



**HISPANIC NATIONAL BAR ASSOCIATION
HNBA VIA (“VISION IN ACTION”) FUND
ANTI- HARASSMENT AND ANTI-BULLYING POLICY AND CODE OF
CONDUCT (“Code”)
Adopted by HNBA/VIA Executive Committee 2/2023**

The Hispanic National Bar Association (HNBA) is a nonprofit, nonpartisan, national organization that values fairness, equality, respect for the law, and high standards of integrity, honor, and professional courtesy among its members and within the legal community. The HNBA VIA (“Vision in Action”) Fund is the HNBA’s 503(c)(3) charitable and programmatic arm. The HNBA/VIA joint enterprise strives to create a professional environment for all, and to build a community free of harassment and discrimination. HNBA/VIA seeks to have its members, volunteers, guests, and employees treat all individuals with dignity by upholding the values of fairness, equality, and respect for the rights of others. These values are expressed in the way HNBA/VIA members, volunteers, guests, and employees conduct themselves. This Code expresses these values through professional standards of conduct to establish:

- Our shared values as organizations;
- Our expectations for all persons at conferences and events; and
- The consequences for violating the Code.

Applicability

This Code is applicable to all HNBA/VIA members, volunteers, employees, and persons attending HNBA/VIA events, including conferences and events sponsored by any HNBA Region, Division, Section, or Committee. The Code applies to all such events co-sponsored by HNBA and/or VIA. This Code also applies to persons while conducting HNBA/VIA business. This Code does not apply to situations over which HNBA/VIA has no control, such as conduct occurring outside of HNBA/VIA events or co- sponsored events, or when no HNBA/VIA business is conducted. This Code does not substitute or replace the obligations set forth in policies and procedures of your respective organizations. Revisions to this Code, which may be made at any time, will be posted on the HNBA/VIA website.

The term “guests” as used throughout this Code includes all non-members of HNBA, such as speakers, vendors, media representatives, commentators, exhibitors, sponsors, and volunteers.

**ANTI HARASSMENT AND ANTI-BULLYING
POLICY**

The HNBA/VIA prohibits verbal physical harassment, intimidation, abuse and/or bullying of any kind by any HNBA/VIA employee or HNBA/VIA “Stakeholder” against any HNBA/VIA employee or Stakeholder.

As used herein, an HNBA/VIA “Stakeholder” is any executive, member, officer, sponsor, volunteer, event attendee, guest, speaker/presenter, contractor or vendor of the organizations.

As used herein, harassment includes, but is not limited to, the following behavior:

- Unwelcome verbal or written communication of an inappropriate nature such as

epithets, derogatory jokes or comments, slurs or unwanted advances (including but not limited to sexual advances), via any method of communication, including but not limited to emails, texts, social media posts or messaging, or invitations;

- Unwelcome visual displays such as derogatory and/or sexually- oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, intentionally blocking normal movement or interfering with work.
- Threats and demands to submit to requests as a condition of continued employment or Stakeholder standing, or to avoid some other loss and offers of employment or standing benefits in return for sexual favors; and
- Retaliation for having reported or threatened to report harassment.

It is a violation of the HNBA/VIA Code of Conduct (expressed herein) to engage in harassment, including, but not limited to, unwelcome advances, requests for sexual favors, or unwelcome verbal or physical conduct that disrupts an employee or Stakeholder's duties or job performance with respect to the HNBA/VIA, or that creates an intimidating, offensive, abusive, or gender-based hostile environment with respect to the victim's interactions through or with the HNBA/VIA, or that misuses the HNBA/VIA's resources for unlawful ends. Individuals who violate this policy are subject to discipline up to and including the possibility of immediate termination and/or expulsion from the Association. It is a violation of the HNBA/VIA Code of Conduct to engage in bullying of any kind.

REPORTING VIOLATIONS

HNBA/VIA encourages complaints, concerns or inquiries regarding illegal practices or violations of the HNBA/VIA's policies and this Code. Stakeholders are encouraged, but are not required, to address the unwelcome nature of an alleged harasser's conduct directly before reporting the alleged misconduct to HNBA/VIA.

Anyone with a concern about an HNBA/VIA member, staff, volunteer, or guest should report the concern to the Chief Compliance Officer (chiefcomplianceofficer@hnba.com). Concerns can also be reported to the Chief Operating Officer/Executive Director (COO ED), or a member of the Executive Committee who shall promptly report the matter to the Chief Compliance Officer and the HNBA President/VIA Chair, VIA President, or other appropriate individual depending upon the concern and individuals involved.

Regardless of whether the harasser is directly notified of the unwelcome nature of their conduct, HNBA/VIA employees and Stakeholders must promptly report the conduct to (as described above) to permit the HNBA to investigate and properly address the allegations of misconduct.

Any HNBA/VIA Officer or managerial-level employee who witnesses, or receives a report of, an incident, complaint, or claim of inappropriate harassment or conduct prohibited under this Policy must immediately report same to the Chief Compliance Officer, General Counsel, and/or Executive Director.

Upon receiving an employee or Stakeholder complaint of alleged misconduct under this policy, the HNBA/VIA will promptly investigate and take remedial measures, as deemed appropriate in the sole discretion of the organizations, based on the results of its investigation.

This Policy shall not be used to bring frivolous or malicious complaints against employees or Stakeholders. A person who brings a complaint under this Policy that is later found to be frivolous or malicious may be subject to disciplinary action.

