

## ARTICLE 6. ETHICS

### 6.1. Ethics Committee.

1. **Composition.** The Ethics Committee shall consist of (1) the Parliamentarian, (2) the President, and (3) the most senior by time served Representative member of the WSBA Governing Body excluding the Parliamentarian, if applicable. The Parliamentarian shall act as Chair over any Ethics Committee proceeding or hearing, unless the Parliamentarian is the member subject to the proceeding or hearing to which the President shall act as Chair. In the event multiple Representatives are identified as most senior by time served, the Representative with the nearest graduation date shall serve. If multiple Representatives are still identified as most senior by time served, a Representative shall be selected by a blind random drawing. In the event a member of the Ethics Committee is the subject of an inquiry under this Bylaw or has a clear and obvious conflict of interest, the member shall be replaced by the most senior by time served Representative with the nearest graduation date.
2. **Powers.** The Ethics Committee shall be empowered to perform an informal or formal inquiry to investigate, examine, assess, study, gather information, interview individuals with information, and review information to determine facts and ascertain whether a Governing Body member has violated this Bylaw. The Ethics Committee shall be empowered to issue recommendations, reports, findings, opinions, and memoranda. The Ethics Committee shall be empowered to levy sanctions and disciplinary actions against any Governing Body member. The Ethics Committee may refer complaints, recommendations, and findings to any higher authority, including school administrators. Complaints may be referred to the Ethics Committee by any WSBA member or school administrator or the Ethics Committee may act on its own.
3. **Appeals from the Ethics Committee.** Any Governing Body member who is levied a sanction or disciplinary action from the Ethics Committee shall have the right to appeal any action from the Ethics Committee to the full Governing Body; however, in doing so, that member shall not have voting rights on the matter. Any decision reached by the Governing Body through an appeal hearing under this subsection shall be final.

### 6.2. Ethical Standards and Professionalism.

1. **Duty of Loyalty.** All Governing Body members owe a duty of loyalty to the Washburn Student Bar Association, whereby Governing Body members must place the interests of the organization above personal interests. When membership in another organization causes an actual or perceived conflict of interest, such conflict of interest should be disclosed, and such member should abstain from voting. This shall be construed to include a Governing Body member's intentional unbecoming or unprofessional disruption of the interpersonal, inter-organizational, professional, or business relationships of or within the organization.
2. **Duty of Honesty.** All Governing Body members owe a duty of honesty to the organization in all communication and representations to and of the organization. This shall be construed to

include the informing of the Governing Body or members of bad, negative, or unpleasant information with equal candor as good, positive, or pleasant information.

3. **Duty of Fairness.** All Governing Body members owe a duty of fairness in all dealings and relationships. This duty requires all Governing Body members to treat all recognized student organizations equally and forbids exercising discretion or authority in an arbitrary manner.
4. **Duty of Respect.** All Governing Body members owe a duty of respect in all dealings and relationships. This duty requires all Governing Body members to respect the human rights, dignity, autonomy, interests, and personal privacy of all members without penalty or form of discrimination.
5. **Duty of Transparency.** All Governing Body members owe a duty of transparency to the organization and student body insofar as it relates to a member's service to the student body. This duty requires accurate and timely disclosure of information when requested and a forthcoming nature of how decisions are made.
6. **Duty of Preparedness.** All Governing Body members owe a duty of preparedness to the organization. A Governing Body member should only participate in a vote when the Governing Body member is actually prepared and well informed to make a decision on the matter.
7. **Duty of Participation.** All Governing Body members owe a duty to the organization and their constituents to fully participate in student government affairs. This duty requires Governing Body members to attend all meetings, when reasonably possible; to attend meetings in-person, unless such member is a third-year-from-anywhere student, lives in excess of twenty-five miles from the law school, or needs a legitimate medical-related or caretaker-related reasonable accommodation; to attend meetings by Zoom if the member is a third-year-from-anywhere student, lives in excess of twenty-five miles from the law school, or needs a legitimate medical-related or caretaker-related reasonable accommodation; and to require Zoom attendees to have cameras on, unless such member necessitates a reasonable accommodation. Any reasonable accommodation needed must be requested by the Governing Body member in advance. If such reasonable accommodation is needed beyond one meeting, such accommodation must be granted by the full Governing Body.

### 6.3. Attendance Policy.

1. **Policy.** Governing Body members shall have no more than two unexcused absences per semester.
2. **Excused absence defined.** An excused absence shall be construed as one where the Governing Body member has given the WSBA President reasonable notice of the member's absence and such member has received confirmation of the excused absence from the WSBA President subject to the WSBA President's discretion or, alternatively, for good cause, such as work-related, education-related, or medically-related reasons.

