare Officers

5.1.1 The Welfare Team consists of the Director for Welfare, the Assistant(s) for Welfare, and the Ethical Committee, appointed by the International Board of ELSA. The Officers should reflect the diversity of ELSA, being selected from different functions and groups.

5.1.2 All Welfare Officers shall be independent and impartial. The Officers shall disclose any conflict of interest and recuse themselves from any matter in which they have a conflict of interest, including but not limited to the determination and decision-making on an investigation against a member of the National Group of which they are a part.

5.2 Ethical Committee of ELSA

5.2.1 The Ethical Committee is composed of three members and one substitute recruited from the ELSA Network and appointed by the International Board of ELSA;

5.2.2 Members of the Ethical Committee shall hold their position for the duration of the term of their appointment, starting from the 1st of October until the 30th of September of the following year.

5.2.3 The Secretary General of the International Board of ELSA advises the Ethical Committee on the enforcement of the measure decided upon but does not take part in the deliberations themselves.

5.2.4 The Director for Welfare shall attend the Ethical Committee's meetings, responding to any questions and providing general advice to the Committee, but not having the right to vote upon any decision.

5.2.5 All members of the Ethical Committee shall meet high ethical standards. The status of any member on the Committee may be prematurely terminated by the decision of the International Board of ELSA in the event of:

- a. failure to participate in one or more meetings of the Committee without valid reasons;
- b. breaches of the Code of Conduct or other behaviour that is not up to the high ethical standards expected from Committee members;
- c. non-disclosure of potential conflicts of interest regarding a particular hearing;
- d. disclosure of confidential information about any of the parties involved in a particular report; or

- e. any other breach of the non-disclosure agreement signed with the International Board of ELSA.

5.3 Clarifications Regarding Prohibited Behaviour

5.3.1 Any ELSA member may contact the Welfare Team for clarification regarding prohibited behaviour stipulated by this Code. The request must include:

- a. surname, name and contact details of the person requesting clarification;
- b. provisions of the Code where a clarification is required;
- c. a statement of the circumstances that led to the need to clarify the provisions.

5.3.2 Upon receiving a request for clarification, which includes the need for a complex interpretation of the Code of Conduct, the Welfare Team shall consult the Ethical Committee of ELSA, who shall provide the final clarification.

5.3.3 The Ethical Committee may either provide the clarification to be then communicated to the specific individual ELSA member or may request the Secretary General of the International Board of ELSA to publish the clarification for the general knowledge of the ELSA Network. These clarification requests are taken into account when reviewing the Code of Conduct.

5.4 Confidentiality

5.4.1 Deliberations related to reports under the Code of Conduct shall be confidential. The International Board of ELSA shall ensure that all Welfare Officers sign a strict non-disclosure agreement.

Chapter 6. Reporting and Investigation

6.1 Reporting

6.1.1 Any person witnessing, experiencing or becoming aware of a (possible) violation of this Code of Conduct may report the incident(s) to the Director for Welfare at welfare@elsa.org or in person. If the Director for Welfare is in a conflict of interest or the person wanting to make the report feels more comfortable for any reason, they may instead contact the Assistant(s) for Welfare at assistant.welfare@elsa.org or in person.

6.1.2 In case the Director for Welfare is in a conflict of interest, they shall recuse themselves from the rest of the procedure following the report. In such a situation, the Assistant(s) for Welfare shall take over their role. In the event that the position of the Assistant for Welfare is not filled, the rest of the procedure will be led by the Welfare Officer receiving the report.

6.1.3 Alternatively, the report may be submitted to the designated Welfare Officer of the Organising Committee of the event (if applicable) where the possible violation occurred.

6.1.4 Any report should include as many details as possible, such as date, time, location, the names of any witnesses or parties involved and contact details of the person making the report. The identity of the person making the report will be kept confidential unless disclosure is

required by law. The report should include information about the role of the person making the report in the potential Code of Conduct violation, i.e. if the person is a witness or a victim.

6.1.5 The report shall be filed in English or in another language in which the Welfare Officer is fluent when it is an in-person report.

