

TITLE VII: THE IMPEACHMENT AND REMOVAL STATUTES

Chapter 700 Impeachable Offences

Offenses punishable by impeachment shall be:

- A. Misfeasance, defined as a lawful act performed in a wrongful manner by a Student Government Agent in execution of their duties.
- B. Malfeasance, a wrongful act performed by a Student Government Agent in the execution of their duties or the willful disregard of the Student Body Constitution, Student Body Statutes, or Senate Rules.
- C. Neglect of Duty, defined as intentional and/or unintentional disregard in obeying and executing the duties of the office in which the individual serves.
- D. Conviction of a Felony, whether within or beyond the scope of the duties of a Student Government Agent.

Chapter 701 Filing for Impeachment

701.1 Any student at the University of Central Florida may file an affidavit for impeachment against any Student Government Association Agent.

- 701.2 Charges or complaints of wrongdoing may be filed by the student in affidavit form:
- A. The Affidavit must include a description of what alleged wrongdoings were conducted. The student may, but is not required to, list the provision of the Student Body Constitution, Student Body Statutes, or Senate Rules that are alleged to have been violated.
 - B. The Affidavit must be notarized prior to submission to the Senate Secretary. Said Affidavit must be submitted at least three hours prior to the next regularly scheduled Legislative, Judicial, and Rules Committee meeting in order to be heard at that meeting.
 1. No additional preliminary evidence, tangible or otherwise, may be submitted after the Affidavit has been filed with the Senate Secretary until such time of the Discovery Process.
 2. Should the Senate vote to impeach the individual, additional evidence may be submitted during the Discovery Process.
 - C. The student must include contact information along with the Affidavit. This contact information shall only be used by the Legislative, Judicial, & Rules Committee (LJR) Chair and the Senate Secretary to ensure the individual is informed throughout the process.
 - D. Should the student decide to withdraw the Affidavit, the student must request to do so in writing to the LJR Chair. The student may not file a new affidavit any earlier than 24 hours following the withdrawal of the initial affidavit. The Affidavit may not be withdrawn once the LJR Committee recommends the Affidavit move on to the Senate floor.

701.3 Once properly submitted to the Senate Secretary, the Senate Secretary must time stamp it. Once the Affidavit(s) is submitted to the Senate Secretary, the Senate Secretary will contact the LJR Chair via email to notify the Chair of the filing. The Senate Secretary will provide the Chair with the Affidavit.

Chapter 702 Preliminary Review

- 702.1 The LJR Chair shall make copies of the Affidavit(s) for the members of the Committee and will present the charges during New Business under the heading of "Affidavit Review" at the next regularly scheduled LJR Committee meeting. Caucuses held during a Senate meeting will not constitute a regularly scheduled LJR Committee meeting.
- 702.2 Relinquishment from one's seat due to conflict of interest :
- A. Should the accused or accuser be a member of the LJR Committee, said member will relinquish their voting and debating rights as a member of the LJR Committee on all matters relating to the Affidavit, until the charges are dismissed or until the conclusion of the Removal Hearing.
 - B. Should the LJR Chair be the Student Government Agent being accused of the violation, the Chair will temporarily step down from the Chair position during all matters relating to the impeachment Affidavit until the charges are dismissed or until the conclusion of the Removal Hearing.
 - C. Should a member of the LJR Committee be referenced in the Affidavit as being an involved party or witness to the offense, the Committee may, with a two-thirds (2/3) vote, remove the individual from the Committee until the charges are dismissed or until the conclusion of the Removal Hearing. The Senate may overturn this decision with a two-thirds (2/3) vote.
- 702.3 Once the LJR Committee reaches the Affidavit Review section of the agenda, the entire Committee will immediately enter into a ten (10) minute individual review of the Affidavit prior to any debate or discussion by the Committee.
- 702.4 Once the ten (10) minutes has expired, the LJR Chair shall introduce the Affidavit to the Committee. If necessary, the LJR Chair may extend the individual review time by up to ten (10) minutes with a majority vote of the committee.
- 702.5 At no time shall anyone outside of the Committee be permitted to speak or ask questions. Neither the accused nor the accuser will have the opportunity to speak or present new evidence during this preliminary review. The Committee may request statutory or procedural questions of the Attorney General. These questions may not be of a substantive matter.
- 702.6 The LJR Committee will determine whether or not the contents of the Affidavit fall within the jurisdiction of an impeachable offense and shall specify in an addendum to the Affidavit which provision(s) of the Student Body Constitution, Student Body

Statutes, and/or Senate Rules may have been violated. While the individual filing the Affidavit may suggest potential violations within the Affidavit, the final determination on which provision(s) may have been violated shall be made by the LJR Committee.

702.7 Decision by the LJR Committee:

- A. If, after consideration, a majority of the LJR Committee present and voting find that the allegations have merit as being within the jurisdiction of an impeachable offense, the charges shall be brought to the floor of the Senate, under Miscellaneous Business, by the Chair of the LJR Committee.
- B. If the LJR Committee votes down the allegations, the charges are dismissed.
- C. A two-thirds (2/3) vote of the Senate may overturn LJR's decision to dismiss the charges.

Chapter 703 Impeachment Hearing

703.1 Once the LJR Committee has voted to move forward with the impeachment process, the Affidavit(s) will be presented at the next regularly scheduled Senate meeting following the LJR meeting.

- A. Should the Affidavit(s) in question be brought against the Speaker of the Senate, the Speaker shall step down and the Senate President Pro Tempore will take the Chair during the portion of the Senate meeting.
- B. Members that have relinquished their seat or have been removed from the LJR Committee are permitted to debate and vote in the Impeachment Hearing. This conflict may allow for the Senator to abstain from voting if the Senator so chooses.

703.2 During the LJR report, the LJR Chair will read into the minutes the vote count and decision of the LJR Committee with regard to the Affidavit(s), but will not introduce the Affidavit(s) for debate until Miscellaneous Business.

703.3 Once the Senate meeting enters into Miscellaneous Business, the LJR Chair will introduce the Affidavit(s) to the Senate and proceed with the Impeachment Hearing.

- A. The LJR Chair will review the definition of impeachable offenses with the Senate and will furnish the Senate with copies of the Affidavit(s). The LJR Chair will then move for a ten (10) minute individual review in which members of the Senate can review the Affidavit(s). If necessary, the Speaker may extend the individual review time by up to ten (10) minutes, with a majority vote of the Senate. This is a non-debatable motion.
- B. After the ten (10) minute recess has ended, the Speaker will allow for the Senate to ask procedural questions of the LJR Chair concerning the impeachment process.
- C. The Senate will then deliberate on the merits of the Affidavit(s) as being within the jurisdiction of an impeachable offense.
 - 1. Senators may not debate on the validity or plausibility of the Affidavit(s), nor may any additional evidence be presented or

- discussed.
2. The debate that is permitted during this Impeachment Hearing is whether or not the Affidavit(s) has any basis of the accused having committed an impeachable offense.
 - a) If there is a question as to additional evidence needed or some level of concern that there may be more to the Affidavit(s), the Senate should move to impeach the individual and allow for complete investigation during the Discovery Process.
 - b) If the Senate does not see substantial evidence or concern with regard to the alleged violations, or if the Senate does not find that the allegations warrant an impeachable offense, the Senate should move to dismiss the charges.
 3. At no time during the Impeachment Hearing shall anyone outside of the Senate be permitted to speak, with the exception of the Attorney General or Student Government Advisor, who may be asked questions regarding statutory interpretation or procedure.
- D. Once the Senate moves to vote on the Affidavit(s), the vote will determine whether the Senate believes that the Affidavit(s) warrants further investigation.
1. Should the Senate conclude by majority vote that the Affidavit(s) does not warrant further investigation or does not fall within the jurisdiction of being an impeachable offense, the charges are dismissed.
 2. Should the Senate conclude by majority vote that the Affidavit(s) does warrant further investigation and does fall within the jurisdiction of being an impeachable offense, the accused is considered impeached and the charges are moved forward to the Discovery Process and Removal Hearing.
 3. If the Affidavit which warrants further investigation is against an individual who holds any responsibilities within the Discovery and/or Removal Process, said individual shall be prohibited from performing any of these duties within the Discovery and/or Removal Process and the individual's duties shall be fulfilled by the order of succession dictated by the Student Body Constitution or Student Body Statutes.
- 703.4 If the Senate moves to continue with an investigation, the Speaker of the Senate shall, within two (2) school days, set a date for the Removal Hearing, to be held no sooner than two (2) school weeks and no later than four (4) school weeks from the Impeachment Hearing.
- A. If the charges are against the Speaker of the Senate or the Speaker of the Senate is unavailable, the Senate President Pro Tempore shall set the date for the aforementioned Hearing.
 - B. Under such circumstances that charges are brought forth in the last four (4) school weeks of the semester or the Agent's term in office, a 2/3 vote of the Senate may allow for the Removal Hearing to be held as soon as one (1) week from the date it is voted on by the Senate.

