

Code of Conduct

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Scope

1. This document sets out the accepted and expected conduct, and the working standards and ethical obligations within ESU. It covers both participation at ESU events and the work and representation of ESU-officials.
2. This document accordingly gives 'directions for use', providing definitions, a code of ethics, a division of responsibilities and procedures in the event of misconduct or conflicts of interest, particularly regarding issues of accountability and personal responsibility. As such the code of ethics and procedures set out in this document serve as guidelines, which mean that regardless, a case-by-case approach is required if incidents within the scope of this policy arise.
3. ESU's officials must observe a set of rules when exercising their professional duties during their mandate and it is expected that ESU's officials observe the pertinent rules regarding their mandate in ESU also after leaving office . These rules are further laid out in the following documents of the organisation:
 1. Statutes
 2. Standing Orders
 3. Financial Standing Orders
 4. Code of Conduct
 5. Rules of Procedure
 6. ESU Strategies
 7. Gender Mainstreaming Strategy (Equity Plan)
 8. Statements, Policies and Motions, including:
 1. BM75 Resolution: Combating Anti-Semitism: student unions to take responsibility
 2. BM75: Anti-discrimination Statement
 3. BM74: Resolution on #metoo movement
 4. BM74: Resolution on Protocols for prevention and detection of sexual harassment, sexist harassment and harassment due to sexual orientation
 5. BM69: ESU commits to actively fight racism and hate-speech

4. No part of this policy can go against ESU's Statutes or Standing Orders. In case of conflict the Statutes and Standing Orders are to prevail, in this order. In the event of any doubt concerning this policy or any other conduct policy of the organisation, one should contact secretariat@esu-online.org
5. If the ESU Board adopts new statements, policies or motions that set out ethical principles of the organisation in a similar way to those listed in 1.3, these will automatically be added to the list without the necessity to vote upon this document again.

Definitions

2.1. ESU Officials

2.1.1. ESU Hacks

In ESU, the members of the Hacks team (i.e. the Presidency, the members of the Executive Committee and the Coordinators) are considered (s)elected officials of the organisation, mandated and entrusted by the Board (i.e. the members of the organisation, the National Unions of Students) to exercise organisational powers (especially in regard to the political representation of the organisation) and perform functions lawfully as well as in accordance with the objectives, statutory documents and other motions adopted by the Board. Members of the Hacks perform a public function as political representatives of the Organisation and, therefore, must recognize the accountability and responsibility that comes along with holding an office within the organisation, especially in regard to their political public function for the organisation.

2.1.2. Other ESU elected persons

Apart from the ESU Officials (Hacks), the Board may elect officials without political representational functions such as the members of the Commission for Internal Audit, the Trusted Persons Team and the Chairing Team, with the list not being exhaustive. They nevertheless are to be regarded as officials of the organisation.

2.1.3. Steering Committees of ESU Expert Pools and other bodies

Expert pools and other similar bodies of ESU are autonomous structures that are coordinated by a Steering Committee. Members of Steering Committees are considered to be ESU officials as they are tasked by the Executive of ESU through legitimacy of the Board to coordinate the expert pools autonomously, thus bearing responsibility regarding their decision-making powers in the management of the bodies, as well as in the external representation of ESU, when mandated by the EC.

2.1.4. ESU Nominated Representatives

All persons (and if applicable organisations) that have been nominated by ESU to exercise representative functions towards external bodies and stakeholders are nominated representatives. If nominated as such, they are regarded as officials of the organisation, no matter if they are members of the current Hacks, used to be members of the Hacks or are persons who never held official functions other than their nomination to represent the organisation in certain external bodies. They are under a special relationship with the acting Hacks in that the acting Hacks (or the Board, if nominated by the Board) can withdraw nominations if necessary to preserve the reputation and politically adequate representation of the organisation.

2.2. Participants at ESU events

Any person attending an event (including but not limited to attendees, speakers, sponsors, volunteers, organisers, ESU officials etc.) hosted or co-hosted by ESU is considered to be a participant of such an event. Participants of ESU events are required to follow and promote the principles of good conduct as set out in the Code of Conduct, as far as applicable. Cooperation from all participants to help ensure and actively foster a safe environment for everybody is expected.

2.3. Accountability

In ESU all officials are accountable towards the Board. This means that they have an obligation to explain and justify their conduct towards the Board on an individual basis, with the Board being able to pose questions, pass judgement and have the power to impose consequences.