6.2 Anonymous Reports

6.2.1 Alternatively, any person witnessing, experiencing or becoming aware of a violation of this Code of Conduct may submit a complaint anonymously via [this Google Form](#). Similarly, a person submitting a report via email or in person can wish for their identity to be kept secret.

6.2.2 An anonymous complaint cannot lead to sanctions for the accused person, but the Welfare Team may contact the accused person if the victim wishes.

6.3 Preliminary Investigation

6.3.1 Once a report or complaint has been received, the Welfare Officer receiving the report shall do the following within a reasonable time:

- a. ensure that the victim is safe (the Welfare Officer shall get in contact with the potential victim as soon as possible and ensure that this person is safe from potential further violations);
- b. inform the Director for Welfare (if applicable) that a potential violation has occurred;
- c. at the victim's discretion, help the potential victim contact the relevant national authorities and other services in the country where the potential violation has taken place or where they are located, as applicable (such as psychological services or victim support hotline).

6.4 Investigation

6.4.1 The Welfare Officer shall, within seven days of receiving a report, schedule an oral meeting with the person making the report.

6.4.2 Following the oral meeting provided by 6.4.1, the Welfare Officer shall contact the accused person(s) and schedule an oral meeting in order to seek detailed information about the facts.

6.4.3 The Welfare Officer shall decide upon the severity of the potential violation reported (after consultation with the Director for Welfare where applicable).

6.4.4 Following the decision, the Welfare Officer shall explain the possible next steps to the person making the report.

6.5 Mediation

6.5.1 In case of potential less severe violations, including but not limited to verbal bullying, verbal or written harassment and harassment through social media, the Director for Welfare shall:

- a. discuss the conflict with all parties involved and discuss possible options for resolving the conflict;

- b. primarily promote the peaceful settlement of a conflict situation;
- c. if all parties agree, initiate a mediation procedure between the involved people, led by the Director for Welfare or an Assistant for Welfare tasked with this by the Director;
- d. reach an understanding between the parties;
- e. In case of an unsuccessful mediation, refer the case in an anonymised form to the Ethical Committee of ELSA.

6.5.2. The parties and the mediator may agree on the language of the mediation procedure. If no agreement is reached, the procedure shall be held in English.

6.6 Potential Severe Violations

6.6.1 In case of a potential severe violation, including but not limited to physical or sexual harassment, sexual abuse, or rape, the Director for Welfare shall:

- a. ensure that the victim gets every help they require;
- b. conduct interviews with the involved parties to collect all the necessary information related to the potential violation (all interviews shall be held separately);
- c. inform the International Board of ELSA, as well as the Head of the Organising Committee in case of an international event, of the fact that a potentially severe violation has been reported, so that the appropriate measures may be taken to safeguard the victim and to help national authorities in fulfilling their duties;
- d. consult the Assistant(s) for Welfare at the discretion of the potential victim;
- e. refer the case to the Ethical Committee of ELSA in an anonymised form.

6.7 Procedure Before the Ethical Committee

6.7.1 If a violation is referred to the Ethical Committee of ELSA, the Committee shall be convened by the Director for Welfare.

6.7.2 The Ethical Committee shall:

- a. verify that all members of the Ethical Committee are unbiased regarding the report at hand and, if necessary, remove any members that are biased or in a possible conflict of interest for the particular hearing;
- b. set the date and time for an online or in-person meeting within one week (or two weeks in extraordinary circumstances) of the report being submitted;
- c. hear the facts of the case presented by the Director for Welfare in an anonymised form (so that the identity of the potential victim, the accused person and any witnesses remain unknown);
- d. once it has all the facts, decide upon whether there was a violation of the Code of Conduct;
- e. take a decision on potential disciplinary actions to be taken (whereby each member has one vote, and a majority of the votes is required to take a decision);
- f. communicate the decision accompanied by detailed reasoning to the Director for Welfare.

6.7.3 The decision must be taken within a reasonable timeframe given by the Director for Welfare. The decision is then communicated within one week to the following people:

- a. the accused person;
- b. the victim(s);
- c. the person who made the report (if a different individual);
- d. the International Board of ELSA.

6.7.4 The Director for Welfare shall also inform the Welfare Officer who received the report that the case has been closed without disclosing further information.

