

BOSTON ESTATE PLANNING COUNCIL CODE OF CONDUCT POLICY

A. Purpose

Boston Estate Planning Council (“BEPC”) is committed to the equitable treatment of all Members and other participants and to fostering an environment that is safe, inclusive, and comfortable for all. All BEPC Members and other participants are obligated to conduct themselves professionally, appropriately, and ethically. Each member must treat others with dignity and respect in the conduct of all BEPC-related activities wherever and however that may occur. Disruptive or harassing behavior of any kind will not be tolerated.

To this end, the BEPC Code of Conduct Policy (“CCP”) sets forth BEPC’s expectations as to how each Member or other participant will conduct him/herself when participating in BEPC, including but not limited to attendance at BEPC sanctioned events, and outlines a process for addressing alleged violations of the CCP.

B. Definitions

The term “Member” shall mean a member of BEPC, including associate, junior associate, Emeritus and other affiliated members.

The term “other participant” or “participant” shall mean guest attendees at BEPC events, as well as contractors, vendors, and affiliated organizations of BEPC, and all others with an affiliation to BEPC or who participate in any form at BEPC functions or events.

The term “events” will include, but is not limited to, educational conferences and supplemental activities or programs; webinars; virtual and in-person board and committee activities and meetings; networking events; and other official gatherings of BEPC Members.

The term “complainant” shall mean a person who initiates a complaint alleging a violation of the CCP.

The term “respondent” shall mean a person who is accused of violating the CCP.

C. Appointment of Review Committee and Ethics Representative

Review Committee. At the first regular Board of Directors meeting each year, the President shall ask for three (3) Board of Director volunteers to serve on a Review Committee along with the President, President Elect and Past President. An individual may be appointed to serve any number of consecutive terms as a member of the Review Committee. In the event there are more than 3 volunteers the full Board shall take a secret ballot vote tallied by the Executive Director. The 3 Board members with the highest number of votes will serve on the Review Committee.

Ethics Representative. The President shall appoint an Ethics Representative to serve until such time as the Ethics Representative is replaced. The Ethics Representative is charged with responding to information concerning member misconduct when such information is brought or comes to his/her attention, in accordance with the procedures set forth herein. The Ethics Representative is not charged with actively identifying member misconduct. The Ethics Representative is a Full Member of BEPC.

D. Inclusion, Diversity & Equal Protection

BEPC actively promotes and encourages inclusion and diversity within its membership. BEPC is committed to providing equal opportunity within its membership and prohibits any form of discrimination on the basis of race, color, sex, national origin, age, religion, disability, veteran status, sexual orientation or other protected characteristics.

E. Prohibited Conduct

(1) Discrimination

It is a violation of the CCP to engage in any discriminatory act or practice that would deprive an individual of membership or opportunities to be active within BEPC or otherwise adversely affect his/her status as a Member or other participant of BEPC.

(2) Harassment

It is a violation of the CCP to engage in verbal, sexual, or physical harassment of any kind that disrupts another's enjoyment of or participation in BEPC, or that creates an intimidating, offensive, abusive, or hostile membership environment. Some examples of conduct which, if unwelcome, may constitute sexual harassment include, but are not limited to:

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Discussions or inquiries into one's sexual experiences;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons.

(3) Violence and Threats

It is a violation of the BEPC CCP to engage in violence or make threats of violence against any Member or other participant during or related to the conduct of BEPC business, whether occurring during BEPC events or otherwise.

(4) Bullying and Intimidation

It is a violation of the BEPC CCP to engage in bullying or intimidating behavior against any Member or other participant in connection with or related to the conduct of any BEPC business, wherever it may occur. Bullying is any written, verbal or electronic expression, or a physical act or gesture or any combination thereof, directed at any Member or other participant that harms, intimidates, offends, degrades, threatens, berates, humiliates or prevents participation in BEPC. Intimidation is any behavior that frightens or is reasonably calculated to frighten another into submission, silence, compliance, or acquiescence.

Members have a heightened obligation to ensure their treatment of and interaction with Members and other participants are appropriate and respectful, and that bullying and/or intimidation is not used to make others do something they should not do, cannot do, or do not want to do.

(5) Improper Use of Alcohol and Drugs

If alcoholic beverages are served at an event, Members and other participants are expected to behave responsibly and may not participate in any such event in a condition that prevents them from participating safely and complying with the CCP or that might cause embarrassment or damage to the reputation of BEPC.

Further, Members and other participants in BEPC are expected to conduct themselves in an appropriate manner at all times at BEPC events and are expected to avoid an excessive use of intoxicating substances that may cause such Member or other participant to behave in a manner that makes others uncomfortable or could cause harm to the reputation of BEPC.

F. Reporting of Violation

BEPC strongly encourages its Members to report violations of the CCP. Complaints concerning violations of the CCP are to be communicated to the Ethics Representative or may be initiated by the Ethics Representative on the basis of public information. The Ethics Representative shall have no responsibility, however, to actively police BEPC and its Members for violations of the CCP. Contact information for the Ethics Representative and the members of the Review Committee can be found at the BEPC's website: www.bepc.org. A reasonable effort will be made to maintain confidentiality.