3. Maximum excused absences. Any member who has excused absences at or in excess of fifty percent of the preceding three months regularly scheduled Governing Body meetings may be subject to an inquiry by the Ethics Committee, including any disciplinary actions therefrom.

#### 6.4. Misconduct.

1. Misconduct defined and described in this subsection shall qualify a member of the Governing Body for investigatory procedures, investigatory hearings, and disciplinary actions, up to and including impeachment and removal of such Governing Body Member.
2. Misconduct shall be:
  1. Violations of Article III, Section 4 of the Washburn Student Bar Association Constitution;
  2. Violations of the Attendance Policy set forth in this Bylaw;
  3. Grossly negligent or intentional failure to adhere to meeting procedure;
  4. Habitual violations of ethical standards and professionalism as defined in this Bylaw;
  5. Habitual, negligent, or intentional neglect or failure to perform the Governing Body member's duties, as described by this organization's Bylaws;
  6. Any conduct deemed subject to disciplinary actions by the Kansas Supreme Court;
  7. Any conduct deemed unbecoming, unethical, or improper as determined and recommended by the Ethics Committee or the WSBA Faculty Advisor.

#### 6.5. Investigatory Procedures.

1. Complaint. An ethics investigation begins with a complaint submitted to the Ethics Committee, whether submitted by a WSBA member or administrator, or through the Ethics Committee's own initiation. A complaint must be made in writing and submitted to any Ethics Committee member.
2. Investigation. The Ethics Committee shall to the fullest extent of its authority effectively and efficiently conduct an investigation into the complaint or when acting on its own.
3. Documentation. The Ethics Committee shall receive, create, retain, and preserve documentation demonstrating its investigatory activities.
4. Notification. Upon the initiation of any investigation by the Ethics Committee, the Ethics Committee shall inform the WSBA Faculty Advisor and Governing Body member subject to the inquiry within forty-eight hours. The Ethics Committee, at its discretion, may notify the Governing Body of any investigation, and the Ethics Committee, at its discretion, may disclose the individual and conduct being investigated.

5. Limited Duty to Confidentiality. All Governing Body members are servants of the student body subject to the Kansas Open Records Act (KORA) and Kansas Open Meetings Act (KOMA). Thus, no investigation, proceeding, hearing, sanction, or disciplinary action receives a legal confidential status, and no member subject to an inquiry is owed a complete duty of confidentiality.

(i) Reaffirming the Duty to Transparency. Per Section 2(e), members have a Duty of Transparency to the student body requiring Governing Body members to confirm accurate information, including the name of the member and the general nature of the investigation, if asked.

(ii) Reaffirming the Duty to Respect. Per Section 2(d), Governing Body members have a Duty of Respect to fellow members, which means that Governing Body members shall not proactively disseminate information regarding an open investigation and are expected to refrain from conjecture on the topic.

6. Report. The Ethics Committee shall compile a report containing a statement of the facts, identifying any discrepancies or lack of information, and recommending sanctions or disciplinary actions against any member found to be in violation of this Bylaw.

7. Acceptance of Ethics Committee Sanction or Right to Appeal. Any Governing Body member who receives any sanction or disciplinary actions by the Ethics Committee may accept such sanctions or disciplinary actions recommended and imposed by the Ethics Committee. However, the Governing Body member subject to the sanctions or disciplinary action may appeal any sanction or disciplinary action to the full Governing Body for a hearing on the record, with public notice of such.

8. Appeal Hearing. Any appeal hearing requested by a Governing Body member subject to any sanction or disciplinary action shall be granted. At such hearing, the Ethics Committee shall present its report, findings, and recommendations, and the Governing Body member accused of misconduct shall have the right to make a statement on the record to the Governing Body in response to the Ethics Committee's report, findings, and recommendation. The Governing Body may, upon motion of any member eligible to vote, impose any sanction or disciplinary action, up to and including impeachment and removal.

9. Decision of Governing Body is Final. All decisions by the Governing Body under this subsection shall be final, except that a finding for impeachment which shall initiate such impeachment and removal proceedings.

#### 6.6. Disciplinary Actions.

The organization shall have the authority to levy sanctions or disciplinary actions against any Governing Body member found to be in violation of this Bylaw. Informal reprimands or advisements shall not be construed as official sanctions or disciplinary actions by this organization.

#### 6.7. Impeachment.

Impeachment and removal from elective office shall be the most severe disciplinary action available to the Governing Body as a sanction or disciplinary action for misconduct as defined by this Bylaw. The procedures for impeachment and removal from elective office shall be contained in this organization's Bylaws.