

ASCSU Impeachment Procedures

I. Impeachment Petition

The Impeachment Petition brought (as outlined in Article VI Section 600 of the ASCSU Constitution) shall be presented to the ascribed official by one of the petitioners—who shall be considered the primary plaintiff from this point forward—during the presenting official’s report section during the Senate session. The petition shall specifically charge the official who the impeachment charges are being brought against (hereafter the Defendant) with violations consistent with those listed in Article VI Section 601. These charges may be amended at any point before the Senate session immediately following the session in which the petition was presented provided the revised petition is submitted to the appropriate official and the revisions are presented to the Senate during said Senate session. It is the duty of the receiving official to notify the Defendant and the Defendant’s Supervisor(s) (including College Councils in the case of Senators) of the petition and the charges it specifies within one (1) day of said petition’s submission or revision.

If the petition is accepted as valid by the receiving official, Senate has the option, with a majority vote, to immediately convert the Impeachment Petition into an Internal Complaint if the severity of the accusations are considered to be too light for a full Impeachment. If Senate does not invoke this option, the Impeachment moves forward and the Senate shall choose a committee to investigate the charges.

II. Impeachment Committee

The Impeachment Committee shall consist of five (5) ASCSU Officials including at least one (1) Justice, one (1) Executive Branch Official, and one (1) Senator. This committee shall also include at least two (2) members from the branch of official being impeached; this provision may be overruled by a majority vote of Senate at that time. No more than two (2) Justices may serve on this Committee. No presenter, signatory, or initiator of the motion of impeachment may serve on the impeachment committee, nor may the Speaker of the Senate. The members of the committee shall be nominated during the Senate session by any in the room holding speaking rights; Senate shall subsequently ratify the proper number of officials for the Committee. The ASCSU advisor shall also function as the advisor for the impeachment committee. If a situation arises in which officials of one of the required branches are not present, or those that are present are not willing to serve on the committee, said branches shall have by the following Senate session to select a representative for the committee who shall be ratified during the Senate session following the session during which the petition was filed.

Once all members of the Impeachment Committee have been ratified, they shall meet within two (2) days of the ratification where they shall select a Chair who shall preside over the committee and communicate with Plaintiff and Defendants and a Vice-Chair who may be delegated communication tasks by the Chair and preside in the Chair’s absence.

III. Evidence

Immediately following the ratification of any members of the Impeachment Committee, the evidence gathering period shall begin. Any member of ASCSU may submit evidence relevant to the charges specified in the petition to any member of the Impeachment Committee.

Evidence submitted in this manner shall remain private and have all names redacted and replaced with assigned person numbers (including the identity of the submitter of the

evidence) before being submitted to any others who are not members of the Impeachment Committee. It is the duty of the Chair to redact said names and to maintain a list of person numbers (this list shall be eliminated following completion of this process) in order to ensure consistency. Evidence in the form of public records, such as meeting minutes, shall not require such redacting. This requirement may be waived with the specific written permission of the submitter. If this is not waived in the initial submission, the Impeachment Committee may ask the submitter for this permission at a later date if deemed necessary.

This period of initial evidence gathering shall last until at least one week after the entirety of the Impeachment Committee has been ratified, and may be extended by an additional week by a two-thirds vote of the Impeachment Committee.

Upon conclusion of the initial evidence gathering period, the Impeachment Committee shall convene to review the evidence and determine what evidence is irrelevant to the charges. The Impeachment Committee may deem charges irrelevant by a two-thirds vote. The evidence not deemed irrelevant shall be submitted to the Defendant in redacted form within one (1) day of the Committees review of the evidence.

The Defendant shall then have at least one week to review this evidence and provide additional evidence to the Impeachment Committee. This evidence may come directly from the Defendant or other sources. This period may be extended by an additional week by a two-thirds vote of the Impeachment Committee. This evidence shall also be redacted in a manner consistent with the initial evidence and shall be submitted to the Plaintiff in this form.

