

TITLE 11
IMPEACHMENT AND REMOVAL PROCEDURES

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SECTION I. DEFINITIONS

- 1.1** "Impeachment" is the prosecution, by the Body of Impeachments, before the Body of Trials, of the accused officer for the impeachable offenses described in this section.
- 1.2** The "Articles of Impeachment" are the written accusation(s) against the officer, drawn up and approved by the Body of Impeachments. The Articles of Impeachment shall state, with reasonable certainty, the offense in office for which the officer is impeached, and if there be more than one, they shall be stated separately and distinctly.
- 1.3** The "Body of Impeachments" shall consist of all living group Senators and shall have the sole power of impeachment.
- 1.4** The "Committee of Impeachments" shall consist of those Senators appointed by the Body of Impeachments to prosecute the impeachment before the Body of Trials.
- 1.5** The "Body of Trials" shall consist of all college Senators and shall have the sole power to try all impeachments.

SECTION 2. OATH OF CONDUCT

Before the SGA Senate shall proceed to consider impeachment and removal, when sitting as a Body of Impeachments or as a Body of Trials, every Senator present shall take the following oath or affirmation: "I (state name) do solemnly affirm that I will faithfully and impartially try the impeachment against (accused officer), and do justice according to the law and the evidence."

SECTION 3. ORGANIZATION

The SGA Senate, when sitting for the purpose of impeachment or removal, shall be divided into the Body of Impeachments and the Body of Trials as defined in this section.

SECTION 4. IMPEACHMENT PROCEDURE

- 4.1** The Articles of Impeachment shall take the form of a Senate Resolution and shall follow the format of other main motions before the Senate. The Senate Speaker shall list the Articles of Impeachment under New Business on the Senate agenda.
- 4.2** During New Business, any Senator may make a motion to introduce Articles of Impeachment. Upon the introduction of an Article of Impeachment, the Senate shall dissolve itself, and the Body of Impeachment shall be convened.

- 4.3** Although the Body of Impeachments shall convene during New Business, it shall be exempt from ordinary parliamentary rules pertaining to Committee of the Whole and/or Quasi-Committee of the Whole. No suspension of the rules or committee recommendation shall be needed before considering the Articles of Impeachment.
- 4.4** No member of the Body of Trials shall be allowed to attend any of the proceedings of the Body of Impeachment; neither shall they endorse the Articles of Impeachment or any actions of the Body of Impeachments when it sits for that purpose.
- 4.5** The Senate Speaker shall preside over the Body of Impeachments, with the exception of their impeachment when the Vice Speaker shall preside.
- 4.6** The Senate Speaker shall administer the Oath of Conduct to the Body of Impeachments before it convenes.
- 4.7** Consideration of the Articles of Impeachment shall follow the Senate's parliamentary rules for main motions.
- 4.8** The accused officer may be recognized for speaking privileges for the purpose of responding to questions and/or participating in debate.
- 4.9** The Articles of Impeachment shall be approved by the Body of Impeachments after receiving a two-thirds (2/3) vote of those members present. The Senate Speaker will sign and attest to the Articles of Impeachment upon their passage.
- 4.10** Once the Articles of Impeachment have been approved, the Body of Impeachments shall appoint a Committee of Impeachments from among its own members to prosecute the impeachment before the Body of Trials. The Senate Speaker may serve as a member of the Committee.
- 4.11** The chair of the prosecution committee shall deliver the Articles of Impeachment to the Chief Justice or appropriate officer of the Body of Trials within five (5) days after their passage. The chair shall also notify the accused officer of the impeachment order, and shall deliver copies of the Articles of Impeachment and the minutes from the Body of Impeachments to the accused officer.

SECTION 5. TRIAL AND REMOVAL

- 5.1** The Chief Justice of the SGA Supreme Court shall preside over the Body of Trials, with the exception of their impeachment when the most senior Justice shall preside. The Chief Justice may retain the other Justices of the Supreme Court as advisors during the trial.
- 5.2** The Chief Justice shall appoint a secretary for the trial proceedings, who may be the SGA Assistant. The secretary shall issue all processes and keep a record of the proceedings of the Body of Trials. The Body of Trials may employ such stenographic, clerical and other help as may be required. The Body of Trials may also appoint an appropriate number of sergeants-at-arms to assist with the trial proceedings.
- 5.3** The Chief Justice shall set a time and location for the impeachment trial within one (1) school day after receipt of the Articles of Impeachment.
- 5.4** The Chief Justice must notify the accused officer, and all other parties named in the Articles of Impeachment, of the trial date within five (5) school days after receipt of the Articles of Impeachment. During notification, the Chief Justice shall also request the following be presented, by both parties, at least one (1) school day before the hearing:
 - 5.4.1.** Copies of the Articles of Impeachment for each member of the Body of Trials and one (1) copy for the impeached officer.
 - 5.4.2.** Copies of all documented evidence for each member of the Body of Trials and one (1) copy for the impeached officer.

5.4.3. A list of all anticipated witnesses to be brought by each side.

SECTION 6. RIGHTS AND POWERS OF THE BODY OF TRIALS

- 6.1** During trial and removal, the Body of Trials shall have powers similar to those of the Rights and Powers of the Supreme Court as found in Title 3 of the SGA By-Laws.
- 6.2** The Chief Justice, posed for a majority vote by the Body of Trials, may make all orders, rules and regulations which it may deem essential or necessary for the orderly transaction of its business.
- 6.3** Incidental rules and procedures may be suspended by a majority vote of the Body of Trials.

