

NBLSA CODE OF CONDUCT

Code of Conduct National Black Law Students Association, Inc.

Article I Purpose and Scope of Authority

The National Black Law Students Association, Inc. (“NBLSA” or the “Association”) expects members of the organization to operate within the ambit of the best professional standards of conduct and behavior, befitting the dignity of NBLSA and the legal profession. Pursuant to Article XII, Section 1 of the NBLSA Constitution, this Code of Conduct (“the Code”) is enacted as a nationally applicable policy, pursuant to the supremacy clause of Article XVI of the NBLSA Constitution, for use by the National Executive Board, Regional Boards, and local chapter executive boards to ensure members on all levels refrain from conduct injurious to NBLSA or its purposes.

This policy is designed to establish the scope of “injurious conduct” and the procedures by which such conduct is deterred and violations of the code and other NBLSA policies are adjudicated¹. Regional Executive Boards and Local Chapter Executive Boards are empowered to enact policies and procedures, pursuant to Articles VIII and XII of the NBLSA Constitution to enforce this and complementary codes of conduct.

This policy is applicable in the following contexts to members, officers, employees, contractors, and guests of NBLSA at all levels – national, regional, and local:

- a) acting in and/or representing their capacities as members and/or officers of NBLSA,
- b) attending or participating in a NBLSA event, meeting, convention, function, or program at any level of the organization,
- c) using any NBLSA-controlled or NBLSA-branded media, including email addresses and social media platforms and methods of communication used to represent NBLSA,
- d) being present in any space, property, or location controlled, managed, or otherwise administered by NBLSA at any level, and

¹ This policy shall also determine the scope of “conduct detrimental to the well-being of NBLSA” as found in Article VIII of the NBLSA Bylaws.

- e) other contexts and applications as may be applied by the National Executive Board by majority vote.

This policy does not extinguish or otherwise subsume the applicability of any other extant policies that may be binding on NBLSA members, including the honor codes/codes of conduct of individual law schools or, where applicable, the model rules of professional conduct as promulgated by the American Bar Association. The enactment of this policy shall supersede and replace any prior Board policy or parliamentary interpretation on this matter.

Article II

General Disclaimer and Imputation of Knowledge

The members, officers, employees, and guest of NBLSA and its entities shall be constructively charged with a general duty to know, understand, and apply this Code of Conduct with due regard for the interests and welfare of NBLSA. The organization shall provide this Code to all chapters, all Regions, the entire National Executive Board, and shall make it publicly available on all NBLSA external communication instrumentalities. In so doing, ignorance of the Code shall not be a valid defense before any administrative or disciplinary proceeding of the organization.

Article III

Protection Against Retaliation

The Association is committed to maintaining an environment where individuals feel free to raise questions and concerns in good faith. The Association will not tolerate retaliation in any form against an individual who raises questions or concerns about potential violations of this Code in good faith, or who reports potential misconduct in good faith, including any action or suspected action by or within the Association that is illegal, fraudulent or in potential violation of the law or Association policies. Retaliation includes actions such as intimidation, harassment, discrimination, other retaliatory behavior and, in the case of employees, adverse employment consequences. In addition, the Association will not tolerate retaliation against an individual who assists in the investigation of potential misconduct. Any individual who engages in retaliation will be subject to appropriate disciplinary action, up to and including membership revocation and reporting to law school honor code enforcement bodies.

Article IV

Prohibited Conduct

NBLSA is committed to promoting environments that are conducive to the academic, professional, and cultural development of our members as well as the development of ethically sensitive and responsible persons. It seeks to achieve these goals through sound academic and professional programming conduct that encourages intellectual diversity and creativity, independence, maturity and respect for the rights and viewpoints of others.

