



BLACK LAW STUDENTS'  
ASSOCIATION OF CANADA  
L'ASSOCIATION DES ÉTUDIANTS  
NOIRS EN DROIT DU CANADA

# CODE OF CONDUCT

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## **PREAMBLE**

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Devoted to enhancing the experience and professional development of Black law students across the country, committed to providing a forum for unity, encouragement, and collective action by students, and recognizing the benefits which a comprehensive Code of Conduct (this “Code”) provides, we hereby establish the following articles, which shall be binding on the members, National Executive, employees, volunteers, and guests of the Black Law Students’ Association of Canada (“BLSA Canada”) at all levels—national and local. All of the aforementioned are expected to know and follow the Code.

## **ARTICLE I—APPLICABILITY**

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### **Section I: Applicability to Parties**

1. This Code is applicable to:
  - a. all members of the BLSA Canada National Executive team;
  - b. all members of BLSA Canada;
  - c. all members of BLSA Canada Chapters;
  - d. all BLSA Canada volunteers;
  - e. all BLSA Canada employees; and
  - f. all BLSA Canada guests.
2. The parties enumerated above may hereafter be referred to as “Parties.”

### **Section II: Scope of Applicability**

3. This Code is applicable in the following contexts on the National Executive, members, volunteers, employees, and guests of the Black Law Students’ Association of Canada (“BLSA Canada”) at all levels—national and local—that:
  - a. act in and/or represent their capacities as members and/or National Executives of BLSA Canada;
  - b. attend or participate in a BLSA Canada event, meeting, conference, function, initiative, or program at any level of the organization;

- c. use any BLSA Canada-controlled or BLSA Canada-branded media, including email addresses and social media platforms and methods of communication used to represent BLSA Canada; and
  - d. other reasonable contexts and applications.
4. This Code does not abolish or diminish the applicability of any other existing, binding BLSA Canada and Chapter policies, including the Codes of Conduct of individual law schools or, where applicable, the Model Rules of Professional Conduct stipulated by the Canadian Bar Association.
  5. The enactment of this policy shall override any prior BLSA Canada policies or procedures on this matter.

## **ARTICLE II—REASONABLE EXPECTATION AND PURPOSE**

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### **Section I: Reasonable Expectation and Purpose**

6. BLSA Canada has a reasonable expectation that all Parties will act in keeping with the objectives, purpose, mandate, and best interests of BLSA Canada and/or their BLSA Chapter. This means operating within the scope of the best professional standards of conduct and behaviour appropriate to respect all of the BLSA Canada community and the legal profession.
7. This Code of Conduct is designed with the purpose of establishing and promoting rules of conduct that Parties must embrace and follow. Disreputable conduct is detrimental to the well-being of BLSA Canada and will not be tolerated.

## **ARTICLE III—DISCLAIMER AND IMPUTATION OF KNOWLEDGE**

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### **Section I: General Disclaimer**

8. Parties shall be constructively charged with a general duty to learn, comprehend, and apply this Code in all contexts that represent the mandate, purpose, objectives, and best interests of BLSA Canada and BLSA Chapters. BLSA Canada shall ensure the public and electronic availability of this Code to all Parties. As such, ignorance of this Code shall not be a valid defence before any administrative or disciplinary proceeding of BLSA Canada or a BLSA Chapters.

## ARTICLE IV—KEY VALUES

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### Section I: Values

9. This Code calls attention to the main values deemed important by members across Canada. Parties must embrace and reinforce these values throughout their membership to ensure that they continually represent the mandate, purpose, objectives, and best interests of BLSA Canada. Parties must act with the following values:
  - a. Integrity
  - b. Respect
  - c. Honesty
  - d. Equality
  - e. Compassion
  - f. Fairness
  - g. Kindness
  - h. Collaboration
  - i. Inclusivity
  - j. Humility
  - k. Diversity
  - l. Professionalism
  - m. Unity
  
10. BLSA Canada seeks to create an environment that fosters members' personal, cultural, and professional development. As such, this Code encourages intellectual diversity, creativity, maturity, camaraderie, and respect for the rights of others.

## **ARTICLE V—RULES OF PROHIBITED CONDUCT**

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11. This Code sets forth several prohibited behaviours that are disreputable to the success and reputation of a BLSA Chapter and BLSA Chapters. As such, BLSA Canada shall strictly enforce policies to prevent and deter conduct, either willfully or recklessly committed.

### **Section I: Harassment**

12. The parties shall not engage in harassment. The following is a non-exhaustive list of prohibited conduct:
- a. Physical abuse, attacks, or the threat thereof;
  - b. Mental or psychological harassment, bullying or abuse, or the threat thereof;
  - c. Sexual harassment, including subtle and overt behaviours such as unwanted sexual advances, lewd or indecent behaviours towards or around others, requests for sexual favours, 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;
  - d. Coercion or other means of manipulation, extortion, or the threat thereof;
  - e. Discrimination, including the use of slurs, disparaging language, or disparate treatment in decision-making based on ancestry, color, race, cultural or ethnic background or 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; and
  - f. Other forms of harassment not stated herein or covered above are constructively prohibited by BLSA Canada.

### **Section II: Official Misconduct**

13. BLSA Canada prohibits all forms of official misconduct by all parties. BLSA Canada members acting under the authority of their Chapters are deemed by this policy to be representatives of their BLSA Chapter.
14. The following is a non-exhaustive list of prohibited conduct for all National Executive and BLSA Chapter Members:
- a. Misappropriation, mishandling, misuse of a BLSA Canada and Chapter's financial implements or financial resources, including cash, cheques, and other instruments intended or collected for BLSA Canada and Chapter purposes, BLSA Canada cards, and bank accounts;

- b. Abuse of BLSA Canada's 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;
- c. The making of promises or representations of authorization for a BLSA Canada or Chapter action without authorization/ approval, including the signing of contracts, affirmative promises of payments to any person, execution of programs, or other actions requiring BLSA Chapter or BLSA Canada approval;
- d. Filing false or materially deficient recommendations for disciplinary action, administrative action, or other official conduct proceeding; and,
- e. Unauthorized communication to BLSA Members, or other constituent groups using any means of communication, personal or BLSA related.

### **Section III: Substance Abuse**

15. It shall be the policy that BLSA Canada prohibits all forms of substance abuse. BLSA Canada expects those bound by this policy to operate with municipal, provincial, and federal laws regarding the use or non-use of controlled substances in the circumstances stipulated in this policy. The following is a non-exhaustive list of prohibited conduct for the parties:
- a. The consumption or possession of alcohol by any member under the legal drinking age;
  - b. The furnishing of alcoholic substances or beverages to any person under the legal drinking age;
  - c. The procurement for or use of alcohol at BLSA events where the program is for, or the majority of persons attending the event will be persons under the legal drinking age;
  - d. The reckless, unprofessional, or improper consumption of alcoholic substances, including:
    - i. Consumption in public areas of BLSA-controlled spaces, including lobbies and hallways;
    - ii. Consumption in non-trafficked areas such as stairwells and service areas; and
    - iii. Public drunkenness, disruptive behaviour, or other disruptive acts conducted under the influence of any substance, including alcohol.
  - e. The use, distribution, or sale of any illegal substances or drugs as may be prohibited by municipal, provincial, or federal law.
16. BLSA Canada shall be empowered to fully investigate instances of substance abuse, in coordination with security personnel and, where necessary, local law enforcement.

