

# Code of Conduct

## Definitions and principles

The Code of Conduct of ESU is an internal document aimed at ensuring a safe, inclusive and conducive environment, based on the values of equality and mutual respect, also outlining the rules of behavior for ESU events and ESU representatives, and any procedures outlined here are strictly limited to providing internal political accountability within ESU. Some behaviors prohibited by this document may be illegal, depending on the local laws, but anything to do with contacting law enforcement or other outside actors does not fall in the scope of this document.

The Code of Conduct of ESU is the primary document governing the rules of conduct at ESU events. In case the hosting organisation wishes to implement their own code of conduct or similar collection of rules, they can do so with the agreement of the Executive Committee, and keeping in mind that whenever any rules or procedures in that secondary code are in conflict with the ESU Code of Conduct, the latter supersedes any other such documents.

The Code of Conduct applies for all attendees of ESU events, and ESU representatives carrying out their duties throughout their mandates.

ESU events are here defined as any statutory event organized for ESU, as well as any other event organized by ESU, excluding events organized for representatives of ESU (such as EC meetings, handovers).

ESU representatives include all elected and selected representatives of ESU including members of the EC, coordinators, Chairing Team members, CIA members, members of the Secretariat when interacting with other ESU representatives and members of the Board. Carrying out their duties during their mandates is here defined as fulfilling tasks outlined in the Standing Orders and other internal documents; engaging in social interactions, both within the organisation and outside, relating directly to work done for ESU, and activities during ESU events and other internal events such as EC meetings and handovers.

ESU recognizes discrimination as a multidimensional phenomenon which has to be considered and tackled accordingly. Discrimination is the differentiation, restriction, separation, marginalization and exclusion of humans based on specific group characteristics. It is grounded on asymmetrical power structures and functions as a form of oppression.

## Guidelines for attendees

Everyone's standards for appropriate language and behavior may vary on account of their background, identity, experiences and culture. Thus, everyone is encouraged to speak out if

they feel uncomfortable with any language or behavior of their peers, and such information is to be treated with respect and taken into account by everyone.

All people attending ESU events are expected to:

- Treat all others attending the event with respect
- Actively create an inclusive welcoming atmosphere for all of the participants, during both formal and informal parts of the event.
- Respect one another's personal preferences in the way they wish to be addressed, personal space, appropriate topics of conversation and jokes, and other such issues.
- Actively engage in the organized activities during seminars, panel sessions and discussions as well attend all the organized sessions, meetings, discussions and debates.
- Respect the time frames given by the organizers of the event.
- Respect the event's facilities and any rules associated with such use.
- Respect the environment and take care about their surroundings.
- Be acquainted with ESU's Code of Conduct and its content during the participation in all ESU's internal and external events

It is prohibited for anyone attending ESU events to:

- Engage in illegal or violent behavior towards other attendees.
- Make any inappropriate jokes or remarks, based on any discriminative grounds that cause people to feel uncomfortable or discriminated against.
- Use harassing, demeaning, or abusive language towards other attendees.
- Pressure anyone else to do anything they are not comfortable with, including pressuring others to consume alcohol or other substances.
- Share any type of private and sensitive content shared between consensual parties without their consent to someone else, unless it is done in order to submit a report to the trusted person and the person reporting is themselves a recipient of such content.
- Knowingly support, encourage or contribute to any type of behavior prohibited by this Code of Conduct.

## Sexual harassment and consent

Sexual harassment is a specific type of prohibited conduct. Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation. Sexual harassment may involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications, and may occur between persons of the same or different genders. Such conduct includes, but is not limited to:

- Making derogatory or demeaning comments with a sexual connotation about someone, and/or causing humiliation to someone through comments with a sexual connotation.
- Name-calling or using slurs with a gender/sexual connotation
- Making sexual comments about appearance, clothing or body parts
- Repeatedly asking and pressuring a person for dates or asking for sex
- Unwelcome touching or making inappropriate sexual gestures

In engaging in any sexual activity, attendees are expected to act in accordance to the principle of affirmative consent.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time. Hence, any sexual activity at the time of withdrawal of consent or if consent can no longer be given, must stop.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, being under influence of legal or illicit substances which alter behavior or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Nobody can be treated in a negative manner for taking action to ensure they feel comfortable and safe at the event, approaching the Trusted Persons and/or submitting a formal report, or engaging in any other way to make ESU events safer spaces.

## Trusted Persons at ESU events

The primary function of Trusted Persons at ESU events is to be there for all participants to turn to in case they feel unsafe, unfairly treated, threatened or attacked, discriminated against, or in any other way made to feel as less than others. In all their actions, the Trusted

Persons are guided by the principle of centering the needs of the violated party and making them feel safe at the event.

For any ESU event, the EC will choose at least five Trusted Persons, selected by the EC in collaboration with the Equality Coordinator, who can not all be of the same gender and at least two out of five of them must be women. The EC can raise the maximum number of Trusted Persons for an event if necessary. Any representative of a member of the Board can apply to be a Trusted Person through the registration form of that event. In choosing the Trusted Persons, the EC must prioritize the personal integrity, perceived apolitical status, diversity, and relevant knowledge of the candidates. Similarly, the Trusted Persons for any event should include people from different ESU backgrounds (people from the Secretariat, Board, Hacks team, etc).