703.5 Notification:

- A. The LJR Chair shall send the accused, via email, a "Notice of Hearing" within one (1) school day after the date and time of the Removal Hearing was set by the Speaker of the Senate or President Pro Tempore. This notice shall include a copy of the charges, time and place of the hearing, a statement of their right to be at the hearing to defend themselves, a right to seek advisement from a Judicial Advisor, and the right to receive a copy of any transcript.
- B. The LJR Chair shall also notify the student who submitted the impeachment Affidavit(s) of the hearing date and location as well as inform said student of their right to consult with a Judicial Advisor or LJR Chair for any questions on the procedure of the Removal Hearing. The Judicial Advisor that is assisting the accused may not be utilized by the accuser. The Attorney General may be of further assistance in interpreting Student Government Statutes and regulations.
- C. The LJR Chair, or Speaker of the Senate upon written request of the LJR Chair, shall notify all parties, including but not limited to witnesses, advisors, or other Student Government Agents of the occasion, time, and place of the proceedings and shall:
 - 1. Direct all student parties to appear before the Removal Hearing at the time and place specified.
 - 2. Request all non-student parties to appear before the Removal Hearing at the time and place specified.
 - 3. The official "Notice to Appear" will not be considered valid without the signature of the Chief Justice or their designee.
- D. If a Student Government Agent chooses not to comply with a request by the Speaker of the Senate or the LJR Chair to appear before the Senate, the Senate may subpoena the Student Government Agent by a majority vote. Failure by a Student Government agent to comply with a subpoena may result in the initiation of disciplinary action, which may include, but is not limited to, impeachment.

Chapter 704 Discovery Process

- 704.1 Once the accused has been impeached, the LJR Chair shall begin the Discovery Process in preparation for the Removal Hearing.
- 704.2 The LJR Chair shall contact, in writing, the student(s) who submitted the Affidavit(s) as well as the accused requesting the submission of all tangible evidence that will be utilized during the Removal Hearing within twenty-four (24) hours of the accused being impeached. This evidence must be submitted within seventy-two (72) hours of being contacted by the LJR Chair.
 - A. All such evidence will be provided to the accused to prepare for the individual's defense in a timely manner prior to the hearing, but no less than twenty-four (24) hours before the hearing.
 - B. No new tangible evidence may be introduced at the Removal Hearing without the written consent of both the accused and the LJR Committee, by majority

vote.

704.3 The LJR Chair shall contact, in writing, the student(s) who submitted the Affidavit(s) as well as the accused requesting a list of all witnesses, with contact information, that they would like to testify at the Removal Hearing.

704.4 The LJR Committee shall meet prior to any Witness Interview appointments to formulate a formal list of questions to ask of all witnesses.

704.5 Witness Interviews:

- A. The LJR Chair shall contact the witnesses, including the accused and the student(s) who submitted the Affidavit(s), being requested to attend the hearing to schedule a time for each witness to testify regarding the knowledge they have of the events of the case.
- B. Upon having scheduled the appointments, the LJR Chair shall contact the LJR Committee to inform them of the Witness Interviews and request that members attend to assist in the gathering of evidence. In addition to the witness being interviewed, the Speaker of the Senate and/or Senate Advisor may also be present at the appointment to ensure that Statutes are followed and that students' rights are upheld, but may not ask questions of the witness. Only the witness, members of the LJR Committee, the Speaker of the Senate, the Senate Advisor, and a certified stenographer hired by the Speaker of the Senate may be present at these appointments.
- C. The Witness Interview appointments serve solely as fact-finding meetings in which the LJR Committee may gather information needed for the Removal Hearing, and are thus exempt from Florida Sunshine Law under the limited exemption applicability of Sunshine Law to advisory committees established for fact-finding only. This exception shall be waived under such circumstances as Florida Sunshine Law is changed and the exemption removed. Quorum is not needed at these appointments, as no official decision-making will take place, but at least two members of the LJR Committee must be present, with at least one member being the Chair or Vice Chair.
- D. The Witness Interview appointments shall be audio recorded for later transcription, if necessary, and will serve as evidence in the Removal Hearing.
- E. Procedure for the Witness Interview appointments shall be as follows:
 1. The LJR Chair shall have the witness state their name into the microphone and have them read out loud:

