

# TITLE VII: THE IMPEACHMENT AND REMOVAL STATUTES

## Chapter 700 Impeachable Offenses

- 700.1 Offenses punishable by impeachment shall be:
- A. Misfeasance, defined as an excessive or malicious exercise of the powers granted by the Student Body Constitution, Student Body Statutes, or Senate Rules.
  - B. Improper Student Conduct, defined as a violation of the Golden Rule, which resulted in sanctions for the student.
  - C. Neglect of Duty, defined as continual or long-term inadvertent, negligent, or willful disregard in obeying and executing the duties of the office in which the individual serves. This also includes the formal receipt of three (3) Censures against said individual.
  - D. Conviction of a violation of local, state, and/or federal law.

## 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 Agent.
- A. If the Student Government Agent being impeached is the LJR Chair, or if the LJR Chair is unavailable, all duties vested within the LJR Chair throughout Title VII are to go to the Senate President.
  - B. If the Senate Graduate Assistant is unavailable, all duties vested within the Senate Graduate Assistant throughout Title VII are to go solely to the Senate Advisor.
- 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 must 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 Graduate Assistant or Senate Advisor.
    1. Said Affidavit must be submitted and time-stamped at least three (3) hours prior to the next regularly scheduled Legislative, Judicial, and Rules (LJR) Committee meeting in order to be heard at that meeting.
    2. No additional preliminary evidence, tangible or otherwise, may be submitted after the Affidavit has been filed with the Senate Graduate Assistant or Senate Advisor until such time of the Discovery Process.
    3. 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 LJR Chair, the Interview Director, and the Senate Graduate Assistant or Senate Advisor 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.

1. The student may not file a new affidavit any earlier than 24 hours following the withdrawal of the initial affidavit.
2. 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 Graduate Assistant or Senate Advisor, the Senate Graduate Assistant or Senate Advisor must timestamp it. Once the Affidavit(s) is submitted to the Senate Graduate Assistant or Senate Advisor, the Senate Graduate Assistant or Senate Advisor will contact the LJR Chair via email to notify the Chair of the filing. The Senate Graduate Assistant or Senate Advisor 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 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 from the Attorney General. These questions may not be of a substantive matter.

702.6 The LJR Committee will determine whether 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 Senate President, the Senate President 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 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 Senate President 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 Senate President 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, 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 Senate President shall, within two (2) business days, set a date for the Removal Hearing, to be held no sooner than fifteen (15) business days and no later than twenty-five (25) business days from the Impeachment Hearing.
- A. If the charges are against the Senate President or the Senate President is unavailable, the Senate President Pro Tempore shall set the date for the 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 two-thirds (2/3) vote of the Senate may allow for the Removal Hearing to be held as soon as five (5) business days 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) business day after the date and time of the Removal Hearing was set by the Senate President 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(s) 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 Senate President 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 Senate President 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 The Creation of the Interview Director**

- 704.1 The Interview Director position shall be created in the event that an individual is deemed impeached.
- 704.2 Whenever the Senate concludes by a majority vote to impeach an accused individual, the Interview Director position will automatically be created following the Discovery Process.
- A. This position shall be appointed from the pool of students who are paying activity and service fees and are currently or continuously enrolled with the University of Central Florida who sit on the Student Conduct Board.
    1. Student Government Agents, contracted UCF employees as defined by Human Resources, Witnesses, the accused, and the accuser(s) shall not be eligible for the Interview Director position.
  - B. Within twenty-four (24) hours of the impeachment decision, the LJR Chair shall contact, in writing, all students of the Student Conduct Board and request students to apply for the Interview Director position.
    1. The first individual to respond to the LJR Chair and accept the position will be the Interview Director.
      - a. Individuals must respond to the LJR Chair within five (5) calendar business days.
    2. The LJR Chair shall notify the Interview Director within twenty-four (24) hours of receiving the acceptance email.
  - C. If the selected Interview Director wishes to withdraw from their position, they must notify the LJR Chair within twenty-four (24) hours of notification of selection.
- 704.3 The Interview Director is responsible for holding all witness interviews pertaining to impeachments. The LJR Chair and Interview Director are to remain in close contact regarding the Impeachment Process.
- A. The Interview Director is responsible for attending all witness interviews, serving as the liaison between the LJR Chair and the witness interviews, maintaining appropriate and required contact with the accused, accuser(s), and witnesses, and completing all other statutory responsibilities pertaining to Impeachment Process.
  - B. The Interview Director shall use their designated University email as the primary method of written correspondence pertaining to the Discovery Process.

- 704.4 The Interview Director position will be automatically dissolved ten (10) business days following the decision of the Removal Hearing, unless an appeal is made.
- A. If an appeal is made, and the Judicial Council chooses not to hear the appeal or determines the student's rights were not violated, the Interview Director position will be automatically dissolved.
  - B. If an appeal is made, and the Judicial Council finds the student's rights were violated, the Interview Director position will remain in effect until the position is no longer statutorily needed. At this point the Interview Director position will be automatically dissolved.

## **Chapter 705 Discovery Process**

- 705.1 Once the accused has been impeached, the LJR Chair shall begin the Discovery Process in preparation for the Removal Hearing.
- A. The LJR Chair and the Interview Director shall use their senate email and University email, respectively, as the primary mode of written communication.
    1. If this method of communication is not available or raises issues of any sort, the LJR Chair shall contact the individuals by phone in addition to sending further written communication.
  - B. When providing copies of documentation, the LJR Chair shall use the most applicable and prompt method of formatting and delivery.
- 705.2 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.
- 705.3 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 and the accuser(s) 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.
- 705.4 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. The LJR Chair must promptly inform the Interview Director, in writing, regarding each aspect of this communication. Upon receipt of witness information, the LJR Chair shall provide copies of all contact information to the Interview Director within twenty-four (24) hours.

