



SB 181919

A Bill to Reform the Oversight Committee

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Sponsors

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Whereas: Student Senate formed the Ad Hoc Committee for Oversight Reform with the purpose of writing legislation to reform the Oversight process this academic year;

Whereas: There currently exists no training to aid the Oversight Committee in conducting a formal internal investigation;

Whereas: The Oversight Committee within Student Senate does not use a set standard of evidence, and the use of the threshold of evidence “beyond a reasonable doubt” within a pseudo-judicial committee within a Student Government is too high;

Whereas: A fair, thorough, and legitimate accountability process is essential to the functioning of all branches of Associated Student Government;

Whereas: It should be a violation of the Bylaws to give knowingly false testimony to the Oversight Committee;

Whereas: The Oversight process should be restorative, yet there currently exists no formal sanction below censure or dismissal;

Therefore it be resolved: That the Associated Student Government Bylaws be amended as follows;

Further be it resolved: That the Senate Standing Rules be amended as follows.

Bylaw Amendments:

SECTION 104

The power and duties of the Parliamentarian, beyond these required of him/her as an elected representative of the Student Senate, shall be:

104.A. To chair the Administrative Committee and to vote in the committee only in the event of a tie.

104.B. To serve as a member of the Steering Committee.

104.C. To review and manage the Constitution, Bylaws, and Standing Rules of Associated Student Government to keep these documents up-to-date and appropriate for the body.

104.D. To ensure parliamentary procedure is followed by all members of the Student Senate using the Associated Student Government Standing Rules.

104.E. To serve as a non-voting ex-officio member of the Oversight Committee.

SECTION 304

The Powers and Duties of the Student Court will also include:

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~~**304.I.** To conduct a trial of those who have been impeached (no justice may hear their own cases):~~

SECTION 503

Conflicts of Interest

503.A. The Associated Student Government will seek to prevent a conflict of interest within its organization.

1. Any member of Associated Student Government may not represent interests in more than one branch of the student government.

2. No one shall hold more than one elected office of Associated Student Government at the same time without resigning one of those offices.

3. No Senator may sponsor or author a bill in which their own personal interests override the interests of their constituents or the student body:

~~4. The Speaker Pro Tempore cannot chair an Oversight Committee meeting concerning the impeachment of a position in which he or she is next in line for succession.~~

5. When articles of impeachment are brought before the Student Senate, no Student Senator may vote on the matter which decides their impeachment.

6. When articles of impeachment are brought before the Student Court, no student court justice may participate in the case which decides their impeachment.

7. No candidate for elected office can serve on the Elections Committee.

SECTION 504

The ~~Impeachment~~ Oversight Process

504.A. All members of Oversight Committee shall participate in training conducted by the advisor of Student Senate and a staff member of the Office of Community Standards before they participate in any investigations or questioning.

504.B. The Oversight Committee must begin investigating a member of Associated Student Government or any appointee of the Associated Student Government if it receives a complaint from a student or if there is a motion that has been seconded within the committee. The committee must then consider if the member has not fulfilled their duties or has violated the Constitution, Bylaws, Standing Rules, or standing legislation of the Student Senate.

504.C. Should the committee determine an investigation has merit, the Oversight Committee Chair will notify the investigated member via email or in writing and attempt to set up a meeting with the Oversight Committee to hear the case. It is the responsibility of the investigated member to respond with an acceptable meeting time taking place within five days, in which the University is in academic session, from the time they are notified by the Oversight Committee Chair. Should the investigated member fail to do so, the Oversight Committee may proceed with the investigation, if it deems it appropriate, with no further requirement to meet with the investigated member except at the sole discretion of the Oversight Committee. **Intentional dishonesty or misrepresentation of knowledge in an Oversight Committee investigation shall be prohibited.**

504.D. When a Member's actions do not currently warrant either Censure or Dismissal, the Oversight Committee can grant them an Improvement Period.

- a. An Improvement Period shall consist of the Oversight Committee delineating a determined amount of time and course of remediation in which the Member will have the opportunity to show corrected behavior as determined by the Oversight Committee.
- b. At the end of an Improvement Period, the Oversight Committee shall vote as to whether the member has sufficiently displayed corrected behavior. Should the Committee find the member has sufficiently demonstrated corrected behavior, then the Oversight Committee shall issue a full pardon of that member.
- c. If a member has been found not demonstrating improved behavior during an Improvement Period, it shall be grounds for further sanctions by the Committee.

504.E. The Oversight Committee shall submit a record of their investigations to Student Senate.

504.F In addition to meeting with the investigated member, the Oversight Committee may undertake such investigative actions as it deems necessary to gather or corroborate information regarding the fulfillment of the duties of the investigated member. These activities can include, but are not limited to; interviewing relevant witnesses, contacting relevant administrators, and making use of ASG records.

504.G. ~~If the committee finds no wrongdoing from the Associated Student Government member, it shall issue a full pardon to the member without any interaction with the Student Senate.~~ If the committee finds wrongdoing, it may recommend to the Student Senate one of the following Prescriptions for Impeachment based on the severity of the wrongdoing:

1. Censure – Formal disapproval of an action by the Senate ~~The member is found to be of questionable responsibility, yet their actions do not warrant dismissal.~~
2. Dismissal – The removal of the member from all aspects of Associated Student Government ~~The member has displayed obvious irresponsibility and disregard toward their position and dismissal from all aspects of Associated Student Government is in order.~~

504.H. The Steering Committee shall place the prescription for impeachment on the agenda of the next meeting of Student Senate. ~~The Student Senate shall then receive the Prescription for Impeachment from the Oversight Committee.~~ A written article must accompany a Prescription for Impeachment when it is presented to Student Senate explaining the specific findings of the Oversight Committee's investigation. The Oversight Committee shall present the written articles to Senate and take questions from the Student Senate during ~~any~~ impeachment proceedings.