G. Discipline

BEPC reserves the right to discipline any Member or other participant for violations of this Policy. A member remains subject to discipline under this Policy even after resignation, expiration, or other termination of BEPC membership, if he or she was a member when they were first notified of a complaint having been made against him or her under these provisions. Possible disciplinary action under the CCP includes, but is not limited to termination of membership, suspension of membership, removal from committees, positions, officerships, and/or board, censure, and termination of contract.

The Board of Directors may impose discipline, at its sole discretion, upon any Member or other participant found to have violated the CCP. The Board of Directors has also approved a disciplinary procedure, as set forth below, which shall serve as a non-binding guide to BEPC, its leadership, its Members, and other participants.

H. Disciplinary Procedure Guidelines

The following procedures are approved, though not required, for determining violations of the CCP and appropriate discipline:

(1) Complaint, Initial Review, Fact-Finding

- a. The Ethics Representative reports all complaints he/she receives to the Review Committee within twenty-four (24) hours of receipt. If a complaint concerns the conduct of the Ethics Representative, it is directed to a member of the Review Committee, who then informs all other members of the Review Committee within twenty-four (24) hours of receipt.
- b. Upon receiving a report of a complaint by the Ethics Representative, the Review Committee does the following:
 - 1) Makes a determination as to whether an alleged violation is eligible to be considered under the CCP; and
 - 2) If the Review Committee determines that an alleged violation is eligible for consideration under the CCP, the Review Committee either:
 - a. Refers the matter to the Ethics Representative for fact-finding and a report; or
 - b. Undertakes its own fact finding concerning the alleged violation.

- c. In the event the Review Committee refers a matter to the Ethics Representative for fact finding, the Ethics Representative is to perform fact-finding that is thorough and appropriate under the circumstances, including the interviewing of witnesses and the review of documents. Within thirty (30) days of referral by the Review Committee, or such other time period ordered by the Review Committee, the Ethics Representative shall issue a report to the Review Committee containing the factual findings of the Ethics Representative.
- d. In the event the Review Committee decides to undertake its own investigation, it will take appropriate steps in a timely fashion to determine the facts of the matter.
- e. The Review Committee or the Ethics Representative may retain counsel or an outside investigator to assist in the fact-finding, provided that BEPC's President (or President Elect, in the event of a complaint involving the President) grants its approval in advance.
- f. As soon as practicable after the receipt of a complaint, the Ethics Representative should notify the individual(s) being accused of a violation, unless there is a valid concern that notification of the respondent will endanger the complainant or others. At the time that the respondent is notified of the complaint, he/she will also be notified that he/she may not contact the complainant or do anything to retaliate against the complainant. The respondent may be required to participate in the fact-finding by the Ethics Representative or Review Committee, and respondent's failure or refusal to cooperate can be considered a violation of the CCP. Except when not practicable, the fact-finder should give the respondent an opportunity to provide his/her perspective on the complaint and alleged violation.
- g. Due to the sensitive nature of complaints, BEPC will try, if possible and appropriate, to keep the identities of the complainant and the respondent confidential during the review process.
- h. Upon receiving a report of a complaint by the Ethics Representative, if the Review Committee determines that the allegation is so severe and credible that it warrants immediate temporary disciplinary action, it may, in its sole discretion, take such temporary action, including but not limited to an immediate suspension of a Member's membership, pending further review and vote under the Council Bylaws Section 2.8.
- i. Notwithstanding the above, at any point after receiving a report of a complaint, the Review Committee can attempt to engage in an informal resolution of the matter, either directly or through the Ethics Representative.

(2) Determinations by Review Committee

- a. After appropriate fact finding, and presumably within ninety (90) days of the initial complaint, the Review Committee will determine whether the conduct in question violated the CCP, and if so, whether it merits disciplinary action, and if so, what disciplinary action is warranted.
- b. In determining whether a violation occurred, the Review Committee will make a determination as to whether there is clear and convincing evidence of a violation. If not, there will be no finding of a violation.
- c. In determining the appropriate discipline for a violation of the CCP, the Review Committee is encouraged to consider the following: the severity of the violation; the impact of the violation on BEPC, its reputation, its members, its participants, and its community; whether the respondent has committed prior violations; the remorsefulness of the respondent; whether the respondent has taken or agreed to take corrective measures; the potential effectiveness of corrective measures; and the best interests of BEPC and its members.
- d. In determining the appropriate level of discipline for a violation, the Review Committee may seek additional information and/or direct the Ethics Representative to gather and report additional information.
- e. In no event shall a respondent be entitled to any refund for dues or fees paid to BEPC.
- f. If the Review Committee believes that disciplinary action may be warranted, it may, if appropriate, provide the respondent with an opportunity to present his or her position on the issue of appropriate discipline.
- g. The Review Committee shall inform the respondent of its final decision ("Final Decision"). If appropriate and/or necessary, the Review Committee may inform others of the Final Decision (or any portion or aspect thereof), including but not limited to the other Officers, Board of Directors, the complainant, and any witnesses.

(3) Review by Board of Directors

- a. The complainant or respondent may appeal a decision of the Review Committee to the Board of Directors. Any notice of appeal must be delivered to the President of BEPC within five (5) business days of the Review Committee's Final Decision.

b. Thereafter, the Board of Directors shall review the appeal and decide whether to affirm or reverse the decision of the Review Committee. The Board of Directors may hold a vote, as defined under Council Bylaw Section 3.6, to affirm or reverse the decision of the Review Committee or may refer the matter back to the Review Committee for further factfinding.