In this wise, the Code sets forth several prohibited behaviors, which are constructively deemed to be “conduct injurious to NBLSA or its purposes,” and the Association shall strictly enforce policies to prevent and deter such conduct, either willfully or recklessly committed.

i) Harassment

It shall be the policy of NBLSA to prohibit all forms of harassment by any member, officer, employee, contractor, or guest of NBLSA towards another member, officer, employee, contractor, or guest of NBLSA. Harassment is a broad concept, covering a vast range of activities and actions. The following is a non-exhaustive list of prohibited conduct:

- (1) Physical abuse, harassment, attacks or the threat thereof;
- (2) Mental or psychological harassment, bullying, or abuse or the threat thereof;
- (3) Sexual harassment, including subtle and overt behaviors, such as unwanted sexual advances, lewd or indecent behaviors towards or around others, requests for sexual favors, sexual jokes, catcalls, suggestive objects or pictures, as well as other physical, verbal or visual conduct of a sexual nature, irrespective of means, method, or the genders of the recipient or the origin of the communication, or the threat thereof;
- (4) Coercion or other means of manipulation, extortion, or the threat thereof;
- (5) Discrimination, including use of slurs, disparaging language, or disparate treatment in decision-making based on ancestry, color, race, cultural or ethnic background/identity, economic status, political or ideological beliefs, marital or parental status, national, regional, or ethnic origin, physical disability, religious affiliation, gender, gender identity, or sexual orientation; or the threat thereof.

Other forms of harassment not stated herein or covered by the above are constructively prohibited by NBLSA and shall not be permitted.

ii) Official Misconduct

Officers of NBLSA on the national, regional, and local levels, and members acting under the authority of a chapter, a Region, or the National organization, are deemed by this policy as representatives of the organization and are seen to be authorized by NBLSA policies, including Regional and local bylaws and governance documents to perform certain tasks and functions. In so doing, they are entrusted to be faithful stewards of NBLSA resources, influence, contacts, and other instrumentalities of the proper conduct of NBLSA business. The following is a non-exhaustive list of prohibited conduct for all levels of NBLSA:

- (1) Abuse of official position for the extraction of favors, gifts, payments, emoluments, pecuniary or other benefits (including in-kind services) using a NBLSA position, office, or other position of trust without authorization;
- (2) Misappropriation, mishandling, misuse of NBLSA financial implements or financial resources, including cash, checks, and other instruments intended and/or collected for NBLSA purposes, NBLSA credit cards and bank accounts;
- (3) Abuse of NBLSA membership resources, databases, and other official contact lists of the organization, including alumni, sponsors, government and civic officials, or other contacts collected for the use of the organization;
- (4) The making of promises or representations of authorization for official NBLSA action without authorization, including the signing of contracts, affirmative promises of payments to any person, execution of programs, or other actions requiring NBLSA approval at any level;
- (5) Abuse of the powers of any office to:
 - (a) attack, harass, coerce, or otherwise, willfully or recklessly, injure members of the organization, or the organization itself,
 - (b) benefit oneself or otherwise provide benefits, financial or otherwise, without the authorization of the organization,
 - (c) manipulate NBLSA processes, procedures, or policies to achieve nefarious, unauthorized, or imprudent results or outcomes,
 - (d) usurp or obfuscate the authority of a local, Regional, or the National Executive Board or to usurp or obfuscate the authority of a local chapter general body, a Regional Assembly, or the National General Assembly,
 - (e) take actions not authorized by extant NBLSA policy or otherwise authorized by a relevant authority governing the organization.
- (6) Filing false or materially deficient recommendations for disciplinary action, administrative action, or other official conduct proceeding;
- (7) Unauthorized communication to NBLSA contacts, members, or other constituent groups using any means of communication, personal or NBLSA related.

iii) Substance Abuse

NBLSA expects its members, officers, guests, employees, contractors, and others operating within NBLSA's jurisdiction to comply with local, state, and federal laws as it pertains with the use or non-use of various controlled substances. In addition, while the consumption of alcohol is often present at NBLSA events, it is the expectation of the Association that members, officers, guests, employees, contracts, and others will conduct themselves in a prudent and respectful manner. The following is a non-exhaustive list of prohibited conduct for all levels of NBLSA:

- (1) The consumption or possession of alcohol by any member, officer, guest, employee, contractor, or other person affiliated with NBLSA under the age of 21;
- (2) The furnishing of alcoholic substances or beverages to any person under the age of 21;
- (3) The procurement for or use of alcohol at NBLSA-sponsored events where the program is for or the majority of persons attending the event will be persons under the age of 21;
- (4) The reckless, unprofessional, or unseemly consumption of alcoholic substances, to include:
 - (a) Consumption in public areas of NBLSA-controlled spaces, including lobbies and hallways,
 - (b) Consumption in non-trafficked areas such as stairwells and service areas,
 - (c) Public drunkenness, disruptive behavior, or other disruptive acts conducted under the influence of any substance, including alcohol.
- (5) The use, distribution, sale of any illegal substances or drugs, as may be prohibited by local, state, or federal law;

