



STUDENT GOVERNMENT ASSOCIATION

THE UNIVERSITY OF TEXAS AT EL PASO

Code of Ethics & Committee

Article I – Introduction

Article II – Code of Ethics

Article III – General Provisions

Article IV – Definitions

Article V – Duties & Responsibilities

Article VI – Ethics Violations

Article VII – Appointment and Terms of Members

Article VIII – Jurisdiction & Authority

Article IX – Notifications

Article X – Ethics Hearing Procedures

Article XI – Summons

**Article XII – Publication of a Recommendation of Sanction & Further
Action**

Article XIII – Amendments

Article I – Introduction

The UTEP Student Government Association Constitution defines the purpose of our Student Government to “provide the official voice through which student opinion may be expressed, ensure participation, and defend the rights of each student and work toward the advancement of the University.” To achieve this, students of this University democratically elect our Executives and Senators, who then democratically appoint members of our Judicial Branch. Our Student Government has its finest moments when members from each of these three branches, separate but equal, unite to uphold these ideals. As such, the SGA Ethics Committee is designed to personify this, being comprised of members from all three branches, brought together for the purposes of ensuring all members of our Student Government conduct themselves according to the higher moral and ethical standards they are held to by the students of this University. Two fundamental tenants of democracy are transparency and accountability; it shall be the purpose of the Ethics Committee to further entrench both into the UTEP Student Government Association.

Article II – Code of Ethics

The nature of serving as a member of this UTEP Student Government Association is a responsibility to represent the students of the University. Therefore, its members accept that responsibility onto their shoulders. Elements of this responsibility include to: adhere to all university policies and SGA governing and procedural documents, as well as an obligation to disclose knowledge of potential violations of these policies and documents; refrain from interfering in the administration of SGA and its ability to function; commit to upholding personal integrity, and oppose all forms of discrimination, harassment, and unfair treatment of any form; remain civically engaged as a positive member of the community; and in their capacity as a member of SGA, to only act in the public interest and not for personal gain.

Article III – General Provisions

- Section 3.01 Creation: This Act may be referred to and cited as the “Student Government Association’s Ethics Code”, or by its short title, the “Ethics Code”.
- Section 3.02 Enforcement: This act shall legitimize a body primarily responsible for the enforcement of the Ethics Code, known as the Ethics Committee, which shall belong to the Judicial Branch of the Student Government Association.
- Section 3.03 Composition: The Ethics Committee shall consist of the two Supreme Court Justices and the Attorney General as standing members, although they shall have the ability to appoint temporary members. These temporary appointments must consist, as a whole, of one member of the Executive Branch, two members of the Senate, and one member of the House of Representatives.
- Section 3.04 Powers: The Ethics Committee shall be empowered to dismiss or investigate ethics violations brought before it, according to the jurisdiction outlined in Article VIII and through the procedures outlined in Articles X and XII.

Article IV – Definitions

SGA Individual – Any person(s) that may be, generally and formally, considered a member of the UTEP Student Government Association. This blanket term encompasses all Executives, Senators, and appointed members of the Judicial Branch. This also includes pilot positions such as, at the time of this document’s creation, the Director of Finance and members of the House of Representatives.

Ethics Investigation - The entire process of an investigation, not just the evidence-gathering phase. An investigation concludes when the Recommendation of Sanction is published or upon the announcement that no charges will be filed.

Court Order – Any Judicial activity that the Ethics Committee may execute, only after appeal and approval by the SGA Supreme Court, for the purposes of an investigation.

Judicial Activities – Court order, community service, and so on.

Evidence - Forms of evidence may include, but not be limited to, a verbal or written statement, screenshots, and physical items.

OSCCR - The Office of Student Conduct and Conflict Resolution.

Valid Charge - Any of the Ethics Violations defined in Article V Section 1 of this document that the Committee determines an SGA individual has violated.

Valid Sanction – Any of the sanctions defined in Article IX Section 12 of this document that may be recommended against an SGA individual found guilty of an ethics violation.

