

UCSB AUDIT AND ADVISORY SERVICES

Date: May 26, 2016

To: Marisela Marquez, Executive Director
Associated Students

From: Robert Tarsia, Director
Audit and Advisory Services



Re: **Independent Investigation Requested by Associated Students Elections Board - Preliminary Findings**

Background

On May 5, 2016, Audit and Advisory Services was contacted by the Executive Director of Associated Students, on behalf of the Associated Students (AS), requesting an independent investigation regarding a complaint that had been filed with the Associated Students Elections Board regarding alleged election irregularities in the spring 2016 student elections. The Elections Board had requested that the Associated Students President and Executive Director request Audit and Advisory Services to conduct an independent investigation regarding the alleged potential election irregularities.

In particular, the concerns raised centered on an offer of philanthropic grants by the UCSB Inter-Fraternity Council (IFC), using IFC funds, to be paid to those IFC fraternities achieving a certain voter turnout percentage in the 2016 student elections.

The specific Associated Students Elections Board concerns were that the:

- IFC may have “bribed” its members to vote with the promise of philanthropic grants to chapters with higher voter turnout in the Associated Students spring election.
- IFC monetary incentive skewed the results of the spring elections.
- Associated Students “Elections Code does not state what to do in this situation,” and that “only a re-vote would treat every vote equally.”

Audit and Advisory Services clarified the issues and defined the scope of the investigation to include:

- Whether the grant program resulted in violations of the current Associated Students Elections Code, Campus Elections Commission Guidelines, or Campus Regulations.
- The issue of alleged bribery, i.e. whether the offering of the grants was unlawfully motivated.
- Whether the IFC grant program resulted in serious voting irregularity which unduly influenced students to vote for a particular person or measure.

Scope of Investigation

We interviewed:

- The Assistant Dean and Director, Office of Student Life, who is the advisor to the IFC.
- The Associated Students Elections Board, which oversee AS elections.
- AS staff, including the Executive Director; Assistant Director for Community Affairs, Student Engagement and Advocacy; Community Volunteer Coordinator and Elections Advisor; and Assistant Director for Technology.
- Eight students, including the current AS President, AS President-Elect, IFC President, and the student who filed a complaint with the Elections Board, among others.

We reviewed:

- *Associated Students Elections Code* and other sections of the *Constitution of the Associated Students of the University of California, Santa Barbara*.
- *Campus Elections Commission Guidelines*.
- *Campus Regulations*, which address policies on campus activities, organizations, student conduct, student elections, and student government.
- The 2016 Associated Students and Campus Wide Spring General Election ballot.
- Financial statements filed by candidates, as required by the Elections Code.
- The IFC President's Letter to "Whom It May Concern," which addressed questions raised regarding the IFC grant program.
- An Elections Board notice to the student body, which communicated the board's concerns regarding potential voting irregularities in the spring 2016 elections.
- May 4, 2016, Report to the Senate, which summarized a meeting with Chief Campus Counsel, Vice Chancellor of Student Affairs, Executive Director of Associated Students, and the AS President regarding the Elections Board's concerns related to the spring elections.
- Documentation provided by the parties interviewed.

We researched:

- Campus student newspaper articles related to the spring 2016 elections.
- Social media postings related to the spring 2016 elections.

Discussion

Bribery is generally described as, “[t]he corrupt payment, receipt, or solicitation of a private favor for official action.” (Black’s Law Dictionary) “Corrupt” is defined in Black’s Law Dictionary as “having an unlawful or depraved motive.”

Accordingly, a key underlying question is whether the motivation for offering financial incentive for voter turnout could be considered corrupt. This could be the case, for example, if the financial consideration was offered to encourage voting for a particular person or measure.

The motivation for the grants in question is described in a letter from the IFC President, which states that IFC strives “to promote the highest level of student involvement and civic engagement from our members as possible. This includes participating in the important process of choosing our students leaders by voting in the Associated Students elections. For this reason, IFC decided to award philanthropy grants to chapters that achieved high voter turnout in AS elections. These philanthropy grants will be coming from IFC’s bank account that is administered through the Office of Student Life (OSL).”

The Office of Student Life adviser to IFC stated that he participated in the original grant program discussions and approved the program, based on his understanding that the grants were only to support chapter philanthropic activities; that the program was consistent with existing election policies, code, and guidelines; and that IFC would not give direction to fraternities about which candidates or other ballot items to vote for. All proceeds of the grants would be used for charitable activities.

The results of our interviews indicate that the grants program was intended as more of a contest among IFC member fraternities, with the potential winners of the contest to use their own membership money for charity. The grants were to be awarded to entire groups (fraternity chapters), not to individuals. The grants did not encourage voting for a particular person or measure. Participation was also voluntary, as the program had participation thresholds in order to determine the amount of the grant to be awarded, either \$200 or \$400. We further found that the IFC sought advice from its staff advisor, who did not see any issues in the way that the program was discussed, and who approved proceeding with the program. Accordingly, we found no evidence of bribery.

We further found that the AS Elections Board was acting in an unprecedented situation for them, and that the decision to request an investigation was a prudent one.

Preliminary Findings and Conclusions

We have found no evidence of bribery related to the IFC grant program.

The remaining issues under further investigation are:

- Whether the IFC grant program resulted in a serious voting irregularity as a result of undue influence on student voting.
- Whether the grant program resulted in violations of the current Associated Students Elections Code, Campus Elections Commission Guidelines, or Campus Regulations.

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cc:

Vice Chancellor for Student Affairs Margaret Klawunn
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