NBLSA shall be empowered to fully investigate instances of substance abuse, in coordination with security personnel and, where necessary, local law enforcement. The Association reserves the right to bar admission or revoke access to NBLSA events, programs, and locations to any person found to be in violation of these policies.

iv) Other Prohibited Conduct

In keeping with NBLSA's mission in that we "positively impact the community," the following areas of conduct are also prohibited by this policy (this list is not exhaustive):

- (1) Disorderly and/or disruptive conduct and behavior, including but not limited to:
 - (a) Destruction or defacing of public or private property;
 - (b) The possession, brandishing, sale, or use of firearms, ammunition, explosives, dangerous chemicals or substances, or any other objects reasonably construed as weapons, except for duly sworn and on-duty members of law enforcement or the military;
 - (c) Theft or willful misplacement of the property of another;
 - (d) Tampering with or otherwise falsely using safety systems such as fire alarms and other devices;
 - (e) Disrupting the operations of the faculty and/or staff of any NBLSA-utilized location, inclusive of schools, hotels, office buildings, or other places used by the organization on any level;
 - (i) NBLSA members on all levels shall take care to follow the procedures and policies of the venue/location being utilized to avoid any injurious conduct to the venue or the reputation of NBLSA.
 - (f) “Fighting words,” words, conduct, gestures, and phrases, meant to evoke a violent, confrontational response or otherwise inflict emotional distress;
- (2) Divulging of confidential corporate or personal information, including personally identifiable information of any NBLSA members, officers, guests, employees, contractors, and others;
- (3) Knowingly or willfully obstructing the ability of a local chapter board or general body, Regional Board or Assembly, or the National Board or General Assembly to carry out their duties, including investigations, transaction of official business, or other powers;
- (4) Knowingly or willfully obstructing the progress or a NBLSA program or competition without proper justification and/or authorization;
- (5) Perpetrating fraud, deceiving, creating falsehoods and false reports, or otherwise providing untrue statements, representations, or details to NBLSA members, committees, boards, assemblies, or officers while in the conduct of one’s official duties;
- (6) Violations of local, state, or federal law, while in the conduct of one’s representation as a NBLSA member or officer;
- (7) Violations of the Association’s Code of Ethics, Conflicts of Interest Policy, or other extant policies of NBLSA not otherwise herein implicated; and,
- (8) Other conduct injurious to and contrary to the well-being of the National Black Law Students Association.

Article V

Administration of the Code

The Code of Conduct is, as stated in Article I, applicable to and enforceable by all levels of NBLSA. The National Executive Board shall be the final arbiter of

the applicability and enforcement of this policy, with the National General Assembly being the ultimate appellate authority.

The National Executive Board shall have power to enforce the terms of this policy against any members, officers, guests, employees, contractors, and others operating within NBLSA's jurisdiction nationwide without limitation, particularly at National events, meetings, programs, and the National Convention. Further, power to sanction chapters for violations of the Code of Conduct supported or espoused by official actions of chapter officers shall be reserved to the National Executive Board.

Regional Executive Boards shall enforce this policy amongst any members, officers, guests, employees, contractors, and others operating within NBLSA's jurisdiction for violations occurring at Regional programs and events. The Regional Board may also serve as an intermediate appellate body to local application of this policy, and may recommend National Executive Board sanctions against local chapters, as a whole, upon investigation and findings giving rise to the belief that the chapter supported or espoused, by official actions of its officers, violations of the Code of Conduct.

