IN THE STUDENT CONGRESS
OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

SCB-94-216

A BILL TO UPDATE THE ETHICS LAWS OF STUDENT CONGRESS

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<td>08 FEBRUARY 2013</td>
<td>INTRODUCED BY CHAIR WOODWARD</td>
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<td>COSPONSORED BY: SPEAKER COMPARATO, REPRESENTATIVES ROOT, LUCAS, HARDEMAN, GOEL, AND NIVER</td>
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<td>10 FEBRUARY 2013</td>
<td>REFERRED TO THE RULES AND JUDICIARY COMMITTEE</td>
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<td>12 FEBRUARY 2013</td>
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<td>12 FEBRUARY 2013</td>
<td>PLACED ON THE GENERAL ORDERS CALENDAR</td>
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<td>19 FEBRUARY 2013</td>
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WHEREAS, The ethics laws are outdated and clarity has been affected by recent Title II and Standing Rules revisions;

WHEREAS, The ethics laws in their current state do not allow the Ethics Chair or any individual with a complaint about a representative to make informed and clear decisions regarding the process by which a complaint should be addressed and rectified;

WHEREAS, As representatives of the Student Body and the University Community, it is expected that representatives hold each other to a high standard of conduct and morality and the ethics laws need to reflect this expectation.

THEREFORE, BE IT ENACTED BY THE STUDENT CONGRESS OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL THAT:

Section 1: Title II, Chapter 4, Sec 406 is amended to read:

Section 406. Ethics Committee

The Ethics Committee shall be considered a special standing committee, consisting of five members, including the chair, one of which must be a returning representative to Congress excluding the chair.

4A. No member of the Ethics Committee shall be an officer or Committee Chair (with the exception of temporary select chairs), with the exception of temporary select chairs or the Ethics Chair, who shall serve only as the Ethics chair.

4B. The Ethics Committee shall investigate and report to the Congress any matter brought to its attention by a member of the Student Body or representative concerning improper action of a representative or officer of the Congress. The individual who brings the complaint must submit a formal written or electronic complaint with supporting documentation to the Ethics Chair prior to investigation the calling of the ethics investigative meeting. The information shall be signed and include the legal name of the complainant. Also, the committee chairs and clerk of Congress of the court will submit to the ethics chair attendance records upon request when charges are related to absenteeism.

4C. The Ethics committee shall investigate and report all complaints filed with the Chair of the committee Ethics Chair if deemed appropriate by the Chair and supported by relevant documentation. If the committee finds sufficient cause to investigate, it he/she shall first discuss informally with the

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representative or officer in question of the nature of the complaint. If this discussion does not resolve the
problem, the Ethics Committee meeting shall be called at which the Committee shall be obligated to
make a recommendation to Congress based on investigation of facts surrounding the complaint. A total of
three (3) complaints made from separate representatives or members of the Student Body, regardless if a
complaint is deemed appropriate by the Ethics Chair, will constitute an investigative meeting of the Ethics
Committee.
4D. The Power of the Ethics Committee shall include, but not be limited to, the power to investigate any
alleged violation of the Ethics Laws, any alleged violation of the campus Student Code or the Honor
code by a member representative or officer in the Student Congress, any alleged behavior unbecoming a
unprofessional or improper conduct by a Representative, and any alleged violation by members
representatives of the Congress of the Open Meetings Law, as the same may be amended in the future.
5E. Report of Ethics Committee: The Ethics Committee; should it decide that some punitive action is
warranted, shall recommend a single course of action in its report to Full Congress. After the report is read,
the Ethics Chair will make a debatable motion in the form of a resolution listing the report and
recommending such Final Action, requiring the indicated number of votes in Article III of Chapter 5, in
accordance with congressional standing rules and procedure.
6E. The Ethics Committee Chair shall make available the Full Congress attendance records in the form of
the number of meetings attended over the total number of meetings as well as including the number of
exused and unexcused absences for public record by use of the Congress website.
7G. Leave-of-Absence: The Ethics Chair may grant a leave of absence of up to 15 days to any member
representative of Congress. Should the Ethics Chair determine that the leave of absence is not justifiable,
he/she must consult with the Ethics Committee. A leave of absence of 15 days or less; not approved by the
Ethics Chair, or a leave of absence of greater than 15 days must be approved by a simple majority of the
members of the Ethics committee. The justification for a leave of absence shall be considered by the Ethics
Chair or committee on a case-by-case basis.
8H. Prior to the second meeting of Student Congress Full Congress meeting following the beginning of the
Fall semester, the Ethics Committee shall meet for the purpose of reporting to the Board of Elections chair
any vacancies resulting from the failure of members representatives to appear at a meeting for the purpose
of being sworn in or failure to submit required ethics documentation. Such vacancies shall be treated in the
same manner as any vacancy subject to the Constitution.