SECTION 7. TRIAL PROCEDURE

- 7.1** The Chief Justice shall administer the Oath of Conduct to the Body of Trials before it convenes.
- 7.2** The plaintiff in the trial shall be the Committee on Impeachments. The defendant in the trial shall be the impeached officer.
- 7.3** The Chief Justice shall ask the parties if they are ready to proceed and ask them to identify their representatives. The failure of the Committee of Impeachments or the impeached officer to appear before the Body of Trials shall be grounds for a summary judgment.
- 7.4** If all parties are ready to proceed, the Chief Justice shall open the hearings. At this time the Chief Justice shall give a short statement, urging the parties to feel free to ask questions as the hearing proceeds, and that the interest of the Body of Trials is justice, not necessarily form or procedural rules.
- 7.5** The Chief Justice shall determine if the plaintiff's and defendant's briefs have been distributed to the Body of Trials and to opposing parties. The Chief Justice shall then read the Articles of Impeachment to the Body of Trials.
- 7.6** The Committee of Impeachments may request to add any pleadings to the original statement. If so, the Body of Trials shall, by majority vote, determine if the additions are to be accepted.
- 7.7** Additional depositions, exhibits, enclosures, or other evidence that needs to be filed with the Body of Trials, by either party, will be presented at this time.
- 7.8** Either party may introduce a procedural motion for delaying of the hearing, challenge for cause, summary judgment or other extraordinary action. These procedural motions shall be approved upon a majority vote of the Body of Trials opening arguments. The Committee of Impeachments shall be the first to present.
- 7.9** The Committee of Impeachments shall present their case. Witnesses of the plaintiff will take the witness stand and be questioned first by the plaintiff and then cross-examined by the defendant's representative.
- 7.10** After the plaintiff's case has been presented, the defendant's representative shall present their case. Witnesses of the defendant will take the witness stand and be questioned first by the defendant's representative and then cross-examined by the Committee's representative.
- 7.11** After each witness has gone through direct and cross-examination, the Chief Justice shall allow questions from the Body of Trials. The time for questions from the Body of Trials shall be set by the Chief Justice and may be extended by a motion to suspend the rules approved by a majority vote of the Body of Trials.
- 7.12** Either party may put on testimony to answer or to rebut that of the other party. This may include the recall of witnesses.
- 7.13** After both parties have rested their cases, the one representative from each opposing side shall have the opportunity for summation. The defendant's side shall have the final summation.

- 7.14** After summation, members of the Body of Trials may ask questions concerning the case. The question period shall be treated like Questions to the Author for the purposes of parliamentary procedure. Questions may be posed to either the Committee or the impeached officer. Either party shall have the right to refuse to answer any questions.
- 7.15** After questions to the parties, all parties and their witnesses shall be dismissed. The Chief Justice shall then open the floor to debate and discussion. The Body of Trials shall follow regular Senate procedures for the purposes of debate.

SECTION 8. QUESTION, STANDARD OF PROOF, VOTE

- 8.1** The question to be considered by the Body of Trials is whether the accused officer committed the offenses alleged in the Articles of Impeachment.
- 8.2** The standard of proof in the trial shall be a preponderance of the evidence (i.e., more likely than not that the offenses were committed).
- 8.3** After debate and discussion, the Body of Trials shall vote on the decision to remove. The decision shall be approved by the Body of Trials after receiving a two-thirds (2/3) vote of those members present. An affirmative vote taken by the Body of Trials shall indicate that a preponderance of the evidence supports the Articles of Impeachment, and that the impeached officer should be removed from office.

SECTION 9. REMOVAL

Once the decision to remove has been approved, the Body of Trials shall appoint a committee of its own members to assist the Chief Justice in drafting a document formally removing the impeached officer. The document shall include the charges made in the Articles of Impeachment, the findings of the Body of Trials, and the standard of proof used. The Chief Justice shall sign and attest to the document, and shall provide copies to the impeached officer, the SGA advisor, and the Student Conduct Office.

SECTION 10. PENALTIES

Upon removal from office, the impeached officer shall never hold an office of honor, trust, or profit under the authority of the SGA, but the person convicted shall nevertheless be liable and subject to indictment, trial and judgement, and punishment according to law.

SECTION 11. RECORDING VOTES AND ABSENCES –

- 11.1** The SGA Senate, when sitting as a Body of Impeachments or as a Body of Trials, shall vote by roll call in open session. The vote of each Senator, and the outcome of the vote, shall be recorded in the minutes of the respective body.
- 11.2** The SGA Senate, when sitting as the Body of Impeachments or as the Body of Trials, shall determine what amount of absence of a Senator during the trial shall exclude the Senator from voting in the final decision.

SECTION 12. ADDITIONAL PROCEDURES

The SGA Senate, when sitting as a Body of Impeachments or as a Body of Trials, shall have power to prescribe and adopt such rules of procedure as it may deem expedient for the orderly consideration of the impeachment case. The SGA Senate shall pass such laws as are necessary for carrying into effect the provisions of this article.