

Impeachment Proceedings Guidelines

- I. Who has the authority to initiate impeachment proceedings?
 - a. House of Representatives per Constitution Article II, Section 3, Item H:
 - i. "H. To initiate Recall and Impeachment proceedings"
- II. What Qualifies as an Impeachable offense?
 - a. Per Constitution Article VII, Section 3:
 - i. "Members and officers may be recalled or impeached only in the following cases:
 - a) The member has violated the Constitution of the Student Body, the Constitution of the Graduate Student Body, or the Bill of Student Rights & Responsibilities;
 - b) The member has grossly and with intent violated the policies and procedures of the SGA;
 - c) The member has failed to meet the academic or disciplinary requirements set forth in legislation enacted by the House;
 - d) The member has exemplified conduct grossly unbecoming an officer or received undue personal financial or material gain through his or her actions."
- III. How are impeachment proceedings initiated?
 - a. Per Constitution provision Article VII, Section 2:
 - i. "Impeachment proceedings may be initiated against any member of the SGA by submission of a petition signed by at least ten percent (10%) of the members of the House or by submission of an order to remove signed by the Judicial Board."
 - b. The signed Impeachment petition must be submitted to the House floor as New Business, with the corresponding violations identified.
 - c. The Speaker will then direct the petition to Judicial Board for a formal hearing.
- IV. How are Impeachment Hearings run?
 - a. Per Student Body Code Title 5, Chapter 2, Subsection 204:
 - i. Conduction of a Hearing/Agenda
 - a) Upon the request of a hearing, the Chief Justice shall notify the Justices of a time and place for the hearing and request any Justices who are able to attend and do not have a conflict of interest to reply back as soon as possible. The first five (5) students to reply will serve on the case.
 - b) All hearings will be closed meetings, with the exception of the time allotted for witness testimony.
 - c) The hearing will have the following agenda:
 - a. Opening statements—each party will have a maximum of five (5) minutes for an opening statement.
 - b. Witnesses—if a party wishes to have witnesses, each witness will have a maximum of five (5) minutes to make a statement. Each party will be limited to three (3) witnesses.
 - c. Question and Answer—at this time, the Justices will have a maximum of twenty (20) minutes to ask questions to each party.

- d. Board decision—Both parties will leave the hearing and the Justices will debate and decide the case on a majority vote. The Chief Justice will notify the parties, SGA advisors, President and the Elections and Regulations Chair of the decision

V. What Sanctions can Judicial Board Impose?

- a. Per SBC Title 7, Chapter 4:
 - i. §401. Authorized Sanctions
 - a) Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in this code shall be sanctioned in accordance with the provisions of this chapter so as to achieve the purposes set forth in §402.
 - ii. An individual found guilty of an offense shall be sanctioned, in accordance with the provisions of §402, to—
 - a) A warning;
 - b) A term of probation;
 - c) A fine as authorized by 8 SBC 5;
 - d) An injunction from performing or to perform a specific act related to the offense;
 - e) Disqualification from holding a specific office; or
 - f) Removal from office or seat as authorized by 8 SBC 6;
 - g) A sanction to pay a fine may be imposed in addition to any other sentence. A sanction authorized by 8 SBC 7 may be imposed in addition to the sentence required by this subsection.

VI. What if the Judicial Board finds in favor of removal?

- a. Per Constitution Article VII, Section 4:
 - i. “The Member or officer shall be removed with the consent of two-thirds of the membership of the House. If a Student Body Officer is the subject of the recall, the Chief Justice shall preside over the meeting.”
 - ii. Recall/Removal as ordered by the Judicial Board will allow procedure outlined in Chapter 6 of the Student Body Code.