Hearing Board Membership Clarification Resolution

Description: The USUSA Academic Senate proposes amending the USUSA Constitution to clarify the USUSA Hearing Board membership.

WHEREAS the Utah State University Student Association is responsible for the execution of fair and open USUSA elections,

WHEREAS these elections must adhere to USUSA Election Bylaws to ensure all candidates have a fair opportunity to seek student votes while not overly burdening the student body,

WHEREAS these Election Bylaws can be violated, resulting in a grievance against the candidate or campaign that violated them,

WHEREAS the USUSA is responsible for the organization of a hearing board which acts as a judicial body in the resolution of accusation against sitting USUSA officers and in the resolution of grievances against USUSA candidates and campaigns,

WHEREAS the neutrality of this body is crucial for a fair elections process,

WHEREAS the USUSA President is responsible for the nomination of the student members of the USUSA Hearing Board, and can have significant influence on the mentality and makeup of the Board,

WHEREAS the USUSA President is the only member of the USUSA Executive Council with the ability to nominate individuals to the USUSA Hearing Board Pool, and the participation of the USUSA President on the USUSA Hearing Board could have significant undue influence on the thinking and decision of the Board,

WHEREAS the USUSA Student Events VP and PR and Marketing Director act as co-chairs of the USUSA Elections Committee and are responsible for promoting, organizing, and managing all related elections events and issues, as well as assisting all candidates in obeying election bylaws, etc.,

WHEREAS involvement of the USUSA Student Events VP and PR and Marketing Director on the USUSA Hearing Board could also have significant undue influence on the thinking and decision of the board,

WHEREAS the responsibility of appointing hearing board members and acting as co-chairs of the Elections Committee may shift to different USUSA officers in the future,
WHEREAS the USUSA is responsible for ensuring the proper execution of fair and open USUSA elections, and the Constitution does not explicitly state who should not be an active participant in the procedures and deliberations of the USUSA Hearing Board,

BE IT THEREFORE ENACTED THAT the USUSA Academic Senate proposes amending Article V, Section 1, of the USUSA Constitution to add subsection G, which reads “Any USUSA member responsible for nominating members of the USUSA Hearing Board or acting as a chair or co-chair of the USUSA Elections Committee (or any other individual not explicitly appointed and approved to the Hearing Board or Hearing Board pool) shall not be a member, alternate, or other kind of participant in the procedures and deliberations of the USUSA Hearing Board unless otherwise stated in the USUSA Constitution.”

Tags: Hearing Board, Elections, Constitution, Amendment

Sponsors: Erik B. Olson, USUSA Engineering Senator - Senate Pro Tempore;

Co-sponsor: Dexton Lake, USUSA College of Agriculture and Applied Sciences Senator;
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: Failed

History: In the 2019 USUSA Elections, there was an anomaly in the hearing of grievances against a USUSA President candidate. Due to troubles with arranging a quorum necessary to hold grievance proceedings, the sitting USUSA President filled in and participated in the grievance hearing and the decision process. This posed a threat to conflict of interest and gave the appearance of impartiality of the USUSA Hearing Board, because this candidate was the roommate of the USUSA President. This drew attention to the issue of conflict of interest, the lack of clear policy the USUSA Hearing Board is held accountable for adhering to, and the lack of clear rules regarding who can sit on the Board. It was deemed necessary to make explicit the assumption that those USUSA members who have other power over the Election process and the Hearing Board, by nominating members or serving as chair or co-chair of the Elections Committee, should not participate in the USUSA Hearing Board once organized. This protects USUSA from criticism of the elections process. Since the USUSA regional Campus Executive Council has recently adapted the USU conflict of interest policy to their constitution and this legislation has been proposed by the Logan campus USUSA Executive Council, this legislation does not attempt to cover the issue of conflict of interest. Concerns remain regarding the lack of clear policy the Board is supposed to follow. For this reason, the 2018-2019 USUSA officers call on the incoming 2019-2020 USUSA officers to create and pass a Hearing Board policy outside of the USUSA Constitution.

Purpose: The purpose of this legislation is to clarify the USUSA Constitution Hearing Board procedures to prevent those who have other power over the Elections process and the Hearing Board from being an active part of the board.

Pros: Clarifies USUSA Constitution to align with standard practices of the USUSA Hearing Board and who is eligible to sit on the Board

Cons: Reduces flexibility of certain USUSA members to step in for Hearing Board as needed