2.4. Responsibility

With ESU's officials being individually accountable to the Board, they need to accept that they are internally responsible for the causal impact of their actions on the organisation and therefore must internalise a sense of responsibility for all their actions in the best interest of the organisation.

Participants at ESU events are responsible for their actions and required to foster a safe environment which includes the responsibility not to knowingly support, encourage or contribute to any type of behaviour prohibited by this Code of Conduct.

2.5. Conflict of Interest

The duties of ESU officials are set out in the organisation's statutory documents, various motions, the individual collaboration agreements, and potentially other documents. During their term in office, situations may arise when the judgement or the performance of a Hacks member is improperly influenced by a personal or an external interest. A situation is considered a conflict of interest when there is some evidence of influence by secondary interests to support the claim. If there are significant reasons to believe that a conflict of interest could arise in the future ("potential conflict of interest"), or that a conflict of interest is apparent, the organisation should take the necessary steps to avoid the actual realisation of the conflict of interest. The officials of the ESU do not represent specific members, but the organisation as a whole. As such, they must do everything necessary to avoid situations in which the suspicion and therefore allegation of a conflict of interest could arise, since this in itself is already harmful for the organisation.

2.6. Misconduct

Misconduct implies that secondary (private) interests have actually affected the proper conduct of ESU officials. This applies in particular to situations in which their actions directly or indirectly interfere with the honest and impartial performance of the duties and powers of an organ of the organisation or a person holding a mandate for the organisation. This applies when misconduct was put in practice or when there is evidence of an attempt of misconduct. Conflict of interest, unlawful or biased performance of a function, violation of the trust placed in the person as an official of the organisation, or misuse of information or materials acquired in connection with the office are examples of misconduct, although the list is not exhaustive.

Any behaviour by participants at ESU events that is harmful to others and/or the organisers and/or goes against the ethical principles set out in this document constitutes misconduct.

2.7. Discrimination

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

Code of Ethics

3.1. Serving the interest of the organisation

ESU's officials are expected to maintain and strengthen the trust and confidence placed into the organisation by its members, partners and other external stakeholders. To achieve this, they must demonstrate high standards of professional competence, efficiency, transparency and seek at all times to promote the good of the organisation. This includes disposal and restriction of private interests conflicting with ESU's values, avoidance of private-capacity actions that would go against ESU's values, not accepting improper benefits and not to take improper advantage of the office.

ESU's officials shall carry out duties and conduct solely with the interests of the organisation and its members in mind. They shall not enter into any agreement to act or vote in the interest of any other legal or natural person that would compromise their voting. The good of the organisation is the highest priority, which includes the commitment to defending students' rights, promoting student representation and

participation, conveying the opinions of higher education student bodies to other stakeholders and the commitment to the positions as decided by ESU's members.

3.2. Transparency, accountability and confidentiality

ESU's officials are expected to use powers and resources for the good of the organisation in accordance with the organisations' statutory documents, internal motions and other binding documents. In the sense of their personal legal liability towards the organisation, they must be prepared to be held accountable for decisions they make and justify their official decisions and actions to the organisations' Board, i.e. the full member national unions of students, as appropriate in the circumstances.

Information shall be provided in a truthful, clear and accessible manner.

3.3. Integrity and boundaries

ESU's officials are expected to make decisions and act in ESU's interest and without consideration of any private interests that would go against ESU's values. With the service to ESU being connected to the organisations' trust, the improper use of a position held within the organisation for private advantage is regarded as a serious breach of professional integrity.

The autonomy and boundaries of others must be respected, and behaviour that implies manipulation and any form of harassment is inadmissible. Respecting others' personal preferences in the way they wish to be addressed, personal space, appropriate topics of conversation and jokes, and other such issues are mandatory. ESU's officials and event participants must not pressure others to do something they are not comfortable with, including pressuring or insistently offering others alcohol or other substances to consume.

3.4. Legitimacy

ESU's officials are required to respect statutory provisions, internal policies and law provisions, as well as to exercise legitimate administrative authority within the scope of delegation. The resulting powers and authorities shall be exercised impartially for the purpose determined by the organisation in the circumstances.

3.5. Fairness

ESU's officials make official decisions and take action in a fair and equitable manner, without being affected by bias or personal prejudice, taking into account only the merits of the matter and respecting the rights of involved parties. ESU's officials treat each other impartially and fairly in a cordial and respectful manner, avoiding favouritism or discrimination. Criticism and debates within ESU should be constructive, non-aggressive and non-antagonising, and respectful while keeping in mind that everyone working as part of ESU, officials, staff and members, have their own boundaries.

