

UCSB AS INTERNAL INVESTIGATION REPORT

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Prepared By:

David Jr Sim

A.S. Chief Compliance Officer

To AS Senate, AS Administration, AS BCU's, and UCSB General Student Body:

I am David Jr Sim, the Association's Chief Compliance Officer. I work directly under the AS Internal Vice President, serving as the controller for following AS Legal Code, AS By-laws, University Policies, AS Financial Policies, and all other documents pertaining to the healthy operation of this Association. I also serve as a California State commissioned Notary Public. I have been charged by the elected Internal Vice President to prepare this report for your review.

This report outlines an investigation conducted by my division on *A Bill to Create the A.S. Raíces de mi Tierra*, which was passed by the Senate on Nov 20, 2024. Unless otherwise noted in the appendix, all obtainment of sources used in the investigation are publicly available information or have been obtained with the required clearance from supervising staff. All references to this report should be made with the report number found on the cover page and this letter serves as the executive summary.

The findings of this report are as follows. This bill was passed without the proper review or due diligence required to ensure compliance with existing Legal Code and Policies. The majority of the proposed and accepted By-law additions violate and contradict Legal Code and Association operations.

As such, the following recommendations are presented. The amount of recommendations made in this report are too extensive to be listed in this summary. Please see the full report for details. These recommendations are sanctioned by the Internal Vice President's office and are strongly encouraged to be acted upon by the AS Senate.

As per my position stated in AS Legal Code, this report satisfies my duties as the Chief Compliance Officer. The AS Senate may call upon me for questioning on any report compiled by me, given the report number specified in the communication and reasonable time allotted for information review. My contact information is found below.

Sincerely,
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Preliminary Information

This investigation is about the Legal Code format and structure of the new BCU Raíces de mi Tierra, established in Fall 2024. *A Bill to Create the A.S. Raíces de mi Tierra* is the legislation that created this new BCU and within it, describes the structure and the responsibilities of Raíces de mi Tierra. The investigation has been concluded on Mar 5, 2025. The researcher on this investigation is David Jr Sim, Chief Compliance Officer. There is no conflict of interest found for this report.

First Report

On Feb 2, 2025, the AS Internal Vice President's Office was notified of issues concerning *A Bill to Create the A.S. Raíces de mi Tierra*, which was passed by the Senate on Nov 20, 2024, by an anonymous concerned student¹. The Chief Compliance Officer was notified and an investigation and review of their concerns began.^{##}

Incident Description

An anonymous concerned student submitted this Office's Anonymous Report Form and presented multiple sections of concern related to existing UCSB AS By-laws and UCSB AS Policy 33 (AS Financial Policies and Procedures).

Investigation

Under the oath of the Association's Internal Vice President's office, this report presents this investigation to the reader. The holistic process of the investigation has produced the following information.

Scope of the Investigation

This investigation intends to identify, address, and recommend solutions to all areas of *A Bill to Create the A.S. Raíces de mi Tierra's* compliance with existing UCSB AS Legal Code and UC Policies. This report will only cover the structure of Legal Code under Raíces de mi Tierra's section of the UCSB AS By-laws. No comment on any other aspect of this new BCU will be given nor will any comment on the whereas clauses of the bill be given. This report will affect the Senate, AS Admin, and Raíces de mi Tierra. The Office of the Attorney General should also pay close attention to the contents of this report.

Affected Policies

This report affects all sections under UCSB AS By-laws Article XI§18. This section is the entire Legal Code of A.S. Raíces de mi Tierra.

Evidence List

EV1. A Bill to Create the A.S. Raíces de mi Tierra

Evidence Analysis

The following analysis comes from EV1 and some points are identified through the concerns of an anonymous concerned student. Such issues will be made with a reference to Reference 1 (see the Appendix for more information). Because EV1 has been passed by the Senate at the time of writing this report, it should be noted that EV1 and UCSB AS By-laws Article XI§18 are the same. This report, from now, will refer to UCSB AS By-laws Article XI§18 as "this section".