Censure - A formal statement on the public record expressing severe disapproval, implemented in this context through the public release of the Ethics Committee’s Recommendation of Sanction document at the conclusion of an investigation.

Article V – Duties & Responsibilities

Section 5.01 It shall be the duty of the Ethics Committee to facilitate the investigation of acts that are found to be in violation of the ethics code, defined in Article V.

Section 5.02 Such ethics violations shall be reported or submitted to the Ethics Committee, either named or anonymously, according to the procedures detailed in Article V.

Section 5.03 It is not the responsibility of the Ethics Committee to investigate incidents that fall under the jurisdiction and responsibilities of any higher authority, specifically university departments.

Article VI – Ethics Violations

6.01 The following actions as defined may be considered Ethics Violations that SGA individuals may be charged with:

- A. Bias: A predisposition or a preconceived opinion that prevents a person from impartially evaluating facts that have been presented for determination;
- B. Conflicts of Interest: a situation in which a person has a duty to more than one person or organization, but cannot do justice to the actual or potentially adverse interests of both parties

- C. Bribery: the act of offering, giving, or receiving any item or reward of value in an attempt to influence the actions of an SGA member.
- D. Coercion: Any action or verbal threat meant to be used as leverage, to force another individual to act in a way contrary to their own interests. This shall include, but not be limited to, repeated and unnecessary threats to report a member to the Office of Student Conduct and Conflict Resolution without grounds that go beyond trivial disputes.
- E. Attempting to Influence an Election: There may be no attempts to solicit influence or votes in any way for an upcoming election by any SGA members currently holding office, nor by other SGA individuals. The charge of ‘Attempting to Influence an Election’ may not be used during an ongoing SGA Election, as any violations therein would fall under the jurisdiction of the Elections Commission.
- F. Collusion: Any agreement between two or more SGA individuals with the purpose of obtaining an objective without going through legitimate Executive, Legislative or Judicial channels. Furthermore, any similar agreements to deceive or otherwise hinder an ongoing investigation being conducted by the Ethics Committee shall fall under the charge of collusion.
- G. Executive Violations: Any action or abuse of power by a member of the Executive Branch that violates the trust put in them by the student body, SGA Advisor, and other SGA branches. This includes any actions that while technically permitted by the Constitution and Bylaws, may be considered in bad taste or improper.
- H. In-House Elections: In the contingency outlined in Article VI, Section 4.a.1. where, following the impeachment or resignation of certain members of the Executive Branch, the Senate nominates and votes upon an individual to replace them, any SGA individual that is not graduating or is considering running for a position in the Executive Branch during an upcoming SGA election is disqualified from being nominated for the position.
- I. Misuse of Appropriations: No member of the Legislative Branch may use any Senate appropriations for any purpose beyond those declared when approved by the Senate.
- J. Misuse of Funds: No member of the Executive Branch may use any SGA funds for a purpose other than those intended for the fund from which they were withdrawn from, nor without proper approval.
- K. Perjury: Under a court order approved by the SGA Supreme Court, any intentional act of swearing a false oath or falsifying any affirmation to tell the truth, whether spoken or in writing, concerning matters material to a proceeding of an ongoing ethics investigation.
- L. Incompetence: The failing of an SGA member to meet their constitutional or procedural requirements on a systemic and fundamental level; such that their conduct impairs the ability of SGA to serve the student body. This includes but is

not limited to: failure to perform duties as assigned by the SGA Constitution or Bylaws, intentional misrepresentation of the Student Government Association, and fraudulent statements or acts which would affect the standing of any member within the Student Government Association. These provisions may be found in the SGA Constitution and all other approved documents.

- Section 6.02 Any registered student of UTEP may file an Ethics Violation Form alleging that a member of SGA has violated the ethics code.
- Section 6.03 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.
- Section 6.04 Any registered student of UTEP who, upon becoming aware of an ongoing ethics investigation, determines that they may have relevant or useful information pertaining to said investigation but has not been approached or contacted by the Ethics Committee, may submit the information through a Violation Complaint Form as relevant information by clearly marking the form as such.
- Section 6.05 The Violation Complaint Form must be submitted only to any standing member of the Ethics Committee, or to the SGA Administrative Services Coordinator for forwarding to a standing member.