Section 2: Title II, Chapter 5 is amended to read:

Chapter 5
Ethics Laws
Article I. General Requirements of Representatives of Student Congress

Section 500. Expectations of Representatives of Student Congress
A. Representatives should:
1. Conduct themselves in a professional manner at all times understanding that regardless of the forum,
private or public, they are representatives of Student Congress, Student Government, their Constituents,
and the University Community.
2. Maintain good academic standing with the University and be free of academic probation.
3. Protect the interests of the University at all times.
4. Be respectful of difference in opinions of all members of the University Community.

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5. Be cognizant of the use of social media and other forms of information dissemination as these are forms of communication presented to constituents and the general public and will be held to the same standards of conduct outlined in these ethics laws.

SCR-104-002 Section 501. Organization Membership
A. Within one month of a member's inauguration Prior to the second full congress meeting after the beginning of a new session of Congress, a Congress representatives shall submit to the Ethics Committee Chair:
1. A list of all recognized campus organizations in which they are active or have been active in the past academic year; and,
2. A list of all offices held in such organizations;
B. These lists shall:
a1. Be updated to reflect any recognized campus organization in which the member representative becomes active during the term in office; and;
b2. Be open to the public inspection upon request by any UNC fee paying student.
C. It is each representative's duty to notify the Ethics Chair if any changes in organizational membership occur, but this information can be requested at any time by the Ethics Chair or Ethics Committee for the purpose of investigations and maintenance of congressional records.

SCR-104-003 Section 502. Reporting to Constituency
A. Each representative shall submit to the Ethics Committee Chair a plan for informing his/her constituency of the activities of Student Congress. This plan shall be submitted to the Ethics Committee Chair and the Clerk of the Congress within one month of a member's inauguration prior to the second full congress meeting after the beginning of a new session of Congress.
B. Each representative shall submit to the Ethics Committee Chair at least one means of communication (phone number, email address, etc.) for publication on the Student Congress website. This means of communication shall be submitted to the Ethics Committee Chair and the Clerk of the Congress within one month of a member's inauguration prior to the second full congress meeting after the beginning of a new session of Congress.
C. The Ethics Committee will request biannual reports that document actual use and specific examples as to how each representative is informing his/her constituency of the activities of Student Congress. This report will be collected by the Ethics Chair and presented to the Ethics Committee by the fourth legislative cycle each semester. Failure to produce this report to the satisfaction of the Ethics Committee will result in investigation of nonfeasance by a representative.

Section 516 503. Full Congress Public Forum
Student Congress representatives will be required to attend the Full Congress Public Forum, organized by the Speaker Pro-Tempore, that will take place no later than two full legislative cycles after the first day of classes of the fall and spring semesters.

Section 500-504. Proof of District
A. Members Representatives of Congress elected in a Regular Spring Election shall provide the Ethics Chair with proof that they are constituents of the district they represent within six weeks of the beginning by the first full Congress meeting of the Fall Semester.
B. Members Representatives elected in a special election shall provide the Ethics Chair with proof that they are constituents of the district they represent within one month, seventy-two (72) hours of their inauguration.

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C. For Undergraduates living on-campus, sufficient proof shall consist of a University document or screenshot from an official UNC Website stating the member’s representative’s current place of residence.
D. For Undergraduates living off-campus, the Ethics Chair shall determine sufficient proof shall consist of:
1. A photocopy of the member’s representative’s housing contract, lease, rental agreement, or deed; or
2. A screenshot from an official UNC Website or University document showing that the member representative does not live on campus.
E. For Graduate students, sufficient proof shall consist of a University document stating the member’s representative’s current department of study or a screen shot from an official UNC Website indicating their department of study.

Section 504505. Change of Status
Members Representatives of the Congress shall notify the Speaker of any change of campus residence or enrollment that affects his/her status as a representative within one (1) week of the date such a change occurs. Failure to provide the Speaker with such notification within one week of such change shall result in a referral to the Ethics Committee.

A. If the change of status occurs during the subsequent fall or spring semesters after the Regular Spring Election for that particular session of Congress, then the Member representative shall be ineligible to serve in his or her district after such notification.

B. If the change of status occurs over the summer, then the Member representative shall be ineligible to serve in his or her district starting the first day of classes in the subsequent fall semester.

Section 504506. Attendance Requirements
A. Members Representatives of Congress shall accumulate no more than two (2) unexcused absences per session. The Ethics chair may excuse absences upon a written notice at least 3 hours before the meeting. The Ethics chair will excuse the member representative for absences, tardiness, and exits related to:
1. Family;
2. Illness;
3. School requirements;
4. Unavoidable mandatory work schedule; and/or
5. Religious obligations and observances.