Article XI§18.A is the mission statement of this section. A mission statement is a set of actionable sentences that define the charge and purpose of the BCU. It is not a place of

explanation or reasoning. Under Article XI§18.A, there are many sentences that describe rather than actionize. However, the largest offending paragraph is paragraph two with content only meant to inform rather than direct. This creates massive bloat in this subsection and confuses the reader of the purpose of this BCU. Such information should be saved for promotional material or a website. This section's mission statement covers close to a page of information. This section is not the first to do so, see Article XI§10. However, it is still not the appropriate place for such information.

Article XI§18.B considers the membership under this section. There are two issues with this section. Subsections 1.1, 1.2, 1.3, 1.4, 1.5, 1.8, and 1.9 give a range of persons for each respective position. There is no precedent for such a range in Legal Code. A range opens many issues such as honoraria decisions, BCU evaluations, membership logistics, and administrative inefficiencies. Subsections 1.4, 1.5, and 1.9 also show the incorrect number compared to the wording prescribed.

¹The anonymous concerned student brought up a confusion on identifying the chair(s) under Article XI§18.B as subsections 1.1, 1.2, 1.3, 1.4, 1.8, and 1.9 all have the word "chair" in their title. They also brought up a concern that only two chairs maximum are allowed.

In regards to the former, this Office agrees that the word "chair" in all of these subsections can cause confusion as to which positions are considered "chairs". This wording brings up the question of honoraria between Article XVI§4.B.4 and Article XVI§4.B.5. Are all these positions acting in the capacity of a chair or are they simply general members with a title that has the word chair in it. If all these positions are acting in the capacity of a chair, then under Article XI§1, all these positions must be chosen and approved by the AS President after a submission of a statement of intent.

As to the latter concern, while the norm of the association is to have a maximum of two chairs, there are no rules explicitly stating a hard maximum of two chairs. The prefix "co" means two or more, thus not limiting the number to simply two, see Article XI§5 for an example of more than two chairs.

¹Article XI§18.C.1 involves the removal of persons from their position. This section is invalid due to Policy 38 of the UCSB AS Standing Policies and Procedures. Article XI§18.C.1.i is an example and is valid.

¹Article XI§18.C.2 involves the participation of board members under this section. First, the anonymous concerned student's concern involves the definition of the "requirements of active membership" as mentioned in this subsection, as there is none defined. Under Legal Code, there is no formal definition of active membership. However, there are a few instances where "active member" is referenced with no formal definition either, see ARTICLE VI§2.E for an example.

Article XI§18.C.3 refers to the resolution of internal disputes. While this Office agrees that this section is well intended, this Office notes that this section does not concern issues where the chairs are a part of the conflict or if the members are not comfortable in bringing up such issues to the chairs. The issues described under Article XI§18.B.1 also apply here as Co-Chairs can mean any one of the positions discussed previously. This subsection opens up prosecution possibilities to those who do not bring up issues to the co-chairs for any reason.

Article XI§18.C.4 refers to the decision making process of this section. This Office notes that this subsection is not invalid or illegal. However, this Office believes that this subsection is redundant and unnecessary bloat as this section describes the fundamental purpose of subcommittees and boards in this Association.

Article XI§18.D is a nonexistent and missing subsection. There is currently a gap between Article XI§18.C and Article XI§18.E.

Article XI§18.E describes the processes of General Members. This Office notes that such a subsection should be listed under Article XI§18.B and not in its own subsection.

¹Article XI§18.E.2 describes the powers of General Members. Tn anonymous concerned student brought up a concern on voting and running for internal elections within this BCU. This Office believes that the phrase “cast their vote” is confusing under thai subsection. Such a phrase can mean to cast a vote for their internal election or to cast a vote for their general meeting motions. However, internal elections are allowed within this Association, given that it follows Article XI§1.C. This Office notes that there may be an issue to limiting the running for board positions to General Members. Such an issue shall be ruled upon by the Judicial Council.

¹Article XI§18.F describes the requirements for an Active Member. This Office believes that this section is in relation to Article XI§18.C.2 where it describes “active membership”. The anonymous concerned student’s concern is the mandate of such a different classification of membership within this Association. Article XI§18.F by itself is not illegal. This Office draws upon parallels such as those within other BCUs to determine general membership, such as Article XI§12.B.o. However, in conjunction with Article XI§18.C.2, Article XI§18.F may have potential issues. Another potential issue exists within Article XI§18.F.3, in which promises of personal items are made to legacy members. This incentive may violate sections under UCSB By-laws and Policy 33. Such issues shall be ruled upon by the Judicial Council.