“I acknowledge that the testimony I present today is truthful and to the best of my knowledge, and I understand that deliberately providing any false or misleading information in this hearing is a violation of the rules of conduct outlined in the Golden Rule.”

2. The LJR Chair shall then have all individuals in the room state their

names for the record and state the following:

“I acknowledge that the testimony that is presented today is for the purposes of the Discovery Process of (state Impeached individual's name), and I will not discuss or debate any of the information that is presented here until the scheduled Removal Hearing.”

3. The LJR Chair will ask the witness to state how they are involved in this case as well as give any relevant testimony as to what they know about the charges brought forth.
 4. The LJR Committee may ask the witness questions of clarification, but such questions may only serve to gather additional information. The committee shall form all questions in a non-accusatory form.
 - a) The witness is only to speak on the issue in the context of their involvement or knowledge and may not speak to hearsay or speak speculatively on the matter.
 - b) Should the witness begin to speak off topic or the LJR Committee ask questions of an interrogative manner, the LJR Chair shall interrupt the individual speaking in order to correct this.
 5. The LJR Committee may not under any circumstances debate any of the testimony given, nor may they discuss what was said at the Witness Interview appointments until such time as the Removal Hearing.
- F. Once all Witness Interviews have been gathered, the LJR Chair will give a copy of the audio recordings to the Senate Secretary and a copy of the audio recordings to the Speaker of the Senate to have them transcribed, if necessary.
- G. The Speaker of the Senate shall contact a certified stenographer to transcribe the Witness Interviews.
1. Should a stenographer be unavailable or unobtainable due to time or fiscal constraints, the Speaker of the Senate, Senate President Pro Tempore's office member on the LJR Committee, LJR Chair, and LJR Vice Chair will transcribe the Witness Interviews.
 2. Neither the accused nor any LJR member that has relinquished or been removed from their seat may transcribe the witness testimony.
- H. The LJR Chair shall provide the witnesses with a copy of the transcriptions prior to their reproduction.
1. Each witness will review the transcription of their interview and will sign off or write a memorandum to the LJR Chair acknowledging the transcription is accurate, within forty-eight (48) hours of receipt of the transcription.
 2. Should the witness not respond within forty-eight (48) hours, the transcription will be considered accurate and will be used in the Removal Hearing.
 3. If the witness finds inaccuracies within the transcription, said individual must inform the LJR Chair of such inaccuracies. The LJR

Chair shall then review the Witness Interview recordings and appropriate changes shall be made if needed. The witness will then have twenty-four (24) hours to review any revision and indicate approval of the transcription as stated above, or the transcript will be considered approved and used in the Removal Hearing.

- I. Upon the receipt of all approved Witness Interview transcriptions, the LJR Chair shall provide copies to the accused within forty-eight (48) hours, but no less than twenty-four (24) hours before the Removal Hearing.

704.6 Tangible Evidence:

- A. The student who submitted the Affidavit and the accused shall have the right to submit any tangible evidence pertaining to the charges to the LJR Committee during this Discovery Period.
- B. After receiving all of the tangible evidence and Witness Interview transcriptions, the LJR Committee shall meet to review the evidence and determine whether the evidence is relevant to the charges.
 1. Any evidence deemed irrelevant will not be presented at the Removal Hearing.
 2. All approved evidence shall be forwarded to the accused within forty-eight (48) hours prior to the Removal Hearing, but no less than twenty-four (24) hours before the Removal Hearing.
 3. Any evidence deemed irrelevant may be appealed by the accused to the Senate Executive Committee and the LJR Committee decision may be overturned by a majority vote of the Senate Executive Committee, prior to the hearing.

