

STUDENT GOVERNMENT ETHICS ACT OF 2017

This Act shall also be known and may be cited as the Student Government Code of Ethics

Purpose: It is essential to the proper conduct and operation of Student Government that its officials be independent and impartial. Student Government officers and employees hold their positions for the benefit of the Student Body. Such officers and employees are bound to observe in their official acts, the highest standards of ethics consistent with this code.

It is the intent of this Act to protect the integrity of Student Government by prescribing restrictions against conflicts of interest and unethical practices.

1 - Definitions

As used in this chapter, unless the context otherwise specifies:

(a) "Benefit" means gain or advantage, or anything regarded by the person to be benefited as a gain or advantage, including the doing of an act beneficial to any person in whose welfare he is interested.

(b) "Censure" is defined as a resolution passed by the Senate in lieu of impeachment.

In effect, "censure" is a written reprimand given to an official whose actions may have warranted impeachment, but the Supreme Court and/or Senate felt impeachment was unnecessary.

(c) "Conflict" or "Conflict of Interest" means a situation in which regard for a private interest tends to lead to a disregard of a public duty or interest. A conflict of interest includes, but is not limited to, a Senator using a Senate Special Project to fund an organization of which she or he is a member.

(d) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act of commission of a public servant which is inconsistent with the proper performance of his public duty.

(e) "Student Government Officer or Employee" means any officer, agent, or employee of Student Government whether elected or appointed, including but not limited to, any executive, legislative, or judicial officer, and any person participating as a judge in performing governmental function.

(f) "Harm" means any verbal, written, or printed communication which directly or by inference is:

- (i) Defamatory to another person's reputation; or
- (ii) Could reasonably cause the denial or termination of membership of another in any Student Government organization without due process of the law,
- (iii) Or, any unlawful interference with the person and/or property of another person.

2 - Standards of Conduct

- (a) **Conflict of Interest:** No officers or employee of Student Government shall participate in any private business or professional activity or have any 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.
- (b) **Misuse of Student Government Property:** No officer or employee shall use or allow the use of Student Government property, facilities, or personnel of any kind for other than official approved Student Government business.
- (c) **Unlawful compensation or regard for official behavior:** No person shall corruptly give, offer, or promise to any Student Government officer or agree to accept, any pecuniary or other benefit not authorized by Student Body Law, for the past, present, or future performance or non-performance of any act which the person believes to have been, or the officer, or the employee represents as have been, within the official capacity of the officer or employee.
- (d) **Intentional Wrongful Harm:** No officer or employee of Student Government shall intentionally and wrongfully harm or threaten to intentionally and wrongfully harm any person by the performance of omission of any act.
- (e) **Inducing to Act:** No office or employee of Student Government shall aid, advise, procure, or in any way induce another to act in violation of this chapter.

3 - Penalties

- (a) Penalties: A violation under this chapter may be cause for impeachment, suspension, or removal from office, suspension or dismissal from employment or public censure and reprimand by any individual or body having lawful authority to take such action.

4 - Procedure

- (a) Any person that believes that one or more of the above violations has occurred may file a written complaint within 6 weeks of the alleged violation unless it is a continuing violation.

(b) Upon a written complaint of any student, along with filing fees set by the court, the Senate Executive Committee Member-at-Large shall make a preliminary investigation into any alleged violation of this chapter.

(c) Upon request, the Chief Justice may appoint a special investigator to assume the responsibilities of the Senate Executive Committee Member-at-Large as described herein.

(d) The Senate Executive Committee Member-at-Large shall prepare a written report indicating her or his findings to be sent to the Chief Justice or the Censure Committee (see Censure Act) at his or her discretion. This report shall indicate whether the Senate Executive Committee Member-at-Large believes there is or is not probable cause that a violation of this chapter has been or is being committed.

(e) Upon a showing of probable cause to believe that a violation of this chapter has been or is being committed, the Chief Justice of the Supreme Court and two Associate Justices selected by the Chief Justice shall convene to hear evidence and argument on said violation and all related violations. It shall be at the accused party's discretion to compel the accuser to be present at the hearing. Both parties shall be given a fair and full opportunity to present the facts and evidence of their case. The Supreme Court shall determine based on the preponderance of the evidence whether the alleged violation has occurred.

(f) The Supreme Court shall prepare a written report indicating the findings of fact, conclusions of law, and recommended sentencing agreed to by a majority of its members. Regardless of the Court's findings, this report shall be submitted to the President of the Student Body, the President of the Student Senate, the Committee Chair of the Operations and Evaluations Committee, and the public relations cabinet of the student body.

(g) In cases where the Supreme Court has found a violation of this Act by a preponderance of the evidence, the written report indicating the Court's findings of fact, conclusions of law, and recommended sentencing shall be introduced before the full Senate by the Chair of the Operations and Evaluations Committee at the next full Senate meeting for which new business may be timely introduced. If the Chair of the Operations and Evaluations Committee is unable to fulfill this duty, it shall be the duty of the Senate Executive Committee Member-at-Large. The full Senate shall determine by a two-thirds (2/3) vote of Senators present to adopt, reject, or amend the recommended penalty proscribed by the Supreme Court.

(h) In cases where removal of a Senator is either the recommended or amended penalty, such punishment may only be accomplished by a two-thirds (2/3) vote of Senators present at two consecutive meetings of the Student Senate.

(i) Any alleged violation of this Act shall remain confidential during of the course of the aforementioned investigation and hearing.

(j) Violations of the confidentiality of the aforementioned proceedings, perjury before the Supreme Court, and the filing of complaints without reasonable basis and with malicious intent shall be violations of this chapter and subject to the penalties contained herein.

5 - Sunset Clause

(a) According to Section V(a) of the Sunset Act of 2017, “All legislation presented to Full Senate [...] shall contain a “Sunset Clause,” in which an expiration date and renewal period are chosen.”

- i. The expiration date for the Ethics Act is November 30.
- ii. The renewal period for the Ethics Act is two (2) years.