

Note: This act repealed and superseded the “Ensurance of Justice and Rights Act”

Insurance of Justice and Rights Act

An Act

Reorganization the Department of Justice and the Department of Rights, clarifying its Jurisdiction and authority.

Be it enacted by the Senate of the Undergraduate Student Government,

SECTION 1. SHORT TITLE

This act may be cited as the “Insurance of Justice and Rights Act.”

SECTION 2. REPEAL

The “Ensurance of Justice and Rights Act” is hereby repealed.

SECTION 3. TRANSFERAL

The Office of District Advocate shall be transferred over to the Office of the Advocate General and the person occupying the former shall immediately occupy the latter following the enactment of this act.

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TITLE 1 — DEPARTMENT OF JUSTICE

CHAPTER 1 — ADVOCATE GENERAL

§101. ESTABLISHMENT OF THE DEPARTMENT OF JUSTICE

There is established in the Executive Branch the Department of Justice, which is an Executive Department.

§102. ADVOCATE GENERAL

The President shall appoint, subject to confirmation by the Senate, an Advocate General of the Undergraduate Student Government. The Advocate General is the head of the Department of Justice. The Advocate General shall serve for the same term as the President that shall have appointed him or her, but President may remove the Advocate General prior to the end of that term.

§102a. INTERM ADVOCATE GENERAL

The President may appoint for the time between the Spring and Fall semesters an interim Advocate General, who shall exercise all the powers and duties of the Advocate General, and whose term shall expire upon the first meeting of the Senate of the Undergraduate Student Government in the fall session.

§103. FUNCTIONS; DELEGATION

- (a) All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Advocate General
- (b) The Advocate General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Advocate General.

§ 104. ROLE AS PROSECUTOR; SUPERVISION

- (a) When the Advocate General considers it in the interests of the Undergraduate Student Government, he may personally conduct and argue any case in a court of the Undergraduate Student Government, except impeachment trials, in which the Executive Branch of the Undergraduate Student Government is interested, or he may direct any officer of the Department of Justice to do so.
- (b) Except as otherwise authorized by law, the Advocate General shall supervise all litigation to which the Undergraduate Student Government, an agency, or officer thereof is a party.

§ 105. ROLE AS ADVISOR

- (a) The Advocate General shall, in consultation with the Undergraduate Student Government's attorney, give his advice and opinion on questions of law when required by the President.
- (b) The members of the Executive Council and the heads of executive departments or agencies may require the opinion of the Advocate General on questions of law arising in the administration of his or her office, department or agency.

§ 106. COMPOSITION; DISMISSAL

- (a) The Department of Justice shall be composed of any inferior officers required to assist the Advocate General in his or her duties, and advocates who operate at the direction of the Advocate General. No undergraduate student shall be denied the right to be an advocate.
- (b) Any advocate may be dismissed by the Advocate General for failure to fulfill the duties assigned by the Department of Justice.
- (c) The Advocate General shall promulgate rules and regulations which require the disqualification of any officer or employee of the Department of Justice, including a Undergraduate Student Government advocate or a member of such advocate's staff, or agent of the Student Bureau of Investigations, from participation in a particular investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof. Such rules and regulations may provide that a willful violation of any provision thereof shall result in removal from office.

§ 107. REPORT TO THE SENATE

The Advocate General shall submit to the Senate twice each semester a report outlining the activities and operations of the Department of Justice, which shall include reports on the investigation and prosecution of—

- (1) any violation of USG law by any individual who holds or who at the time of such violation held a position, whether or not elective, as a USG officer, employee, or special employee, if such violation relates directly or indirectly to such individual's USG position, employment, or compensation;
- (2) any violation of any USG law relating to lobbying, conflict of interest, campaigns, and election to public office committed by any person,;
- (3) any violation of USG law by any individual who holds or who at the time of such violation held a position, whether or not elective, as a Club or Organization officer or employee, if such violation relates directly or indirectly to such individual's Club or Organization position, employment, or compensation; and
- (4) such other matters as the Advocate General may deem appropriate.

Such report shall include the number, type, and disposition of all investigations and prosecutions supervised by the Department of Justice.

§ 108. CONSTRUCTION AND SEPARATION OF POWERS

Nothing in this title shall be construed to infringe upon the separation of powers between the branches of government of the Undergraduate Student Government. The Advocate General and the powers vested in him are exclusive to the Executive Branch; the Senate has always had, and shall always maintain, its authority to appoint its own counsel in its defense and its own managers of impeachments exhibited by the Senate.

CHAPTER 2 — STUDENT BUREAU OF INVESTIGATIONS

§ 201. Student Bureau of Investigations

The Bureau of Investigations is in the Department of Justice.

§ 202. Director

The Advocate General shall exercise the office of Director of the Student Bureau of Investigation. The Director of the Student Bureau of Investigation is the head of the Student Bureau of Investigation.

