

Code of Conduct

The European Law Students' Association the Netherlands

As an association, we recognise that human rights, cultural diversity, and human dignity are fundamental values central to our mission. We believe every person has the right to be treated with respect, regardless of their race, gender, sexual orientation, religion, nationality, or any other aspect of their identity.

We are committed to upholding the principles of cultural diversity, which promote the recognition and celebration of different cultures and perspectives. We believe diversity enriches our community and helps us to better understand and appreciate the world around us.

Furthermore, we recognise every individual has the right to be treated with dignity and to live their life free from discrimination and harassment. We reject all forms of discrimination, whether it is based on race, gender, sexual orientation, religion, nationality, or any other characteristic.

As an association, we are committed to promoting and protecting human rights, cultural diversity, and human dignity in all of our activities. We will not tolerate any behaviour that is contrary to these values and will take appropriate measures to address any incidents of discrimination or harassment.

Our association aims to create a just world, and we are convinced that establishing a shared understanding of unacceptable behaviour through this Code of Conduct will bolster our efforts towards this goal. Additionally, we believe such an understanding will foster the personal growth of all individuals involved in our association.

It is important that this Code of Conduct is enforced in a fair and impartial manner. Therefore, we establish the Committee for Welfare, which shall be independent and impartial. The Committee shall exist from one person from each Local Group.

Disciplinary sanctions, when necessary, shall always be educational and aimed at helping individuals learn from their mistakes and prevent future misconduct. These sanctions should be implemented in a way that is proportionate to the severity of the misconduct.

We believe by upholding these values, we can create a safe, inclusive, and welcoming environment for all members of our community. We are committed to fostering a culture of respect and understanding and to promoting equality and justice for all.

Unacceptable behaviour

The following kinds of behaviour shall be seen as unacceptable behaviour and shall not be tolerated.

Harassment

Harassment is defined as any unwanted behaviour with the effect of violating the dignity of a person, that is based on a person's gender, sexual orientation, race, ethnicity, religion, disability, or any other protected characteristic under applicable laws. Harassment may include but is not limited to:

1. Verbal abuse or offensive comments
2. Physical contact or intimidation
3. Displaying offensive materials
4. Threats or actions that create a hostile environment

Abuse

Abuse is defined as any behaviour, verbal or physical, that is intended to cause harm or distress to another person, Abuse may include but is not limited to:

1. Physical abuse is any act of violence or use of force that causes bodily harm or injury, such as hitting, punching, slapping, or kicking.
2. Verbal abuse is any use of language or words that are intended to hurt, demean, or manipulate another person, such as insults, name-calling, or shouting.
3. Emotional abuse involves using words, actions, or neglect to control, intimidate, or manipulate another person, such as belittling, gaslighting, or isolating them.
4. Psychological abuse involves causing emotional distress through threats, intimidation, or humiliation.
5. Financial abuse involves controlling or exploiting another person's financial resources for personal gain.

Bullying

Bullying is any repeated and unwanted individual or group behaviour falling under the scope of harassment or abuse that is intended to harm, intimidate, or humiliate another person or group of people.

Sexual abuse

Sexual abuse is defined as any unwanted or non-consensual sexual behaviour, contact, or activity that is imposed on an individual without their consent or against their will. Sexual abuse can take many forms, including but not limited to:

1. Sexual harassment: unwanted sexual advances, requests for sexual favours, or other verbal, nonverbal, or physical conduct of a sexual nature that creates a hostile or intimidating environment, including but not limited to making comments or jokes about someone's sexual orientation, displaying or sharing pornographic or sexual images or other sexual content, flirting, gesturing or making sexual remarks about someone's body, clothing or appearance, or catcalling.
2. Sexual assault: any type of sexual contact or behaviour that occurs without the explicit consent of the victim, including rape, molestation, fondling, groping, or penetration.
3. Sexual exploitation: using an individual for sexual purposes without their consent.
4. Coercion: forcing or pressuring an individual to engage in sexual activity against their will through threats, manipulation, or other means.

Discrimination

Discrimination is defined as treating individuals or groups unfairly or unequally based on certain personal characteristics or attributes, such as their race, ethnicity, gender, disability, age, religion, national origin, disability, financial situation, sexual orientation, or any other characteristic protected by law.

Welfare committee

Establishment of the Committee

There shall be a Welfare Committee (the "Committee"). The Committee shall be independent and have the power to investigate any alleged violations of the Code of Conduct and take disciplinary sanctions as set forth in this Code of Conduct.

Independence of the Committee

1. The Committee shall be independent and impartial.
2. The members of the Committee shall disclose any conflicts of interest to the Committee and shall 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 Local Group which they represent in the Committee.
3. The members of the Committee shall not accept any kind of instruction or other kinds of pressure from the Board of a National Group or Local Group. Giving or accepting such instructions or other kinds of pressure shall be deemed unacceptable behaviour.

Membership of the Committee

1. The Committee shall be composed of one member from each Local Group that is a member of the association and the Director for Welfare.
2. The members of the Committee shall be nominated by the Local Group of which the seat in the Committee is vacant and appointed by the Board. The Director for Welfare is appointed by the Board. The Board can only refuse to appoint a member of the Committee is clearly unfit to fulfil the responsibilities of being a member of the Committee.
3. The members of the Committee and the Director for Welfare shall serve for the duration of the association year, unless removed by the Board. A member of the Committee or the Director for Welfare can only be removed in case of failure to attend the meetings or misconduct. A member of the Committee or the Director for Welfare shall be suspended for the duration of an investigation of an alleged violation of the Code of Conduct against them.
4. The members of the Committee and the Director for Welfare can not be a member of a National or Local Board.

