



Executive Action Sheet for Senate Legislation

Senate Bill 329-

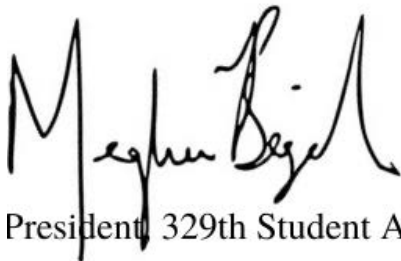
Resolution 329-

I, Meghana Boojala, President of the Student Assembly of William & Mary do hereby:

Approve

Veto

The Student Assembly Senate Legislation:



Meghana Boojala

President, 329th Student Assembly (21-22)

DATE:

A Bill

To provide a formal procedure in our governing documents for an impeachment trial

The Impeachment Trial Reform Act

An Act of the 329th Student Assembly of William & Mary,

Sponsored by Senator Sean Nguyen ('25)

Supported by Attorney General Rory Fedorochko ('22)

WHEREAS, the Code and Constitution of the Student Assembly are the governing documents of the organization;

WHEREAS, Article VI, Section II of the Constitution of the Student Assembly states: "The Senate shall have the sole power of impeachment. When sitting on matters of impeachment, the Chair of the Review Board shall preside unless they are on trial. A vote of two-thirds of quorum is required to pass an Article of Impeachment. A separate vote of three-fourths of quorum is required to vote for removal of office";

WHEREAS, there have been three articles of impeachment brought forth in the 329th session of the Senate, with two Senators resigning prematurely;

WHEREAS, due to a lack of specificity in the current procedure, had one of the Senators been impeached, the Senate would have had to establish their own trial proceedings based on mercurial factors. This would have distracted from the impeachment matters itself;

WHEREAS, it is prudent that the Senate formulizes impeachment procedures, wherein in the event of an impeachment trial, it is important to have it codified for guidance;

Now, therefore, be it

RESOLVED, that the Student Assembly of William & Mary:

1. Adds **Title 4, Chapter 5: Impeachment Procedures** to the Code of the Student Assembly to read as:
 - a. **§5.5-1. Conditions of Impeachment**

- i. 1. Pursuant to Article VI, Section II of the Constitution of the Student Assembly, the Senate has the sole power of impeachment. The act of impeachment shall be considered the formal acknowledgment of potential misconduct serious enough to warrant a complete evaluation by the Senate; impeachment is not intended to be condemnation in and of itself. In order for the Senate to exercise this power, a Senator must introduce an Article of Impeachment that names the official to be impeached and the reasons for impeachment to the Senate. An Article of Impeachment may only impeach one official; in order to impeach multiple officials, separate Articles for each official are required.
 - ii. 2. At the same meeting that an Article of Impeachment is introduced, after providing an opportunity for both the Impeached Official and the Senator introducing the article to speak, the Senate shall vote on the Article of Impeachment.
 - iii. 3. A vote on the adoption of an Article of Impeachment and the initiation of an impeachment trial should be predicated on whether a Senator believes the charge outlined in the article has standing and if wrongdoing occurred. Judgments of guilt, intention, and punishment should be withheld until the trial itself. For attendance matters, the Senate shall refer to the number of excused and unexcused absences in evaluating the standing of the Article of Impeachment for a Senator. The Senate shall consider whether the absences will provide a continued impediment to their participation in the Senate when voting to impeach.
 - iv. 4. An Article of Impeachment shall be called by an open paper ballot. Should the vote pass, the results shall be read by Roll Call. Should the vote fail, the tally alone shall be read. If for whatever reason a Senator in attendance is unable to provide a physically written answer, an oral or electronic vote shall be accepted, provided it is given in private to the tabulating official. The Secretary shall tabulate the votes and the Chair of the Review Board shall announce the results. If the Secretary is subject to the impeachment process, then the Chair of the Senate shall tabulate the votes. If the Chair of the Review Board is subject to the impeachment process, then the Review Board shall hold a vote, from which the Chair of the Review Board must abstain, to designate another member to preside over any impeachment trial and announce results of the vote on the Article of Impeachment instead.
 - v. 5. If an Article of Impeachment is passed, the Impeached Official shall continue the normal duties of their office, but face an impeachment trial at a future date where a vote on removal shall occur.
- b. **§5.5-2. Impeachment Trial Guidelines**
- i. 1. The impeachment trial shall have the following impeachment officers:

1. The Presiding Officer shall be responsible for presiding over the impeachment trial and fulfilling specific responsibilities in regards to the trial. Per Article VI, Section II, the Chair of the Review Board shall serve as the Presiding Officer, unless they are on trial, in which case, the Review Board shall vote for another member to serve as Presiding Officer; the Chair of the Review Board must abstain from this vote.
 2. The Secretary shall be responsible for taking attendance of the Impeachment Officials, including noting the exact time of late arrivals or early departures for Senators and maintaining meeting minutes for the trial. Prior to the trial, the Presiding Officer shall designate a member of the Review Board to serve as the Secretary of the impeachment trial.
 3. The Impeachment Manager is responsible for litigating against the Impeached Official. The Impeachment Manager shall be the Attorney-General of the Student Assembly, unless the impeachment is against the Attorney-General, in which case the President of the Student Assembly shall designate a Manager in consultation with the Senator who sponsored the Article of Impeachment. If there is a conflict of interest between the Impeachment Manager and the Impeached Official, the President of Student Assembly (unless they are on trial, in which case the Vice President) in consultation with the Senator who sponsored the Article of Impeachment, shall designate another Manager. Managers shall not be Senators. The selection of the Impeachment Managers must be made within three academic days of the passage of the Article of Impeachment; the Presiding Officer shall be made aware of this development.
 4. The Impeachment Counsel is responsible for litigating in favor of the Impeached Official. The Chief Counsel of the Student Assembly shall offer their services to the Impeached Official as Impeachment Counsel. However, the Impeached Official may select an alternate candidate to serve as Counsel, so long as the candidate is not any member of the Student Assembly already participating in the proceedings of their trial, including as a Senator, Presiding Officer, and the Secretary. An Impeached Official may serve as their own Impeachment Counsel. The selection of the Impeachment Counsels must be made within three academic days of the passage of the Article of Impeachment; the Presiding Officer shall be made aware of this development.
- ii. 2. The impeachment trial shall take place in no more than ten academic days following the passage of the Articles of Impeachment. The Senate may vote,

by simple majority, to extend this deadline to 15 academic days in the event that multiple Articles of Impeachment are passed. The Chair of the Senate, in consultation with the Impeachment Officers and the Impeached Official, shall designate the meeting place and date. It is permissible for an Impeachment Trial to occur the same night as a regularly scheduled Senate meeting.

- iii. 3. The impeachment trial shall be considered as a mandatory Senate-wide meeting, therefore all §2.1-2.2. Attendance guidelines shall apply.
- iv. 4. The impeachment trial shall be open to the public and press. It must be made apparent to the public when and where the trial shall take place. The meeting minutes shall also be made available to the public.
- v. 5. Members of the public, press, or other members of the Student Assembly not involved in the proceedings are prohibited from speaking during the proceedings of the trial. If they disrupt the proceedings, the Presiding Officer shall have them removed.
- vi. 6. Participants in the proceedings of the trial are welcome to use physical or electronic notes, but are prohibited from communicating with the Impeachment Manager, Impeachment Counsel, or Impeached Official during the proceedings outside of designated periods.
- vii. 7. A physical or electronic copy of the Article of Impeachment shall be made available to all in attendance at the trial.
- viii. 8. Any agreements by, with, or between Senators, Impeachment Managers, Impeachment Counsels, and/or the Impeached Official to impact the course of the trial, such as but not limited to political bribery, personal favors, or manipulation of one's vote is strictly prohibited. Upon discovery of this misconduct, the Chair of the Senate shall automatically introduce Articles of Impeachment against all parties involved, unless the Chair of the Senate is an involved party, in which case the Senate Secretary shall introduce the Article of Impeachment. If the Secretary is also involved, then the Senator responsible for introducing the Articles of Impeachment shall be determined by length of longest continuous service in the Student Assembly Senate, until a Senator is reached who was uninvolved in the misconduct. The matter shall also be referred to the Review Board, which may vote, if finding any illegal action to have impacted the proceedings, to hold a retrial of the impeachment trial.

c. §5.5-3. Impeachment Trial Procedure

- i. 1. There shall be two parties responsible for conducting the trial: the Impeachment Manager and the Impeachment Counsel. The Impeachment Manager and Impeachment Counsel are permitted to receive assistance to formulate their case for the trial, but others cannot speak during proceedings.

