



GUSA

Report: Reforms to the GUSA Ethics and Oversight Committee Structure and Operations

Prepared By: The Working Group on Ethics & Oversight Committee Reforms

Introduction to Working Group Mandate:

This working group was established by the 14th Senate during the Transition term by “An ACT Establishing the Working Group on Reforms to the Ethics and Oversight Committee” which passed unanimously on May 20th, 2019. Transition Leadership had determined that the Senate Ethics & Oversight Committee possessed numerous shortcomings and flaws in design that hindered the Committee’s ability to truly fulfill its purpose: enforcing accountability and oversight over all branches of GUSA. However, in its inaugural year, the Committee oversaw [a Senate with some of the highest unexcused absence rates in recent years](#), further displaying the need to reform the committee and its operations to ensure increased accountability and responsible enforcing of ethical standards whenever necessary. This working group was thus established with the mandate of: examining areas of improvement to the Ethics and Oversight Committee and to recommend potential reforms aimed at resolving such shortcomings, which it shall do by presenting formal recommendations on reforms to the bylaws regarding the Ethics and Oversight Committee by the conclusion of the Senate Transition. The recommendations shall detail the deficiencies and areas of improvement of the Committee and methods by which to address them.

Overview of Findings:

The Working Group on Ethics & Oversight Committee Reforms met 12 times over the course of the Transition Term. The Working Group first sought to establish which areas of the Committee’s structure and operations provided for distinct shortcomings in allowing the Committee to fulfill its mandate. This Working Group found that various aspects of the Committee’s bylaws and mandate prevented it from being able to accomplish meaningful action. Specifically, there was a distinct lack of

clarification on a myriad of issues which fell under the Committee's jurisdiction, which allowed for a lack of appropriate actions, as there were no guidelines which outlined the proper protocols or thresholds to outline the way to do so. Additionally, the structure of the committee presented a significant roadblock to accomplishing the goal of maintaining oversight over all branches of GUSA and all GUSA officials; despite this mandate, the Committee possessed an overwhelming majority of Senators and failed to incorporate voices and perspectives from all other branches of GUSA. Overall, the structure of the Committee and the method to its operations, in the Committee's current iteration, hindered the Committee's ability to take productive, proactive, and meaningful action on issues which fell under its purview. The solutions identified and the accompanying bylaws amendments thus sought to solve these issues. The solutions which were settled upon accomplished the task of offering much-needed clarification of different terms, responsibilities, and protocols that may need to be enacted or followed. A restructuring of the Committee also shall allow for Ethics & Oversight to maintain productive and proactive oversight over all branches of GUSA, as it is tasked to do. All of the solutions proposed allow the Committee to commit to accomplishing meaningful and impactful actions in the pursuit of enforcing ethical standards and maintaining responsible oversight.

Identified Issues and Shortcomings Present in Current Iteration of Ethics & Oversight Committee:

1. **The structure of the Committee:** the original structure of the Committee, while it was appropriate in order to hold the GUSA senate accountable, failed to maintain ethical unity across GUSA. As one student association, it is imperative to commit to communication and accountability across all branches and committees. The lack of "voting-member" to liaisons of different branches resulted in lessened investment in the process. The bylaws that govern this committee and this Senate explicitly outline the mandate of the Ethics & Oversight Committee as maintaining oversight over all of GUSA. However, this was complicated by the lack of representation and perspective from branches of GUSA outside of the Senate.
2. **Ambiguous disciplinary measures:** the original punitive measures of the Committee were opaque and sparse, leaving the committee dubious regarding which actions to take. This complicated the process of enforcing disciplinary standards, as the ambiguity allowed for little-to-no action to be taken. There was almost zero language specifically outlining what measures the Committee is actually able to introduce and enforce, as well as no language actually explaining the parameters or thresholds for being able to introduce these measures.
3. **Lack of impeachment process details:** the original bylaws governing the Committee permitted the use of impeachment, but failed to detail the specific procedure of the act. When the issue of impeachment actually arose during the Transition term, the Senate was not fully prepared to properly enact the process, as there was no set process to proceed off of. Such an

extensive, and important, process requires strict adherence to procedure and protocol; this was not possible given the lack of guidance that the bylaws offered in this regard.

4. **Lack of temporary recusal process:** the original bylaws of the Committee possessed an outdated provision preventing the Chair or Vice-Chair of the Committee from participating in Executive elections. This resulted from previous protocols which tasked the Chair of the Committee with overseeing some aspects of elections. Due to a Constitutional Council ruling in the spring of 2019, it has been determined that Ethics & Oversight should not handle any aspects of elections and all complaints should now be handled by the Election Commission. Therefore, the provision is no longer appropriate or necessary.
 5. **Insufficient Unexcused-Absence thresholds:** the current guidelines indicate that three unexcused absences are grounds for impeachment, however, they offer no measures to be enacted short of that. This makes it exceedingly easy for unexcused absences to accumulate as there are no repercussions for them happening until impeachment is able to be considered.
 6. **Lack of transparency on Committee actions:** given that the Committee has a tremendous responsibility to remain mindful of the impact it can have in debating disciplinary measures, it should be more accountable to provide explanations and justifications for any votes it may hold and actions it may take, beyond meeting notes. A formal requirement for these justifications would increase transparency in regards to Committee actions.
 7. **Insufficient ability to take independent action:** currently, the bylaws are not very specific in regards to what abilities the Committee may take on its own and what abilities must be approved by the whole Senate. A more explicit clarification between these two categories would ensure that the Committee is empowered to fulfill its mandate, while also allowing the full Senate to confirm any overly significant measures the Committee may pursue.
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Identified Solutions and Reforms to Ensure Increased Efficacy in Ethics & Oversight Committee Operations:

1. Restructuring of the Ethics and Oversight Committee Body:
 - a. Retained the same leadership system as previous committee: GUSA senators serving in the positions of Chair and Vice Chair, elected into the position by a simple majority of the GUSA Senate.
 - b. Three voting members of the body will be de facto filled by the Finance and Appropriations Vice Chair, Policy and Advocacy Committee Vice Chair, and the Access and Wellness Officer.
 - c. Four voting members reserved for the GUSA Executive Cabinet, appointments submitted by the GUSA president and received by the GUSA Senate Speaker, will be confirmed by the GUSA Senate.
 - i. Access and Wellness Chair will de facto be one of those four appointments

- d. Three voting member positions will be reserved for direct student body representatives, applications submitted to the GUSA Leadership Team, nominees from which are approved by a majority vote of the GUSA Senate.
 - e. One voting member reserved for a representative of the GUSA Election Commission, appointment submitted to the GUSA Leadership Team and approved by a majority vote of the GUSA Senate.
 - f. **This reform will not only allow for further accountability across all of GUSA, rather than remaining isolated in the Senate, but will also strengthen communication between the branches and committees of GUSA.**
2. Revised Disciplinary Measures:
- a. Enumerated the disciplinary measures that the Committee is able to consider, including formal warnings, meetings with GUSA leadership, apologies censure, and impeachment.
 - b. Outlined further guidelines on what would constitute and how to use such measures.
 - c. **This reform will clear the ambiguity over which disciplinary tools are available to the Committee and will allow the committee to more clearly determine when a certain measure is appropriate.**
3. Clarified Impeachment Process
- a. Detailing of the protocol when a Committee member introduces articles of impeachment to a meeting of the Committee.
 - i. Following debate and questioning, a simple majority of the Committee can approve the articles of impeachment and send them before the full Senate.
 - b. Detailing of the protocol when articles of impeachment are introduced to the full Senate by any member of the Senate.
 - i. Impeachment proceedings shall take place over the course of two hearings before the Senate.
 - ii. During the first hearing, once articles of impeachment have been introduced to the Senate, the same procedure as enumerated in the above section will be followed. Should the Senate approve the articles of impeachment, the accused official shall be considered impeached, and a second hearing will be scheduled 10-14 days following the first.
 - iii. During the second hearing, the Senator that originally submitted the articles of impeachment shall once again explain his/her/their reasoning for removal and then both the Senator and accused official shall face questioning by the Senate. Following shall be a period of debate and then closing arguments. The Senate shall then vote to expel the accused official, requiring a $\frac{2}{3}$ majority to pass.
 - c. **This reform clarifies the impeachment process to prevent further conflict over the process itself and streamlines it as much as possible within Constitutional bounds.**

4. Temporary Recusal Policy:

- a. Ethics and Oversight Chair and Vice Chair are required to recuse themselves from their position in the committee if either choose to endorse a GUSA executive campaign.
 - i. If the Chair chooses to recuse themselves, then the Vice Chair would immediately become the acting chair, and an acting vice chair shall be elected internally by a majority of the Ethics and Oversight Committee.
 - ii. If the Vice Chair chooses to recuse themselves, the Committee shall elect an acting vice chair internally by a majority of the Committee.
 - iii. During the recusal period, the chair/vice chair shall retain voting member status as a voting member of the Committee.
- b. **This reform allows the Committee Chair to recuse themselves from the Committee without having to step down from the Committee. The reform also outlines protocol for filling the Chair's position while recused. Most importantly, it reflects the previous CC ruling which determined the Committee will no longer handle oversight of elections in any way.**

5. Expanding the Thresholds for Unexcused-Absence Disciplinary Measures:

- a. Should a senator attain an unexcused absence from a general Senate meeting or a committee meeting, they will receive a formal warning from the Ethics & Oversight Committee and will have a meeting scheduled with the Chair and Vice-Chair of the Committee.
- b. Should a senator attain two unexcused absences from general Senate meetings, they will face a Committee hearing on censure for 1-3 meetings, as well as a meeting with GUSA Leadership.
- c. Should a senator attain three unexcused absences from general Senate meetings or committee meetings, this will still be considered grounds for removal, as is already the case.
- d. **In allowing for repercussions to be enacted short of the third unexcused absence warranting removal, this will make it more difficult for senators to accumulate a large number of unexcused absences, as their will be a much clearer indication when those absences have been attained. In creating these repercussions for 1-2 unexcused absences, this will significantly reduce the amount of instances in which 3 are reached and removal is warranted.**

6. Increased Committee Transparency Through Further Responsibilities:

- a. The Committee will now be responsible for publishing decision statements if a vote is ever held concerning disciplinary measures taken against an individual.
- b. The Committee must also submit formal recommendations for actions to be taken, should it ever be appropriate to consider disciplinary actions against a GUSA official who falls outside of the jurisdiction of the Committee.

- c. **This reform provides for further transparency by requiring the Committee to publish its decisions as well as allows it to maintain oversight of GUSA officials under its purview.**
 - 7. Establishing of Clear Division Between Independent and Preliminary Actions to be Taken:
 - a. Of the now-enumerated actions which the Committee can take, it is explicitly outlined which of those the Committee may enact, and which must be approved by the full Senate.
 - b. **This reform clearly delineates the actions the Committee may take independently as opposed to those that require the approval of the whole Senate.**
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