Reimbursement of Expenses

Members of the Committee and the Director for Welfare shall serve without compensation, but may be reimbursed for expenses incurred in the performance of their duties with the prior approval of the Board.

Powers and duties

The Committee shall have the following powers and duties:

- a. To investigate alleged violations of this Code of Conduct;
- b. To impose disciplinary sanctions as provided in this Code of Conduct, including but not limited to reprimands, warnings, exclusion from activities organised by Association, or giving advice to the Board of a Local Group to suspend or expel the member;
- c. To maintain records of disciplinary actions taken by the Committee;
- d. To periodically report to the Board regarding its activities, including the number of violations reported and any disciplinary actions taken;
- e. To advise the Board on request or out of own initiative about the Welfare situation within the association or the Local Groups that are a member of the association; and
- f. To adopt such rules and procedures as it deems necessary to carry out its functions. The procedures shall include provisions for notice to the member(s) of the alleged violation, the right to be heard, and the way in which the Committee decides which disciplinary sanction will be taken.

Confidentiality

1. The proceedings of the Committee shall be confidential, and the members of the Committee or the Director for Welfare shall not disclose any information about a particular case or individual member to any third party without the express permission of the Commission.
2. This provision shall not apply in case the disclosure of the information is required by law.

Reporting and Investigation

Reporting

1. Any person who witnesses, experiences or becomes aware of a violation of this Code of Conduct can make a report about the incident(s) to the Committee.
2. The report should include as much detail as possible, such as the date, time, location, and the names of any witnesses or parties involved.
3. The identity of the person making the report will be kept confidential to the extent possible, retaliation against anyone making a report in good faith shall be deemed unacceptable behaviour.

Preliminary investigation

1. Upon receipt of a report, the Committee shall conduct a preliminary review whether the report alleges a violation of the Code of Conduct that warrants further investigation. If the Committee determines that no further action is necessary, it will notify the reporter and the accused member.
2. The preliminary investigation shall be conducted in a fair, thorough, and objective manner.

Investigation

1. If the Committee finds the report warrants further investigation, they shall appoint one or more investigator(s) to conduct an investigation into the alleged violation. The investigator(s) shall conduct interviews with all parties involved and review any relevant documents or evidence.
2. The person accused of violating the Code of Conduct shall be given a fair hearing. This includes the right to respond to the allegations made against them and provide evidence in their defence. The accused person may also bring a support person to the hearing.

3. The investigator(s) shall provide a written report to the Committee detailing their findings and recommendations.
4. The investigation shall be conducted in a fair, thorough, and objective manner.

Disciplinary Sanctions

Disciplinary Sanctions

If the Committee finds that a violation of the Code of Conduct has occurred, it will take appropriate disciplinary sanctions. The disciplinary sanctions include:

- a. Reprimand: A formal reprimand may be issued to a person who has breached this Code of Conduct. The reprimand shall be communicated to the person in writing.
- b. Warning: A formal warning may be issued to a person who has breached this Code of Conduct. The warning shall be communicated to the person in writing. Only two warnings can be issued to the same person.
- c. Exclusion from the activities organised by the Association: A person who has breached this Code of Conduct may be excluded from participating in any activities organised by the Association. This disciplinary sanction may be imposed for a specific period of time or until further notice.
- d. Advice to the Board of a Local Group to suspend or expel the member: In cases where a member has committed a serious breach of this Code of Conduct, the Committee may advise the Board of a Local Group to suspend or expel the member. The Board of the Local Group will then make the final decision on whether to suspend or expel the member.

Exclusion from activity

The Committee may decide to exclude persons involved from further participation in the activity where the alleged violation occurred.

Final Provisions

Information about applicability

1. It is the responsibility of the organiser of an activity to ensure that all participants are aware of the Code of Conduct and its contents.
2. The National Council Meetings Organising Committee must explicitly state the applicability of the Code of Conduct during the Opening Plenary.
3. If the Code of Conduct's applicability is clearly mentioned and there is a hyperlink to the Code of Conduct in the activity's registration form or the activity page on a platform commonly used by the Group, the organiser has effectively informed the participants.
4. In case another code of conduct is also applicable on a Local Group, the provisions in this Code of Conduct will be explained in such a way that offers the highest level of protection.

Applicability

1. This Code of Conduct shall apply to all activities organised by or under the responsibility of ELSA the Netherlands.
2. This Code of Conduct shall also apply to all activities organised by or under the responsibility of a Local Group that is member of ELSA the Netherlands if:
 - a. The Local Group has accepted the applicability of the Code of Conduct and the authority and powers of the Committee in its Standing Orders; and

- b. The Board of the Local Group has informed the Secretary General of ELSA the Netherlands about the recognition of the applicability of the Code of Conduct and the authority and powers of the Committee.
3. This Code of Conduct is equally applicable to all persons that take part in an activity, including members of a Local Board, a National Board and the International Board of ELSA.

Reporting to authorities

1. Nothing in this Code of Conduct shall prevent any involved party, the Committee or Board from cooperating with competent authorities in any investigation or inquiry that may be inquired by such authorities.
2. The Board or Committee shall make a report to the competent authorities about a violation if the law requires them to do so.

Periodically review

The National Board and the Committee will periodically review this Code of Conduct.