

Introduced to the Senate Floor on October 31, 2019.



ASUCD SENATE BILL #8

Authored by: BARNEOND

Co-authored by: Lo

Introduced by: Internal Affairs Commission.

Recommended by: Internal Affairs Commission.

Do Pass as Amended, 7-0-1 on October 29, 2019. Yes: Barneond, Garcia, Kulkarni, Lo, Tan, Cooney, Chedda. Abstain: Garcia.

An ASUCD Senate Bill to rename Chapter Fourteen (14) of the Bylaws to "GUIDELINES OF CONDUCT" and introduce Chapter Twenty-Five (25), "CODE OF ETHICS".

BACKGROUND: Chapter Fourteen (14) of the current Bylaws does not reflect any ethical measures for elected and appointed members of the ASUCD to uphold. In order to add ethical standards to the Bylaws of ASUCD, the following are necessary: definitions of ethical violations and an authoritative body to hold members accountable for such violations. The chapter with the current title, "GUIDELINES OF ETHICS" should be altered to read "GUIDELINES OF CONDUCT" and an additional chapter titled, "CODE OF ETHICS" should be added. In this new chapter referred to as Chapter Twenty-Five (25), an Ethics Committee is introduced that will consist of seven (7) members who will enforce all violations of the Code of Ethics.

Section 1. The ASUCD Senate hereby amends Section 408 of the ASUCD Bylaws as follows:

408. OATH & CERTIFICATION

- A. All voting members of the ASUCD Senate, and the ASUCD President and Vice President, before obtaining a Certificate of Election, shall recite the ASUCD Oath of Office and sign a copy to be held on file.
 - 1. **All voting members of the ASUCD Senate** shall say their own name and then recite:
 - i. "I, _____, Student of the University of California, Davis, in good academic standing, promise to abide by the ASUCD

Guidelines of ~~Ethics~~ Conduct and Code of Ethics; and promote the welfare and interests of the members of ASUCD; and in consistency with the ASUCD Constitution, enact rules and procedures necessary and proper for the efficient operation of ASUCD; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and the ASUCD Bylaws at all times during my term as a Voting Member of the ASUCD Senate."

2. **The ASUCD President and Vice President** shall say their own name and then recite:

i. "I, _____, Student of the University of California, Davis,
in good academic standing, promise to abide by the ASUCD Guidelines of ~~Ethics~~ Conduct and Code of Ethics; and promote the welfare and interests of the members of the ASUCD; and in consistency with the ASUCD Constitution, enact rules and procedures necessary and proper for the efficient operation of ASUCD; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and the ASUCD Bylaws at all times during my term in office."

3. **The ASUCD Student Advocate** shall say their own name and then recite:

i. "I, _____, Student of the University of California, Davis, in
good academic standing, promise to abide by the ASUCD Guidelines of ~~Ethics~~ Conduct and Code of Ethics; and promote the welfare and interests of the members of the ASUCD; and in consistency with the ASUCD Constitution, enact rules and procedures necessary and proper for the efficient operation of ASUCD; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and the ASUCD Bylaws at all times during my term in office."

Section 2. The ASUCD Senate hereby enacts Chapter 25 of the ASUCD Bylaws as follows:

CHAPTER TWENTY-FIVE

CODE OF ETHICS

2500. INTRODUCTION

- A. Serving as an elected or appointed official of the Associated Students of the University of California, Davis is a responsibility to represent the students of the University of California. Elements of this responsibility include: adherence to all university policies and the ASUCD governing and procedural documents, as well as an obligation to disclose knowledge of potential violations of these policies and documents; refraining from interfering in the administration of ASUCD and its ability to function; commitment to upholding personal integrity, and oppose all forms of discrimination, harassment, and unfair treatment of any form; remaining civically engaged as a positive member of the community; and in one's

capacity as a member of ASUCD, to only act in the public interest and not for personal gain.