Article XI§18.G describes the mandated subcommittees under this section. This Office notes that this subsection needs to be rewritten. It contains many examples of explanation instead of directive, see analysis of Article XI§18.A for more information, and gives informal language to some subsections. Other sentences are nonsensical and, out of context, serve no purpose. Many areas under this section should be moved to the internal policies of this BCU, rather than Legal Code. These issues cause confusion and lead to operationalization mistakes further down

the line. For example, the second sentence of Article XI§18.G.1 is an explanation rather than a directive or requirement. Article XI§18.G.2 promises to specify lead positions for each subcommittee, but immediately Article XI§18.G.2.i states a to-be-determined phrase instead of a concrete actionable item. The subsections of Article XI§18.G.3.c also have redundant wording.

This Office notes that there are two Article XI§18.G, one for subcommittees and one for performances. This report will utilize Article XI§18.G2 as the reference for the subsection on performances. This Office wants to make clear that if such performances are specified in Legal Code, these performances must happen as described in Legal Code with no cancellation, unless an exemption is granted by the Senate. This Office believes Article XI§18.G2.2.ii, Article XI§18.G2.2.iii, Article XI§18.G2.4.a.iv.1 are in the wrong level of indentation. Article XI§18.G2 once again has many explanations instead of directives. This Office notes that Article XI§18.G2.4.a.vi is incomprehensible and confusing.

Article XI§18.G2.4 also mentions performance contracts. This Office notes that all contracts must be through the proper policies under Legal Code and Policy 33.

Article XI§18.H specifies the affiliation of the BCU. This Office notes that while these affiliations are formalized through Legal Code, they must still follow UC policy and Association policy in collaboration with AS Admin and Career staff to ensure compliance.

¹Article XI§18.I describes the financial aspect of this section. This section is invalid due to Policy 33 superseding it.

¹Article XI§18.J describes this section's zero tolerance policy. This section is superseded by the University's Zero Tolerance Policy and the AS Zero Tolerance Policy. The anonymous concerned student's concern is to include the mention of the Association's Attorney General or the Associations Student Advocate General as resources. This Office agrees. If such a section is to be included, resources other than the Chairs should be included for the sake of the members as the Chair positions are not excluded from this section either.

¹Article XI§18.K.5 describes the duties and powers of the Internal Co-Chairs. This Office notes that all suffixes of the duties and powers descriptions (i.e. of the A.S. Raíces de mi Tierra) can and should be removed for clarity. The anonymous concerned student's concern is on Article XI§18.K.5.iii, where Internal Co-Chairs are to "identify and mentor shadow(s) beginning in the Fall to prepare potential candidates for leadership positions." Such a requirement is not illegal under current Legal Code. In fact, preparation for leadership is a core motivation of the Association. However, limiting such a pursuit to only potential candidates may not be allowed. Such issues shall be ruled upon by the Judicial Council.

Article XI§18.L.2.iii describes the liaison responsibilities of the External Co-Chairs. In this section, this Association is mentioned as a group to be liaised with. That is no longer valid as this BCU is under this Association. As such, this section must specify specific entities within this Association to liaise with.

¹Article XI§18.M.1 specifies the overall responsibilities of the Academic Chair. The anonymous concerned student's concern is that this section requires a second year or above at UCSB to fulfill this position. Such a requirement is illegal under this Association and can be considered discrimination.

¹Article XI§18.N specifies the duties and powers of the Treasurer. This Office notes that many subsections are not powers nor duties of the Treasurer, rather specification of the overall financial matters of this BCU. As such, these subsections are not do not belong under Article XI§18.N. In addition, almost all of these specifications are illegal and contradictory from Policy 33 and current Association financial operations. This report will skip over the specific illegal subsections and instead identify the entire subsection of Article XI§18.N illegal. This Office notes that the previous assumptions of the freedom and processes in financial management by the RCO Raíces de mi Tierra as they transition into the BCU Raíces de mi Tierra are incorrect.

¹Article XI§18.O specifies the duties and powers of the Publicity Chairs. The anonymous concerned student's concern is under Article XI§18.O.15, in which it specifies a shadow for the current chairs to train. The wording of this subsection does not limit who can become a shadow. As such, it is not illegal. Please see the analysis of Article XI§18.K.5 for more information.