Article VII – Appointment and Terms of Members

- Section 7.01 The Ethics Committee is to consist of two (2) member classifications.
- A. Two Justices of the Supreme Court as well as the Attorney General shall act as the committee's permanent members for the duration of their term.
 - B. At the discretion of and with the approval of a simple majority vote from the permanent members, members of the Executive or Legislative branches of SGA may be appointed to act as Temporarily Appointed Members of the Ethics Committee. These temporary appointments may be for the purposes of them providing input, aid, or legitimacy for the duration of an investigation, but may never compromise the integrity or legitimacy of such proceedings.
- Section 7.02 At the start of every academic year, or the earliest point in such year when a full bench has been appointed to the Supreme Court, the court shall convene within one week to appoint two of its Justices to serve on the Ethics Committee for the duration of that academic year.
- A. The procedure for appointing Justices to the Ethics Committee shall mirror the procedure for electing a Chief Justice. However, due to the necessity of both of the appointed Justices serving on the Ethics Committee to recuse themselves from any Supreme Court deliberations or rulings regarding it, neither the Chief Justice nor the Pro-Tempore are eligible to fill these roles.

- Section 7.03 According to their expertise and judgement, the ethics committee has the power to temporarily suspend a standing member, or expel altogether a temporarily appointed member, from the investigative or hearing process if evidence of bias or conflict of interest is found and such a suspension is therefore merited. This includes but is not limited to interpersonal relationships, membership in a student organization, etc.
- Section 7.04 Should the SGA Attorney General 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, and the restrictions detailed in Article 9 Sections 5 and 6 shall until that point apply to them. Under these circumstances, a temporarily appointed member from the Executive Branch may fill the capacity of arguing on behalf of the Committee before the Supreme Court for the purposes of a subpoena.
- Section 7.05 Should either of the two Supreme Court Justices serving as standing members 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, and the restrictions detailed in Article 9 Sections 5 and 6 shall until that point apply to them.

Article VIII – Jurisdiction & Authority

- Section 8.01 The Ethics Committee recognizes that it does not have the sole authority to conduct specific judicial activities such as a legitimate court has the authority to do.
- Section 8.02 The ethics committee has the authority to investigate pertinent information regarding the committee’s hearing. The scope of the investigation shall not exceed the SGA tenure of the subject brought before the Committee.
- Section 8.03 The Ethics Committee may not directly investigate any incidents that occurred prior to an SGA individual’s tenure. However, it may actively search for, acknowledge, and take into consideration such prior incidents during the course of an investigation.
- Section 8.04 Any and all incidents that fall under the jurisdiction, authority or responsibilities of any higher authority, specifically university departments such as the Office of Student Conduct and Conflict Resolution, 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 be immediately referred to the relevant university department or program.

Article IX – Notifications

- Section 9.01 Upon beginning an investigation, the SGA President, Vice President of Internal Affairs, Supreme Court Chief Justice, and Senate Majority Leader shall be notified and made aware that an ethics investigation is underway.

- Section 9.02 The Ethics Committee may notify any other parties at their discretion, which may be proposed by any member and decided by a simple majority vote.
- Section 9.03 The Ethics Committee may choose to disclose information beyond their obligation by simple majority vote; this includes, but is not limited to, the identity of the individual being investigated and the alleged ethics violation in question.

