

B-F2019-09: To create a Student Government Judiciary Board and revise/define impeachment and recall proceedings.

In the General Body,

Date: September 22nd, 2019

Primary Sponsors: Suchir Govindarajan, Vice President for Governmental Affairs
 Rajbir Toor, Student Trustee

Sponsors: Jenni O'Neill, Executive Vice President
 Chris Driscoll, Alternate Student Trustee
 Jonathan DellaGatta, Speaker of the General Assembly
 Kelsey Cogan, Vice President for Academic Affairs

A Bill,

To create an SG Judiciary Board, comprised of the Executive Vice President, Speaker of the General Assembly, and Alternate Student Trustee, to oversee the performance of SG members as it pertains to their responsibilities within the organizations. If any member of the Board is under investigation, the Student Trustee shall replace them. If the Executive President is under investigation, the Student Trustee shall replace the Executive Vice President on the Board. The Board will be responsible for adhering to the previously set standards in the Constitution regarding violations of GPA maintenance, Academic Integrity Policy, and Student Code of Conduct. The Judiciary Board shall be responsible for monitoring the progress of all Student Government members throughout the semester and maintaining a written record of all meetings and outcomes decided between the two parties. The Judiciary Board is also charged with bringing forth charges of impeachment so that when the case is presented to the General Body, it is a vote for recall, or removal of office. This Bill streamlines the recall process and defines impeachment charges into three designations: nonfeasance, misfeasance, and malfeasance. Recall proceedings shall occur in open session and questions can be asked by elected and non-elected members, as well as constituents. A 51% majority vote is required to recall the elected member.

Formatting:

Article III, Section C
Article III, Section K
Article III, Section M
Article VII
Article VIII

Details

Article III, Section C, Clause 8 shall be added.

Article III, Section C, Clause 8 shall read:

To serve on the SG Judiciary Board as outlined in Article VII, Section 1.

Article III, Section K, Clause 12 shall be added.

Article III, Section K, Clause 12 shall read:

To serve on the SG Judiciary Board as outlined in Article VII, Section 1.

Article III, Section M, Clause 9 shall be added.

Article III, Section M, Clause 9 shall read:

To serve on the SG Judiciary Board as outlined in Article VII, Section 1.

Article VII, Sections 1-8 shall be renumbered as 2-9.

Article VII, Section 1 shall be added.

Article VII, Section 1 shall read:

A Student Government Judiciary Board shall oversee the performance of SG members throughout the semester and shall be responsible for presenting a formal charge of impeachment. The SG Judiciary Board shall be comprised of the Executive Vice President, Speaker of the General Assembly, and Alternate Student Trustee. If any member of the Judiciary Board is unable to perform his/her duty on the Judiciary Board or if any member is the party being investigated, then the Student Trustee shall serve on the Judiciary Board instead. If the Executive President is the party being investigated, the Student Trustee shall replace the Executive Vice President on the Judiciary Board, until the conclusion of the investigation, in order to avoid any conflict of interest.

Article VII, Section 2 shall be amended.

Article VII, Section 2 shall read:

All voting members of the General Assembly shall maintain a Grade Point Average (GPA) of no less than 2.0. All members of the Cabinet shall hold a GPA of no less than 2.5. Should a member's GPA fall below the aforementioned minimum requirement, the Judiciary Board reserves the right to request that member's resignation. If the member chooses not to resign, the Judiciary Board reserves the right to present a formal charge of impeachment upon that member.

Article VII, Section 2 shall be instilled.

Article VII, Section 3 shall be amended.

Article VII, Section 3 shall read:

All voting members of the Student Government shall maintain good standing as it pertains to student conduct. If a Student Government member is found to be in violation of the Student Code of Conduct by the appropriate agency within the Office of the Dean of Students, or any other relevant office, and receives a sanction of pending, interim, or actual termination of housing; pending, interim, or actual suspension; and/or expulsion, the **Judiciary Board**—barring significant and extenuating circumstances—shall request that member's resignation. If the member chooses not to resign, the **Judiciary Board shall present a formal charge of impeachment upon that member.** If the member chooses to appeal his or her sanction within the Office of the Dean of Students, no formal action will be taken by **the Judiciary Board** or the Student Government against the member until the appeals process has concluded and the final sanction is one of pending, interim, or actual termination of housing; pending, interim, or actual suspension; and/or expulsion.