Article XI§18.P specifies the duties and powers of the Social Chair. This Office notes that many of the responsibilities listed under this section may be limited under current Legal Code.

¹Article XI§18.Q specifies the duties and powers of the Secretary. The sentences under Article XI§18.Q.1 that discuss details to include in the minutes and Article XI§18.Q.3 are superseded by Policy 11.

¹Article XI§18.Q.4.ii references an external document "Article III for Active Member guidelines". This is unenforceable under Legal Code as references can only be made within Legal Code.

¹Article XI§18.Q.7 is unenforceable as it is illegal under Policy 33 and current AS financial operations.

Article XI§18.T specifies the duties and powers of the Artistic Chairs. Article XI§18.T.1 is illegal as a student within the Association cannot be responsible for equipment bought by student fees. Under UC Policy, the Association must be responsible.

¹Article XI§18.U specifies the duties and powers of the Directors. The anonymous concerned student's concern is that Article XI§18.U.1 specifies duties and powers that are for chairs only. This Office agrees. However, this Office also acknowledges that such an issue is likely due to terminology differences. This Office also notes that there are many subsections under Article XI§18.U that could violate Legal Code and UC Policy if not operationalized correctly.

The fiscal impact listed under EV1 is zero. This Office notes that such a number is impossible during the creation of a BCU. There are new honoraria, expenditures, and resources that must be allocated to a new BCU. The fiscal impact of the creation of a new BCU is never zero. The fiscal impact number does not represent only the immediate monetary movement at the time of bill approval. Rather it means the holistic fiscal effect on the association. This is further supported by the second to last Be It Further Enacted clause which states "that Raíces de mi Tierra's budget shall be allocated from the Associated Students budget..." Budget allocations are never a zero fiscal impact.

The final Be It Further Enacted clause in EV1 requests for a review of this section every five years. While a noble intent, this Office notes the impracticality of this clause. As such a directive is not listed under Legal Code, it will be lost to time and forgotten about in less than five years.

Conclusion

This report acknowledges that interpretations of evidence may differ from reader to reader. There may also be additional knowledge not available or unobtainable by the investigation team. As such, these conclusions are made to be objective and derived solely on the scope of the available evidence collected throughout the investigation. Based on the findings presented, the Internal Vice President's Compliance Office's conclusion is as follows.

TOP-SET[‡]

On Nov 20, 2024, A Bill to Create the A.S. Raíces de mi Tierra was passed by the Senate. After roughly three months, an anonymous concerned student notified this Office of their concerns relating to this bill. This Office investigated and determined that most of their concerns were justified. Many bills have passed previously without the correct amount of consideration. It is this lack of proper review and due diligence that has caused this Association's Legal Code to become as fractured as it is today.

Verdict

While not all concerns brought by the anonymous concerned student are substantiated, most were correctly identified and brought to the attention of this Office. This Office believes that this bill needs to be reviewed and a proper update be introduced and passed as soon as practical.

Recommendation

This Office recommends an update to Article XI§18.A to remove the boat information from this section.

This Office recommends an update to Article XI§18.B.1 to correct the misnumbering of the amount of persons per position as well as solidifying the number of persons per position. This section should also rephrase the positions such that the word "chair" is not used for any positions other than the actual chairs of the BCU.

This Office recommends the removal of Article XI§18.C.1 due to Policy 38 superseding this subsection. Inclusion of this subsection can lead to confusion and unintended breach of Policy 38 in the future.

This Office recommends an update to Article XI§18.C.2 to either conform to the precedent and rephrase "active membership" to "active member" or to define the requirements to have an "active membership".

This Office recommends an update to Article XI§18.C.3 to rephrase this subsection while considering all possibilities or the removal of this subsection.

This Office recommends the removal of Article XI§18.C.4 to remove unnecessary bloat and length in Legal Code.

This Office recommends an update to this section as a whole to ensure the numbering and ordering consistently of this section.

This Office recommends an update to this section as a whole to ensure the wording consistently and directive intent of this section.

This Office recommends an update to Article XI§18.E to be moved to Article XI§18.B.2 and renumbered for consistency.

This Office recommends an update to Article XI§18.E.2 clarifying the phrase "cast their vote".