3.6. Anti-discrimination, equality and inclusion

Discrimination, harassment, demeaning and bullying relating but not limited to gender, sexual identity or orientation, disability or chronic illness, neurodivergence, cultural or ethnic origin, nationality, age, social status, religion or personal beliefs is strictly forbidden. ESU's officials are required to respect the dignity of all persons with special consideration for diversity and equal opportunities.

ESU's officials and event participants are to acknowledge and be aware of their own privileges. Participation and representation of persons from historically, socially or

politically disadvantaged groups is to be encouraged. In this respect, ESU's officials and event participants shall give others space and make sure everyone's voice is heard and that everyone can take part in conversations. Generalising one's own experiences and applying them to others to determine someone else's experiences on their behalf is not appropriate.

Officials and event participants are required to be at their best behaviour, which includes making people feel welcomed, to interact with others in a proper and respectful manner, to avoid hurtful and difficult to understand language and to avoid making assumptions about others. Equal treatment of others regardless of their beliefs and opinions is required and their opinions and beliefs to be respected as long as they do not violate ESU's provisions. If someone asks to stop improper behaviour, the request must be followed. ESU's officials and event participants will only interact with others physically or intimately with explicit consent to do so beforehand, keeping in mind that consent can be withdrawn at any moment, and this has to be respected. Any form of illegal or violent behaviour towards others is strictly forbidden.

At events all participants are expected to actively create an inclusive welcoming atmosphere, during both formal and informal interactions.

3.7. Creating enjoyable and safer events

It is expected that ESU's officials and participants at events hosted or co-hosted by ESU:

- Respect the event organisers and follow their instructions during all parts of the event.
- Respect the time frames given by the organisers of the event.
- Respect the environment and take care of their surroundings.
- Respect the event's facilities and any rules associated with use of these.

- Actively engage in the organised activities during seminars, panel sessions and discussions as well attend the organised sessions, meetings, discussions and debates.
- Be acquainted with ESU`s Code of Conduct for participants at ESU`s events and its content during the participation in all of ESU`s events.
- Help to ensure and actively foster a safe environment.
- Acquire affirmative consent before engaging in physical, sexual or romantic interactions with each other, and the consent cannot be expected from earlier consent, or from consent to other similar interactions.
- Do not engage in sexual harassment of any kind, be that verbal, non-verbal, written digital or physical. Sexual harassment can occur between any two or more people and is unwelcomed at ESU.

3.8. Responsiveness

ESU`s officials are required to serve the legitimate interests and needs of the organisation and its members in a timely manner, with appropriate care, respect and courtesy. Additionally, they actively participate in performance of their duties. At the same time it needs to be ensured that workload and time pressures put on ESU`s officials are reasonable.

3.9. Efficiency and effectiveness

ESU`s officials are required to obtain best value in expenditure of the organisations` funds and efficient use of assets deployed in or through the organisations` management, and to avoid waste and extravagance in the use of resources in the organisations` programmes and official activities. Resources, facilities, time frames and other aspects of the organisations` working environment and agreements are to be respected.

3.10. Responsibility and understanding of role

ESU's officials must be aware of the power and influence they have in relation to others both inside and outside the organisation, and not abuse the trust they have by virtue of their office or position.

The power a high-ranking position gives, as well as its impact on the implications of the misconduct, if any, must be a factor in the assessment of the seriousness of a misconduct.

As part of their personal responsibility, ESU's officials must at all times know and follow ESU's provisions regarding good conduct, the Statutes, Standing Orders, Financial Standing Orders, Rules of Procedures and other relevant documents and policies. The need to act as an example for integrity to others, accept responsibility for arranging their private-capacity affairs, accept responsibility for identifying and resolving conflicts in favour of the organisations' interest and demonstrate commitment to integrity and professionalism by applying conduct related policies in practice.

3.11. Organisational culture and error culture

ESU's officials are expected to contribute to the creation of an organisational culture in which officials are encouraged to disclose and discuss conflict of interest matters. To achieve this, the organisation needs to provide and implement adequate management policies, processes and practices and provide reasonable measures to protect disclosures from misuse by others. A culture of open communication and dialogue concerning integrity as well as the provision of guidance and training to promote the understanding and dynamic evolution of the rules and practices are to be encouraged. Additionally, a positive error culture is to be adopted which is based on a feedback culture that acknowledges mistakes as human and actively allows one to learn from mistakes by not labelling them as something negative, notwithstanding gross violations regarding principles of good conduct or misconduct happening on a regular basis.

