

# Censure Act

## Definitions

305.1 “Censure” is defined as a resolution passed by the Senate in lieu of impeachment. In effect, “censure” is a written reprimand given to an official whose actions may have warranted impeachment, but the Senate felt impeachment was unnecessary.

## Offenses

305.2 Offenses warranting censure include, but are not limited to, the following actions committed while in office:

- 1) Failure to perform Student Government duties.
- 2) Unsatisfactory performance of Student Government duties.
- 3) Abuse of power.

305.3 The following positions are subject to censure:

- 1) Student body president
- 2) Student body vice president
- 3) Cabinet directors
- 4) Members of the election boards
- 5) Senators
- 6) Attorney general
- 7) Supreme Court justices

305.4 The day any 5 Senators sponsor a censure resolution is considered “filing day.” At that time, a copy of the censure resolution should be given to the Senate clerk, the appropriate Senate committees, and the person concerned in the censor resolution.

305.50 There shall be an Ethics Committee set up to hear all petitions for censure and impeachment.

305.51 The Impeachment and Censure Committee shall be composed of 7 Senators nominated and elected by the Senate either at the first meeting of the year or as soon as possible.

305.52 The Impeachment and Censure Committee must hold at least one public hearing within five (5) school days of the filing day. Within the rules of those committees, and at the discretion of a majority vote of those committees, the resolution may be passed to the full Senate with the committees’ opinion on the matter raised by the censure resolution.

305.6 At the regularly scheduled Senate meeting immediately following such a hearing, the Senate must take up the resolution for consideration. The person who is being considered for censure is not automatically given a right to appear before the Senate, but may be granted that right.

305.7 The full Senate adopts a censure resolution upon a two-thirds (2/3) vote of the Senators present and voting. If, after adoption of the censure, the issues considered in the censure are not resolved, the Senate has the option to consider impeachment, pursuant to the Impeachment and Removal Act.

305.8 Notwithstanding the above, a motion for censure may be made after all Articles of Impeachment have been voted on.

305.81 A censure motion may be made on any Article of Impeachment where a majority of the Senate voted in favor of it but it failed to be adopted by two-thirds of the full Senate.

## IMPEACHMENT AND REMOVAL ACT

306.1 The following terms and phrases used in this chapter shall be defined as follows:

- (1) "Impeached" means the formal adoption of Articles of Impeachment by the Impeachment Body.
- (2) "Impeachable offense" means the conduct to which a person may be impeached. Impeachable offenses are limited to acts committed while in office under the following grounds:
  - (a) Mifeasance
  - (b) Malfeasance
  - (c) Nonfeasance
  - (d) Abuse of power
  - (e) Conviction of a criminal offense.
- (3) "Impeachment resolution" means the statement filed by the requisite number of student Senators that accuses a person of an impeachable offense.
- (4) "Articles of Impeachment" means those sections of the impeachment resolution that have been adopted by a two-thirds vote of the membership of the Impeachment Body.
- (5) "Of the membership" means the total authorized number of student Senators in the senate class less the number of vacancies.
- (6) "Impeachment Body" means the senate class, either the fall or spring election and appointed Senators that have served the least amount of time on the filing date of an impeachment resolution. The student senate president shall preside over the impeachment body and may vote if the student senate president is a member of that senate class.
- (7) "Trail Class" means the senate class that has the greater amount of time on the filing date of an impeachment resolution. The Honor Court Chancellor shall preside, unless a member of the judiciary is impeached, whereupon the student body president shall preside. The presiding officer shall have no vote.
- (8) "Conviction of Impeachment" means those sections of the Articles of Impeachment adopted by three-fourths vote of the membership of Trial Body. An officer convicted of impeachment shall be immediately removed from office. Conviction of Impeachment does not change the person's civil or criminal liability.
- (9) "Disqualification from future office" means a separate vote of the Trial Body to prevent the person convicted of impeachment from holding any future student government position. Three-fourths vote of the membership shall be required to disqualify a person from future office.

306.2 The following position shall be subject to impeachment:

- (1) Student Body President
- (2) Student Body Vice President
- (3) Student Body Treasurer
- (4) Cabinet Directors
- (5) Supervisor of Elections
- (6) Member of the Board of Masters
- (7) Student Honor Court Chancellor and Vice Chancellors
- (8) Attorney General

(9) Chief Defense Council

(10) Honor Court Justices

(11) Commissioners of the Constitution Revision Commission

306.3 The filing date of an impeachment resolution shall be deemed the day that five (5) student Senators co-file an impeachment resolution. The five student Senators co-filing the impeachment resolution must certify that a copy of the impeachment resolution has been given to the person whose impeachment is being sought.

306.4 The person whose impeachment is being sought has no automatic right to appear before the Impeachment Body. The Impeachment Body may allow the person whose impeachment is being sought to present evidence and testimony to the Impeachment Body.

306.5 Upon the adoption of the Articles of Impeachment, the Impeachment Body shall deliver to the person whose impeachment is being sought a copy of the Articles of Impeachment.

306.55 Upon the adoption of the Articles of Impeachment, the person whose impeachment is being sought shall automatically be suspended from office.

306.6 The Impeachment Trial in the Trial Body must begin no sooner than five school days, but no later than ten school days from the adoption of the Articles of Impeachment. Failure of the Trial Body to begin the Impeachment Trial shall constitute a dismissal with prejudice of the Articles of Impeachment and remove the suspension from the officer.

306.65 The person whose conviction of impeachment is being sought shall be granted equal time and shall be afforded the right to be heard, the right to present witnesses, the right to offer evidence, and the right to offer testimony.

306.7 If an Article of Impeachment is adopted by the Trial Body, the person shall be deemed convicted of impeachment and removed from office.

306.75 The Trial Body must vote separately to prevent the person convicted of impeachment from holding any future position within student government. A two-thirds vote of the membership of the Trial Body shall be necessary to effect future disqualification.

306.8 If no Article of Impeachment is adopted by the Trial Body, the suspension shall automatically be removed and the person shall resume office.

306.9 Sunset Clause

(a) According to Section V(a) of the Sunset Act of 2017, "All legislation presented to Full Senate [...] shall contain a "Sunset Clause," in which an expiration date and renewal period are chosen."

(i) The expiration date for the Censure Act and the Impeachment and Removal Act is November 30.

(ii) The renewal period for the Censure Act and the Impeachment and Removal Act is two (2) years.