705.5 The LJR Committee shall meet during its next scheduled meeting, following the Impeachment Hearing and prior to any Witness Interview appointments, to formulate a formal list of questions to ask of all witnesses.

- A. Development of Witness Questions will take place during the New Business section of the LJR meeting.
- B. At this time, the Committee will allow five (5) minutes for individual creation of potential witness questions.
- C. Discussion regarding wording of questions may occur during Informal debate. A final version of each question must be read into the minutes during Formal debate and be voted on. The committee must not approve questions involving Hearsay or Leading Questions.
- D. A final draft of the witness questions must be submitted to the Interview Director in writing, within twenty-four (24) hours of the selection of the Interview Director. The final draft must contain the exact wording as approved by the LJR Committee.

705.6 Witness Interviews:

- A. The Interview Director 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. Only the witness and the Interview Director may be present at these appointments.
  1. Senators, the accused, and the accuser(s) shall not be present at any witness interview.
- C. The Witness Interview appointments serve solely as fact-finding meetings in which the Interview Director 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. A quorum is not needed at these appointments, as no official decision-making will take place.
- D. The Witness Interview appointments shall be audio recorded and the transcriptions will serve as evidence in the Removal Hearing.
  1. The Senate Graduate Assistant or Senate Advisor will have unlimited access to a copy of the recordings of each Witness Interview for the purposes of transcription and evidence.
  2. The Senate Graduate Assistant or Senate Advisor shall transcribe the witness interviews and provide copies of each transcription to the Interview Director within twenty-four (24) hours of completion of the corresponding Interviews.
- E. Procedure for the Witness Interview appointments shall be as follows:
  1. The Interview Director shall have the witness read the following out loud:

“I, (state your name), acknowledge that the testimony I present today is truthful and accurate to the best of my knowledge. 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 or applicable University regulations and policies.”

2. The Interview Director shall then have all individuals in the room state their names for the record and state the following:

“I, (state your name), acknowledge that the testimony that is presented today is for the purposes of the Discovery Process of (state Impeached individual’s name). I will not discuss or debate any of the information that is presented here until the scheduled Removal Hearing.”
3. The Interview Director 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 Interview Director may ask the witness questions for clarification and questions from the approved Witness Questions list, but such questions may only serve to gather additional information. The Interview Director 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, the Interview Director shall interrupt the individual speaking in order to correct this.
5. The Interview Director 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. The Interview Director 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 Interview Director 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 Interview Director of such inaccuracies. The Interview Director 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.
- G. Upon the receipt of all approved Witness Interview transcriptions, the Interview Director shall provide copies to the LJR Chair for incorporation as tangible evidence, to the accuser(s), and to the accused within forty-eight (48) hours, but no less than twenty-four (24) hours before the Removal Hearing.

## **Chapter 706 Rights of the Accused**

- 706.1 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 707 Removal Hearing**

- 707.1 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 themselves, to cross-examine witnesses, and to refute the charges shall be upheld.
- 707.2 The Senate President 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 introduction of the charge(s) 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.
- 707.3 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.
  - E. Questioning of the Witnesses:
    - 1. The LJR Chair shall call up each witness separately.
    - 2. The Student Senate 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 Student Senate questions a witness, the accuser(s) will have a right to examine the witness.
  4. After the examination, the accused will have the right to cross-examine the witness.
  5. 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.
  6. Witnesses that testify in the Removal Hearing are required to be present for the duration of the questioning period by the Student Senate and the accused.
  7. If, after having heard the testimony, the Student Senate, the accuser(s), or the accused wish to reexamine a witness, they may recall the witness and follow the procedure of questioning as stated above.
- F. Further Review: The Student Senate shall then have an additional ten (10) minute individual review of the evidence. If more time is needed, such a motion may be made.
- G. Senate Questioning: Members of the Senate 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 Accuser(s): The accuser(s), if said individual(s) so choose(s), shall be allowed up to five (5) minutes to present a statement in support of the articles of impeachment.
- I. 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.
- J. 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 roll call vote. 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 708 Penalty**

- 708.1 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) calendar 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.
- 708.2 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 709 Appeal Process**

- 709.1 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.
- 709.2
- 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 ten (10) business 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 Graduate Assistant or Senate Advisor upon submission and then delivered to the Chief Justice.
  - D. Upon receiving the appeal memorandum, the Chief Justice shall have three (3) business 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.
- 709.3 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.
- 709.4 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 five (5) business days.
      - b. If the Legislative Branch shall reconvene the process at the beginning of the step where the violation occurred, which must happen within five (5) business 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) business days.
- E. The decision of the Judicial Council is final.

**HISTORY:**

BILL 09-12 (02/24/1977) BILL 19-17 (01/15/1987) BILL 35-107 (09/02/2003) BILL 37-60 (04/07/2005)  
BILL 38-67 (08/24/2006) BILL 41-83 (06/29/2009) BILL 41-95 (06/29/2009) BILL 41-99 (06/29/2009)  
BILL 42-80 (07/01/2010) BILL 46-130 (09/08/2014) BILL 47-13 (02/19/2015) BILL 54-18 (12/05/2022)