The Trusted Persons team will also work with a contact person from the organizing team of an event, who needs to be available to assist them in cases which require communication with local law enforcement, emergency services, or other such organs.

The Trusted Persons of any event will have an internal discussion, facilitated by the Equality Coordinator, before the arrival of any participants, where they will go over the agenda of the event (including informal parts), make clear their availabilities during the event, allocate any tasks if necessary, and discuss any other information that may be relevant to their work during the event. They will prepare an online form for reporting potential violations of the CoC according to the aforementioned discussion in collaboration with the Equality Coordinator, and will send it out to every individual participant of an ESU event before the start of the event.

The Equality Coordinator will provide training and guidance for the Trusted Persons prior to the event, and will oversee the constant development of the programme of training.

At least one Trusted Person needs to be present at any major formal or informal gathering during the event, if possible.

The Trusted Persons must refrain from being in a state altering their judgement (for example being intoxicated) while carrying out their tasks, and must act in a way to be approachable to anyone who wishes to submit a report, ask for advice on the Code of Conduct, or notify them informally of any (potentially) uncomfortable or dangerous situation.

The Trusted Persons must be in regular communication among themselves and share any information that might be relevant in preventing a violation of the CoC, or useful for other Trusted Persons in carrying out their tasks. In case the identity of a person making an anonymous report is known to a Trusted Person, they can only divulge that information to other Trusted Persons with the consent of the person making the report.

In addition to other tasks, Trusted Persons need to be ready to step into situations that they perceive as risky, (keeping in mind their own safety as primary), or situations where they see a potential violation of the Code of Conduct taking place. To their abilities, they must be

ready to mediate interpersonal conflicts and ensure the safety of anyone who feels unsafe at the event.

If one or more of the Trusted Persons or the Equality Coordinator is implicated in an informally or formally submitted report, then the identity of the person making the report will not be disclosed to the person implicated, and they will be excluded from deliberations about the procedures regarding the report that are outlined in this document.

## Approaching the Trusted Persons

Anyone at an ESU event is welcome to approach the Trusted Persons or fill the online form to let them know about any behavior they feel may be unwelcome at the event or in violation of the Code of Conduct, without starting formal reporting procedure. In such a case, no form will be submitted by the Trusted Person, but general notes of the information given will be added to the event report, making sure not to divulge any information that would reveal the identity of anyone concerned. The information will also be taken into account by the Trusted Persons in their tasks at the event. The participants of the event will be reminded to follow the code of conduct in order to ensure a safe environment for all attendees.

Any information given through the online form without personal details of the person filling in the form, or any information given directly to the Trusted Persons with the wish to remain anonymous, will not be used to start a formal reporting procedure.

In case the anonymously given information suggests contacting a certain person (a potential victim of or a witness to a violation of the CoC, or a potential perpetrator) and/or the Trusted Persons deem it appropriate, (with prior consent given by the person approaching them, they will seek contact with that person to discuss the issues raised in the report.

The Trusted Persons may decide to take action based on an anonymous report, but that action can't be to publicly name a person, or act in any way that would reveal the identity of either the person who approached them or who was named in the report as a potential perpetrator. If they deem the information to be serious enough to warrant this, they can seek other potential witnesses or parties to the potential violation in question.

## Submitting a formal report at ESU events

Anyone attending an ESU event has a right to submit a formal report of a potential violation of the Code of Conduct to a Trusted Person or through the online form prepared before any event, at any point between their arrival at the event and departure from the event.

The Trusted Person who is approached will act in accordance with the Guidelines for the Trusted Persons, ensuring privacy and confidentiality for the person submitting the report.

After a report is submitted, the Trusted Person who is in charge of the online form, or who was approached with a report, will fill in a prepared form detailing the report and make it available to other Trusted Persons and the Equality Coordinator, accessible by the Trusted Persons and the Equality Coordinator. In case a Trusted Person or the Equality Coordinator is implicated by a report, this procedure will be delayed or avoided.

In case the Trusted Persons receive credible material evidence of a violation of the CoC having taken place, or through anonymous reporting find several witnesses to a violation, none of whom wish to submit a report, or witness or are subject to a violation of the CoC themselves, they can submit a report on their own or as a collective body.

## Processing formal reports

As soon as possible, after a report has been submitted, the Trusted Persons will meet to discuss appropriate actions. If, after being convened, at any point during the procedure, a member feels that they have a conflict of interest they must recuse themselves from their duties.

They will deliberate on the report, consulting people they consider relevant to hear from. In this work, they must act discreetly.

If a decision is made that a violation has taken place, the Trusted Persons will decide with an absolute majority on what sanction(s) to apply to the guilty party. In this, they will take into account the severity of the violation and all other relevant factors surrounding the violation. Any sanction taken that is not specifically meant to be public in its nature will be carried out with discretion. No public sanctions may be applied without the consent of the injured party (if one exists).