§ 203. Role of the Bureau

The function of Student Bureau of Investigations shall be—

- (1) to investigation, detect and prosecute violations of the laws of the Undergraduate Student Government as may be directed by the Advocate General; and
- (2) to inform the Senate and the Executive Council if, in the course of their investigations, they shall find evidence of impeachable offenses committed by members of the Undergraduate Student Government

This section does not limit the authority of departments and agencies to investigate violations of laws of the Undergraduate Student Government when investigative jurisdiction has been assigned by law to such departments and agencies; nor impair the power of the Senate to conduct its own investigations into the management and operation of the Undergraduate Student Government and act for the purposes of any potential impeachment proceedings.

§ 204. Composition and Agents

The Student Bureau of Investigations shall be composed of Agents selected by the Advocate General and which shall operate at his or her direction, and may be removed for failure to fulfill the duties assigned by the Advocate General, and shall otherwise be required to conform to the rules and regulations of the Department of Justice.

§ 205. Investigations of Clubs and Organizations

- (a) Pursuant to the powers vested by the Constitution of the Undergraduate Student Government, the Treasurer of the Undergraduate Student Government shall have the exclusive executive authority to execute audits of Clubs and Organizations at his or her discretion.
- (b) No officer, member or employee of the Department of Justice shall execute or undertake any audit or investigation of the finances or assets of any Club or Organization without approval of the Treasurer, which shall be obtained in the following manner:

- (1) The request to execute or undertake an audit or investigation of the finances of any Club or Organization shall be directed to the Advocate General.
 - (2) The Advocate General shall submit to the Treasurer, in writing, an authorization form containing the following:
 - (i) Which Clubs or Organizations the Department or Bureau seeks to audit or investigate;
 - (ii) The particular types of records it shall seek, or the type of investigation it shall conduct;
 - (iii) A clear and articulable reasonable suspicion provoking the request for an audit or investigation.
 - (3) If the prior requirements are satisfied, the Treasurer may or may not choose to authorize the request by the Advocate General. If the Treasurer shall approve it, he or she shall sign written request form.
- (c) Prior to the execution or undertaking of an audit or investigation, a copy of the authorization form signed by the Treasurer shall be issued to the officers of the Clubs or Organizations affected.
- (d) Nothing in this section shall be construed to affect, restrain or limit the scope or authority of the Treasurer, or his or her assistant treasurers, to execute and undertake audits and investigations of Clubs and Organizations, nor the power of the Senate to do the same.

TITLE II — DEPARTMENT OF RIGHTS

CHAPTER 1 — PUBLIC DEFENDER OF RIGHTS

§ 101. Establishment

There is established in the Judicial Branch the Department of Rights, which is an independent judicial department.

§ 102. Public Defender of Rights

There is a Public Defender of Rights, who is the head of the Department of Rights and shall have direction, authority and control over it. All functions of all officers, employees, and organizational units of the Department are vested in the Public Defender of Rights.

§ 103. Appointment

The Public Defender of rights shall be nominated by the President upon recommendation by the Supreme Court and the Undergraduate Student Government Attorney, and confirmed by a simple majority vote of those present at the Senate. The recommendation issued by the Court shall be issued using the following criteria:

- (a) Applicants shall be subjected to a written exam whose subject shall be determined by the Court, and shall be interviewed by one of the Justices of the Court.
- (b) Upon the completion of said exam and interview the Justices shall meet and decide upon a recommendation using the applicant's performance on the exam as the basis for determining if he or she is qualified.
- (c) Using the Court's and the Attorney's recommendation, the President shall then present the applicant to the Senate for confirmation.

The Public Defender of Rights shall serve for a term of one (1) year from the date of appointment.

§ 104. Chief Defense Counsel

The Public Defender shall be the Chief Defense Counsel for the members of the Undergraduate Student Government and be responsible for defending their rights from abuses by the Undergraduate Student Government,

§ 105. Responsibilities

The Public Defender shall represent any student, Club, Organization or entity upon request before the Judicial Branch and shall argue the petitioner, respondent, plaintiff, or defendant's position in cases being heard by both the Supreme Court and the Judicial Council; he shall, upon request and with the assistance of the Department of Rights, give constitutional or procedural advice to any student, Club, Organization, or entity on all interpretations of the Constitution of the Undergraduate Student Government, all acts of legislation, resolutions, and any and all policies and procedures duly adopted by the Undergraduate Student Government.

§ 106. Composition of the Department of Rights

The Department of Rights shall be composed of any inferior officers to assist in his or her duties, and advisers who shall operate at the direction of the Public Defender of Rights. No undergraduate student shall be denied

the right to be an adviser, but any adviser may be dismissed by the Public Defender of Rights.