3.12. Incompatibility of mandates

ESU's officials shall refrain from any action or behaviour which might reflect adversely upon their position. The obligation as regards circumspection does not prohibit officials from participating in public life both as citizens and as elected representatives, but they hold the duties to exercise discretion and to prevent overlapping mandates that would cause conflicts of interest.

There is a fundamental incompatibility between the mandate as a Hacks member (Presidency, EC, Coordinator) and a mandate in a national union of students. Additionally, any employment at or engagement in structures of organisations or institutions in the higher education sector on any level (local, regional, national, international etc.) as well as others that could pose a conflict of interest must be fully disclosed to the Presidency.

Members of the Hacks who serve simultaneously as national representatives on the European and international level in the area of higher education need to fully disclose these tasks to the presidency. Transitional solutions to avoid conflict of interest can be agreed upon with the Presidency.

Members of the CIA cannot simultaneously hold a political/executive mandate in a national union of students or another position within ESU.

Members of the Chairing Team should not hold a political/executive mandate in a national union of students. In case of an application of a person who holds such a position, the Executive Committee of ESU shall take into account whether potential problems could arise due to this when deciding on the proposal for a Chairing Team.

3.13. Cooling-off period / non-competes clause

If a member of the Hacks is offered or accepts a position in an institution of higher education prior to the expiration of their mandate, this must be disclosed to the Hacks and possible conflicts of interest with regard to the duties under the held mandate as ESU representative must be clarified.

A cooling-off period of at least two years must be observed between the mandate as a Hacks member and a mandate as a CIA member.

If a member of the Hacks applies for a coordinator position in ESU after their first mandate ends, they cannot participate in the selection procedures for the other coordinator positions.

When (s)electing persons for positions in ESU (including but not limited to the Chairing Team and ESU nominated persons) the Executive Committee shall take into account whether persons which recently held positions within ESU (e.g., as Hacks members, ESU (s)elected persons, representatives of national unions of students, etc.) have the necessary distance from their previous role to take up the respective new position.

3.14. Whistleblowing and disclosure

ESU's officials agree to maintain the confidentiality of information provided to them through the organisation, when the information is flagged as confidential or it could be reasonably interpreted as such. Violation of the confidentiality constitutes serious misconduct.

At the same time disclosure of administrative wrongdoing and corrupt conduct are to be regarded as crucial instruments in fighting corruption and misconduct. The disclosure of conflict of interests therefore in principle is protected.

Procedures

In 4.1 and 4.2, the cornerstones of the procedures for dealing with cases of misconduct or conflict of interest are presented. 4.1 refers to procedures in case of general incidents, 4.2 refers specifically to incidents that might occur during ESU events and sets out specifics related to ESU events. These procedures are intentionally described only generally, since depending on the situation, adjustments and flexibility must be ensured in order to meet the specific situation. At the same time, the rights and obligations of various actors are explicitly stated in order to set basic minimum standards.

4.1. Procedures in case of misconduct and conflict of interest situations

Individuals and organisations need to have the option to file a complaint anonymously. The receiving party of complaints is the Head of Secretariat. Complaints have to be forwarded to the decision-making party within three working days. Complaints are to be forwarded to the Presidency, which is in general the first decision-making body. If an accusation is made against a Presidency member, the complaint is forwarded to part of the members of the Executive Committee that are not part of the Presidency instead. In this case, a part of the Executive Committee is the first decision-making body, while the other part is spared to act as an appeal body if necessary. Coordinators may be consulted at the request of a decision-making body when a case is related to their area of expertise. In case the complaint was filed not anonymously, the complainant has to be informed about the receipt of the complaint by the Head of Secretariat.

A first meeting to discuss and start the procedure to process and decide on the complaint has to be executed by the decision-making party within four working days upon receipt of the complaint. If the complaint has not been filed anonymously, a meeting with the

complainant has to be set up in order to understand the situation and in order to explain the next steps. If the complainant is not the victim the victim has to be approached and asked if they want the process to continue or to be stopped. The accused party has the right to defend themselves.

From the time of the complaint to the time of a final decision, especially in case of sanctions, no more than 30 days shall pass, notwithstanding urgent matters which need to be processed in an appropriate timely manner.

