



TITLE 6: THE ETHICS CODE

Chapter 1: Name

1. The Graduate and Professional Student Congress' Ethics Board shall serve as the judicial body for any and all alleged violations of the Code of Conduct according to the policies and procedures of this Title.

Chapter 2: Definitions

1. The following definitions shall apply to the entirety of the Ethics Code and shall apply to the GPSC Code as a whole unless stated otherwise:
 - A. The Graduate and Professional Student Congress' Ethics Board may be shortened to Ethics Board, GPSCEB, or GPSC Ethics Board.
 - B. The Ethics Chair shall be the leader of the Ethics Board, as detailed in §6-3, §6-4, §6-5, and §6-6.
 - C. A temporary replacement for the Ethics Chair as detailed in §6-6 shall be deemed "Temporary Ethics Chair."
 - D. A "report of violation" shall be a statement of an alleged violation of the Code of Conduct submitted to the Ethics Chair for investigation as governed under §6-7.
 - E. The person(s) making a report of violation shall be deemed the "petitioner(s)."
 - F. The person(s) who allegedly conducted unethical behavior within a report of violation shall be deemed the "defendant(s)."
 - G. Any persons, including the petitioner(s) and defendant(s), who are witnesses to a material element of the alleged unethical behavior, shall be deemed "material witnesses."
 - H. "Voting Ethics Board members," or "voting members" for the purposes of this code, are those serving on the Ethics Board at the time who have a vote in matters before the Ethics Board.
 - I. "GPSC" as used in this Code refers to the Graduate and Professional Student Congress.
 - J. The "Assembly" as used in this Code refers the Assembly of the GPSC.
 - K. "President" as used in this Code refers to the President of the GPSC.
 - L. "President Pro Tempore" as used in this Code refers to the President Pro Tempore of the GPSC.

M. A “majority of the Assembly” as used in this Code refers to greater than fifty percent of the Assembly when a quorum is present.

Chapter 3: Ethics Chair Duties

1. The Ethics Board shall be led by the Ethics Chair.
2. The Ethics Chair shall preside over Ethics Board meetings and hearings.
3. The Ethics Chair shall randomly select Ethics Board members based on the process detailed in §6-8.
4. The Ethics Chair shall serve as the investigator for the Ethics Board as detailed in §6-11.
5. The Ethics Chair shall ensure that sanctions as decided by the Ethics Board in response to violations of the Code of Conduct are carried out.
6. The Ethics Chair shall not be a voting member of the Ethics Board.

Chapter 4: Appointment of the Ethics Chair

1. The Ethics Chair shall be appointed by the sitting President and shall be confirmed by a majority of the Assembly.
2. The Ethics Chair shall serve a term of 2 years unless removed from office pursuant to §6-5.
3. The Ethics Chair shall be enrolled as a graduate or professional student at the University of Arkansas for the entirety of their term of office.
4. The Ethics Chair may hold the following positions while in office:
 - A. At-Large Representative
 - B. DSO Representative, or any other leadership positions within their DSO
 - C. Committee Chair of any committee
 - D. Council Chair of any council
 - E. Legislative Clerk
 - F. Historian
 - G. Parliamentarian
 - H. Any other positions created that are not listed in §6-4-4.
5. However, the Ethics Chair may not hold the following positions while in office:
 - A. President
 - B. Vice President
 - C. Secretary

- D. Treasurer
- E. President Pro Tempore

Chapter 5: Removal and Replacement of the Ethics Chair

1. The Ethics Chair may resign from office before their term has concluded.
2. Upon motion, the Assembly may, by a vote of 75% or more, vote to remove the Ethics Chair from office.
3. If the Ethics Chair, at any point during their term of office, is no longer enrolled as a graduate or professional student at the University of Arkansas, they shall be immediately removed from office.
4. If the Ethics Chair, at any point during their term of office, is appointed or elected into any of the positions listed in §6-4-5, they shall be immediately removed from office.
5. If any of the events in §6-5-1, §6-5-2, §6-5-3, or §6-5-4 occurs, the President shall appoint a new Ethics Chair who shall be confirmed by a majority of the Assembly.

Chapter 6: Recusals of the Ethics Chair and Temporary Ethics Chairs

1. If, on a particular issue, the Ethics Chair is the petitioner, the defendant, a material witness, or otherwise personally invested in the issue, or if the Ethics Chair otherwise feels that they are unable to properly perform their duties relating to this issue, the Ethics Chair may submit a request for recusal to the President.
2. The President shall accept the Ethics Chair's request for recusal if they deem the reason for the Ethics Chair's recusal to be proper in this case.
3. If the President accepts the Ethics Chair's request for recusal, they shall immediately appoint a Temporary Ethics Chair who fits the requirements laid out in §6-4 and who is not, on this particular issue, the petitioner, the defendant, a material witness, or otherwise personally invested in the issue or otherwise unable to properly perform the duties of the Ethics Chair relating to this issue.
4. The appointment of a Temporary Ethics Chair by the President shall be immediate and will not require a confirmation vote of the Assembly.
5. A Temporary Ethics Chair may, however, be removed from the position through the same process as an Ethics Chair detailed in §6-5.
6. If a Temporary Ethics Chair is appointed, they will carry out the duties of the Ethics Chair as to this particular issue alone until the issue is resolved. If another issue for which the Ethics Chair is not recused arises, the sitting Ethics Chair, not the Temporary Ethics Chair, may carry out their duties as normal as to that issue unless otherwise removed from the position.

7. When an issue where a temporary replacement Ethics Chair has been appointed is resolved, the temporary position will be absolved, and the former Ethics Chair will be reinstated barring a removal as laid out in §6-5.

Chapter 7: Submitting a Report of Violation

1. Any reports of violations of the Code of Conduct shall be reported directly to the Ethics Chair.
2. The report of violation shall include a list of the petitioner(s), the defendant, and any known material witnesses.
3. The report of violation shall include a description of the events as best known to the petitioner.
4. The report of violation shall include any evidence accessible to the petitioner

Chapter 8: Ethics Board Member Selection

1. Upon receiving a report of violation, the Ethics Chair shall randomly select five members of the Assembly to serve on the Ethics Board for that issue as voting Ethics Board members.
2. If any of the randomly selected five members is either the defendant or a petitioner, that member shall be recused by the Ethics Chair.
3. The Ethics Chair shall contact via email the selected members of the Assembly within 2 days of receiving the report of violation.
4. This contact shall include notification of selection, a copy of the report of violation, a copy of the current Ethics Board Code, and a request to maintain the privacy of those in the report.
5. If any member has any further conflict of interest with the issue at hand or has any other reason that would make them unfit to serve, that member shall submit a request for recusal to the Ethics Chair for approval within 4 days of being contacted.
6. The Ethics Chair shall evaluate these requests for recusal and approve only those which they deem to be legitimate.
7. If the Ethics Chair recuses a member either automatically, as in §6-8-2, or upon request, as in §6-8-6, that member shall be replaced by another randomly selected member of the Assembly, and the same process shall apply.

Chapter 9: Sanctions on Members of the Ethics Board

1. Whenever the Ethics Chair calls a meeting, the Ethics Board shall convene for a meeting within the time period allotted.

2. The Ethics Chair shall make every reasonable effort to find a suitable time for all members to meet within the time period allotted.
3. All voting members of the Ethics Board and the Ethics Chair shall be present at every meeting of the Ethics Board.
4. At any time, the Ethics Chair may find a voting member of the Ethics Board to be uncooperative if they do any of the following:
 - A. Refuses to perform their duties;
 - B. Performs the duties of a member with reckless disregard for the issue at hand; or
 - C. Performs the duties of a member with clear bias due to an undisclosed conflict of interest.
5. If the Ethics Chair finds a voting member to be uncooperative pursuant to §6-9-4.C, the Ethics Chair shall:
 - A. Immediately and randomly select a replacement for the member in the same process as detailed in §6-8; and
 - B. Inform the President Pro Tempore that the member shall be immediately sanctioned for a period between 1 month and 2 years, to be determined by the Ethics Chair based on the severity of the offense.

Chapter 10: Vote to Investigate, Warn, or Close

1. After selection of the Ethics Board members, the Ethics Chair shall call a meeting of the Ethics Board pursuant to §6-9.
2. This meeting shall occur no more than 3 weeks after the initial report of violation.
3. This meeting shall be in private with none other than the Ethics Chair and voting members of the Ethics Board present.
4. During this initial meeting, the voting members of the Ethics Board shall discuss the allegations of the report of violation and decide whether the allegations of the report warrant further investigation or a formal warning.
5. First, the voting members shall vote on whether the allegations warrant merely a formal warning per §6-18.
 - A. If at least 4 of the voting members vote to give a formal warning to the defendant, the Ethics Chair shall issue a formal warning per §6-18.
 - B. If fewer than 4 of the voting members vote to give a formal warning to the defendant, then they shall subsequently vote on whether to further the investigation pursuant to §6-10-6 of this chapter.
6. Following a vote not to give a formal warning to the defendant, the voting members shall vote on whether the allegations warrant further investigation.