2501. GENERAL PROVISIONS

- A. This chapter may be referred to and cited as the "Associated Students of the University of California, Davis Ethics Code," or by its short title, the "Code of Ethics". This bylaw shall legitimize a body primarily responsible for the enforcement of the Ethics Code, known as the Ethics Committee, which shall belong to the Judicial Council of the ASUCD. The Ethics Committee shall consist of six (6) members, and three (3) of those must be standing members of the Judicial Council, and the presiding Chair of the Judicial Council. The Chair of the Judicial Council automatically assumes their seat on the Ethics Committee, however, the six (6) non-chair members of the Judicial Council shall be appointed to the Ethics Committee by the ASUCD President and confirmed by a majority of the ASUCD Senate. The Ethics Committee shall be empowered to dismiss or investigate Ethics Violations brought before it, according to the jurisdiction outlined in Section 2504 of the Bylaws.

2502. VIOLATIONS DEFINED

- A. The following may be considered Ethics Violations which election candidates or presiding members of the ASUCD may be charged with:
1. Bias: A predisposition or a preconception that prevents an individual from impartially evaluating facts that have been presented for determination in such a way as to discriminate against another individual or group of individuals on the basis of sex, sexual orientation, race, culture, or similar personal factors.
 2. Bribery: The act of offering, giving, or receiving any item or reward of value in an attempt to influence the actions of an ASUCD Executive, Legislative or Judicial member.
 3. Coercion: Any action or verbal threat meant to be used as leverage to force another member of the ASUCD Legislative, Executive and/or Judicial bodies to act in a way contrary to their own interests.
 - 4.
 5. Conflicts of Interest: A situation in which an individual has a duty to more than one person or organization but cannot do justice to the actual or potentially adverse interests of both parties.
 - 6.
 7. Misuse of Appropriations: No member of the ASUCD may use any Senate appropriations for any purpose beyond those declared when approved by the Senate.

8. Forgery: The act of falsely producing a signature or altering a form of documentation with the intent to commit fraud.

2503. APPOINTMENT AND TERMS OF ETHICS COMMITTEE MEMBERS

- A. Six (6) members, three (3) of those being members of the Judicial Council as well as the chair of the Judicial Council shall act as the committee's permanent members for the duration of their term. The interviewing committee for the three (3) non-standing members of Judicial Council shall consist of the ASUCD President, two (2) ASUCD Senators, Internal Affairs Commission Chairperson, and the Senate Pro Tempore presiding.
- B. The seven (7) total members of the Judicial Body which shall serve on the Ethics Committee shall be appointed at the discretion of the ASUCD President and with the approval of a simple majority vote from the ASUCD Senate.
- C. Should there rise a vacancy within the Ethics Committee, a new member must be appointed in a member consistent with ASUCD Constitution and ASUCD Bylaws within ten (10) academic days of the vacancy closing, to serve on the Ethics Committee for the remainder of their term.
- D. Should any standing members of the Judicial Council become the subject of an alleged ethics violation, they shall be excluded from all activities conducted by the Committee pertaining to the investigation until its conclusion.
- E. If one or more members of the Ethics Committee is guilty of any violations of the codes listed in section 2502, then it is the responsibility of the ASUCD President to appoint replacement commissioners within ten (10) academic days of the vacancy closing.

2504. ETHICS INVESTIGATION PROCEDURES

- A. Any enrolled undergraduate student of the University of California, Davis may file an Ethics Violation Form alleging that any ASUCD employee or official has violated the ethics code.
- B. The Ethics Violation Form must detail as much information about the alleged ethics violation as possible, including the date, location, and time, as can best be recalled. The person(s) submitting an Ethics Violation Form has the right to remain anonymous. Reported persons also have the right to be represented by the Student Advocate should the case reach a hearing.
- C. The Ethics Committee has the authority to investigate pertinent information regarding the committee's hearing. The scope of the investigation is irrelevant to the tenure of the individual brought before the Committee.
- D. The Ethics Committee may not directly investigate any incidents that occurred prior to an individual's ASUCD tenure. The exception to this is a prior conviction of a crime as defined by Section 2502 of the Bylaws which hold criminal offenses as standing violations.

