

Code of Conduct

1. Preamble

ESN fosters a culture of openness and inclusivity where its volunteers are safe to work, learn, network, and have fun in. ESN aims to nurture a healthy and positive environment where volunteers can feel secure and comfortable, where they can grow and develop themselves, regardless of their identity, beliefs or preferences. ESN expects every volunteer, regardless of background and position, to uphold its values in the way they behave towards their fellow volunteers and externals and to treat each of them with respect and understanding. As ESN we do not only advocate for our values and principles towards external stakeholders, but we also strive to ensure that our volunteers behave according to them.

2. The Code of Conduct

First established during AGM Berlin 2017,¹ this document was developed around the idea that everything we do in connection with ESN will and should be based upon mutual respect and understanding. It set out to ensure that every person feels safe, included and respected during their involvement with ESN.

Essentially, the goal of this document is threefold:

- To provide guidelines on how volunteers should conduct themselves;
- To raises awareness about and lay down unwanted behaviours;
- To provide clarity on how to deal with situations where unwanted behaviours occur or are suspected to have occurred.

The behavioural standards of the Code of Conduct are:

- Respect for inherent dignity;
- Non-discrimination;
- Full and effective participation and inclusion in ESN;
- Respect for difference and acceptance as part of human diversity and humanity;
- Equality and equal treatment.

¹ Annual General Meeting, predecessor of the Erasmus Generation Meeting and the General Assemblies

3. Scope of application

The behaviours outlined in the Code of Conduct apply to all volunteers of ESN, students and third people when they engage in any activity related to ESN. 'Activity' should be interpreted broadly and covers, but is not limited to, the following:

- Meetings, gatherings or events, physical or online;
- Online communication, through email or instant messaging;
- Online activity in official or unofficial channels related to ESN such as Facebook groups;
- External representation including non ESN related events.

4. Behaviours

It is important to ensure that we practice these standards within our organisation. To ensure the behavioural standards outlined in this Code of Conduct and the values of ESN are practised internally as well as externally, the display of behaviour that goes contrary to those is prohibited. Any report of such behaviour may trigger the procedures laid down in *article 5*. The behaviours to which this Code of Conduct applies are laid down below.

4.1 Discrimination

ESN is a place where everyone should be treated equally and where no type of discriminatory behavior shall be tolerated. The definition of 'discrimination' as seen in this document corresponds to the commonly used definition of discrimination, which is "treating a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of certain [characteristics or preferences]".

In this document those characteristics or preferences include, but are not limited to:

- Age;
- Disabilities of any kind²;
- (Chronic) Illness;
- Education and socio-economic background;
- Ethics and values, political or religious beliefs;
- Gender including sex, gender identity or gender expression;
- Sexual orientation;
- Language and literacy;
- Physical appearance;
- Race, colour, nationality, ethnicity or origin;
- Role or experience within ESN;
- Choice to consume or not consume alcohol.

² Including long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others

4.2 Prohibited behaviour

Prohibiting discrimination alone is not sufficient to ensure that ESN provides an inclusive environment. To ensure such an environment, volunteers need to treat each other with respect and dignity. This means prohibition of the following types of behaviour:

- Bullying;
- Harassment;
- Intimidation;
- Physical violence;
- Abuse;
- Nuisance;
- Defamation.

5. Procedures and sanctions

5.1 Reporting a (suspected) violation

Enforcing the Code of Conduct can only be done if violations are reported. That is why everyone is encouraged to report a suspected violation if they witness it or become aware of it. Although it is understandable one may not feel comfortable reporting a (suspected) violation and one's own safety ultimately comes first, it is still encouraged to not look away and contribute to the values we uphold as an organisation.

To make the reporting process easier, the procedures for reporting a (suspected) violation are elaborated on below.

5.1.1 During international events

During events of ESN International, such as the Erasmus Generation Meeting (EGM), General Assemblies (GAs), Regional Platforms (RPs) and Community Meetings, (suspected) violations are reported in first instance to the Point of Contact (PoC). The Point of Contact preferably consists of several of the following people:

- A member of the Arbitration Board;
- A member of the Organising Committee of the event;
- A member of the Content Team of the event;
- A member of the International Board.

If volunteers do not feel confident in reporting something to the Point of Contact members, the National Delegate will be the point of contact that they can use as a mediator. A report to the Point of Contact should always be followed by a report through the report form as described further in the next paragraph.

5.1.2 After an event and in other situations

After the initial report to the Point of Contact, violations should be reported through the report form, which can be found on the website of ESN International at www.esn.org/code-of-conduct

and on the ESN Galaxy at galaxy.esn.org. It is also possible to approach the Arbitration Board directly via email (arbitration-board@esn.org) or other forms of informal communication. For violations that occur outside of ESN events, but still fall within the scope of ESN International, the same procedure applies.

