



## Article VII

# Impeachment and Removal

### Section 1: Authority

- I. The Senate has the power to expel any executive officer, Senator, or alternate from office after a proper hearing has been held with the approval of two-thirds (2/3) of all Senators.
- II. During, and only during, the consideration of all matters dealing with a formal complaint, the accused will lose all powers, rights, and duties of his or her office. The accused shall still have the right to speak on his or her behalf. This shall be called impeachment.

### Section 2: Impeachment

#### I. Power

- A. The Article VII Committee shall have the power of impeachment. It shall consider all formal complaints made against any Senator.
- B. The Article VII Committee shall be formed no later than the first week of May following Bylaw 7.2.1. If a member of the committee has a complaint brought against them then they shall immediately step down from the committee until the matter has been resolved.

#### II. Impeachable Offense

- A. Inappropriate conduct (including but not limited to threats, verbal abuse, harassment, demagogue, theft, vandalism, libel, or slander) while representing the Student Body in any official capacity.
- B. Intentional misleading of school officials or any Student Body member regarding official University or Senate business.
- C. Misuse, misappropriation, or theft of Student Senate resources.
- D. Intentional violation of any provision of this Constitution, the bylaws of the Senate, or the fiscal guidelines.
- E. Misuse of power or privilege granted by office.
- F. Failure to comply with an executive order as set by the President.

#### III. Requirements for Formal Complaints

- A. The complaint must state the specific party or individual in violation.
- B. The complaint must state the organization or individual presenting the claim.
- C. The complaint must be typewritten/word processed and coherent.
- D. A specific violation of Article VII, Section 2, Subsection II, must be addressed.
- E. The complaint must completely and fully describe the instance(s) of offense(s) allegedly committed.
- F. Any formal complaint shall be filed with the Article VII Committee.

#### IV. Indictment

- A. Within two (2) school days, the Article VII Committee shall deliver a copy of the formal complaint to the accused.

- B. Within one (1) school week of receiving the formal complaint, the committee shall meet, and using whatever measures it deems necessary, determine by a majority vote if sufficient evidence exists to hold an impeachment hearing. If the committee concludes that enough evidence exists, the accused shall be impeached.
- C. If the committee concludes that enough evidence does not exist, the matter shall be declared closed with no hearing held unless the Senate moves to bring the impeachment hearing to the Senate with the endorsement of one third ( $\frac{1}{3}$ ) of the Senate.

### **Section 3: Trial Process**

- I. All impeachment hearings shall be held in an open session before the full Senate in a special session.
- II. The presiding chairperson shall be the highest-ranking elected Officer that is not being impeached. In the event that no Officer is willing or eligible to serve as presiding chairperson the Advisor shall appoint a chairperson.
- III. The presiding officer of the Senate shall set the date of the special session for a day no later than two (2) school weeks after impeachment.
- IV. A copy of the formal complaint shall be given to each Senator at least two (2) days before the hearing.
- V. The accuser and the accused shall, in turn, present their cases and witnesses. Each side shall have the opportunity to cross-examine witnesses and make a closing argument.
- VI. After closing arguments, the Senate shall retire into closed session. The Senate may recall and question any person involved in the hearing. After discussion, the Senate shall vote by secret ballot.
- VII. The presiding officer shall announce the vote totals and the verdict, and it shall be recorded in the minutes. If the verdict is guilty, the presiding officer shall immediately declare the office of the accused vacant. If the verdict is not guilty, the matter shall be declared closed.

### **Section 4: Removal by Unacceptable Absence**

- I. Should a Senator have two (2) unacceptable absences (defined as missing roll call at the beginning of a Senate session) or failure to complete “office hours” as set forth by the President, that Senator shall receive a written warning from the President on behalf of the Senate as a whole.
- II. Following this warning, should the Senator have another unacceptable absence from either a Senate session or “office hours”, as the case may be, that Senator shall then be considered to have vacated his or her seat unless a special dispensation, conditional or unconditional, is granted by a majority vote of the Senate.