The possible sanctions may include, but are not limited to:

- Spoken or written warning(s) to the perpetrator(s)
- Statement to the Board to be read out at the beginning of the next session of the event. This statement must be anonymised and used for example to simply point out to the Board that certain violation(s) have happened and how to proceed.
- Allowing the injured party to make a statement to the Board at the beginning of the next session of the event
- Removal of the perpetrator(s) from the session or event in question
- Official letter from the EC to the sending organisation(s) of the perpetrator(s)
- A ban from attending any future ESU events for the perpetrator(s)
- Any other measure not mentioned here, in agreement with a 2/3 majority of the EC, and in accordance with statutory documents of ESU

In case of the perpetrator being an elected representative of ESU, the Trusted Persons can suggest to the EC to propose a vote of no confidence to the Board regarding that person. This will be handled by the EC according to its Rules of Procedure.

The Trusted Persons will immediately compose a protocol of their decision, which will briefly describe the report, their deliberations, and reasoning behind their decision(s). This report

will be presented to the EC immediately, and the EC together with the Trusted Persons and the Equality Coordinator will carry out the decisions.

## Appeals

Any decision made by the Trusted Persons can be appealed to the EC by any party to the report (either the reporter or the party(s) subject to any sanction.

## Recordkeeping

At the end of an event, the Trusted Persons along with the Equality Coordinator will compile a general report to the EC, where they give an anonymized overview of any reports that were submitted and any procedures that were conducted, as well as give a general assessment of the effectiveness of their work and the general environment during the event. This report will not go into detail about any persons involved in any reports or procedures. If they see fit, they can also present recommendations for changes to their working procedures or the Code of Conduct. These reports will be used by the Equality Coordinator in giving guidelines to Trusted Persons at future events.

At the end of an event, any forms filled in by the Trusted Persons about reports submitted will be destroyed after compiling the general report to the EC. Any reports concerning a formal reporting procedure must be stored in a secure way (whether on paper or online) by the Head of Secretariat, with access limited only to them, and made available to the EC upon request. The general report on the event presented by the Trusted Persons will be uploaded to a designated Google Drive folder accessible by the EC and Coordinators.

## Reporting outside ESU events

The person ultimately responsible for dealing with reports of potential violations of the Code of Conduct that happen during ESU events, but are reported outside the timeframe of ESU events, or any other reports of potential violations of the Code of Conduct that are not covered elsewhere in this document, is the Equality Coordinator. The procedures regarding such reports will be outlined in the Rules of Procedure of the EC or, if need be, decided by the Equality Coordinator together with the Presidency on an ad-hoc basis.

## Ethical guidelines for ESU representatives

All ESU representatives are expected to act in a professional manner when carrying out their work and communicating with one another, treating each other with respect and dignity, respecting one another's personal preferences in the way they wish to be addressed, personal space, appropriate topics of conversation and jokes, and other such issues.

ESU representatives, in carrying out their work and communicating with one another, will refrain from using abusive, derogatory, demeaning, or hurtful language towards each other, as well as behavior which is commonly seen as abusive, derogatory, demeaning, or hurtful. A principle of seeking prior consent will be applied to any language or behavior which is commonly seen as flirtatious, sexual, or otherwise crossing common standards of professional behavior.

Acknowledging that such standards vary vastly in different organisational cultures and other cultural spaces, everyone is encouraged to speak out if they feel uncomfortable with any language or behavior of their peers, and such information is to be treated with respect and taken into account by everyone.

## Code of Conduct procedures for ESU representatives

Any ESU representative is welcome to approach the Equality Coordinator or members of the Presidency with any information regarding a potential violation of the Code of Conduct, either at an internal ESU event, or in carrying out their work outside the timeframe of ESU events (for example in working with members of the Board, other ESU representatives, the Secretariat).

This information will immediately be discussed among the Equality Coordinator and the Presidency, who will agree on appropriate action to be taken. In cases of unresolvable disagreement, the case will move forward to the EC to be handled in accordance with the Rules of Procedure of the EC.

In case an ESU representative approaches the Equality Coordinator or a member of the Presidency with information of a potential violation of the Code of Conduct by a member of the Presidency, the Equality Coordinator or the Presidency member who was approached will present the case at the next EC meeting, where the EC will decide on appropriate action to be taken.

A member of the Secretariat can approach the Head of Secretariat or the Presidency member responsible for Human Resources in ESU with any information about a potential violation of the Code of Conduct by an ESU representative. In cases of conflict with the HoS or Presidency member, they can approach other members of the Presidency. The Presidency along with the HoS will decide on appropriate action to be taken. Members of the Secretariat are also always covered by Belgian law and trade unions.

## Mediation and conflict within the Hacks team

In cases of interpersonal conflict within the Hacks team, all parties are encouraged to act in ways that de-escalate the conflict, remain professional, work towards solving the conflict,



and communicate openly between one another and others around them. Any party to such a conflict is encouraged to ask for help in mediation.

In case there is more sustained or widespread conflict within the Hacks team, or prior attempts at mediation have not been successful, a member of the Hacks team can ask for external mediation to be arranged.