IV. Hearings

Within one week following receiving the Defendant's evidence and no earlier than one day after the Plaintiff receives said evidence, the Impeachment Committee shall convene to hear arguments from both sides. These hearings shall be closed: The committee members and the committee advisor may attend all hearings, parties may attend for their respective hearings as may their witnesses. The plaintiff shall be heard before the defendant's hearing. In each hearing, the Plaintiff or the Defendant shall have thirty (30) minutes to present and as much time for the committee to question as is necessary; during this thirty (30) minute period up to three (3) witnesses may be called. These thirty (30) minutes do not have to be continuous and the Impeachment Committee may pause the time following any testimony to ask questions if necessary. The Plaintiff's hearing shall occur prior to the Defendant's hearing.

The Impeachment Committee additionally shall hold the right to request those who submitted evidence to appear for additional hearings. These hearings shall also be closed with only the committee members, the committee advisor, and the submitter of the evidence allowed to attend these hearings. There shall not be a time limit on these hearings as they shall entirely consist of questions from the Impeachment Committee.

V. Deliberation

Following the hearings, the Impeachment Committee shall have two weeks to present its findings to Senate. The Impeachment Committee shall convene to deliberate before the end of this period. During deliberations, the Impeachment Committee shall make final decisions of what evidence to present including written evidence and evidence discovered in hearings, excluding any information requires a two-thirds vote of the Impeachment Committee.

Following the decision of what evidence to include, the Impeachment Committee shall decide how to present the evidence and develop a presentation. This presentation shall use the same redacted format for all names that the written evidence followed.

During the course of these deliberations the Impeachment Committee is not to make a decision on the Defendant's responsibility for the charges whether in a vote or by general agreement.

VI. Rise and Report

Before the end of the two-week period following hearings and after deliberation, the Impeachment Committee shall rise and report its findings to Senate as a Committee Report.

The impeachment committee shall inform both parties involved in the investigation of the date that the Senate hearing will take place. Both parties are encouraged to attend the meeting in the event that they may be questioned. Any party may file a request with the ASCSU Supreme Court to request that the Rise and Report be made closed to the public. The ASCSU Supreme Court shall form a panel of no more than three (3) Justices to review the evidence and make a determination if any of said evidence may be construed as libel or slander or should not be made public for any other reason. This panel shall make the decision within one day prior to the Senate hearing on whether or not to allow it to be open to the public. The panel shall notify the filing party of the result at this time. If the panel determines the proceedings should be closed, then at this time the Senate shall enter an executive session and all nonvoting members excluding the Speaker, Sergeant-at-Arms, members of the Impeachment Committee and the ASCSU advisor shall exit the Senate chambers.

The committee shall then give a presentation regarding their findings. At this point, all written evidence, in redacted form, shall be made available to all members with voting rights. The presentation shall not be limited in length. No questions may be asked of the Impeachment Committee at this point.

Following the presentation of the Impeachment Committee, both the Plaintiff and the Defendant shall have an opportunity to make a formal statement regarding the charges and the Impeachment Petition. The Plaintiff's statement shall be followed by the Defendant's statement and each shall be allowed ten (10) minutes for said statements.

VII. Senate Deliberation

Following the statements of the Plaintiff and Defendant, the Senate shall move into an executive session if it is not already and all non-voting members (including the Plaintiff and the Defendant regardless of either's voting rights) excluding the Speaker, Sergeant-at-Arms, members of the Impeachment Committee and the ASCSU advisor shall exit the Senate chambers.

During this period, the remaining members shall enter a period of discussion and debate on the Impeachment Petition. This discussion and debate shall have no time limit and the typical limits on speaking time and number of times an individual is allowed to speak shall be suspended. This period may include asking any questions of the Impeachment Committee. Additionally, the Senate may, by a majority vote, invite either the Plaintiff or the Defendant into the room to answer any question the Impeachment Committee is not able to

satisfactorily answer regarding the charges or presentation or any part of the process. The Plaintiff and the Defendant shall not be in the Senate chambers at the same time.

The discussion and debate may be ended at any point with a majority vote. This vote shall end the executive session.

VIII. Final Decision

Following the vote to end discussion and debate, all parties shall be invited back into the Senate chambers including the Defendant and the Plaintiff. No members with voting rights shall be denied the right to vote on the final decision regardless of status as Defendant, Plaintiff, or submitter of evidence (anonymous or not). A two-thirds vote is required to remove the Defendant from office.