B. More than two (2) unexcused and/or six (6) excused absences shall constitute grounds for investigation by the Ethics Committee. Representatives who intend to miss more than one consecutive meeting should request a leave of absence in accordance. Members Representatives of Congress must request a leave of absence in writing to the Ethics chair at least 24 hours prior to the intended start date of the leave of absence.

Section 505507. Punctuality Requirements
Pertaining to the congressional meetings and congressional committee meetings, two unexcused tardies or exits are equal to one unexcused absence. A tardy is an arrival at least 15 (fifteen) minutes after the scheduled time of the meeting. An exit is a departure before the Adjournment of the meeting.

A. Upon late arrival or early departure at a meeting, a member representative shall check in with the clerk.
B. The clerk shall make note in the minutes the time of the arrival or departure.
C. Any tardies shall be reported by the clerk to the Ethics Chair.

Section 506508. Compensation Prohibited
A. No representative shall be a paid staff member of any organization funded by the Congress.
B. No member of Congress shall be entitled to nor shall he/she accept a stipend, salary, or any other form of compensation for the purpose of serving as a student representative in Student Congress from any student organization.

Section 507500. Prohibition
A member representative must cast a vote of present but not voting, concerning any recognized student organization which he/she has been a member in the last six (6) months past academic year, when the business at hand is an appropriations request and the motion is to adjust the amount requested up or down, to vote on the passage of a bill or the previous question has been moved on such an appropriations bill. Membership in Student Congress, CAA, GPSF, CUAB or RHA does not require one to cast a vote of present but not voting; however, in such a circumstance, officers of CAA, GPSF, CUAB and RHA must cast a vote of present but not voting.

Section 503510. Failure to Comply
Failure to comply with student laws and Congressional rules and procedures established by law or resolution shall constitute malfeasance, misfeasance, and/or nonfeasance as appropriate.

Article II. Actions of the Ethics Committee
Section 502511. Grounds for Action
Malfeasance, misfeasance, and/or nonfeasance of any kind by a member representative or non-member officer of Congress, shall constitute grounds for action under the provisions of this part.
A. Malfeasance shall be defined as wrongdoing or misconduct. This shall include any conduct violation of the Honor Code as outlined in the Instrument of Student Judicial Governance or any unprofessional conduct that harms the image, reputation, and well-being of the Student Congress, Student government, the University Community, a student organization, another representative, or another member of the Student Body.
B. Misfeasance shall be defined as performing a lawful action in an unethical, illegal, or improper manner.
This shall include deliberately misusing the office of a representative or officer of Student Congress for personal gain.
C. Nonfeasance shall be defined as failure to act or fulfill one’s duty. This shall include the duties of both officers and representatives to constituents and fulfillment of the duties of the offices of Congress.
D. Conduct violations affecting persons of any kind, as defined by the Instrument of Student Judicial Governance, shall be investigated by the Ethics Committee and referred to the Honor Court if found to be a serious offense or if the case is physical or sexual in nature. Physical or sexual harassment will be dealt in accordance with the University’s harassment policy.
E. No representative shall be harassed or intimidated by another representative or officer of Congress regarding the outcome of a vote or position on a particular piece of legislation.

Section 512. Procedure for Ethics Investigations
A. If a complaint is pursued by the Ethics Chair and is not resolved by informal meeting, or three (3) complaints from separate individuals are received, an Ethics Committee meeting for the purpose of investigation will be called. Meetings can be conducted at any time throughout legislative cycles, but the report of the Ethics Committee can only be delivered and enforced upon passage at a Full Congress meeting.
B. The decision to dismiss a complaint by the Ethics Chair can be appealed by filing an appeal with the Ethics chair that is signed by two (2) other separate individuals, representatives, or officers of Congress. Once the appeal is received, it is the duty of the Ethics Chair to call an Ethics investigative meeting.

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C. For the purpose of investigation, both the complainant and the accused individual should be present. On a case-by-case basis determined by the Ethics Chair, the complainant or accused individual can be absent, but must present a statement to be read to the committee outlining facts and chronological order of violations in question.

D. The order of the Ethics Committee Investigative Meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Reading of the Formal Complaint
4. Statement of the Complainant
5. Statement of the Accused
6. Presentation of Evidence and Witnesses of the Complainant
7. Presentation of Evidence and Witness of the Accused
8. Cross examination of the Evidence and Witness of the Accused
9. Cross examination of the Evidence and Witnesses of the Complainant
10. Final Statement of the Complainant
11. Final Statement of the Accused
12. Recess for deliberation of the Ethics Committee
13. Call to Order
14. Motion of Dismissal or specific Final Action of the Complaint to be reported to Full Congress
15. Adjournment

E. The Complainant and the Accused individual have the right to counsel at any time after the notice of being called to the Ethics Committee Investigative Meeting is received.