### **Section IV: Other Prohibited Conduct**

17. It shall be the policy that BLSA Canada prohibits all forms of prohibited conduct that would be injurious to the reputation of BLSA Canada's commitment to positively support and enhance the academic and professional opportunities for Black pre-law and law students, as such, the following non-exhaustive list of conduct is also prohibited by this policy :
- a. Disorderly or disruptive conduct, including but not limited to:
    - i. Theft or willful misplacement of the property of another;
    - ii. Disrupting the operations of the faculty or staff of any BLSA utilized location, inclusive of schools, hotels, office buildings, or other places used by the Chapter on any level;
    - iii. Tampering with or otherwise falsely using safety systems such as fire alarms and other devices; and,
    - iv. "Fighting words," words, conduct, gestures, and phrases, meant to evoke a violent, confrontational response or otherwise inflict emotional distress.
  - b. Divulging of confidential corporate or personal information, including personally identifiable information of any BLSA Canada member, officers, guests, employees, contractors, volunteers, and others;
  - c. Knowingly or willfully obstructing the ability of BLSA Canada to carry out its duties, including investigations, transactions of official business, or other powers;
  - d. Knowingly or willfully obstructing the progress of a BLSA Canada or Chapter event or initiative without proper justification and/or authorization;
  - e. Perpetrating fraud, deceiving, creating falsehoods and false reports, or otherwise providing untrue statements, representations, or details about BLSA Canada, BLSA Canada chapter members or BLSA Chapters as a whole; and
  - f. Other conduct injurious to and contrary to the well-being of the parties.

## **ARTICLE VII—PROTECTION AGAINST RETALIATION**

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### **Section I: Intolerance for Retaliation**

18. BLSA Canada is committed to maintaining an environment where National Executives and members can raise questions and concerns in good faith. This includes, but is not limited to, formal and informal discussions about many subjects, including legal policy issues, professional development, effective career strategies, evolutions in substantive law, and access to justice for marginalized groups.
19. BLSA Canada prohibits retaliation in any form against individuals who raise questions or concerns about potential violations of this Code in good faith, or who report potential



misconduct in good faith, including any action or suspected action by or within a BLSA Chapter that is illegal, fraudulent, or in potential violation of the law or BLSA Canada's constitution, bylaws or policies.

20. This policy is applicable to retaliation by a member or members of the National Executive and BLSA Chapters, including, but not limited to, actions such as:
  - a. Intimidation, harassment, discrimination, theft and other retaliatory behaviors by the parties; and,
  - b. Intimidation, harassment, discrimination, and other retaliatory behaviours by members against individuals who assist in the investigation of potential misconduct.
21. This Code subjects any individual who engages in retaliation to appropriate disciplinary action, up to and including membership revocation and reporting to law school professional conduct bodies.

## **ARTICLE VIII—ADMINISTRATION OF THE CODE**

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### **Section I: Documented Disciplinary Procedures**

22. This Chapter-Wide Code of Conduct, as stated in Article III, does not abolish or diminish the applicability of any other existing BLSA Canada and BLSA Chapter policies that may be binding on relevant parties.
23. In the case of documented disciplinary procedures, parties are only bound to Articles I-VIII, sections I and III of this policy but may augment their procedures with other sections except where the conduct is specific to BLSA Canada. Chapter Members are not permitted to negate, nullify, or otherwise countermand the dictates of this policy or its application to all Members, officers, guests, employees, contractors, and others operating within BLSA Canada's jurisdiction.
24. BLSA Canada shall enforce the terms of this Code where they apply to Members, officers, guests, employees, contractors, and others operating within BLSA Canada's jurisdiction.

### **Section II: No Documented Disciplinary Procedures**

25. In the case of a Chapter's own Bylaws or policies being silent, BLSA Canada shall enforce the terms of this Code. In the event of a conflict between this code of conduct and a chapter's own policies, this policy shall prevail. The parties may attempt to resolve alleged code of conduct violations by following the steps outlined below.
26. **Step I - Meeting**

- i. The parties must establish ground rules in relation to the procedure and goal of the meeting.
- ii. It is required that the conflict be identified. Each party will provide their version of the events.
- iii. There shall be a discussion of possible solutions, and parties must make reasonable attempts to resolve the issue in ways mutually agreed upon during the meeting. f
- iv. In the event that the issue is not resolved and the parties involved are not satisfied or have not decided upon a resolution, then the matter shall proceed to mediation.
- v. The parties must demonstrate, where possible, that they have made reasonable efforts to resolve the conflict on their own before proceeding to mediation.

