



MISSISSIPPI STATE UNIVERSITY™ STUDENT ASSOCIATION

Senator Cromer
Oversight Committee
65th Senate
1st Session

Strike

BYLAWS

Article VIII Impeachment

Section 1 Initiation of Impeachment Proceedings

A. Impeachment proceedings must be initiated by the SA Senate, as outlined in Article III, Section 6-B of the SA Constitution.

B. Any SA Senator may make a motion to impeach any officer of the SA. ~~A majority vote is required to accept the motion.~~

C. After a motion to impeach has been carried by the SA Senate, the Speaker of the SA Senate shall appoint a committee of three (3) managers to provide the charges against the accused. At least one (1) of the managers must be a member of the SA Senate. ~~The motion to impeach, the appointment of managers, and the selection of charges shall initiate the impeachment process.~~

D. After impeachment proceedings have been initiated, the SA Secretary shall, in person, present the accused with the following citation:

Dear “Name of Recipient”, You are hereby cited to appear for a hearing at the next meeting of the Student Association Senate at p.m. on to show cause why you should not be removed from the office of _____ on the following charge(s) and specification(s):

Section 2 The Impeachment Hearing

G. The following procedures shall be followed in any and all impeachment hearings:

10. After closing arguments, the following procedure shall be followed:

a. The accused shall be asked to leave the room;

- b. The managers and the accused's advisor, if one was named, shall remain and those of this group who are voting members of the SA Senate shall be allowed to vote;
- c. The floor shall be opened to debate on each of the charges and specifications separately, and each shall be voted upon separately;
- d. The charge(s) and specification(s) may be amended to conform with facts brought up in the hearing;
- e. If the Senate shall find the accused guilty of the charge(s), a manager shall move for the adoption of an appropriate and applicable sanction.
- f. The motion for adoption of a sanction is both debatable and amendable and shall require two-thirds (2/3) of the SA Senate vote; and
- g. After voting is completed, the accused shall be called back into the SA Senate and advised of the decision.

Section 3 Special Impeachment Rules

- A. The SA President shall not have the power to veto convictions made by the SA Senate during impeachment hearings.
- B. An officer of the SA being impeached shall not be allowed to perform their duties in the impeachment process. The rules governing such cases shall be as follows:
 - 1. In the event that the Speaker of the SA Senate is being impeached, the Chairman of the SA Senate Student Affairs Committee shall perform the duties of the Speaker of the Senate in the impeachment process.
 - 2. In the event that the SA Secretary is being impeached, the Speaker of the SA Senate shall assign a member of the SA Senate to perform the duties of the SA Secretary in the impeachment process.
 - 3. In the event that the SA Chief Justice is being impeached, the SA Vice Chief Justice shall perform the duties of the SA Chief Justice in the impeachment process.

Insert

BYLAWS

Article VIII Impeachment

Section 1 Initiation of Impeachment Proceedings

A. Impeachment proceedings must be initiated by the SA Senate, as outlined in Article III , Section 6-B of the SA Constitution.

B. Any SA Senator may make a motion to impeach any officer of the SA. **Adoption of the motion shall require a majority of the SA Senate vote.**

C. After a motion to impeach has been carried by the SA Senate, the Speaker of the SA Senate shall appoint a committee of three (3) managers to provide the charges against the accused, **except as outlined in Article VIII, Section 3-B of these SA Bylaws.** At least one (1) of the managers must be a member of the SA Senate. **Once the managers have selected the charges, the charges shall be presented to the SA Senate and voted upon. Impeachment shall be charged upon two-thirds (2/3) of the SA Senate vote. The motion to impeach, the appointment of managers, the selection of charges, and the charging of impeachment shall initiate the impeachment process.**

D. After impeachment proceedings have been initiated, the SA Secretary shall, in person, present the accused with the following citation:

Dear “Name of Recipient”, You are hereby cited to appear for a hearing at the next meeting of the Student Association Senate at p.m. on to show cause why you should not be removed from the office of _____ on the following charge(s) and specification(s):

Section 2 The Impeachment Hearing

G. The following procedures shall be followed in any and all impeachment hearings:

10. After closing arguments, the following procedure shall be followed:

a. The accused shall be asked to leave the room;

b. The managers and the accused’s advisor, if one was named, shall remain and those of this group who are voting members of the SA Senate shall be allowed to vote;

c. The floor shall be opened to debate on each of the charges and specifications separately, and each shall be voted upon separately.

Conviction upon any charge or specification shall require three-fourths (3/4) of the SA Senate vote;

d. The charge(s) and specification(s) may be amended to conform with facts brought up in the hearing;

e. If the Senate shall find the accused guilty of the charge(s), a manager shall move for the adoption of an appropriate and applicable sanction.

f. The motion for adoption of a sanction is both debatable and amendable and shall require two-thirds (2/3) of the SA Senate vote; and

g. After voting is completed, the accused shall be called back into the SA Senate and advised of the decision.

Section 3 Special Impeachment Rules

A. The SA President shall not have the power to veto convictions made by the SA Senate during impeachment hearings.

B. An officer of the SA being impeached shall not be allowed to perform their duties in the impeachment process. The rules governing such cases shall be as follows:

1. In the event that the Speaker of the SA Senate is being impeached, the Chairman of the SA Senate Student Affairs Committee shall perform the duties of the Speaker of the Senate in the impeachment process.

2. In the event that the SA Secretary is being impeached, the Speaker of the SA Senate shall assign a member of the SA Senate to perform the duties of the SA Secretary in the impeachment process.

3. In the event that the SA Chief Justice is being impeached, the SA Vice Chief Justice shall perform the duties of the SA Chief Justice in the impeachment process.

4. In the event that the SA Vice President is being impeached, the Speaker of the SA Senate shall preside over the SA Senate business meeting during which the impeachment hearing takes place.

5. In the event that any other officer assigned a duty in the impeachment process is the officer being impeached, or that an officer designated above is themselves being impeached, the SA Senate shall by a majority of the SA

Senate vote designate another member of the SA Senate to perform that duty in the impeachment process.

C. If the officer presiding over an impeachment hearing fails or refuses to conduct the hearing according to the procedures outlined in Article VIII, Section 2 of these SA Bylaws, any SA Senator may move that the presiding officer be replaced. Upon a two-thirds (2/3) vote of the SA Senate members present, the SA Vice Chief Justice shall preside over the remainder of the hearing. If the SA Vice Chief Justice is unable to preside, the SA Senate shall by the same vote designate another member of the SA Judicial Council to preside.

D. A deviation from the procedures outlined in Article VIII, Section 2 of these SA Bylaws shall not halt or invalidate an impeachment proceeding, except as provided in this subsection.

1. Where the omitted or defective step may still be performed, the presiding officer shall perform it before the proceeding continues.

2. An officer being impeached who claims that a deviation materially prejudiced their rights may appeal in writing to the SA Judicial Council within three (3) school days after the SA Senate announces its decision. No member of the SA Judicial Council who took part in the proceeding shall participate in the appeal.

3. If the SA Judicial Council finds material prejudice, the proceeding shall be invalidated from the point of the deviation forward, any sanction imposed shall be void, and the SA Senate shall resume the impeachment process from the last step unaffected.