F. The Ethics Committee Investigative Meeting will take place no earlier than 72 hours after a complaint is received to allow for proper scheduling and notice to all parties.

G. The Ethics Chair will serve as presiding officer and is allowed a vote after a motion is made of Dismissal or Final Action. A motion of Dismissal is final and will not be re-addressed unless new supporting documentation is found relevant by the Ethics Chair.

H. A Clerk will be present to document the meeting which will be made available as public record on the congressional website.

Section 508. Violations of the Open Meetings Law

A. On its own motion, or in response to a signed and sworn complaint of any individual filed with the Standing Committee on Ethics, Ethics Committee, the Committee shall inquire into any alleged violation by members of the Congress of the Open Meetings Law, as the same may be amended in the future.

B. If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against him and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

C. After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

1. Dismiss the complaint and take no further action;
2. Issue a letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law;

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Article II. Final Actions

Section 540513. Final Actions of the Ethics Committee

A. Censure

Censure shall consist of a formal reprimand delivered to a standing representative by the Speaker or his/her designee at the next regular meeting of Congress following the Ethics Committee report recommending such an action. It shall be warranted following an Ethics Committee recommendation, unless two-thirds of the Student Congress votes to overturn the Committee report in a debatable motion immediately following the presentation of the report.

Section 5411. B. Suspension of Voting Privileges

Suspension of voting privileges of any member representative for a definite period of time shall require a two-thirds vote following debate of the motion of the Ethics Committee.

C. Suspension of Voting and Debate Privileges

Suspension of voting and debate privileges of any representative for a definite period of time shall require a two-thirds vote following debate of the motion of the Ethics Committee.

Section 5412. D. Expulsion for Nonfeasance Absenteism

Expulsion for nonfeasance absenteism, limited to the failure to fully attend the required number of Congress or committee meetings, shall require a majority vote following debate of the motion of the Ethics Committee.

Section 5413. E. Expulsion

Expulsion for any other cause shall require a two-thirds vote following debate of the motion of the Ethics Committee.

Section 5414. F. Removal of an Officer

The Ethics Committee can recommend removal of an officer of Student Congress. This motion is debatable and requires a two-thirds vote for adoption.

Section 5415. G. Special Provisions

If the Speaker is the subject of the motion, he/she shall relinquish the chair to the Speaker Pro Tempore during the period of debate. If the Ethics Committee Chair is the subject of a complaint, it should be filed with the senior-most member of the Ethics Committee, who shall direct an investigation after informing the Speaker of the charges made against the Chair.

H. Final Action Time of Effect

Final Actions will take effect immediately upon passage by Full Congress.

Section 5416. Full Congress Public Forum

Student Congress representatives will be required to attend the Full Congress Public Forum that will take place no later than two full legislative cycles after being elected to committees.

Article III. Request for Government Information Officials

Section 529514. Information

A. All officers, committees, or individuals appointed by the Congress, or the Student Body President, or organizations receiving funding from any power of Congress from student fees, fee are required to give to any committee of the Student Congress; upon request, all relevant information and all relevant data within their possession, pertaining to student government property, fiscal data, information needed for the advocacy of constituents, or the overall function of Student Government, or ascertainable from their records.

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B. This requirement is mandatory and shall include requests made by the Speaker, any congressional committee, or the chair of a congressional committee; any member of Congress.

C. This provision shall not apply to sealed records of the Honor Court or any other records protected by state or federal law.

Section 3: Title VI, Chapter 2, Sec 202 is amended to read:

Section 202. Special Elections

A. Special Elections shall be held to fill vacancies in the Student Congress arising more than forty-five (45) days before the Spring or Fall General Elections or approve referendum not held during the Spring or Fall General Elections.

B. Special Elections shall be held during the Fall and Spring semesters on a day when classes are in session.

C. For vacancies in Student Congress, the Chair of the Ethics Committee of the Student Congress shall report vacant Student Congress seats to the Chair of the Board of Elections within one (1) school days legislative cycle of the vacancy. The Board of Elections shall set the date for Special Elections to fill the vacant seat(s) in accordance with the Constitution, Article I, Section 1(E).

Section 4. Title VI, Chapter 4, Sec 401 part A (3)

Section 401. General Responsibilities

3. He/she shall be a constituent of the office for which they are candidates on the first day of the fall semester after the spring general election is held or at the time of running in a special election.

Section 5: This act is effective April 3rd, 2013.

Done by the Student Congress on this 10th day of February, 2013.

Paige Comprato
Speaker, 94th Student Congress

And made law on this 21st day of February, 2013.

Will Leimenstoll
Student Body President

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Certified correct and proper by

Speaker SBP