Article VII, Section 3 shall be instilled.

Article VII, Section 4 shall be amended.

Article VII, Section 4 shall read:

If a Student Government member is found to be in violation of the Academic Integrity Policy and receives a sanction of pending, interim, or actual suspension or expulsion, the **Judiciary Board**—barring significant and extenuating circumstances—shall request that member's resignation. If the member chooses not to resign, the **Judiciary Board shall present a formal charge of impeachment upon that member.** If the member chooses to appeal his or her sanction as provided for by the relevant policies, no formal action will be taken by **the Judiciary Board** or the Student Government against the member until the appeals process has concluded and the final sanction is one of pending, interim, or actual suspension or expulsion.

Article VII, Section 4 shall be instilled.

Article VIII, Section 1 shall be amended.

Article VIII, Section 1 shall read:

Impeachment shall be defined as a formal process of the SG Judiciary Board bringing charges to a member of the SG in order to remove that member from his/her office.

Article VIII, Section 1 shall be instilled.

Article VIII, Section 2 shall be amended.

Article VIII, Section 2 shall read:

Recall is defined as the removal of a member from office. This shall be conducted by a vote of the General Body, after formal impeachment charges are brought forth by the SG Judiciary Board. Recall proceedings shall be conducted during open session. The recall proceedings may not be recorded or documented in any manner by constituents or members of the SG. Any media outlets must sign a Non-Disclosure Agreement prior to the start of the recall proceedings.

Article VIII, Section 2 shall be instilled.

Article VIII, Sections 3-4 shall be renumbered as 4-5.

Article VIII, Section 3 shall be added.

Article VIII, Section 3 shall read:

Impeachment charges shall be separated into two designations; nonfeasance and misfeasance/malffeasance. Nonfeasance charges include failing to accrue the required number of Positive Program Points. Misfeasance charges include dereliction of duty, accumulating (20) Unexcused Negative Program Points, and failing to comply with the Judiciary Board. Malffeasance charges include inappropriate behavior, the wrongful exercise of authority, or corruption.

Article VIII, Section 4 shall be amended.

Article VIII, Section 4 shall read:

Recall proceedings should be announced to the General Body one week before the hearing, except in extenuating circumstances. The accused must be given a choice of at least two dates to appear before the General Body for the recall process. If the accused fails to make either date, he/she has the option to appoint a designee to present his/her case and answer questions. In this case, the prosecutor must send out a poll one week before the recall proceedings to collect potential questions for the designee to prepare answers to. This designee may not vote in the recall proceedings. If the accused does not appoint a designee, the recall process shall proceed without them. At the meeting during which the recall proceedings are scheduled, the proceedings must be prioritized on the Agenda, as to provide ample time for questions and deliberation.

Article VIII, Section 4 shall be instilled.

Article VIII, Section 5, Subsection A shall be amended.

Article VIII, Section 5, Subsection A shall read:

The Vice President for Governmental Affairs, or his/her designee, shall act as the prosecution. If the Vice President for Governmental Affairs is the party being impeached, the Student Trustee, or his/her designee, shall serve as the prosecution.

Article VIII, Section 5, Subsection A shall be instilled.

Article VIII, Section 5, Subsection B shall be amended.

Article VIII, Section 5, Subsection B shall read:

The prosecution will be allowed opening remarks charging the accused party of the violations in question. The accused will be allowed opening remarks refuting the charges.

Article VIII, Section 5, Subsection C shall be instilled.

Article VIII, Section 5, Subsection C shall be amended.

Article VIII, Section 5, Subsection C shall read:

Questions for the prosecution and the accused will be allowed from voting and non-voting members of the Student Government, as well as any constituents present.

Article VIII, Section 5, Subsection C shall be instilled.

Article VIII, Section 5, Subsection D shall be amended.

Article VIII, Section 5, Subsection D shall read:

A vote to recall the accused can be taken at any time after a minimum of five questions for both the prosecution and the accused. The accused shall be recalled with a 51%-majority vote of members present at the meeting. All votes must be conducted via a secret ballot.

Article VIII, Section 5, Subsection D shall be instilled.

Article VIII, Section 5, Subsection E shall be deleted.

Article VIII, Section 5, Subsection F shall be deleted.

Effective Date: Immediately