Chapter 705 Rights of the Accused

Any Student Government Agent accused of an offense at any time during the Impeachment Process and/or Removal Process is awarded the following rights:

- A. To be informed of all policies, procedures, and decisions made by any Student Government Agent concerning the Impeachment and Removal Process.
- B. To know the offenses and adverse witnesses and to review all evidence prior to the Removal Hearing.
- C. To have the assistance of a Judicial Advisor as per Title IV.
- D. To refrain from self-incrimination and to not be called upon as a witness to said individual's own case.
- E. The right to submit any tangible evidence and/or submit witnesses to be interviewed during the Discovery Process.
- F. The right to resign from office at any time during the Impeachment or Removal Process, thus concluding all actions of the Impeachment or Removal Process.
- G. The right to cross-examine all witnesses that testify in the Removal Hearing and submit evidence that will be considered at the Removal Hearing. No evidence submitted by a witness may be considered at the Removal Hearing if

the witness does not appear at the Removal Hearing for cross-examination by the accused Student Government agent.

- H. The right to ask for statutory interpretation by the Attorney General.
- I. The right to appeal the ruling of the Senate to the Judicial Council for issues related to due process.

Chapter 706 Removal Hearing

- 706.1 In conducting the hearing, the Senate shall preserve decorum and fair play. Evidence, testimony, and discussion shall be restricted to the written charges, and the right of the accused to defend himself/herself, to cross-examine witnesses, and to refute the charges shall be upheld.
- 706.2 The Speaker of the Senate shall preside over the Removal Hearing and call the meeting to order. The LJR Chair will proceed with roll call and will announce the number of Senators present at the hearing. Senators not present and voting at the time of the first witness being called will not be allowed to participate in the Removal Hearing. This will be considered an absence from a Senate meeting and may be properly expunged according to the process set forth in Senate Rules.
- 706.3 Procedure of the Hearing:
- A. Introduction of the Charge(s): The LJR Chair shall open the hearing and shall state the charge(s) and introduce the Witness Interview transcriptions and tangible evidence that will be presented in the hearing.
 - B. Statement of the Accuser(s): The student(s) who submitted the Affidavit(s) may speak before the Student Senate concerning the charge(s) and intent behind the filing of the Affidavit(s). Each student shall have no more than five (5) minutes to speak before the Student Senate.
 - C. Statement of the Accused: The accused shall be allowed to take the floor next and shall have the right to refute the charge(s), evidence, and the statements made by the student(s) who submitted the Affidavit(s).
 - D. Evidentiary Review: The Student Senate shall then have an automatic fifteen (15) minute individual review of the evidence prior to the questioning of witnesses. If more time is needed, such a motion may be made.
 - E. Questioning of the Witnesses:
 - 1. The LJR Chair shall call up each witness separately.
 - 2. The LJR Committee will ask the witness to testify of their knowledge of the charge(s) in question and may ask any pertinent questions relating to the case.
 - 3. After the LJR Committee questions a witness, the accused will have the right to cross-examine the witness.
 - 4. Upon the completion of the cross-examination of the witness, the witness will step down and the next witness will be asked to testify. This procedure will continue until all witnesses have been questioned and cross-examined.
 - 5. Witnesses that testify in the Removal Hearing are required to be

- present for the duration of the questioning period by the LJR Committee and the accused.
6. If, after having heard the testimony, the LJR Committee or the accused wish to reexamine a witness, they may recall the witness and follow the procedure of questioning as stated above.
- F. LJR Deliberation and Recommendation: Upon the completion of the cross examination of the witnesses by the accused, there shall be a recess during which the LJR Committee will caucus to discuss the evidence and, by majority vote, give its recommendation to the Senate. When the hearing reconvenes following the caucus, the Chair of the LJR Committee shall announce the recommendation of the Committee to the Senate.
1. The Recommendation of the LJR Committee will consist of whether or not the accused is in violation of the Impeachable Offense for which the accused was impeached.
 2. The Recommendation shall not include any Impeachable Offense(s) for which the LJR Committee did not determine to be a possible violation during the Impeachment Hearing.
- G. Senate Questioning: Once the Recommendation has been announced to the Senate, Senators who do not sit on the LJR Committee may ask questions of or pertaining to:
1. The accused;
 2. The accuser(s);
 3. The evidence;
 4. The witnesses; and/or
 5. The LJR Committee members.
- H. Closing Statement of the Accused: The accused, if said individual so chooses, shall be allowed up to five (5) minutes to present a statement in closing on their own behalf.
- I. Senate Vote: The Senate shall then vote on the charge(s). To convict the accused, the Senate must concur by a two-thirds (2/3) vote on at least one of the charge(s). This vote shall be done by ballot. The charge(s) and the vote count(s) shall be read by the Chair into the minutes. If the charge(s) against the accused do(es) not meet the two-thirds vote, the accused shall be considered not in violation and is dismissed with no sanction.

