A Bill to Establish a Conflict of Interest Policy for USUSA Officers

Description: This bill is intended to address the lack of a conflict of interest policy for USUSA officers to all of USUSA. It establishes a policy defining what a conflict of interest is, the expected behavior of USUSA officers towards them, and steps to take when they are discovered. It does this by adopting the USU conflict of interest policy and treating USUSA officers as if they were employees under it, while establishing procedures for identifying a conflict to the body.

WHEREAS officers of the Utah State University Student Association (USUSA) are expected to conduct business according to the highest standards of ethical conduct;

WHEREAS USUSA officers are representatives of the interests of the student body of Utah State University and of the university as a whole;

WHEREAS any conduct that may call into question the character quality of the officers of USUSA reflects poorly on USUSA and Utah State University as a whole;

WHEREAS as custodians of the student fee funds of the students of Utah State University, USUSA officers have an obligation to be free from any stain or question of conflict of interest.

WHEREAS USUSA Regional Campus Executive Council approved a similar legislation to include this conflict of interest policy to be in the USUSA Constitution.

BE IT THEREFORE ENACTED THAT the Utah State University Student Association hereby adopts the following policy governing conflicts of interest for its officers:

Regional Campus USUSA Conflict of Interest Policy

I. Definitions:

a. USUSA: Utah State University Student Association

b. EC: Executive Council AS: Academic Senate RCEC: Regional Campus Executive Council

Executive Council

c. USU: Utah State University
d. Conflict of interest is defined in USU Policy 307: Conflicts of Interest
   https://www.usu.edu/policies/307/

II. Policy Breadth
   a. All USUSA officers will be bound by this policy.
   b. Failure to adhere to this policy may be grounds for removal from office, or other disciplinary action as determined appropriate by the respective USUSA governing body.
   c. All officers must be made aware of this policy during their training.

III. Utah State University Conflict of Interest Policy
   a. All USUSA officers will be bound by USU Policy 307 as if they were employees of the university per the policy.
   b. Chairs of the various USUSA governing bodies will serve as the “line supervisors” defined in USU Policy 307 for the purposes of disclosing a conflict of interest.
      i. Exceptions to this may be made if the officer disclosing a conflict wishes to preserve a matter of privacy.
      ii. In such cases the disclosure should be made to the appropriate USUSA Adviser, who will inform the chair of the affected council of the conflict’s existence but not the details.

IV. Conflicts of Interest on a USUSA Governing Body
   a. If an officer serving on a USUSA governing body determines they have a conflict of interest with an agenda or business item before the council, it is their responsibility to inform the chair of the body, or appropriate USUSA Adviser per section III.b.ii, and recuse themselves from voting.
      i. Officers recusing themselves from voting will count as not present for these business items and will not be eligible for voting on any motions during the time these items are up for consideration.
      ii. Recused officers will not participate in the debate or provide answers to questions on the items unless called upon by the chair.
      iii. Recused officers will not count for quorum counts on those votes and business items (see Section IV.e).
b. If the chair of the governing body is the officer with the conflict of interest, the appropriate officer to succeed them per that body’s rules will take over the duties of the chair for the business item in question.
   i. If that officer also has a conflict of interest, the officers of the body will elect a temporary chairperson for the duration of the business item.

c. If an officer fails to identify a conflict of interest, another officer may call for a vote to force the recusal of that officer for the business item.
   i. If that officer is the chair, the appropriate officer by succession rules of the body will entertain the motion for recusal.

d. In any case of recusal reducing a body below a quorum, the business item will be immediately tabled until a quorum can be obtained.

e. If a quorum is unobtainable due to the structural nature of the body, i.e. there will never be enough voting members without a conflict to conduct business, the item should be referred to another appropriate USUSA voting body for consideration.

V. Ex Post Facto Conflict of Interest
a. If a conflict of interest is discovered after the vote has been taken there cannot be a re-trial.

b. Evidence of the conflict should be presented to the body’s chairperson and the body as soon as possible.

c. The final decision on if a conflict of interest exists will be made by the student hearing board.
   i. If the conflict of interest is within the hearing board, then it will be heard by the appellant board.

d. A vote on appropriate action to be taken will be held in the affected body.

e. If it is discovered that the officer involved intentionally failed to disclose the conflict of interest, disciplinary measures against the officer, up to and including removal from office, may be imposed by the appropriate body.

Tags: Conflict of interest, USUSA

Sponsor: Jaren Hunsaker, USUSA Student Body President
Co-Sponsors: Michael Booth, Regional Campus President; Kristin Hall, Graduate Studies Senator; Brooke Jorgensen, USUSA Administrative Assistant; Meghan Tatom, Student Events Vice President
EC R 2019-17 A Bill to Establish a Conflict of Interest Policy for USUSA Officers

Policy Paper

Committee: Executive Council
In Attendance: President Jaren Hunsaker, VP Allie Smith, VP Samuel Jackson, VP Bannon Greer, VP Meghan Tatom, VP Joshua Johnson, VP Jenna Stoker, VP Daria Griffith, Senator Kristin Hall, Director Braxton Moon, Assistant Brooke Jorgensen
Absent: None
Action: Passed

History:

In Spring 2019 a series of discussions on the inclusion of the USU Eastern campus into the Regional Campus student government system occurred between Michael Booth, the Regional Campus President, and Kevin Webb USUSA Advisor for Regional Campuses. These discussions were an extension of ongoing discussions of the need for a vice-chair position on the RCEC due to potential conflicts with the RC President’s duties. During these discussions it was brought up that, as currently formed, there was not a method to address what happened if an officer, particularly the RC President, had a conflict of interest with a business item before the body they chaired. Several hypothetical examples were discussed:

- An RC President is presented a motion to remove them from office.
- A chair of a committee is romantically involved with another officer on that committee and is faced with a motion to discipline that officer.
- An officer, who is also an employee of the university, can affect spending of student funds in a way that benefits their university employment as well.

This discussion led to the realization that there was not a formal conflict of interest policy for USUSA officers.

After plans to incorporate the USU Eastern campus were again placed on hold, this issue was again brought up in an RCEC meeting on February 6, 2019. A question was raised about if a potential candidate for a USUSA position would be able to separate their duties as a USUSA officer and as an employee of the university if selected. This legislation was drafted to address these concerns.

This policy was passed unanimously through RCEC and called upon USUSA EC to adopt a similar policy.
Purpose:

To formally adopt a method to prevent conflicts of interest from negatively impacting the representation of the students of Utah State University by USUSA officers located at the Regional Campus sites.

Pros:

Cons: