

# The 2021 Inspector General Act

## A Bill for Placing an Inspector General Amendment on Spring 2022 General Election and for Creating an Interim Inspector General Office

[J-S2021-??]

AUTHOR: ASSU 2020-22 Constitutional Review Committee

SPONSOR:

DATE SUBMITTED:

ACTION REQUESTED: 2/3 approval by each legislative body

Be it enacted by both legislative bodies:

1. The Association submits the amendment in Appendix A to this bill for ratification during the Spring 2022 ASSU General Election Ballot.
2. Upon the ratification and acceptance of the amendment, the Joint Bylaws are amended as in accordance to Appendix B of this document.
3. The Joint Bylaws are amended in accordance with Appendix C of this document.
4. The Inspector General Amendment in Appendix A is submitted to the student body for ratification under the following question:

Do you approve the amendment of the ASSU Constitution to create a new directly elected executive officer, the Office of the Inspector General?

The Office of the Inspector General will be elected on the same ballot as the President and Vice President of the ASSU. The election will take place through the same Single Transferable Vote process as for the President. The Inspector General is authorized to investigate ASSU committees or other bodies to improve efficiency and determine compliance with ASSU policies. In order to allow for the proper functioning of the Inspector General, these amendments authorize the creation of a limited exception to public access to public information in order to preserve the privacy of whistleblowers. Furthermore, this amendment provides for funding of the Inspector General's Office commensurate with a department of the Office of the President and creates a process by which the Inspector General can access confidential information of the ASSU.

Furthermore, several technical amendments are made in order to allow for a recall petition and recall election of the Inspector General in a similar manner to the President or Vice President. Lastly, vacancies in the Office of the Inspector General will be filled through appointment by the President of the Association and confirmation by both legislative bodies. This will also be the procedure to appoint the first Inspector General if this amendment is adopted as this amendment will be adopted after the Spring Elections. Petitions for recall and recall elections will still be applicable in the first year.

## Appendix A: Proposal to Add an Inspector General of the ASSU

Article III of the ASSU Constitution is amended by appending the following text as “Section 6. The Inspector General” and updating the table of contents appropriately:

1. The Inspector General of the Association shall be a member of the Association who is a directly elected executive officer of the Association with the mandate of providing independent oversight and promoting excellence, integrity, compliance with the Association’s governing documents, and accountability within the Association.
2. The Inspector General shall be directly elected by the members of the Association at the Spring Quarter General Election. Each member of the Association shall indicate their ranked preference for the Inspector General. Should no candidate receive a majority of the first preference vote, the Inspector general shall be chosen by the standard “Instant Runoff Voting” procedure. The newly elected Inspector General shall take office two weeks after the election.
3. The Inspector General may investigate any commission, department, cabinet member, committee, employee, or other entity of the Association. These investigations must be consistent with the mandate of the Inspector General.
  - a. Ongoing investigations are not subject to Freedom of Information Requests, but access to these records may be regulated through the Joint Bylaws or appropriate legislation. However, completed investigations are subject to the general Freedom of Information principles in this constitution.
4. The Inspector General may create a confidential process to bring concerns to the Office of the Inspector General. Information obtained in this manner shall not be subject to public disclosure without the approval of the Inspector General.
5. The Inspector General may request documents and/or information from any entity, body, commission, officer, or employee of the Association. This power shall be in addition to and separate from the standard freedom of information principles in this constitution.
  - a. Documents or information obtained in this manner may be provided with restrictions on their disclosure or publication.
  - b. The Inspector General will redact any restricted or confidential information from any public publication of the Office of the Inspector General. The unredacted version may be provided to the President, members of the legislative bodies, or the Financial Manager, subject to their agreement to retain the confidentiality of this information.
    - i. The Association legislative bodies may, by appropriate legislation passed by both bodies, act to remove these restrictions.
    - ii. Documents and information subject to legal or contractual confidentiality requirements will not be publicly disclosed.
  - c. Upon request for documents or information, the person receiving the request may petition the Constitutional Council to suppress the request as overly broad, unduly burdensome, or unrelated to a legitimate

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investigatory purpose. Upon filing of the petition, the request shall be stayed for either a period of 30 days, not including days when the Council is not in session, or pending disposition of the case by the Council, whichever is shorter.

- d. The Inspector General may set a reasonable time by which a response must be received to the Inspector General's request.
6. In the event that a dispute arises between a party and the Inspector General, the dispute may be resolved through a case in the Constitutional Council.
7. The Inspector General may appoint a member of the Association to serve as Deputy Inspector General. The Inspector General may remove the Deputy Inspector General without cause. The legislative bodies may through appropriate legislation act to create additional positions within the Office of the Inspector General as needed.
8. If there is a vacancy in the Office of the Inspector General, the President of the Association may nominate and, subject to approval of both Legislative bodies, appoint an Inspector General. While a vacancy in the Office of the Inspector General exists, the Deputy Inspector General shall act as Inspector General. The Inspector General or the Deputy Inspector General may be removed by two-thirds vote of both legislative bodies. The Inspector General shall have a waivable right to address any legislative body for at least five minutes in public session prior to any vote to remove the Inspector General.
9. The annual budget of the Association shall provide for the Inspector General, commensurate with the resources provided to the Chairs of a chamber of the legislative bodies. The budget shall also provide for the Deputy Inspector General with resources commensurate with a member of the Presidential Cabinet.
10. The Inspector General shall cease to be Inspector General upon assuming or exercising the duties of another elected office of the Association or other appointed office of the Association.
11. The Association Joint Bylaws may specify additional policies and procedures of the Office of the Inspector General.

Article VII, Section 1.C is amended as follows (with items struck out representing deleted language and items underlined representing inserted language):

Recall is the power of the membership of the Association to remove from office the President, ~~or the Vice President,~~ or Inspector General of the Association, or any or all of the members of an Association legislative body (referred to in this Article as "officers" of the Association).

Article VII, Section 2.C is amended as follows (with items struck out representing deleted language and items underlined representing inserted language):

1. **Petitions:** A petition seeking a recall election shall be submitted to the Elections Commission, as follows:

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1. A petition to recall the President, ~~or the Vice President, or the Inspector General~~ shall not be valid unless it contains the signatures of at least 15 percent of the membership of the Association.
2. A petition to recall an elected member of an Association legislative body shall not be valid unless it contains the signatures of at least 15 percent of the members of the population or district of the Association that was eligible to vote for that elected member.

## 2. Verification of Petitions

1. The Elections Commission shall, if it determines the signatures on the petition to be authentic and sufficient in number, call and conduct a recall election on two consecutive days, not less than 10 nor more than 21 days after it has made its determination.
2. If the Commission does not make a determination as to the authenticity of the signatures and their sufficiency in number within 7 days after the petitions have been submitted, its responsibilities devolve upon the President of the Association, or, in the case of a petition to recall the President or the Vice President of the Association, upon the relevant Association legislative body. The President of the Association (or the relevant Association legislative body, if the responsibility devolves upon it) must make its determination as to the authenticity of the signatures and their sufficiency in number within 5 days after such responsibility has devolved upon it from the Elections Commission. If the petitions are determined to be in order, the Elections Commission shall call and conduct a recall election on two consecutive days not less than 10 nor more than 21 days after the petitions were determined to be in order.
3. The Constitutional Council shall have the power to investigate any fraud or wrongdoing in the process outlined in section 2(b) above. If such fraud is found, the Council may by a majority vote overturn any ruling on the validity of recall petitions.
4. If a recall election against the President, ~~or the Vice President, or the Inspector General~~ of the Association is successful, that person shall immediately lose ~~her or his~~ the office that person holds.

Article VII, Section 3.B.3.1 is amended as follows (with items struck out representing deleted language and items underlined representing inserted language):

All members of the Association may vote on the recall of the President; ~~or the Vice President,~~ or the Inspector General.

Article I, Section 7.7.a is amended to read as follows (with items struck out representing deleted language and items underlined representing inserted language):

- a. {The body must discuss the appointment, the employment, the performance, or the dismissal of an Association member or employee who is neither the President, the Vice President, the Inspector General, nor a member of an Association legislative body.}<sup>4</sup>

## Appendix B: Inspector General Bylaws

The Joint Bylaws of the ASSU are amended by striking the text in the “Office of the Inspector General” Section and replacing it with the following:

1. The Deputy Inspector General shall continue to serve as the Deputy Inspector General after the Spring Elections. The newly elected Inspector General should indicate to the Deputy Inspector General if the Inspector General intends to maintain their role or if the Inspector General wishes to appoint a new Deputy Inspector General.
2. The Inspector General shall conduct an annual review of the practices and procedures of the Association. This review must be completed by the end of the Winter Quarter. In this review, the Inspector General will identify Association compliance with established Association policies, recommend any changes or improvements to policies or practices, and compare with previous annual reviews.
3. By the eighth week of the Fall Quarter, the Office of the Inspector General will prepare a public report on the Spring General Elections and recommend any changes or improvements to the elections.
4. Prior to the public dissemination of any report of the Inspector General, the entity under investigation will be provided with a copy of the report and may issue a response to the report. The report must be publicized—along with the entity’s response—in the event the response is received within seven days of receipt of the IG’s report. In the event that the Association as a whole is evaluated or there is no specific entity under investigation, the President of the Association will be provided with a copy of the report and may issue a response. The inspector generally shall provide a copy of each report to the President.
5. The President or a legislative body by majority vote may assign the Inspector General with the task of investigating and issuing a report on a certain subject. The Inspector General may also independently open an investigation on a topic of the Inspector General’s own choosing.
6. The Inspector General shall issue a public report prior to the start of the Spring Election summarizing the investigations completed the previous year, the status of any ongoing investigations, and any other relevant information. Details of ongoing investigations may be withheld in this report in the public interest.
7. Records of the Office of the Inspector General shall be property of the Association and shall be retained during transitions from one Inspector General to the next Inspector General. Ongoing investigations shall continue after the Spring Elections, when the newly elected Inspector General assumes office.

## Appendix C: Creation of the Office of the Inspector General

The Joint Bylaws are amending by inserting the following article, titled “Office of the Inspector General” at the end of the Joint Bylaws, prior to the first appendix, and numbering it sequentially after the prior article in the Joint Bylaws:

1. The Office of the Inspector General shall be an agency of the Association. The Inspector General of the Association shall have the mandate of providing independent oversight and promoting excellence, integrity, compliance with the Association’s governing documents, and accountability within the Association.
2. The Office shall consist of an Inspector General and a Deputy Inspector General. The Deputy Inspector General shall serve at the pleasure of the Inspector General.
3. If there is a vacancy in the Office of the Inspector General or if the term of Office of the previous Inspector General has expired, the President of the Association may nominate and, subject to approval of both Legislative bodies, appoint an Inspector General for a term of office of one year. While a vacancy in the Office of the Inspector General exists, the Deputy Inspector General shall act as Inspector General. The Inspector General may be removed by two-thirds vote of each legislative body. The Inspector General shall have a waivable right to address any legislative body for at least five minutes in public session prior to any vote to remove the Inspector General.
4. The Inspector General shall serve a term of at least one year and shall continue to serve unless the Inspector General resigns, is removed by the legislative bodies subject to the procedure above, ceases to be a member of the Association, or a successor is appointed subject to the procedure above.
5. The Inspector General may investigate any commission, department, cabinet member, committee, employee, or other entity of the Association consistent with the mandate of the Inspector General. The Inspector General may request documents under the freedom of information provisions of the ASSU Constitution. The results of all other investigations shall be available for review by all members of the Association. Records of the Inspector General are subject to the freedom of information provisions of the ASSU Constitution. The Inspector General shall abide by any contractual obligations of the Association to retain confidentiality of records.
6. The annual budget of the Association must provide for the Inspector General, commensurate with the resources provided to members of the Presidential Cabinet. The budget should also provide for the Deputy Inspector General with resources commensurate with a member of the Presidential Cabinet.
7. The Inspector General shall conduct an annual review of the practices and procedures of the Association. This review must be completed by the end of the Winter Quarter. In this review, the Inspector General will identify Association compliance with established Association policies, recommend any changes or improvements to policies or practices, and compare with previous annual reviews.
8. By the eighth week of the Fall Quarter, the Office of the Inspector General shall prepare a public report on the Spring General Elections and recommend any changes or improvements to elections procedures.

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9. Prior to the public dissemination of any report of the Inspector General, the entity under investigation must be provided with a copy of the report and may issue a response to the report. The report will be publicized along with the response if the response is received at most seven days after the entity is provided a copy of the report. In the event that the Association as a whole is evaluated or there is no specific entity under investigation, the President of the Association will be provided with a copy of the report and may issue a response.
10. The President or a legislative body by majority vote may assign the Inspector General with the task of investigating and issuing a report on a certain subject.
11. The Inspector General shall issue a public report at the start of the Spring Quarter summarizing the investigations completed the previous year, the status of any ongoing investigations, and any other relevant information. Details of ongoing investigations may be withheld in this report in the public interest.
12. Records of the Office of the Inspector General shall be property of the Association and shall be retained during transitions from one Inspector General to the next Inspector General. Ongoing investigations may continue after transitions of Inspector Generals.
13. The Inspector General shall cease to be Inspector General upon assuming the duties of an elected office of the Association or other appointed office of the Association.
14. This article shall be inoperative after April 30, 2023.