



UTEP STUDENT GOVERNMENT ASSOCIATION

CODE OF ETHICS & COMMITTEE

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ARTICLE I: PURPOSE

SECTION 1: This document shall be known as the Ethics Code of the UTEP Student Government Association.

SECTION 2: This Ethics Code shall be an internal governing document of the UTEP SGA Supreme Court.

SECTION 3: The Ethics Code & Committee exists to uphold the ethical standards of the UTEP Student Government Association and to ensure transparency and accountability within its operations. This Code establishes the Committee's purpose, scope, and procedures for investigating alleged violations of ethical conduct by the SGA Individuals.

SECTION 4: This Ethics Code applies to all SGA Individuals as defined in *Article III*.

SECTION 5: The Ethics Code shall be interpreted in a manner consistent with the UTEP SGA Constitution and Bylaws.

ARTICLE II: CODE OF ETHICS

SECTION 1: SGA members are entrusted with representing the student body and are therefore held to standards of conduct that ensure integrity, transparency, and responsible governance. All SGA individuals shall:

- a. Comply with all university policies and all SGA governing documents.
- b. Disclose potential violations or conflicts of interest when known.
- c. Refrain from interfering with the proper administration and operations of SGA.
- d. Act with honesty, fairness, and respect toward all members of the University community.
- e. Oppose discrimination, harassment, and unfair treatment in any form.
- f. Serve the public interest and avoid actions taken for personal gain.

ARTICLE III: 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.

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 – any actions undertaken by the Supreme Court or its members in the interpretation, application, or enforcement of governing documents, including hearings, deliberations, rulings, and the issuance of opinions or directives.

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

Office of Community Standards - The University body responsible for student conduct, academic integrity, and the enforcement of University policies.

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 13* 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 IV: DUTIES & RESPONSIBILITIES

SECTION 1: The Ethics Committee is responsible for receiving, reviewing, and investigating alleged violations of the Ethics Code in accordance with the procedures established in this document.

SECTION 2: The Committee shall determine whether an allegation warrants a full investigation based on the information provided and the standards outlined in this Code.

SECTION 3: The Committee shall gather relevant information, meet with parties involved, and evaluate evidence in a fair, impartial, and timely manner.

SECTION 4: MEMBERS OF THE ETHICS COMMITTEE SHALL MAINTAIN CONFIDENTIALITY REGARDING ALL INFORMATION OBTAINED DURING AN INVESTIGATION, EXCEPT AS PERMITTED OR REQUIRED BY THIS CODE.

SECTION 5: The Ethics Committee shall not investigate matters that fall under the jurisdiction of university departments or other higher authorities, and shall refer such matters immediately to the appropriate office.

SECTION 6: Upon concluding an investigation, the Committee shall determine whether to dismiss the allegation or file charges and shall issue a Recommendation of Sanction when appropriate.

ARTICLE V: ETHICS VIOLATIONS

SECTION 1: The following actions, including but not limited to those listed below, may be considered Ethics Violations for which SGA individuals may be charged:

- a. **Bias** – a predisposition or preconceived opinion that prevents an individual from impartially evaluating facts relevant to an SGA matter.
- b. **Conflict of Interest** - a situation in which an individual's personal, professional, or organizational interests compromise or appear to compromise their ability to act in the best interest of SGA.
- c. **Bribery** - offering, giving, requesting, or accepting anything of value to influence the actions of an SGA individual.
- d. **Coercion** - using threats, pressure, or leverage to compel another individual to act against their own interests, including repeated threats to report trivial matters to university authorities.
- e. **Attempting to Influence and Election** - any attempt by an SGA individual to solicit votes or influence the outcome of an upcoming SGA election. This charge may not be used during an active election period as any violations therein would fall under the jurisdiction of the Supreme Court.
- f. **Collusion** – any agreement between two or more SGA individuals to bypass legitimate SGA processes or to obstruct an Ethics Committee investigation.
- g. **Executive Violations** – any abuse of authority or misuse of Executive Branch powers that violates the trust placed in the individual by the student body, SGA Advisor, or other branches.
- h. **In-House Elections Violations** – violations of eligibility rules for internal Executive Branch replacement procedures as defined in the SGA Bylaws.

- i. **Misuse of Appropriations** – using Senate-approved appropriations for purposes other than those authorized.
- j. **Misuse of Funds** - using SGA funds without proper approval or for purposes inconsistent with the designated fund.
- k. **Perjury** - knowingly providing false information under oath or affirmation during an Ethics Committee investigation authorized by a court order.
- l. **Incompetence** - a systemic failure to fulfill constitutional or procedural responsibilities such that the individual's conduct impairs SGA's ability to serve the student body.

ARTICLE VI: APPOINTMENT AND TERMS OF MEMBERS

SECTION 1: The Ethics Committee shall consist of three standing members: Two Justices of the Supreme Court and the Attorney General. These members shall serve as the Committee's permanent members for the duration of their term.

SECTION 2: By a simple majority vote of the standing members, the Committee may appoint temporary members from the Executive or Legislative Branches for the purpose of providing input or assistance during an investigation. Temporary members shall not compromise the integrity or impartiality of the proceedings.

SECTION 3: At the start of every academic year, or the earliest point in such a 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. The procedure for appointing Justices to the Ethics Committee shall mirror the procedure for electing a Chief Justice. However, due to 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 4: 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 5: Should the SGA Attorney General or 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. Under these circumstances, a temporarily appointed member may fill

the capacity of arguing on behalf of the Committee before the Supreme Court for the purposes of a subpoena.

ARTICLE VII: JURISDICTION AND AUTHORITY

SECTION 1: 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 2: The Ethics Committee has the authority to investigate pertinent information regarding the Committee's hearings. The scope of the investigation shall not exceed the SGA tenure of the subject brought before the Committee.

SECTION 3: 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.

ARTICLE VIII: NOTIFICATIONS

SECTION 1: Upon beginning an investigation, the SGA Advisor, SGA President, Vice President of Internal Affairs, Supreme Court Chief Justice, and Senate Majority Leader shall be formally notified and made aware that an ethics investigation is underway.

SECTION 2: The Ethics Committee may disclose information beyond its minimum reporting obligations by simple majority vote; however, the complainant's identity *must be redacted* in all public disclosures unless the complainant provides written consent, and the Committee shall remove all identifying information while retaining full knowledge of the complainant for investigative purposes. All disclosures must be approved collectively, issued in writing, and no individual Committee member may disclose information unilaterally.

ARTICLE IX: ETHICS INVESTIGATION PROCEDURES

SECTION 1: Any registered student of UTEP may file an Ethics Violation Form alleging that a member of SGA has violated the Ethics Code.

SECTION 2: 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.

SECTION 3: 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 4: The Violation Complaint Form must be submitted only to any standing member of the Ethics Committee, or to the SGA Senior Coordinator for forwarding to a standing member.

SECTION 5: Once an alleged Ethics violation has been brought to the Committee's attention, each member shall review the submitted Ethics violation within one week and communicate, arrange, and conduct a meeting to determine whether or not the alleged violation has enough evidence and merit to proceed with an investigation. Should the request for meeting be denied by the person who filed the report, then the Committee shall proceed based on the information provided in the initial report. Should that information be deemed insufficient to proceed, the Committee may appeal for a court order.

SECTION 6: 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.

SECTION 7: 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 8: 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 9: 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: 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 11: 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 12: 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 13: In its Recommendation of Sanction document, the Committee may recommend, to the proper SGA position or body as detailed in *Article XI Section 3*, 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 and/or Office of Community Standards of the charges.

g. Impeachment.

SECTION 14: 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 X: SUMMONS

SECTION 1: 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 2: 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 3: The ruling of the Supreme Court shall be the only and final authority to grant or deny the Ethics Committee a subpoena.

SECTION 4: 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 5: 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 XI: PUBLICATION OF A RECOMMENDATION OF SANCTION

SECTION 1: 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 2: 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 3: 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 4: 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 IX* of the *SGA Bylaws*.

SECTION 5: 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 6: 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 7: 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 XII: AMENDMENTS

SECTION 1: This Ethics Code can be amended at any time.

SECTION 2: Amendments to this Code of Ethics shall be under the authority of the SGA Supreme Court.

SECTION 3: The Ethics Code can be amended with a two-thirds majority vote of Supreme Court Justices. Changes or additions made to these procedures must be discussed in an Administrative Session. Issues concerning changes or additions cannot be passed until the next official meeting.