



ASBSU

Associated Students of Boise State University
Governing Code

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CHAPTER 2: ETHICS CODE

II. **Chapter Overview**

- A. Students are entitled to have complete confidence in the effectiveness and integrity of ASBSU, and in every elected or appointed student in ASBSU working to serve the student body. This Chapter exists to ensure ASBSU is ethical and accountable to the students of the University.

III. **Guiding Principles**

- A. ASBSU exists to promote educational, social, and cultural engagement; finance student activities and initiatives; facilitate student involvement; and act as the official voice of University students.
- B. In fulfilling these duties, ASBSU and all Personnel will follow the Student Code of Conduct and the University Statement of Shared Values.
- C. In every action and decision, ASBSU will strive to fulfill its purpose as specified in Code Overview II.A. and do what it believes is best for the students of the University.

IV. **Student Ethics Officer**

A. **Duties and Responsibilities**

1. Hold all ASBSU Personnel accountable to both this Chapter and their job descriptions. The Student Ethics Officer can request, up to three (3) times per year per person, that any ASBSU Personnel provide a report that briefly explains how ze is fulfilling hir position description.
2. Attend all Executive Council and Student Assembly meetings, as well as meetings of the SFB, IESC, and other ASBSU bodies.
3. Receive and respond to any Complaint regarding a violation of the ASBSU Constitution or ASBSU Code.
4. It is acceptable and expected that the Student Ethics Officer will file appropriate Complaints and play a proactive role in ensuring ASBSU Personnel fulfill their duties.
5. Overlook the ASBSU Governing documents and ensure that they are up-to-date. If changes need to be made, the process for changing them is outlined below in Section VII.
6. Write Regulations, documents that supersede Code but not the Constitution. These are temporary changes, further described in Section VIII.
7. The Student Ethics Officer may form an Ethics Committee to ensure the documents receiving changes are equitable and appropriate for change before they are brought to the other bodies for approval. This committee will also act as the hearing committee for complaints that are filed.
8. Work with faculty, staff, and fellow ASBSU personnel to ensure transparency between all branches of ASBSU and between ASBSU and the Student body at large.

9. The Student Ethics Officer will report to any body of ASBSU as requested. The Student Ethics Officer will meet bi-weekly with Executive Council members as well as ASBSU committees.
10. The Student Ethics Officer must provide a monthly report to the Executive Council as well as one direct advisor, and file this report on the ASBSU server. The Student Ethics Officer must share this report with the Student Assembly at the Student Ethics Officer's discretion.

V. **Complaints**

A. **Responsibilities of the Student Ethics Officer**

1. Provide a formal hearing process for Complaints received, as outlined below.
2. Promote the transparency of ASBSU to the University by providing suggestions to ASBSU personnel.

B. **Filing Complaints**

1. University students, staff members and administrators can file Complaints against any ASBSU Officer for violating ASBSU Code, the ASBSU Constitution, hir job description, or other governing documents.
2. A standard form will be available online. Complainants must specify the Defendant and the violation. Complaints should be filed as soon as possible and cannot be submitted anonymously to the Student Ethics Officer, though they may remain anonymous in the trial if they so choose. This will be taken in a case-by-case basis, as there are certain instances where remaining anonymous is not possible.

C. **Handling Complaints**

1. The Student Ethics Officer and appointed ASBSU personnel (hereby known as the Ethics Committee) will hold a hearing involving the Defendant(s) against whom the Complaint was filed and the Complainant(s) within 7 business days.
 - a. Appointed personnel is on a case-by-case basis
 - b. If there is no standing Ethics Committee, one can be made comprised of the following. At least one member from each branch shall be included. More are permitted depending on the type of complaint. The Student Ethics Officer will always chair this committee, unless the complaint is about them as mentioned in Section V.D.2.
2. All parties are permitted and encouraged to submit evidence, including statements from third parties. Complainants must submit evidence at the same time they submit a Complaint. Defendants will submit evidence at the time of the hearing.
3. The Defendant must receive a copy of the Complaint, including all evidence submitted by the Complainant, at least 72 hours prior to the hearing.
4. The Ethics Committee, led by the Student Ethics Officer, will convene prior to the arrival of the Defendant(s) and Complainant(s) to discuss the case and prepare questions for both parties.

5. The professional staff advisor to the Student Ethics Officer, or hir designee, must be present at the hearing.
6. The Ethics Committee (and advisor) will hear a brief argument from each party and then ask questions. When all questions have been answered, the Ethics Committee will deliberate and decide in private. Decisions should be designed to create an equitable and just outcome for all parties and may include Sanctions. Decisions will be made by a simple majority vote. The Ethics Committee must deliver a written result to all parties within 24 hours.
7. For all hearings, including appellate hearings, Defendants and Complainants are permitted to have a personal advisor present. This advisor may not directly present the case of the party ze is supporting.

D. Miscellaneous Issues

1. Complaints regarding elections will be handled according to the standard process, with Candidates being held accountable only to Election Code and Ethics Code.
2. If a Complaint is filed against the Student Ethics Officer, the Vice President will chair the Ethics Committee in all affairs related to the Complaint.