5.1.4 Anti-Retaliation Policy

When reporting an incident it is important for our members to feel safe. Retaliatory behaviour against anyone who, in good faith, reports a concern or participates in an incident report can be subject to similar sanctions, as described in article 5.3.1, regardless if allegations are ultimately substantiated.

5.2 Procedure after the report

After a violation is reported, it is forwarded to the Arbitration Board where the following steps are taken:

- Confidentiality Foundation:
 - Confidentiality between the reporter and the Arbitration Board is established. Any information or action-taking from this point onwards needs to be agreed upon by the reporter of the case.
- Information Collection:
 - Relevant parties are identified and inquired for further information. Other potentially relevant evidence is also collected.
- Defendant Hearing:
 - The reportee gets the opportunity to plead their case to the Arbitration Board in the form of a conference. The initial report as well as relevant information that might be used for issuing a decision need to be addressed.
- Further Action:
 - The Arbitration Board decides on the next steps e.g. sanctioning, mediation. The reporter and reportee are informed accordingly.

The steps are a general guideline on how a report should be handled. However, each case is different and the steps described are not always suitable. Therefore, the steps are only followed to the extent that is appropriate for each situation.

5.3 Sanctions

5.3.1 Types of sanctions

The circumstances in which Code of Conduct violations take place are rarely the same. Although each violation is taken seriously, they vary in severity. The sanctions that are applied to a violation are therefore not predetermined. They are rather established on a case by case basis. By establishing the sanction in such a way, justice is done to each individual. To nevertheless make the consequences of a violation somewhat predictable, the sanctions that could be imposed are laid down below:

- A warning. Might constitute for grounds for further sanctioning;
- Removal from an event;

- Suspension of participation in events organised in the scope of ESN International;
- Suspension from a position in ESN International. The duration of the suspension is determined in accordance with the factors mentioned in 5.3.2. Duration of suspension may range from 1 month to indefinite;
- Removal of access from ESN International's tools and services such as ESN Accounts, ESN Events etc.;
- Permanent removal from a position in ESN International.

Sanctioning may involve multiple of the aforementioned points.

5.3.2 Imposing a sanction

The competence of imposing a sanction in violations on the international level lies with the Arbitration Board.

When determining the type and severity of a sanction, the following factors must be taken into account:

- Severity of the violation;
- The intentionality of the perpetrators actions;
- How often the perpetrator has committed a violation;
- The position of the perpetrator within ESN;
- The amount of evidence.

If a sanction is imposed, the addressee of the sanction will receive an official statement by the Arbitration Board describing the sanction and the reasoning behind imposing the sanction. The imposed sanction is effective immediately after the issuing of the statement. Non-compliance with or any attempt to circumvent the sanction may constitute grounds for further sanctioning.

5.3.3 Principles

Imposing a sanction is not something that should be done lightly, considering the consequences it could have for an individual. That is why the following principles should be respected when deciding on imposing a sanction:

- Fair hearing and opportunity to present evidence;
- Proportionality of the sanction;
- Equality, meaning that similar cases should be treated similarly;
- Transparency in reasoning of imposed sanction.

5.3.4 Right to Appeal

If the addressee of the sanction disagrees with the reasoning of the imposed sanction or the (severity of) the sanction itself, they have the right to appeal. The right of appeal can be exercised by sending a written response to the Arbitration Board through email clearly stating the point of contention within two weeks after the decision has reached the addressee. The Arbitration Board has to give the addressee the opportunity to be heard. The Arbitration Board has to reach a decision within two weeks after the appeal was issued.

5.4 Application on the national and local level

In case of violations on the national or local level, National Organisations and sections are expected to take the measures necessary to ensure a safe environment for its volunteers and to enforce the Code of Conduct. The structure of ESN does not allow for the Arbitration Board to impose any sanction on a volunteer regarding violations occurring on the national and local level. National Organisations and local sections are therefore expected to lay down their own procedures for reporting violations to the appropriate body or individual, for imposing sanctions in case of violations and for exercising the right to appeal. The procedures should follow the principles laid down in paragraph 5.3.3. The sanctions should correspond to those that can be imposed on the international level.

5.4.1 Point of contact

During national and local events, there should also be a Point of Contact where violations are reported to. The Point of Contact preferably consists of several of the following people:

- A member of the the National or Local organ that deals with legal procedures;
- A member of the Organising Committee of the event.

The Point of Contact should be established before the event and announced to the participants before the start of the event. This can be done verbally, but is ideally also done by means such as the survival guide of the event.

5.4.2 Enforcement

This document is an official document of ESN, meaning NOs and sections are expected to fulfil the obligations laid down upon them in this paragraph. In case a violation that occurred on the local or national level is reported directly to the Arbitration Board, the Arbitration Board can, with the consent of the victim, advise the NO or section on how to proceed. The NO or section is expected to follow this advice.

AMENDMENTS

Version	Location	Date	Summary of changes
1	GA Sakarya	27th November 2022	Initial version