- A. If at least 2 of the voting members vote to further investigate the allegations, an investigation will be opened pursuant to §6-11.
- B. If 1 or none of the voting members vote to further investigate the allegations, the Ethics Board will immediately dissolve and the report will be closed.

Chapter 11: Investigation

1. Upon a vote to investigate a report of violation further pursuant to §6-10, the Ethics Chair shall commence an investigation.
2. At this time, the Ethics Chair shall inform the defendant(s) of the investigation.
3. The Ethics Chair will be responsible for the following during the course of the investigation:
 - A. Interviewing the defendant(s), petitioner(s), and any known material witnesses, including but not limited to those listed in the report of violation, to determine their side of the story.
 - B. Reviewing any evidence submitted with the report of violation or found in the process of the investigation.
 - C. Writing a report of their findings throughout the investigation.
 - D. At no point will any person be compelled to submit to an interview.
4. The investigation shall not last more than 2 weeks after the vote to investigate has taken place unless approval for an extension is received from at least 3 voting members of the Ethics Board.
5. If extended, the investigation shall not last more than 4 weeks in total after the vote to investigate has taken place.
6. Immediately after the Ethics Chair has completed their investigation, they will email the report of their findings to the voting members of the Ethics Board.

Chapter 12: Vote for Hearing

1. Upon receiving the report of the Ethics Chair's investigation pursuant to §6-11, the voting members of the Ethics Board will determine whether the findings of the investigation warrant a hearing.
2. Within 3 days of receiving the Ethics Chair's report, the voting members of the Ethics Board will submit electronically their vote on whether the findings of the investigation warrant a hearing.
3. If at least 3 voting members of the Ethics Board vote to have a hearing, a hearing will be conducted.

4. If 2 or fewer voting members of the Ethics Board vote to have a hearing, the Ethics Board will immediately dissolve, and the report will be closed.

Chapter 13: The Hearing

1. If there is a successful vote for a hearing pursuant to §6-12, there shall be a hearing to determine with finality whether the Code of Conduct has been violated.
2. The hearing shall be within 1 month of the vote for a hearing.
3. The hearing shall be conducted by the Ethics Chair.
4. The hearing shall be open to the public.
5. All voting members of the Ethics Board and the Ethics Chair shall be present for all portions of the hearing.
6. If necessary, the hearing may be in multiple parts.
7. The hearing shall be conducted in an impartial manner.
8. The Ethics Chair shall first present the findings of the investigation.
9. The Ethics Chair may request testimony at hearing from anyone, but no one will be compelled to give testimony.
10. The rights of the defendant and petitioner as detailed in §6-14 shall not be abridged.

Chapter 14: Rights of the Defendant and Petitioner

1. The defendant shall have the following rights:
 - A. The right to a written notice of the charges against him or her;
 - B. The right to a pre-hearing interview;
 - C. The right to a written notice of the date, time, and location of any hearing in regard to the case;
 - D. The right to speak in their defense at the hearing;
 - E. The right to submit evidence in their defense;
 - F. The right to call and question witnesses; and
 - G. The right to attend or not attend their pre-hearing interview and/or hearing.
2. The petitioner shall have the following rights:
 - A. The right to speak at the hearing;
 - B. The right to a written notice of the date, time, and location of any hearing in regard to the case;
 - C. The right to submit evidence to support the report of violation;

- D. The right to call and question witnesses; and
- E. The right to attend or not attend the hearing

Chapter 15: Post-Hearing Decision

1. Immediately following conclusion of the hearing, the voting members of the Ethics Board shall convene in private to determine the result.
2. Only the voting members of the Ethics Board will be present for this meeting; thus, the Ethics Chair will not be present for this meeting.
3. The voting members of the Ethics Board may discuss the facts as presented at the hearing.
4. The decision of any member shall not be based on any bias.
5. Following discussion, the voting members of the Ethics Board shall vote on whether the defendant violated the Code of Conduct.
6. If at least 3 voting members of the Ethics Board find that the defendant violated the Code of Conduct, they shall then vote on appropriate sanctions pursuant to §6-16.
7. If 2 or fewer voting members of the Ethics Board find that the defendant did not violate the Code of Conduct, they will inform the Ethics Chair of their decision, the Ethics Board will immediately dissolve, and the report will be closed.
8. If the defendant is found to have violated the Code of Conduct, that defendant will be said to be “responsible” for the violation.