Chapter 707 Penalty

707.1 The accused Student Government Agent shall, at the time of conviction by the Senate, relinquish their position. Said Individual shall be denied candidacy for, or appointment to any office within the auspices of the Student Government of the University of Central Florida for one (1) year. The convicted Agent shall also be denied candidacy or appointment to the Student Government Body in which the individual was convicted for the duration of their time at the University of Central Florida.

707.2 Compensation for services of the convicted Agent shall cease on the day of the

Senate vote to convict. If the convicted officer is in the middle of a payment period, they shall receive only the appropriate *pro rata* share of the compensation for the time served during the period.

Chapter 708 Appeals Process

708.1 Judicial Authority:

- A. The Legislative Branch shall have full authority over all impeachment and removal proceedings. The Judicial Council shall have authority to hear appeals based solely on the violation of a student's rights guaranteed by the Constitution of the Student Body of the University of Central Florida or Student Body Statutes.
- B. The Judicial Branch's authority shall be limited to remanding a case back to the Legislative Branch, when deemed necessary, in cases where the Judicial Council finds a student's rights were violated.

708.2 Filing and Posting an Appeal:

- A. An appeal shall only be filed with the Judicial Council by the student whose rights may have been violated. The appeal must be submitted in memorandum form. The memorandum is not to exceed two (2) pages in length, excluding evidence of rights being violated.
- B. All appeals must be submitted within fourteen (14) school days following the conclusion of the Removal Process.
- C. The memorandum must include the parties involved (i.e., Senate vs. Removed Party), the Statute concerning the alleged student rights violation, and the violation. It must be time-stamped by the Senate Secretary upon submission and then delivered to the Chief Justice.
- D. Upon receiving the appeal memorandum, the Chief Justice shall have three (3) school days to make a decision on hearing the appeal.
- E. Upon the Chief Justice posting a decision to hear the appeal, the Chief Justice shall make the information available to all Associate Justices and involved parties.
- F. Upon receiving information from the Chief Justice, any involved parties must submit all evidence and a list of witnesses, who shall only testify in regard to the alleged violation of rights, forty-eight (48) hours prior to the start of the Appeal Hearing.

708.3 If the Judicial Council chooses to hear the appeal, the procedure for the appeal shall be dictated based on the Judicial Council's Internal Rules.

708.4 Judicial Decision:

- A. The Judicial Council shall first determine if the student's rights were violated during the Impeachment and/or Removal Process.
- B. If the Judicial Council determines that the student's rights were not violated, the case shall be considered closed and the removal outcome shall be considered final.

- C. If the Judicial Council determines that said student's rights were violated, the council must decide one of the following:
 - 1. To uphold the decision of the Legislative Branch, based on the determination that the outcome would not have been affected.
 - 2. To remand the case back to the Legislative Branch. If remanded back to the Legislative Branch, the Judicial Council shall determine the following:
 - a) If the Legislative Branch shall start the entire Impeachment and Removal Process from the beginning, which must happen within seven (7) school days.
 - b) If the Legislative Branch shall reconvene the process at the beginning of the step where the violation occurred, which must happen within seven (7) school days.
- D. Upon the Judicial Council determining the student's rights were violated, the Chief Justice must forward a memorandum to the Senate stating its findings and the final decision in the matter, within two (2) school days.
- E. The decision of the Judicial Council is final.

HISTORY:

BILL 09-12 (02/24/77) BILL 19-17 (01/15/87) BILL 35-107 (09/02/03) BILL 37-60 (04/07/05)
BILL 38-67 (08/24/06) BILL 41-83 (06/29/09) BILL 41-95 (06/29/09) BILL 41-99 (06/29/09)
BILL 42-80 (07/01/10)