504.I. Both the Oversight Committee and the investigated member may present witnesses to give testimony before Senate during impeachment proceedings. Witnesses shall take questions only at the witness' discretion.

504.J. The investigated member shall be allowed to make a statement to Student Senate as a part of ~~any~~ impeachment proceedings. The investigated member shall answer questions only at their discretion.

504.K. The Oversight Committee shall use as their threshold of evidence, a preponderance of evidence in determining wrongdoing.

1. A preponderance of evidence is defined as the standard that wrongdoing is found when the alleged violation is judged to be more likely than unlikely to have occurred.

504.L. All deliberations and investigative actions by the Oversight Committee throughout the Oversight Process described shall be considered as confidential within the Committee, and members of the Committee may not share information about those deliberations and actions with any individuals outside of the committee unless through a Prescription of Impeachment.

SECTION 505

The Petition Process

505.A. Impeachment against any member of Associated Student Government may be initiated by a petition signed by one-half of voting Student Senators that is presented to the Steering Committee. The petition shall specify;

1. A Prescription of Impeachment as listed in Section 504.G.;
2. Specific allegations of conduct that is in violation of the ASG Constitution, Bylaws, Standing Rules or standing legislation of the Student Senate, or other conduct that leaves the Senator in question unable to fulfill their duties as Student Senator;
3. Any evidence that supports those allegations;
4. A number of the signatory Student Senators as Authors.

505.B. The Steering Committee shall place impeachment proceedings on the agenda of the next meeting of Student Senate. The Speaker Pro Tempore shall present the allegations and supporting evidence contained within the petition to Senate. Should the Speaker Pro Tempore be the subject of the petition, the Speaker of Senate shall present the allegations and supporting evidence contained within the petition to Senate. The Authors of the Petition shall take questions pertaining to the allegations and evidence within the petition from the Senate during impeachment proceedings.

505.C. Both the Authors and the subject of the petition may present witnesses to give testimony before Senate during impeachment proceedings. Witnesses shall take questions only at the witness' discretion.

505.D. The subject of the petition shall be allowed to make a statement to Student Senate as a part of impeachment proceedings. The subject of the petition shall answer questions only at their discretion

SECTION 506

~~The Impeachment of Associated Student Government Executive Cabinet Members and Non-Voting Senators~~

~~506.A. Any Associated Student Government Executive Cabinet member or Non-Voting Senator may be impeached for just cause by two-thirds vote of the Student Senate. If Dismissal is prescribed by the Student Senate, the Student Court shall determine guilt before removal from office is official.~~

SECTION 506

The Impeachment of Members of ASG Student Senators

506.A. Recall for any voting Student Senator may be instituted by a majority vote of those voting in a recall election in the member's district after a petition containing signatures of 10 percent of the Senator's constituency is presented to the Student Senate.

506.B. Any member of Associated Student Government Senator may be impeached for just cause by two-thirds vote of the Student Senate. Impeachment for any member of ASG Senator may be instituted by either:

1. The ~~impeachment~~ Oversight Process detailed in Section 504;
2. The Petition Process detailed in Section 505.
- ~~3. A petition signed by one-half of all voting Student Senators.~~

Standing Rules Amendments:

VI. Consent Calendar

- A. The Speaker Pro Tempore shall record, maintain, and distribute the consent calendar of the Senate, the official record of the proceedings and acts of the Senate. It should be clear and concise.
- B. All minutes of Student Senate and its committees (excluding those taken in Executive Session) shall be included within the Consent Calendar.
- C. The Oversight Committee shall include a record of its investigations on the consent calendar. Each investigation opened will be assigned a number. That case number will then be recorded as being "Opened" on the next consent calendar. For succeeding consent calendars the case number shall be recorded as "In-Progress." If the case is concluded without a finding of wrongdoing and activity on that case ends the next consent calendar will record the case number as "Closed." Should an investigation result in a prescription of Impeachment it will not be recorded on the consent calendar following impeachment proceedings.

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VII. Standing Committees

A. ...

B. ...

C. The Oversight Committee

1. The Oversight Committee shall oversee work being done by all representatives of Associated Student Government and review violations of the Constitution, Bylaws, Standing Rules, and any other standing piece of legislation, including attendance, by any member of Associated Student Government.
2. The committee shall be chaired by the Speaker Pro Tempore.
3. The powers of this committee shall include, but are not limited to:
 - a) To recommend to the Student Senate the censure, **or dismissal impeachment, or other penalty,** of any ASG officer having found just cause to do so.
 - b) To have the power to, by majority vote, compel any officer of ASG to appear before the Committee in regards to a suspected violation of the Constitution, Bylaws, Standing Rules, or any piece of legislation in addition to the mandatory meetings occurring twice a semester.
 - c) To meet with each member of Executive Cabinet, Chief Justice of the Student Court, and **non-voting Senators Committee Chairs** twice a semester to receive a report of current projects, accomplishments, and goals.
 - d) To judge the effectiveness of ad-hoc Committees, and recommend to the Student Senate as to the necessity of their continued existence.