Chapter 16: Sanctions of Defendants

1. Immediately following a decision that the defendant violated the Code of Conduct pursuant to §6-15-6, the voting members of the Ethics Board will discuss and vote on appropriate sanctions for the defendant.
2. Only the voting members of the Ethics Board will be present for this meeting; thus, the Ethics Chair will not be present for this meeting.
3. The decision of any member shall not be based on any bias and will be based on the particular defendant and their circumstances at that time.
4. Following discussion, the voting members of the Ethics Board shall come to a consensus on the appropriate penalties for the defendant’s violation of the Code of Conduct.
5. Penalties may include:
 - A. A formal warning;
 - B. Sanctions against the defendant up to and including permanent sanctions per the Standing Rules of the Assembly;

- C. Requirement of the defendant to issue a public apology to remove sanctions;
 - D. Defendant's removal from office(s) within the GPSC, if one is held;
 - E. Barring from holding future offices within the GPSC, either particular positions or offices generally and either permanently or for a given amount of time; and/or
 - F. Loss by the defendant of the related election, if relevant.
6. The voting members shall determine the appropriate penalty based on the severity of the violation, the circumstances surrounding the violation, the intent of the defendant, the defendant's remorse or lack thereof, and any past sanctions or formal warnings issued to the defendant.
 7. Upon determination of appropriate sanctions, the voting members of the Ethics Board shall inform the Ethics Chair of their decisions.
 8. The Ethics Chair shall be responsible for ensuring that these sanctions are carried out.

Chapter 17: The Petitioner Admits to the Violation

1. The rules in this section shall be triggered immediately when any of the following occurs:
 - a. The defendant themselves submits the report of violation;
 - b. The defendant in writing to the Ethics Chair admits that they committed the alleged violation and waives their right to a hearing on the allegation.
2. When one of the events in §6-17-1 occurs, the Ethics Chair shall do the following:
 - a. If there is no Ethics Board already created, the Ethics Chair shall determine whether it is appropriate to issue merely a formal warning per §6-10. If a warning is appropriate, they shall issue the warning. If more than a warning may be appropriate, they shall create an Ethics Board and move §6-17-2.B.
 - b. If an Ethics Board has been created, the Ethics Board shall, from that point forward, exist for the sole purpose of establishing appropriate sanctions per §6-16.

Chapter 18: Formal Warnings Prior to a Hearing

1. A formal warning may only be issued prior to a hearing if all of the following conditions are met:
 - A. There is clear and convincing evidence that the defendant violated the Code of Conduct, either due to a §6-17 trigger or overwhelming evidence such that the defendant's guilt is not in question at all;
 - B. The violation is minor, or the violation is moderate and the defendant shows remorse; and
 - C. The defendant has not committed any similar offenses in the past and received a formal warning or any other sanction in response.

2. Upon decision to issue a formal warning prior to a hearing, the Ethics Chair shall write up a formal letter informing the defendant of the following:
 - A. The nature of the allegations against them;
 - B. That it has been determined that there is clear and convincing evidence that the defendant violated the Code of Conduct;
 - C. The provision(s) which the defendant allegedly violated;
 - D. That the defendant has the right to contest the allegations in a hearing or to waive their right to a hearing on the matter;
 - E. That, following a hearing, it is possible that the defendant could be issued further sanctions or no sanctions at all depending on the disposition of the Ethics Board;
 - F. That the issuance of a formal warning is relevant evidence in future Ethics Board proceedings;
 - G. That, notwithstanding that the formal warning is relevant evidence in future Ethics Board proceedings, there is no other consequence for receiving the formal warning as the issuance of such shall remain private; and
 - H. That the defendant must respond within thirty (30) days of the issuance of the formal warning or else they waive their right to a hearing on the matter.
3. If the defendant contests a formal warning issued prior to a hearing, the Ethics Chair shall immediately return to the normal procedure for violation reports per the Ethics Code, picking up wherever they left off before.
4. If the defendant does not contest a formal warning issued prior to a hearing, the Ethics Chair shall, after the 30 days has passed, document the formal warning in an appropriate manner so that future Ethics Chairs will know who has been issued formal warnings and for what they were issued while still preserving the privacy of the defendant.

Chapter 19: Appeals

1. All Ethics Board decisions are final and may not be appealed notwithstanding §6-18.

History

Bill 01-10 (02/28/2019)

Bill 01-23 (04/25/2019)