Article X – Ethics Investigation Procedures

- Section 10.01 Once an alleged Ethics violation has been brought to the committee’s attention, the two serving Justices shall, within one week and with or without the Attorney General, attempt to privately arrange and conduct a meeting with the individual who filed the report for the purposes of gathering information. Should the request for meeting be denied by the person who filed the report, then the Committee shall proceed based off the information provided in the initial report. Should that information be deemed insufficient to proceed, the Committee may appeal for a court order.
- Section 10.02 Once this meeting has taken place, or based off the information from the initial report, all three of the standing members must decide by two-thirds majority whether the allegation is worthy of a full ethics investigation. Should they agree to proceed, two lists shall be made:
- A. An initial list of individuals that they believe, according to their best judgement, may have information relevant to their investigation, which may or may not include the accused individual. This list may be revised later to include more names.
 - B. Which, if any, members of SGA they wish to temporarily appoint for the purposes of the investigation, according to the Composition outlined in Article II Section 3.
- Section 10.03 The two Justices shall be responsible for facilitating private meetings with individuals from list A, while the Attorney General shall be responsible for contacting the individuals from list B to notify them of their temporary appointment.
- Section 10.04 Once all temporary appointments have been made, a meeting between all current members shall take place within one week to coordinate the gathering of evidence.
- A. No less than three members of the Ethics Committee, so long as one of them is a standing member, may meet privately with an individual at a time for the purposes of an investigation. If the individual is providing a verbal statement, some sort of audio recording shall be taken so that the individual’s statement may not be forgotten, misconstrued or otherwise misrepresented. Any evidence provided must be presented to the Ethics Committee within one week.
- Section 10.05 For the duration of an ethics investigation, the members of the Ethics Committee, be they standing or temporarily appointed, are obligated 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 of the violation in question; temporarily appointed members shall be dismissed from the investigation entirely.

Section 10.06 Following any meeting with the Ethics Committee, those who have been subpoenaed or otherwise appeared before the committee are obligated 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.

Section 10.07 Once the Ethics Committee determines that it has acquired all evidence it requires to come to a decision or determines beyond a reasonable doubt that there is no significant evidence left to acquire, it may vote by two-thirds majority to end the evidence gathering phase of the investigation.

Section 10.09 Once evidence gathering has concluded, the members of the Committee shall, within one week, meet privately to deliberate. By two-thirds vote, the committee may decide to either:

- A. Dismiss the case and all allegations.
- B. Determine the individual under investigation guilty of an ethics violation, and file charges.

Section 10.10 Should the Committee vote to file charges, deliberation shall begin as to which specific ethics violation(s) to charge the individual in question with according to the evidence gathered. Numerous charges may be filed, so long as said charge is valid.

- A. Any member of the Committee may make a motion to file a valid charge against the individual, though ethics charges must be individually deliberated, voted upon, and confirmed by two-thirds of the overall Ethics Committee.
- B. Any member of the Committee may make a motion to end deliberation on filing charges, which shall be confirmed by a two-thirds vote of the overall Ethics Committee.
- C. Despite any penalties, a final list of charges shall be documented and kept on the public record after the conclusion of the **investigation**.

Section 10.11 Once the filing of charges has concluded, deliberation shall begin on the Ethics Committee's final Recommendation of Sanction. No matter the number of charges filed against an individual, the Ethics Committee shall attempt to recommend a sole sanction appropriate for the violations committed by the individual, but shall recommend two penalties at most.

- A. Any member of the Committee may make a motion for a specific sanction recommendation, so long as said sanction is valid.
- B. The final recommendation shall be deliberated, voted upon, and confirmed by two-thirds of the overall Ethics Committee.

Section 10.12 In its Recommendation of Sanction document, the Committee may recommend, to the proper SGA position or body as detailed in Article XII Section 03, any one of the following Sanctions to rectify transgressions:

- A. No sanction.
- B. Public censure.
- C. The temporary completion of more hours.
- D. Temporary deduction or suspension of the individual's monthly stipend.
- E. Issue community service ranging from a minimum of ten hours to a maximum determined by the SGA Supreme Court.
- F. Alerting the Dean of Students of the charges.
- G. Impeachment.

Section 10.13 The Ethics Committee may only file charges and recommend penalties against the individual under investigation. The only valid exceptions to this may be on account of charges of Collusion or Attempting to Influence an Election, which by definition must involve multiple individuals.

Article XI – Summons

Section 11.01 Without a subpoena authorized by the SGA Supreme Court, no individual can be compelled to unwillingly speak to or reveal information to the ethics committee.

Section 11.02 Under normal procedure, the Ethics Committee only has the authority to collect voluntary verbal or written statements. However, they may appeal to the SGA Supreme Court for a subpoena.