### **Step II - Mediation**

- vi. The parties shall agree upon a neutral party to aid them in resolving the conflict.
- vii. The neutral third party shall be charged with the responsibility of ensuring that the conflict is identified, the intention of both parties is identified, and an objective for the meeting is set. They shall facilitate a discussion of what led to the conflict, and strategies to resolve it. In the end, the neutral party will acknowledge the agreed upon solution and determine the responsibilities each party has in the resolution.

27. In the event that the issue is not resolved, parties involved are not satisfied or decided upon a resolution, then the matter may proceed directly to a formal reporting of the Code Violation to BLSA Canada's Conduct Committee.

### **Section III: BLSA Canada's Conduct Committee**

28. The Conduct Committee includes the National President and National Chair, and if a complaint includes any of them, the National Secretary. If two of the members of the committee are implicated, the remaining member shall recruit another board member to aid in the adjudication of the matter. For greater clarity, If a member of the Conduct Committee is the subject of a complaint under the Code of Conduct, they shall be excused from the committee and subject to the grievance process as outlined by the Code, and another member of the executive shall be appointed to ensure that the committee has at least two members. The Board shall be the final arbiter of the applicability and enforcement of this policy.

- a. A complaint shall be submitted and addressed to the following persons:
  - i. Email to the National President [president@blsacanada.com] or National Chair [chair@blsacanada.com].
  - ii. If the matter is against the National President, email to the National Chair [chair@blsacanada.com] or the National Secretary [secretary@blsacanada.com].

- iii. If the matter is against the National Chair, email to the National President [president@blsacanada.com] or National Secretary [secretary@blsacanada.com].
  - b. A complaint shall contain the following:
    - i. A short and plain statement of the facts surrounding the alleged violations of the Chapter-Wide Code of Conduct;
    - ii. A short, reasonably particular, and plain statement of the specific Code policies violated, and supporting facts; and,
    - iii. 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 this Code and their school's Honour Code.
29. Upon receipt of the Complaint to the relevant persons as listed above, the accused will be informed within seven (7) days that there has been a submission of a Complaint against them. Upon notification, the accused may, within two (2), submit a written Answer to the Complaint to the relevant persons, which shall contain the following:
  - a. A short and plain set of statements either admitting or denying the allegations asserted in the complaint;
  - b. A short, reasonably particular, and plain set of statements as to any defences available under BLSA Canada policy; and,
  - c. 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 this Code and their school's Honour Code.
30. 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.

#### **Section IV: Review of Complaints**

31. The Conduct Committee shall review the provided information in accordance with the applicable BLSA Canada Bylaws and policies and render a decision as to the merit of the claims presented to the complainant respondent.

#### **Section V: Standard of Proof**

32. In reviewing Complaints, the Conduct Committee 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 be utilized as part of the body of evidence under consideration.

## **Section VI: Conflicts and Recusal**

33. 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 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 National Executive may appoint a temporary replacement for conflicted members so as to dispense with the matter before the committee.

## **Section VII: Sanctions**

34. The following sanctions may be imposed upon a person found in violation of this Code of Conduct:

(a) Warning: Written notice given to the person informing them that they are violating or have violated the code of conduct and should refrain from engaging in such conduct and cease to engage in such behaviour in the future;

(b) Conditions: The individual will be required to meet specific conditions deemed acceptable by the Conduct Committee in order to keep their position on the Board, or committee as an employee or continue to enjoy membership benefits, including attending BLSA Canada events and scholarships;

(c) Suspension: The individual will be temporarily removed from the Board, committee or as an employee or member for a time deemed acceptable by the Conduct Committee; and

(d) Removal or Termination: The individual will be removed from the Board following the guidelines established in Article 3.03 of the BLSA Canada By-laws or terminated based on the conditions of the employment agreement, or removed as a member or volunteer.

35. The Conduct Committee has the discretion to recommend any of the aforementioned sanctions to the Board, in which there shall be a vote on the matter.

36. The Conduct Committee shall aim to resolve disputes without disciplinary action requiring Board approval, and the information shall remain confidential at the Committee's discretion.

## **Section VIII: Appeals**

37. The complainant or respondent may request a hearing before the Board if they are unsatisfied with the proposed resolution or disciplinary action.