Local Chapters shall enforce the procedures of this policy amongst its members and officers, where their own Bylaws or policies are silent. In the case of documented disciplinary procedures, local chapters are only bound to Articles I-III of this policy, but may augment their procedures with other sections. Local Chapter officers are not permitted to negate, nullify, or otherwise countermand the dictates of this policy or its application to all NBLSA members, officers, guests, employees, contractors, and others operating within NBLSA's jurisdiction.

i) Reporting of Code Violations

Violations of the Code of Conduct, once observed or realized, are not actionable until provided to the applicable local, regional, or National Board within a written Complaint within *seven (7) business days* of the incident. A complaint shall be submitted and addressed to the following persons on each level; the level to which the complaint is submitted shall be determined by the location at which the incident occurred:

- (1) National Board: the National Vice Chair and National Secretary
- (2) Regional Board: the Regional Vice Chair and Regional Secretary
- (3) Local Board: the Chapter Vice President and Chapter Secretary

A complaint shall contain the following:

- (1) A short and plain statement of the facts surrounding the alleged violations of the NBLSA Code of Conduct and/or local disciplinary bylaws or policies.
- (2) A short, reasonably particular, and plain statement of the specific Code policies violated, and supporting facts, and
- (3) The signature of the complaining party or parties, signifying an affirmation of the accuracy and veracity of the allegations, to the best of their knowledge, subject to the provisions of the Code and their school's Honor Code.

Upon receipt of the Complaint, the Secretary of the relevant Board shall, within 48 hours, inform the accused of the submission of a Complaint against them. Upon notification, the accused may, *within five (5) business days*, submit a written Answer to the Complaint to the Secretary, which shall contain the following:

- (1) A short and plain set of statements either admitting or denying the allegations asserted in the complaint;
- (2) A short, reasonably particular, and plain set of statements as to any defenses available under NBLSA policy;
- (3) The signature of the responding party or parties, signifying an affirmation of the accuracy and veracity of the responses, to the best of their knowledge, subject to the provisions of the Code and their school's Honor Code.

Upon receipt of a Complaint and its associated Answer, all details therein are to be held as strictly confidential, including the submitter of the complaint, and shall not be divulged unless the administration of the process requires such details to be shared or in consultation with a law school, bar admission character and fitness, or law enforcement investigation.

Failure to provide a complaint within the post-incident time allotted by this policy shall void the complaint and NBLSA entities shall not be permitted to hear or consider any such complaint.

ii) Review of Complaints

Complaints submitted to the National Executive Board or a Regional Board shall be immediately referred to the applicable Grievance Committee, who shall

review the provided information in accordance with the review procedures of the NBLSA Grievance Policy and render a decision as to the merit of the claims presented and provide a recommendation to the applicable Regional or the National Executive Board. Local executive boards shall review Complaints under their own procedures, unless such procedures are deficient or non-existent.

(1) Standard of Proof

In reviewing Complaints, the applicable reviewing body, i.e., the National or relevant Regional Grievance Committee or counterpart on the local level, shall seek to establish by a preponderance of the evidence provided whether it is more likely than not that the violation(s) occurred. At no time, shall any personal knowledge of the persons involved that may be possessed by committee members be utilized as part of the body of evidence under consideration.

(2) Conflicts and Recusal

In the case of a member of the reviewing body having a close connection with the Complainant or Respondent or otherwise being materially involved with the issue before the committee, that member shall disclose the conflict and be recused by from consideration of the Complaint. The Committee Chair shall be responsible for ensuring that all members of the committee are free of conflicts prior to consideration of a complaint. The National Chair or applicable Regional Chair may appoint a temporary replacement for conflicted members so as to dispense with the matter before the committee.

*(1) Prohibition Against Simultaneous Review & General Prohibitions
Against Inter-Board Review Disruption*

The same Complaint may not be reviewed by more than one level at a time. In all cases, unless specific facts give rise to a specific Regional or National event, meeting, program, or conference being the setting for the Complaint, it shall be the general policy of NBLSA to yield initial adjudications of violations of the Code of Conduct to the local chapter. Local chapters may request the assistance of the Regional Board in conducting such proceedings; however, the Regional Board is, then, prohibited from serving as the intermediate appellate body and such appeals will be sent to the National Executive Board for their review.