- A. The Attorney General shall be responsible for arguing on behalf of the Ethics Committee before the Supreme Court, and must provide sound reasoning and justification for each individual the Committee requests to be subpoenaed.
- B. The two Supreme Court Justices serving on the Ethics Committee must recuse themselves from any and all Supreme Court hearings, deliberations, or decisions that relate to the Ethics Committee.

Section 11.03 The ruling of the Supreme Court shall be the only and final authority to grant or deny the Ethics Committee a subpoena.

Section 11.04 If granted, the Ethics Committee is not obligated to make their subpoena list publicly known, and may or may not issue them at the time and in the order in which they deem prudent.

Section 11.05 If a subpoena has been granted to the Ethics Committee by the Court, the Committee shall present the court order to the individual in a private, yet similar manner to those in the Supreme Court procedures.

Article XII – Publication of a Recommendation of Sanction & Further Action

Section 12.01 The Ethics Committee recognizes that it lacks the sole authority to execute sanctions beyond public censure, and therefore at the conclusion of all discussion

and consideration and based on the outcome of the final vote on penalties, the Ethics Committee shall complete a document titled "The Ethics Committee's Recommendation of Sanction".

Section 12.02 Two versions of the document shall be completed:

- A. An abridged form for the purposes of the public record, lacking any formal documentation of evidence out of respect for the privacy for the individual under investigation and any other parties involved. It shall contain the official recommendation, a brief justification, and any statements in support of the official recommendation from members of the Ethics Committee.
- B. A full version for the purposes of being forwarded to the SGA position or body possessing the authority to execute the recommended penalties. As such, in addition to all items contained in the abridged version, the full Recommendation of Sanction shall include documentation of evidence and other materials which may be considered relevant and helpful to the SGA position or body in making a decision to execute.

Section 12.03 The decision of which SGA position or body the full Recommendation is directly forwarded to shall be dependent on the recommended sanction:

- A. For a public censure, the publication of the document itself shall be considered the execution of sanction.
- B. For the completion of further hours, temporary deduction or suspension of an SGA individual's monthly stipend, or discussing the matter with the Dean of Students, the full document shall be forwarded to the SGA Vice President of Internal Affairs, whom shall notify the Ethics Committee immediately upon the receipt of the full Recommendation of Penalties with a Statement of Intent.
- C. For the issuing of community service hours, the full document shall be forwarded to the SGA Supreme Court. The Supreme Court Chief Justice shall notify the Ethics Committee immediately upon the receipt of the full Recommendation of Penalties with a Statement of Intent.

Section 12.04 Should the Ethics Committee determine that there are grounds for the impeachment of the individual under consideration, the charges of impeachment shall be filed according to the procedure defined in Article XI of the SGA Bylaws.

Section 12.05 By virtue of the fact that the Ethics Committee, as an entity, and its Standing Members belong to the Judicial Branch of SGA, submitting charges of impeachment to the SGA Advisor and Vice President of Internal Affairs shall be executed by a Temporarily Appointed Member of the Ethics Committee, as a representative of either the Executive or Legislative Branch.

Section 12.06 In the instance that the Vice-President of Internal Affairs is the subject of the ethics investigation, the charges of impeachment shall be submitted to the President in the aforementioned capacity as outlined in the SGA Bylaws.

Section 12.07 Should the SGA Advisor, upon hearing the charges and evidence and deeming the accusations meritorious of further investigation, the Ethics Committee may forward any relevant evidence in their possession to the five Senators selected to comprise the Special Select Judiciary Committee, of which acceptance is optional.

Article XIII – Amendments

Section 13.01 This Ethics Code can be amended at any time.

Section 13.02 Amendments to this Code of Ethics shall be under the authority of the SGA Supreme Court.

Section 13.03 The Ethics Code can be amended with a motion, a second, and two-thirds majority vote of Supreme Court Justices. Changes or additions made to these procedures must be discussed in an Administrative Meeting. Issues concerning changes or additions cannot be passed until the next official meeting.