E. Sanctions

1. Sanctions are determined by the Ethics Committee and, in general, are limited to the following options:
 - a. Requiring weekly reports on work
 - b. Initiating impeachment charges
 - c. Restitution for damages
 - d. Imposing additional office hours
 - e. Suspension of payment for up to two (2) pay periods, to be effected at the end of the Defendant's term of employment
 - f. Other appropriate sanctions only if the Student Ethics Officer first consults with hir advisor and receives approval from the Vice President of Student Affairs and Enrollment Management.
2. If the Ethics Committee determines the offenses of an Officer merit impeachment as a consequence, the Student Ethics Officer will bring impeachment charges against the Officer in the Student Assembly. The Student Assembly will then hold a hearing in which the Student Ethics Officer serves as the Complainant, with the Vice President presiding over the hearing. Assembly Members can ask questions of the Officer against whom impeachment charges are brought and of the Student Ethics Officer. After the hearing, the Assembly Members will vote by silent ballot, with a $\frac{2}{3}$ majority required to impeach the Officer. If the Vice President is the defendant, Assembly may vote in a temporary chair out of all Assembly Members, or have the President chair the trial.
3. If and when an Officer is impeached, ze is removed from office, and all associated payments, privileges, and responsibilities are terminated immediately.

4. If impeachment is recommended by the Ethics Committee, but not confirmed by the Assembly, the Ethics Committee may still impose other consequences on the Defendant, subject to the constraints above.

F. Appeals

1. Any Defendant or Complainant may appeal a decision made by the Ethics Committee. An Appeals Committee will handle all appeals proceedings.
2. The Appeals Committee is temporary in nature and includes a member from each branch: An appointed delegate from the Student Assembly by the Student Assembly, the President or hir delegate, and the Vice President or hir delegate that does not sit on the relevant Ethics Committee.
3. The Appeals Committee will meet in private with an advisor within 72 hours of receiving an appeal to determine by majority vote whether or not the appeal merits a hearing. The advisor does not vote.
4. The Appeals Committee will notify the Appellant and Respondent parties within 24 hours of the decision as to whether a hearing will be held.
5. The Appeals Committee will hold a hearing at the earliest convenience of all parties, with an advisor present. The Appellant will present hir case, followed by the Respondent, followed by questions from the Appeals Committee.
6. The Appeals Committee will deliberate in private immediately following the hearing and deliver a decision to both parties within 24 hours of the hearing.
7. The Appeals Committee can decide to affirm an original decision, overturn an original decision, or remand an original decision to the Ethics Committee for further consideration.
8. Impeachment cannot be appealed.

VI. Accountability

- A. All Personnel will be required to follow the ASBSU Constitution, Code, and Regulations. They will affirm this commitment by signing a statement of understanding and a FERPA Release of Information form before starting work for ASBSU.
- B. If an ASBSU member chooses to resign from their position, a two-weeks notice is required.
- C. All cases dealing with Sexual Assault and Harassment will follow the guidelines provided in the Student Code of Conduct.
 1. The Gender Equity Center has more clarification on these matters available in their office and on their website.

VII. Code Changes

- A. The Process in which Code can be changed goes as follows:
 1. The Student Ethics Officer will review and make edits for proposed changes.
 - a. This work can be done in conjunction with the Ethics Committee.
 2. After the changes have been reviewed by advisors and the Student Ethics Officer, they will be proposed to the Student Assembly. For changes to pass, a simple majority needs to confirm the changes. These changes will be presented by the Student Ethics Officer. In case of hir absence, a committee member may present the changes, if no committee exists, the Vice President will present the changes.

3. Once the Student Assembly Passes the changes, it will then be brought to the Executive Council in conjunction with the body that it affects, with the exception of Assembly Code. The quorum for this vote will be three-fourths of the combined number of Executive Council Members and the other body.
 - a. To pass, two-thirds of the votes must be in favor.
 - b. Clarifying example: Changes to Financial Code or IESC Code require a vote to be made with the Executive Council in conjunction with the Student Funding Board or IESC respectively.
 - c. Election Code, Executive Code, and this code document do not need approval outside of the Student Assembly and the Executive Council.

B. Documentation of Code Changes

1. If passed through all bodies necessary, the changes will be implemented. This will involve finalizing the changes in the document and posting it on the ASBSU website to allow access to all students, faculty, and staff. If changes occur part-way through a semester, the students at large should be made aware of the changes.
2. There is a formal code change document. It will consist of: the name of the code document being changed, the major themes in said document being changed, the impact it has on ASBSU and the Students at large, and the rationale behind why it is being changed. This document will be what is sent to administrators that every other form of legislation goes to. These will be kept on public record.
3. Non-substantive changes, such as formatting and grammatical errors do not need to be changed through the legislative process listed above. Instead, they may be dealt with internally by the Student Ethics Officer and hir committee.

VIII. Code Regulations

A. The Process in which Regulations are created goes as follows:

1. The Student Ethics Officer is responsible for creating and presenting Code Regulations.
2. Regulation documents will consist of: the purpose for the regulation, the specific Code or position the regulation pertains to, the changes or additions the Regulation entails, and the duration of time the regulation is in effect.
3. Regulations are to be presented to the Student Assembly. Upon approval of a simple majority vote it will pass.
4. Once approved by the Student Assembly, the Regulation will be presented to the Executive Council and approved with a simple majority.

B. The Purpose in which Regulations are created goes as follows:

1. Regulations are temporary or short-term changes to specify and govern actions of any ASBSU officer or body. They supersede Code but not the Constitution.
2. Clarifying Example: Specific Regulations for elections may only be relevant during one election period, and might be titled "Regulations for Spring 2018 Elections".