At no time, may Regional or National officers or Boards insert themselves into or otherwise participate in the local adjudication of a Complaint, as the appellate function of the Regional and/or National Board must be preserved.

ii) Sanctions

Pursuant to Article XII, Section 1 of the Constitution, NBLSA is empowered to make and enforce its own rules to require members refrain from conduct injurious to NBLSA or its purposes. This Code of Conduct is a set of rules enacted to further this purpose. Sanctions, as prescribed in this policy, are applicable against members and officers except where superseded by the NBLSA Constitution and/or Bylaws. The reviewing body, i.e., the National or Regional Grievance Committee, shall have no power to impose sanctions. Such bodies may recommend sanctions to the full Regional or National Board who shall be the sanctioning body, under this policy, and must pass any sanctions above a written warning with a two-thirds vote, unless otherwise indicated. Local chapters may adopt their own policies on the review, adjudication, and sanctioning of members under this policy.

(1) Sanctions for Guests and Invitees of NBLSA Entities

Guests and Invitees of NBLSA, at any level, are present at events at NBLSA's pleasure and are not guaranteed a seat or to remain at any event or function if conduct ensues that is in violation with NBLSA's Code of Conduct. In the immediate instance of violative conduct, the highest officer present at the event should be alerted to the issue, and that person may have the person removed from the premises by available security, staff, or law enforcement, if the situation cannot be amicably resolved. Sanctions for offending guests and invitees may include:

- (a) Revoking of registration or attendance to the current event;
- (b) Barring from future NBLSA events;
- (c) Removal from premises (conducted by the highest officer at the event);

In all cases, guests and invitees should be treated as professionally and discretely as possible. As a general policy for any attendee of NBLSA events, programs, or conventions where registration or other fees have been paid, the revocation of any attendance for violations of the NBLSA Code of Conduct shall render any refund or compensation for lost access as forfeit,

(2) Sanctions for Chapters

Chapters are bound to the policies and procedures of NBLSA by receiving a

charter from the National organization. Chapters running afoul of the NBLSA Code of Conduct are those that have been shown to have committed specific conduct or conduct patterns or practices that violate either the spirit or the letter of its provisions. Sanctions levied against a NBLSA chapter shall be communicated in writing to chapter leadership and to law school leadership with specific reasoning provided. Available sanctions include, but are not limited to:

- (a) Official Written Warning
- (b) Financial Penalty
- (c) Chapter Probation
- (d) Chapter Suspension
- (e) Revocation of NBLSA Chapter Charter

(3) Sanctions for Members

Members are bound to the policies and procedures of NBLSA by virtue of joining the National organization. Members running afoul of the NBLSA Code of Conduct are those that have been shown to have perpetrated specific conduct that violate either the spirit or the letter of its provisions. Sanctions levied against a NBLSA member shall be communicated in writing to chapter leadership and to law school leadership with specific reasoning provided. Available sanctions include, but are not limited to:

- (a) Official Written Warning
- (b) Member Probation
- (c) Member Suspension
- (d) Revocation of NBLSA Membership
 - (i) The revocation of NBLSA membership is an extreme sanction which shall be imposed under the most egregious of circumstances. Only the National Executive Board shall have power to recommend, by three-fourths vote, revocation of membership to the National General Assembly who, alone, shall have power to confirm the revocation of said membership by a two-thirds vote.

(4) Sanctions for Local, Regional, and National Officers

Officers of NBLSA are held to the highest standards of conduct, ethics, and professionalism while in the furtherance of their duties. They represent the face of the organization while conducting its business. Sanctions under this policy are administrative in nature, as disciplinary actions affecting their status in office are governed separately by Article VIII of the NBLSA Bylaws. Sanctions levied against an officer shall be communicated in writing to the appropriate leadership levels and to law school leadership with specific

reasoning provided.

Note: the unavailability of disciplinary sanctions under this policy does not alleviate the applicability of sanctions as a member of NBLSA or the general applicability of Articles I-III as grounds for the determination of disciplinary actions under Article VIII of the NBLSA Bylaws.

Available sanctions include, but are not limited to:

- (a) Official Written Warning
- (b) Officer Probation & Performance Improvement Plan
- (c) Officer Suspension from Duties
- (d) Recommendation for Disciplinary Action

(5) Appeals

Members and officers of NBLSA shall be afforded the right to appeal from decisions of their local or Regional Board. Appeals from sanction decisions above that of a written warning of a local or a Regional Board shall follow the same procedures as found in Article XII, Section III of the NBLSA Constitution. The discretionary power of the National Executive Board to take up requested appeals shall remain intact.