

# TITLE VII: THE IMPEACHMENT & 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. The Student Body Senate shall designate a committee to oversee the impeachment proceedings.
  - B. If the Student Government Agent being impeached is the Chair of the committee designated by the Student Body Senate, or if the Chair is unavailable, all duties vested within the Chair throughout Title VII are to go to the Senate President.
  - C. If the Senate President is being impeached or unavailable, all duties shall transfer to the Senate President Pro Tempore, followed by the next available designated Committee Chair.
  - D. If the Student Government Advisor is unavailable, all duties vested within the Student Government Advisor throughout Title VII are to go solely to the Student Government Advisor Designee.
- 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 Advisor or their designee.
    - 1. Said Affidavit must be submitted and time-stamped at least three (3) hours prior to the next regularly scheduled Senate meeting in order to be announced at that meeting.
    - 2. No additional preliminary evidence, tangible or otherwise, may be submitted after the Affidavit has been filed with the Senate Advisor or their designee.
    - 3. Should the Senate vote to impeach the individual, additional evidence may be submitted to the Senate President and the designated Committee Chair.

- C. The student must include contact information along with the Affidavit. This contact information shall only be used by the designated Committee Chair, the Senate Advisor or their designee 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 designated Committee 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 designated committee recommends the Affidavit move on to the Senate floor.
- 701.3 Once properly submitted to the Student Government Advisor or Designee, Student Government Advisor or Designee must timestamp it. Once the Affidavit(s) is submitted to the Student Government Advisor or Designee, the Student Government Advisor or Designee will contact the Senate President via email to notify the Senate President of the filing. The Student Government Advisor or Designee will provide the Senate President with the Affidavit.
- 701.4 The impeachment filings shall be announced by the Senate President during their report to the Student Body Senate at the next regularly scheduled Senate meeting. The Senate President shall provide the Committee Chair designated to oversee the proceedings with the Impeachment Affidavit.

## **Chapter 702 Preliminary Review**

- 702.1 The designated 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 Committee meeting. Caucuses held during a Senate meeting will not constitute a regularly scheduled 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 designated Committee, said member will relinquish their voting and debating rights as a member of the Committee on all matters relating to the Affidavit, until the charges are dismissed or until the conclusion of the Removal Hearing.
  - B. Should the designated 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 designated Committee be referenced in the Affidavit as being an involved party or witness to the offense, said member will relinquish their voting and debating rights as a member of the Committee on all matters relating to the Affidavit, until the charges are dismissed or until the conclusion of the Removal Hearing.
- 702.3 Once the designated 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 Chair shall introduce the Affidavit to the Committee. If necessary, the 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 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 Committee.
- 702.7 Decision by the Committee:
- A. If, after consideration, a majority of the 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 Committee.
  - B. If the Committee votes down the allegations, the charges are dismissed.
  - C. A two-thirds (2/3) vote of the Senate may overturn the committee's decision to dismiss the charges.

### **Chapter 703 Impeachment Hearing**

- 703.1 Once the Senate designated 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 committee 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 voting and debating rights as a member of the 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 designated committee report, the Chair will read into the minutes the vote count and decision of the 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 designated Chair will introduce the Affidavit(s) to the Senate and proceed with the Impeachment Hearing.
- A. The Chair will review the definition of impeachable offenses with the Senate and will furnish the Senate with copies of the Affidavit(s). The 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 individual review has ended, the Senate President will allow for the Senate to ask procedural questions of the Chair or the Attorney General 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.
    - 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 procedures.
- D. Once the Senate moves to vote on the Affidavit(s), the vote will determine whether the Senate believes that the Affidavit(s) constitute an impeachable offense.
  - 1. Should the Senate conclude by majority vote that the Affidavit(s) 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 fall within the jurisdiction of being an impeachable offense, the accused is considered impeached, and the charges are moved forward to the Removal Hearing.
  - 3. If the Affidavit, which is against an individual who holds any responsibilities within the Removal Process, said individual shall be prohibited from performing any of these duties within the 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 the impeachment proceedings, 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 designated committee 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.

- B. The 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 the designated Committee 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 designated Chair, or Senate President upon written request of the designated 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 designated 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 Rights of the Accused**

- 704.1 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 prior to the Removal 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 via requesting an opinion.

- I. The right to appeal the ruling of the Senate to the Judicial Council for issues related to due process.

#### **Chapter 705 Process of Submitting Additional Evidence**

- 705.1 The designated 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 designated Committee 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 designated Committee, by majority vote.
- 705.2 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 designated Committee after the accused has been impeached.
  - B. B. After receiving all of the tangible evidence, the designated 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.
- 705.3 The designated committee 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.

#### **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 themselves, to cross-examine witnesses, and to refute the charges shall be upheld.
- 706.2
  - A. The Senate President shall preside over the Removal Hearing and call the meeting to order.
    - 1. If the Senate President is impeached or unavailable, the Senate President Pro Tempore shall preside.
    - 2. If both are unavailable, a Senate Committee Chair shall be designated to preside.
  - B. The designated 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.

706.3 Procedure of the Hearing:

- A. Introduction of the Charge(s): The designated Chair shall open the hearing and shall state the charge(s) and introduce the 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 ten (10) 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 no more than ten (10) minutes to present a statement refuting 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 designated 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 designated 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 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) 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.
- 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    Appeal 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
  - 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 Advisor or their designee 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.

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 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.

### **Appeal to Senior Student Affairs Officer**

#### **Chapter 709**

709.1 Any Student Government Agent may appeal removal under this Statute to the Senior Student Affairs Officer as outlined in Title IX.

#### **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) BILL 55-21 (04/08/2024) BILL 57-03 (08/14/2025) BILL 57-11 (09/01/2025)