PROHIBITION AGAINST RETALIATION

The HNBA/VIA prohibits retaliation against anyone making a good faith complaint under this Code or for participating in a review or investigation relating to same. The HNBA/VIA may investigate complaints, concern or inquiries and take appropriate remedial measures. All complaints, concerns or inquiries will be kept confidential to the extent possible. Persons lodging complaints may be informed of a resolution at the discretion of the HNBA.

It shall also be a violation of this policy for any HNBA/VIA Stakeholder or employee to retaliate against any HNBA/VIA employee or Stakeholder because that individual filed a complaint under the Anti-Harassment or Anti-Bullying Policy, or testified, assisted, or otherwise participated in any manner in an investigation, proceeding, or hearing concerning the HNBA/VIA's Anti-Harassment or Anti-Bullying Policy in good faith. Prohibited retaliatory conduct may include, but is not limited to: denying, demoting, suspending, terminating or changing the material terms of an individual's employment or volunteer position; failing to give equal consideration to an individual in making volunteer or employment decisions; failing to treat an individual impartially when making any recommendations for subsequent volunteer service or employment; adversely affecting an individual's working conditions. Any such act of retaliation is prohibited, will be considered violations of this Policy, and may result in appropriate disciplinary action in accordance with this Policy, the HNBA's Employee Handbook, and the HNBA's and VIA's Bylaws.

DISCIPLINE

HNBA members who violate the Code may be censured, suspended, or expelled from membership, or otherwise disciplined in accordance with this Code, the HNBA bylaws, and any applicable policy or procedure. Membership may also be suspended or terminated if a member is professionally disciplined as articulated in the HNBA bylaws. HNBA employees who violate the Code may be disciplined by HNBA after investigation. HNBA/VIA reserves the right, notwithstanding anything in this Code of Conduct, to expel a person attending an HNBA/VIA event, without a registration refund, at the discretion of the Executive Committee and VIA Board if suspected violations involve imminent or actual harm. Persons who are not HNBA members and who violate the Code may be excluded from participating in future HNBA/VIA events and conferences, at the discretion of the Executive Committee.

Members who are determined to have violated the Code will receive written notice of at least seven days of an Executive Committee meeting at which the member may be heard and offer evidence to support that discipline is not warranted. Censure (to include exclusion from HNBA/VIA events), suspension, termination of membership, or other discipline, as may be recommended after an investigation, by the Executive Committee after the presentation of evidence shall be for good cause and by majority vote.

REINSTATEMENT

A member who has been disciplined, censured, or suspended will regain full membership privileges at the conclusion of the specified term. A member who has been expelled and wishes

to be reinstated shall complete a new membership application and explain why membership should be reinstated. The Executive Committee will review the application, seek further information, if needed, and approve or deny reinstatement. The Executive Committee may reinstate a member who has corrected, rectified, resolved, or otherwise addressed the conditions or events leading to the expulsion. The Executive Committee must find that the applicant meets membership eligibility requirements, and that reinstatement will not reflect adversely upon the reputation of HNBA. The Board has final authority over the applicant's reinstatement. Persons who are not HNBA members and who have been excluded from HNBA events and conferences may resume attendance at the conclusion of the exclusion period or, if exclusion is permanent, may petition the Executive Committee for redress by contacting the Chief Compliance Officer or the General Counsel.

EXPECTED CONDUCT

All persons at HNBA/VIA events and conferences, including members, staff, volunteers attendees, and, guests, shall abide by these guidelines:

- Act in a professional manner by being respectful and civil to members, staff, volunteers, speakers and other program attendees;
- Promote an inclusive environment by treating others in a professional manner; and
- Encourage productive conversation while tolerating all opinions and persons participating in discussions.

To foster an environment of mutual respect among our members, staff, volunteers, and guests, it is expected that all persons at HNBA/VIA events and conferences or conducting HNBA/VIA business, refrain from:

- harassment, including but not limited to sexual harassment (defined as unwelcome sexual touching or other physical behavior, unwelcome sexual communications, including comments, threats and demands of any kind, and interference with HNBA/VIA business on account of sex), discrimination or bullying in any form;
- bullying, including but not limited to unwelcome or unacceptable behavior including repeated infliction of verbal abuse, such as derogatory remarks, insults, epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's participation in an HNBA/VIA activity and may be directed at an individual or a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident if it is especially severe and egregious. It is usually carried out by an individual but can also be an aspect of group behavior. Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intent of the alleged bully is irrelevant, and will not be given consideration when disciplining an HNBA participant. It is the effect of the behavior upon the individual which is important.
- making a frivolous complaint to harass another person;
- abuse of drugs or alcohol, including any unlawful activities, which may imperil the health or well-being of anyone, or compromise the safety or reputation of HNBA/VIA;
- soliciting for any outside political or personal interests, including the distribution of any such materials, without the express permission of HNBA/VIA;
- creating a conflict of interest (or the appearance of a conflict) between personal, business, or financial interests and those of HNBA/VIA;

- representing that HNBA/VIA has a position on any issue without appropriate authority or that does not conform to an official position of HNBA/VIA;
- using the name, logo, endorsement, services, or property of HNBA/VIA, except in conformance with HNBA/VIA policy or with HNBA/VIA approval;
- retaliating against anyone who seeks advice from, raises a concern with, or makes a complaint to the HNBA/VIA; or
- acting (in person, writing, online, or via social media sites) in any manner that is contrary to the best interests of HNBA/VIA or that may or does damage the reputation of HNBA/VIA.

HNBA/VIA may offer "Friends of Bill" AA Meetings at its conferences for those interested in participating.

ACKNOWLEDGEMENT

By checking this box, you agree to abide by the terms and conditions of the HNBA/VIA's Code of Conduct or that you have express permission to check this box and bind the person on behalf of whom you are submitting this document.