

STUDENT SENATE BILL 2009-1075

TITLE: Student Government Ethics and Accountability Act

AUTHORS: Senators Ben Cavaturo and Jonathan Ossip

SPONSORS: Senators Ben Cavaturo, Jonathan Ossip

SECTION 1. TITLE AND FINDINGS.

- A. **Title.** This Act may be cited as “A Bill Providing for a Stronger Student Government Code of Ethics, Requiring Ethics Training, and Creating A Bipartisan Ethics Commission” or as “The Student Government Ethics and Accountability Act.”
- B. **Findings.** The Student Senate finds that
1. High moral and ethical standards among Student Government officials and employee are essential to assure the trust, respect, and confidence of the students of the University.
 2. A fair and open government requires that Student Government officials and employees conduct the public’s business in a manner that preserves the integrity of the democratic process and avoids conflicts of interest or even appearances of conflicts of interest.
 3. In the past Student Government has sometimes failed to conduct itself with the standards of ethics and accountability that a \$13.6 million budget demands.

SECTION 2. A STRONG CODE OF ETHICS FOR STUDENT GOVERNMENT.

CREATES Title IX of Student Body Statutes:

901.1 **Definitions.** For the purposes of this title, the following definitions shall be adopted:

- (A) “Student Government official or employee” means a student who holds any Student Government office, or the designee or agent of any such student, or any Student Government-funded organization, or any employee of Student Government.
- (B) “Student Government office” means any position of trust, elected or appointed, in Student Government.
- (C) “Benefit” means a gain or advantage, or anything regarded by the person to be benefited as a gain or advantage to himself/herself or to any person in whose welfare he/she is interested.
- (D) “Conflict” or “conflict of interest” means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- (E) “Corruptly” means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act or omission of a Student Government official which is inconsistent with the proper performance of his/her duties.
- (F) “Induce” means the act or process of enticing or persuading another to take a certain course of action.

902.1 Misuse of funds or property.

- (A) No Student Government official or employee shall use, authorize, or allow the use of, or condone in any way, the wrongful use of Student Government property, facilities, funds, or personnel of any kind for other than official business.
- (B) “Wrongful use” shall include, but shall not be limited to, the use of Student Government property, facilities, or personnel, or the use of Student Body funds, for partisan political activity, including in relation to Student Government elections and campaigns.

902.2 Unauthorized compensation, unethical benefit, and bribery.

- (A) No person shall corruptly give, offer, or promise to any Student Government officer or employee, any direct or indirect compensation, payment, gift, thing of value, or other benefit not authorized by Student Body law:
 - (1) In exchange for the past, present, or future performance or nonperformance of any act which the person believes to have been, or the officer or employee represents as having been, within the official capacity of the officer or employee.
 - (2) When the Student Government official knows, or with the exercise of reasonable care, should have known that it was given to influence a vote or other action in which the official or employee was expected to participate in his/her official capacity.
- (B) No Student Government officer or employee shall accept any such thing described in section (a).

902.3 Meritocracy. All Student Government officials shall choose the most qualified and capable applicants for Student Government office regardless of their race, color, religion, sex, national origin, ethnicity, age, disability, marital status, veteran status, sexual orientation, gender identity, pregnancy, organizational affiliation, or affiliation with a political party or candidate.

902.4 Conflict of interest.

- (A) No Student Government official or employee shall participate in any activity that would place that person in a position where there may be a conflict between a private interest and the interest of the Student Body.
- (B) This shall include, but shall not be limited to, the participation of any Student Government official in private commercial activity in which the official has a direct or indirect financial interest which would place that person in a position where there is a conflict between that private interest and the best interests of the Student Body.

902.5 Inducement to act. No Student Government official or employee shall aid, advise, authorize, condone, or in any way induce another to act in violation of this chapter or any other provision of Student Body law.

902.6 Deception, misrepresentation, and concealment; Disclosure of knowledge.

- (A) No Student Government official or employee shall intentionally deceive or misrepresent any material fact relating to the conduct of their duties, nor shall any Student Government official or employee conceal or cover up a material fact pertaining to a violation of this chapter.
- (B) Student Government officials and employees must disclose all knowledge of any violation of this title.

902.7 Abuse of position and intentional wrongful harm. No Student Government official or employee shall threaten, attempt to threaten, or condone threatening, either verbally or in writing, the current or future employment, funding, or position of any other person because of that person's race, color, religion, sex, national origin, ethnicity, age, disability, marital status, veteran status, sexual orientation, gender identity, organizational affiliation, or affiliation with a political party or candidate.

902.8 Violation of Student Conduct Code or Student Honor Code. No Student Government official or employee shall violate the Student Conduct Code or the Student Honor Code.

SECTION 2. PROCEDURES FOR VIOLATION; PENALTIES.

903.1 Violations by members of the executive branch.

- (A) Any violation of this title by Student Government officials subject to impeachment shall be an impeachable offense.
- (B) Student Body President, Student Body Vice President, or Student Body Treasurer shall remove from office, pursuant to Titles II and V of Student Body Statutes, any appointed Student Government official of the executive branch who violates this title.

903.2 Violations by Student Senators.

- (A) The Student Senate shall provide in its Rules and Procedures a method for the investigation and penalty of conduct for which an ethics complaint is lodged against a Student Senator.
- (B) A violation of this title by a Student Senator shall constitute good cause for censure or expulsion from the Student Senate.

903.4 Violations by SG employees. Any violation of this title by any Student Government employee shall constitute good cause for immediate termination of employment.

903.4 Mandatory Report to Office of Student Conduct and Conflict Resolution. If any Student Government official is removed from office through the impeachment process, is censured or expelled by the Student Senate, or is dismissed from an executive branch office due to any violation of this chapter, a report of the violation and all documents relating to the case shall be forwarded by the sanctioning authority to the Office of Student Conduct and Conflict Resolution.

SECTION 3. ETHICS TRAINING.

- (A) There shall be at least three training sessions annually of at least one hour in ethics and standards of official conduct, to be held the first week in which classes are in session

following May 1, the validation of the results of the fall general election, and the validation of the results of the spring general election.

- (B) Such trainings may either be conducted by the Office of the Vice President and General Counsel or by Student Government office staff, who shall maintain and keep current training materials and curriculum.
- (C) All Student Government officers who have never previously attended such session shall attend the earliest training session held after assuming office, and officers shall be required to sign in to such session.

SECTION 3. INDEPENDENT NONPARTISAN ETHICS COMMISSION.

905.1 Nonpartisan Ethics Commission created. There shall be an Independent Nonpartisan Ethics Commission, which shall:

- (A) Be comprised of six members, who shall hold no other Student Government office and who shall be designated annually in the week following the Fall General Election. Three members shall be designated by the leader of the political party with the largest number of aggregate votes in the Fall General Election and three members shall be designated by the leader of the political party with the largest number of second-largest aggregate votes in the Fall General Election. The six members shall, as soon as practical, designate a non-voting chair as a seventh member.
- (B) Investigate the written complaint of any student alleging a violation of this title by any Student Government official, determine whether a violation of the title has been committed, and render a written report as to his/her conclusions to the Student Senate, the Office of Student Conduct and Conflict Resolution, or any other body.

SECTION 4. REPEAL OF PREVIOUS LANGUAGE.

Chapter 101 of the Student Body Statutes is hereby repealed.

SECTION 5. TECHNICAL/CONFORMING AMENDMENT.

Section 100.2 of the Student Body Statutes is amended by inserting striking “eight (8)” and inserting “nine (9)” before “titles,” and inserting “Title II, (Ch. 900-999), Code of Ethics” at the end of the table of contacts.