6.7.5 The Ethical Committee shall establish international rules of procedure to ensure compliance with the Code of Conduct. Minutes shall be kept of the Committee's meetings.

6.8 Lawful Convictions of a Crime

6.8.1 The Ethical Committee shall also be convened by the Director for Welfare or the International Board of ELSA if they receive a notification that a person has been lawfully convicted for a crime that also constitutes a violation of this Code of Conduct in connection with an ELSA event. The Committee shall review the proof of the conviction and decide upon appropriate disciplinary actions.

Chapter 7. Measures and Sanctions

7.1 Possible Measures and Sanctions

7.1.1 Violations of this Code of Conduct will result in appropriate disciplinary measures and sanctions. Measures and sanctions should be applied with an educational purpose rather than retributive. When deciding on a measure or sanction, the context of a case is taken into account.

7.1.2 Possible sanctions for violations in instances that are not referred to the Ethical Committee may include:

- a. reprimands or warnings;
- b. expulsion from the event where the violation took place at the participant's own expense.

7.1.3 Possible sanctions for violations in cases that are referred to the Ethical Committee may include but are not limited to:

- a. reprimands or warnings;
- b. expulsion from the event where the violation took place at the participant's own expense;
- c. exclusion from future activities coordinated by the International Board of ELSA, either temporarily or permanently;
- d. advice to the Board of a National or Local Group to suspend or expel the member;
- e. advice to the Board of a National or Local Group to deprive a person of Alumni status;
- f. binding advice to the International Board of ELSA to dismiss the member concerned from their position where they are a part of the ELSA International Team.

7.2 Sanction Thresholds

7.2.1 For a first-time offence for a violation that is not referred to the Ethical Committee, a warning or reprimand pursuant to 7.1.2 a) or 7.1.2 b) shall be issued.

7.2.2 In case of a violation that was referred to the Ethical Committee, a warning or reprimand pursuant to 7.1.3 a) or 7.1.3 b) shall only be applied in minor cases. Otherwise, a measure pursuant to 7.1.3 c), d), e), or f) shall be applied.

7.2.3 In case of recidivism after an initial warning or reprimand under 7.1.3 a) or 7.1.3 b), a measure from 7.1.3 c), d), e) or f) shall be applied.

7.3. Communication of Decision

7.3.1 The decision and measure (if applicable) are communicated within one week to the following people:

- a. the accused person;
- b. the victim(s);
- c. the person who made the report (if a different individual);
- d. the International Board of ELSA.

7.3 Reporting to Authorities

7.3.1 None of the measures and sanctions mentioned above shall keep any involved person from contacting national authorities on their own or from pursuing legal action in accordance with the applicable national law.

7.3.2 The Welfare Officers shall make a report to the competent authorities about a violation if the law requires them to do so.

Chapter 8. Periodic Review

8.1 The International Board of ELSA and the Welfare Team shall review this Code of Conduct at least every three years.

Chapter 9. Data Protection and Privacy

9.1 Generalities

9.1.1 All information about people involved and the facts are kept strictly confidential by the Welfare Team until the procedure is over or the sanction attributed to the defendant has finished.

9.1.2 The Welfare Team shall keep only information strictly necessary to carry out the proceedings. The data shall be anonymised as quickly and as far as possible by the Welfare Team.

9.1.3 At the end of their mandate, the Welfare Team shall verify and, if needed, delete data that is not necessary anymore.

9.1.4 The Welfare Team shall maintain a file with the names of people convicted under this Code of Conduct. The file shall only be accessible to the EIT Welfare Team and the International Board of ELSA and not be transferred or disclosed to third parties. It shall be used to advise the Ethical Committee if there is a case of recidivism.

9.1.5 Data regarding sanctions or measures pursuant to 7.1.2 a) or 7.1.3 b) shall be kept for a maximum of 3 years. All personal information may be kept for a maximum of 5 years after filing the complaint under the grounds of a legitimate interest (*Article 6(1)(f) of the EU General Data Protection Regulation*).

9.2 Data Protection Officer

The responsible Data Protection Officer of ELSA International may ask to verify that only necessary information is kept by the Welfare Officer.