However, it may actively search for, acknowledge, and take into consideration such prior incidents during the course of an investigation.

- E. Any and all incidents that fall under the jurisdiction, authority or responsibilities of any higher authority are not under the jurisdiction of the Ethics Committee. Furthermore, any incidents that meet this standard that are brought to the attention of the Ethics Committee shall immediately be referred to the relevant university department or program.
- F. Upon beginning an investigation, the ASUCD President, Vice Presidents and Senate Pro Tempore shall be notified and made aware that an ethics investigation is underway. The Ethics Committee may notify any other parties at their discretion, which may be proposed by any member of the Committee.
- H. Once an alleged Ethics violation has been brought to the Committee's attention, the Committee shall, within one week, attempt to arrange and conduct a meeting with the individual who filed the report for the purposes of gathering information. Should the request for a meeting be denied by the person who filed the report, then the Committee shall proceed based on the information provided in the initial report.
- I. Based on the information from the initial report or at the meeting with the individual who filed the motion, all three of the standing members of the Ethics Committee must decide by a two-thirds (⅔) majority whether the allegation is worthy of a full ethics investigation. Should they agree to proceed, the Committee shall call any individual in to question any information relevant to their investigation, which may or may not include the accused individual. Meetings with individuals in question shall be facilitated by at least four members of the Ethics Committee to gather information regarding the violation of the subject. If the individual is providing a verbal statement, a form of audio recording or written statement shall be taken so that the individual's statement may not be forgotten, misconstrued or otherwise misrepresented. All individuals providing testimony before the Ethics Committee must be sworn by the Chair of the Judicial Council to tell the truth, the whole truth and nothing but the truth in order to establish their validity. Any evidence provided must be presented to the entire Ethics Committee within one week from the time that the report was made. By a majority vote, the Ethics Committee may choose to expand the allotted time to collect evidence prior to the decision of a hearing.
- J. Following any meeting with the Ethics Committee, individuals who have appeared before the Committee are obliged to refrain from disclosing details of their testimony or evidence provided until the investigation has concluded. This includes refraining from disclosing any details of statements or evidence the Committee may already be in possession of. If the individual(s) filing the accusation wish to not attend the Ethics Committee hearing, the Student Advocate may represent the wishes of the accuser before the Committee.
- K. For the duration of an ethics investigation the members of the Ethics Committee are obliged to refrain from disclosing facts and details of the investigation. In the event of such a disclosure, standing members shall be excluded from the investigation entirely.
- L. Once the Ethics Committee determines that it has acquired all the evidence it requires to reach a decision beyond reasonable doubt that there is no significant evidence left to

- acquire, it may vote by two-thirds($\frac{2}{3}$) majority to end the evidence gathering phase of the investigation.
- M. Once evidence gathering has concluded, the members of the Committee shall, within one week, meet privately to deliberate. The Ethics Committee must agree with at least a two-thirds ($\frac{2}{3}$) majority to either:
1. Dismiss the case and all allegations.
 2. Refer the case, in part or in its entirety, to the ASUCD Personnel Committee or any other relevant oversight body.
 3. Determine the individual under investigation as guilty of an ethics violation, and file charges to the Judicial Council.
 4. The extent of the charges filed are outlined in Chapter Twenty-Five (25) of the Bylaws.

2505. AMENDMENTS

- A. This Code of Ethics can be amended at any time in the form of legislation.
- B. Amendments to this Code of Ethics shall be under the authority of the ASUCD Senate.

Finance: No

Appropriation: None

Vote: Majority

DO PASS AS AMENDED, 5-7-0, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON APRIL 09, 2020. YES: DESHPANDE, ELIZALDE, MALIK, RANDOLPH, YOUEDON. NO: BOUDAIE, CARDUNY, FONG, GANDHOKE, IBARRA, MARTINEZ, VELASCO.