In case of sanctions these have to follow basic principles of proportionality and effectiveness. Both the complainant and the accused must be given the opportunity to appeal a first decision on the case. If the decision was taken by the Presidency, the appeal goes to the remaining members of the Executive Committee. If the decision was taken by the Executive Committee, the appeal goes to the remaining part of the Executive Committee that was not involved in the decision-making process, including Presidency members that were not part of the accusation.

If a report is received during an ESU event, procedures and decision-making processes must be adapted appropriately according to the time and local circumstances. Depending on the measures decided to be taken, it may be necessary to cooperate with the persons/institutions that have domiciliary rights, the local organiser or local authorities. If so, any foreseeable consequences both for the organisers, the victim and the offender shall be taken into account, notwithstanding that offenders always bear the sole responsibility for their actions and thus consequences.

Following a final decision, the Head of the Secretariat and the members of the Hacks shall be informed of the conclusion of the proceedings. If a person has been found to have violated the Code of Conduct, the name of the person, the nature of the violation of the Code of Ethics and, if applicable, the sanction imposed shall be communicated to the Head of the Secretariat and the Hacks, while respecting the principle of discretion.

All parties involved are obliged to maintain confidentiality and to protect the credibility of the process through proper behaviour.

The Board of ESU is to be informed about the fact that complaints have been filed via the EC meeting minutes, without naming any details.

4.2. Trusted Person Team, Awareness and Procedures during ESU events

During official ESU events (i.e. BM and ESC) the Trusted Person Team (TPT) is the main responsible for raising awareness of ESU's Code of Conduct and its Code of Ethics, including how to create a more inclusive and safer space for all participants. The TPT will be approachable during the full event, and each day at least two persons are clearly designated as the primary points of contact for participants. These two persons should personally present themselves at the beginning of each day of the ESU events. Additionally, members of the TPT should be recognizable during the whole event (for instance: by wearing bracelets or some other form of marking). These two persons must refrain from being in a state altering their judgement (i.e. not getting drunk or otherwise intoxicated by other substances) while carrying out their tasks, including evenings, in order to secure an appropriate response when approached.

The TPT can be approached by participants if they feel for whatever reason uncomfortable, unsafe, threatened or attacked, discriminated against, uninvited or generally need help. The TPT is guided by the principle of centering the needs of the violated party and making them feel safe at the event. All participants are asked to either speak up themselves, or to contact the TPT directly, anonymously, or through a third party, either in person or through an online reporting form, if they themselves experience discomfort or assault of any kind or need help, as well as if they believe to have witnessed

that someone else might have experienced discomfort, assault or might be in need of help. If possible, they should try to reach out to whomever might have experienced something to check up on them, or ask the TPT to do so.

The TPT is chosen by the Executive Committee of ESU. Interested individuals must apply through a separate TPT sign-up form to which only the Executive Committee and Coordinators shall have access that can be found within the general event registration form. The Equality Coordinator is responsible for reviewing the applications and providing recommendations for the selection by the Executive Committee to ensure a well-functioning group is selected. Ideally, the TPT consists of around 5 persons, with at least 2 members from the Hacks team and at least 2 members from the board. It is highly recommended to include a contact person from the hosting union or organisation as a member of the TPT. Diversity in the TPT must be pursued.

In advance of an event, the respective TPT receives an online introduction to their task, facilitated by either one of the Hacks in the TPT, or the Equality Coordinator if necessary, where the division of responsibilities during the event is also made. The TPT prepares an introduction of themselves, their responsibility and tasks, and on good conduct that must take place at the beginning of all events. During BMs the main points and introduction of the team should be repeated during the opening of the BM proper. Contact details and information on the Code of Conduct are to be included in ESU event readers.

The TPT will mainly intervene by supporting anyone feeling discomfort and/or in need of help by raising awareness through benevolent confrontation and information, e.g. by approaching persons responsible or making all participants aware of situations. When further actions are required, such as sanctioning, e.g. due to severe offences, or lack of improvement from prior interactions with TPT, the TPT will report the offence for possible further actions to the relevant competent body as described in 4.1. The report may, but does not have to be, accompanied by a recommendation for further action.

Any incidents will be recorded in accordance with the principles of confidentiality and discretion and will only be used for a TPT-event report to be presented to the Hacks for future improvements of the safety of our events.

4.3. Mediation and conflict within the ESU 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.