- ii. 2. The Presiding Officer shall call the session into order at the stated start time. The Presiding Officer will introduce all impeachment officials, explain the rules and procedure of impeachment trials laid out in this Code, drop any evidence not deemed relevant, and announce the purpose of the impeachment trial. The hearing shall begin with opening remarks.
 - 1. Remarks may include the presentation of relevant evidence including but not limited to, videos, emails, or paper documents.
 - 2. The Impeachment Manager may present uninterrupted for up to eight minutes.
 - 3. After the Impeachment Manager, the Impeachment Counsel may present uninterrupted for up to eight minutes.
 - 4. The Presiding Officer may lengthen, but not shorten, the allotted time so long as each party has the same maximum time, regardless of whether or not either party uses their full time.
- iii. 3. The thirty minutes after the opening remarks will be dedicated to questions. To pose a question, Senators will be allowed to physically or electronically write anonymous questions to the Impeachment Manager and Impeachment Counsel, to be read aloud by the Presiding Officer.
 - 1. The questions must clearly distinguish who the question is intended for. Questions must be questions, and not statements. Questions must also be respectful. The Presiding Officer shall have the discretion to decline to read questions that fail to follow these guidelines but must verbally explain why.
 - 2. The Impeachment Manager and Impeachment Counsel shall have a time constraint for their response as established beforehand by the Presiding Officer, provided the time constraint is equally applied towards both the Manager and Counsel. The Senate, by a simple majority vote, may vote to extend the time limit or end the discussion early.
- iv. 4. The hearing will conclude with closing remarks:
 - 1. The Impeachment Counsel may present, uninterrupted for up to six minutes. During this period, if the Impeachment Counsel is not the Impeached Official, then the Impeached Official will have the opportunity to directly address the trial.
 - 2. After the Impeachment Counsel, the Impeachment Manager may present uninterrupted for up to six minutes.
 - 3. The Presiding Officer may lengthen, but not shorten, the allotted time so long as each party has the same maximum time, regardless of whether or not either party uses their full time.
- v. 5. After closing remarks, there will be dedicated time for closed deliberation where Senators have the opportunity to discuss the verdict.

1. The Presiding Officer shall decide the length of the closed deliberation, provided the closed deliberation is at least 20 minutes long. The Senate shall have the authority to extend the closed deliberation or end it early, provided they inform the Presiding Officer. The Presiding Officer shall be responsible for reconvening the trial upon the conclusion of the closed deliberation.
 2. During closed deliberation, the Senate will be secluded from the rest of the observers and participants of the trial to discuss the verdict in a manner it sees fit. If the Impeached Official is a Senator, that Senator may not participate in the closed deliberation. Senators shall be prohibited from communicating with anyone outside of the closed deliberation, unless for emergency purposes.
 3. Upon commencement of the closed deliberation, the trial shall be suspended. It shall reconvene upon the conclusion of the closed deliberation. Impeachment officials and the public are free to interact during this time.
 4. Once the trial is reconvened, the vote on removal shall be called by an open paper ballot, where each Senator shall write their vote and name. If for whatever reason a Senator in attendance is unable to provide a physically written answer, an oral or electronic vote shall be accepted, provided it is given in private to the tabulating official.
- vi. 6. Announcement of Verdict
1. The Secretary shall tabulate and record the paper ballots, with the Presiding Officer confirming the results. Then, the Presiding Officer shall announce the Roll Call vote and the results of the removal vote based on the paper ballot. Immediately following this announcement, the Presiding Officer shall adjourn the impeachment trial.
- d. **§5.5-3. Impeachment Trial Verdict**
- i. 1. Should the vote to convict and remove the Impeached Official pass, the Official will be immediately removed from their office. All existing guidelines for vacancy fulfillment will be effective.
 - ii. 2. Should the vote to convict and remove the Impeached Official fail, the Impeached Official shall continue the normal duties of their office.
2. Amends **§2.1-4.4. Removal** in the Code of the Student Assembly to read as:
 - a. 1. If the committee feels either officer has not fulfilled the duties of their office outlined in this document, a Bill of Impeachment, approved by a simple majority of the committee, may be brought before the Senate. ~~The Senate Executive Committee shall determine the proceedings of the trial.~~ The impeachment trial shall abide by the guidelines set forth in §5.5-3. Impeachment Trial Procedure.
 3. Amends **§2.1-2.2. Attendance** in the Code of the Student Assembly to read as:

- a. 5. An ~~Bill~~Article of ~~i~~Impeachment shall automatically be introduced by the Secretary of the Senate after an Undergraduate Senator's eighth absence or a Graduate Senator's twelfth absence in a session. ~~If the Secretary reaches the relevant number of the absences, then the Chair of the Senate shall introduce the Article of Impeachment against them.~~ The ~~Bill~~Article shall include the number of excused and unexcused absences by the Senator. ~~The question shall be called by an open paper ballot. The Secretary shall tabulate the votes with the President of the Student Assembly confirming the results. Should the vote pass, the results shall be read by Roll Call. Should the vote fail, the tally alone shall be read.~~ Undergraduate Senators shall be allowed three more absences and Graduate Students shall be allowed four more absences ~~from the total accrued by the date of the failure of the Articles of Impeachment, at either a trial or if defeated at introduction~~ until the next ~~Bill~~Article of ~~i~~Impeachment is ~~automatically~~ introduced by the Secretary again.