This Office recommends the Office of the Attorney General to bring Article XI§18.F and Article XI§18.F.2 to the Judicial Council for ruling.

This Office recommends an update to Article XI§18.G and Article XI§18.G2, specifically a rewrite of these subsections to better structure and clarify the contents that shall be established under this BCU.

This Office recommends that AS Admin review Article XI§18.H for compliance and issues that need to be addressed for successful affiliation and collaboration between this BCU and their partners.

This Office recommends the removal of Article XI§18.I as Policy 33 supersedes this section.

This Office recommends an update to Article XI§18.J to include additional resources or the removal of this section in its entirety.

This Office recommends the removal of the suffix “of the A.S. Raíces de mi Tierra” from all duties and powers subsections of this section.

This Office recommends an update to Article XI§18.L.2.iii to specify the specific entities within this Association to liaise with.

This Office recommends an update to Article XI§18.M.1 to remove its illegal requirement for second years or above to fulfill this position.

This Office recommends a rewrite to Article XI§18.N, in collaboration with the Association's financial team, the Finance Committee, and the Chief Compliance Officer.

This Office recommends a workshop and review of the proper Association financial operations to the key members of Raíces de mi Tierra.

This Office recommends a review of responsibilities under Article XI§18.P to prevent any compliance issues in the future.

This Office recommends an update to Article XI§18.Q to remove all sections that are superseded by Policy 11.

This Office recommends an update to Article XI§18.Q.4.ii to resolve this external reference with a directive.

This Office recommends the removal of Article XI§18.Q.7.

This Office recommends an update to Article XI§18.T to comply with UC Policies on equipment storage and responsibilities.

This Office recommends a review of this section to ensure proper naming convention of positions to resolve responsibilities issues found in Article XI§18.U.1.

This Office recommends the position defined under Article XI§18.U to review Legal Code and UC Policy to ensure compliance when executing their duties.

This Office recommends the proper usage of the fiscal impact field of legislation and for careful fiscal consideration in the future.

This Office recommends the inclusion of the final Be It Further Enacted clause directive into Legal Code under this section.

This Office recommends the Senate to ensure proper due diligence when presenting future legislation to avoid a repeat of situations such as this one.

This Office finally recommends the Office of the Attorney General to take action through the Judicial Council in enforcing the recommendations brought forth by this Office.

Appendix

This is an additional section, branching from the official report, with supporting documentation and greater detail of the topics presented throughout the report. Anything the investigation team deemed relevant, while not necessary, will be placed in the Investigator's Notes section. If the reader finds any information lacking or needs clarification, they may always contact the compiler of this report specified at the beginning.

Methods of Investigation

This investigation was conducted through cross reference between EV1 and the 2024-2025 UCSB AS Legal Code.

The following is a list of the evidence provided followed by the procedure used to obtain this information. Please review for your convenience.

EV1. Obtained through the Senate Agenda for the meeting on Nov 20. 2024. This bill is preserved in the digital historical archive of association legislation (DHAAL) (<https://drive.google.com/drive/u/1/folders/0AKtU7JWMQ1EVUk9PVA>). The direct link is listed here for convenience (<https://docs.google.com/document/d/1ka6KqETIyrFaDGqFX8JANGFWD2Us9TcJlZrMxGOTPiE>).

Interviews

—NO INTERVIEWS—

References

1. [REDACTED]. "Legal Concerns With A Bill to Create the A.S. Raíces de Mi Tierra." 2 Feb. 2025, https://docs.google.com/document/d/1_zCiUUav-WueE-Y7MRPabjiv9g2laypRZX-QI5iEj0s/. Accessed 3 Feb. 2025.

Investigator Notes

‡ TOP-SET refers to a list of factual statements that must be presented during an investigation. This helps organize information for readers and ensures the investigator writing this report does not miss out on crucial information. This acronym refers to Time (sequence, history, timeline of what happened), Organization (controlling authority, who oversees the parties during the incident, who is responsible), People (the parties involved during the incident), Similarity (other situations or incidents that may be related to the one at hand), Environment (anything that the situation, environment, or external factors that may have contributed to the incident or actions during the incident), and Technology (what equipment or utilities were used, effected, or abused throughout this incident).

‡‡ The anonymous concerned documents all their concerns on this bill, found in Reference 1.