



The University of West Florida Student Government Association

HB233 Language for UWF SGA Title VII

Legislation: 21-22 Bill XII

Author(s): General Counsel

Sponsor(s): Senate Pro Tempore Grant

First Reading: 11/5/21	Second Reading: <u>11/5/21</u>
Yes: 11	Yes: 10
No: 0	No: 0
Abstain: 0	Abstain: 0

Ms. Sydney Grant
Senate Pro Tempore

Be it known that Student Government 21-22 Bill XII is hereby signed on _____.

Pass Veto

Date

Mr. Ruben Gardner

TITLE VII: STUDENT GOVERNMENT OFFICER ACCOUNTABILITY & REMOVAL ACT

Chapter 700: Intent

700.01 The intent of this act is to comply with the provisions of Section 1004.26(4), Florida Statutes ~~(2004)~~, as mandated by the Florida Legislature. This act provides for the removal from office of any elected Student Government official who has been convicted of a crime or has been found civilly liable for an act of moral turpitude after all available rights of judicial appeal have been exercised, waived, or have expired. This act provides procedures for the immediate suspension of the subject officer upon conviction and pending any appeal and provides for a temporary successor to assume the duties of any suspended officer. This act further provides a procedure **for internal removal processes and** to allow for registered students to petition for a referendum recommending the removal of the subject official from elected office. In no way does the adoption of this act imply the endorsement of Section 1004.26(4), Florida Statutes ~~(2004)~~, by the Student Government Association of this University.

Chapter 701: Severability

701.01 Should the statutory requirement for the enactment of this chapter be repealed or deemed unconstitutional by a court of competent jurisdiction, this entire TITLE VII shall be null and void and withdrawn from student body law effective immediately upon ruling of the court.

Chapter 702: Impeachment from Office

702.01 Any Student Government Officer who is convicted by a court of competent jurisdiction of a felony, or misdemeanor that is related to the duties of his or her office, is subject to removal from office. The officer shall be removed by either impeachment by the legislative branch of Student Government Association with Majority Vote of the entire membership of said body, or by a recall referendum by the registered students of his or her constituency as enumerated in Chapter 704 infra, provided that all available rights of judicial appeal have been exercised, waived, or have expired.

702.02 Any Student Government Officer who is found civilly liable for an act of moral turpitude committed while holding such office, is subject to removal from office by either impeachment by the legislative branch of Student Government Association by Majority Vote of the entire seated membership of said body, or by recall referendum by the registered students of his or her constituency as enumerated in Chapter 704 infra, provided that all available rights of judicial appeal have been exercised, waived, or have expired.

702.03 Any Student Government Officer is subject to removal from office for Misfeasance, Malfeasance, or Nonfeasance of duty by impeachment and conviction by the legislative branch of Student Government Association.

702.04 Any Student Government Officer is subject to removal from office for permanent inability to perform the duties of said office, or by mental or physical incompetence, by the legislative

branch of Student Government Association by no less than Two-Thirds Vote of the entire seated membership of said body.

~~702.05 — Any Student Government Officer who is removed from office pursuant to this chapter is entitled to appeal to the President of the University, who may vacate the decision of the legislative branch of Student Government or the results of the recall referendum. If the University President vacates the decision of the legislative branch of Student Government or the results of the recall referendum, he or she may order additional proceedings consistent with this chapter.~~

Chapter 703: Suspension from Office and Temporary Succession

- 703.01 Any Student Government Officer may be immediately suspended from office if he/she is convicted or found civilly liable pursuant to Chapter 702 supra, notwithstanding any potential or pending appeal from said conviction or civil finding, by the president of the student body, or in case the affected officer is the Student Body President, by the legislative branch of the Student Government Association.
- 703.02 Should the President of the student body elect to suspend a Student Government Officer pursuant to the terms of this section, the Student Body President will notify the affected officer and the legislative branch, in writing, of the suspension and the grounds thereof, pending confirmation by Majority Vote of the Senate. The suspension will take effect immediately and remain in effect until revoked by the Student Body President or until the conviction or civil finding is reversed, vacated, or set aside, at which point the affected officer will immediately be reinstated to his or her Student Government Association office.
- 703.03 Should the Student Body President be convicted or found civilly liable pursuant to Chapter 703 supra, notwithstanding any potential or pending appeal from said conviction or civil finding, the legislative branch may elect to immediately suspend the Student Body President from office by no less than Two-Thirds Vote of the entire seated membership of said body. The ranking member of the legislative branch will notify the Student Body President and University President, in writing, if the Student Body President is suspended from office pursuant to this section. The suspension of the Student Body President will take effect immediately and remain in effect until revoked by the legislative branch of student body, the ~~University President~~ Vice President of Student Affairs, or until the predicate conviction or civil finding is reversed, vacated, or the Student Body President is otherwise cleared of wrongdoing in the predicate criminal or civil matter, at which point the affected officer will immediately be reinstated to his or her office.
- 703.04 During the period of the suspension, the suspended officer will not perform any official act, duty, or function or receive any pay, allowance, emolument, or privilege of office.
- 703.05 ~~The suspension of such official pursuant to Chapter 705 supra creates a temporary vacancy in such office during the suspension.~~ Any temporary vacancy in office created by suspension of an official under the provisions of this section will be filled by a temporary appointment to such office for the period of the suspension. Such temporary appointment must be made in

the same manner and by the same authority by which a permanent vacancy in such office is filled as provided by student body law.

- 703.06 If the suspended officer's predicated conviction or civil finding is reversed, vacated, or the officer is otherwise cleared of wrongdoing in the predicated matter, the Student Body President or legislative branch of Student Government Association shall immediately revoke the suspension and restore said officer to office, and the officer will be entitled to and be paid full back pay and other allowances to which he or she would have been entitled for the full period of time of the suspension. If, during the suspension, the term of office of the officer expires and a successor is either appointed or elected, such back pay or allowances will only be paid for the duration of the term of office during which officer was suspended under the provisions of this section, and he or she will not be reinstated.
- 703.07 Any recommendation for suspension shall be made in the best interest of the student body, The Student Government Association, and The University of West Florida.

Chapter 704: Referendum and Recall

- 704.01 Any Registered Student, or group of Registered Students, **may** petition for a recall referendum recommending that the Student Government Association removes a Student Government Officer from elected office, provided that the officer has been found in violation of Chapter 702 supra, pursuant to the provisions of this section, and provided that the petitioning student(s) are constituents of the Student Government Officer whose removal is sought.
- 704.02 A petition to recommend to the Student Government the removal of any Student Government Officer must comply with the following:
- A. A petition must be prepared naming the Student Government Officer sought to be recalled and containing a statement of grounds for recall in not more than two hundred words limited solely to the grounds specified in Chapter 703. If more than one Student Government officer is sought to be recalled, a separate recall petition must be prepared for each officer
 - B. Registered Students who are constituents of the Student Government officer and are making the charges contained in the statement of grounds for recall will be designated as the "committee." A complete list of the members of the committee must accompany the petition. A specific person must be designated in the petition as chair of the committee to act for the committee.
 - C. The petition must be signed and completed by no less than five percent of the total number of Registered Students who are constituents of the Student Government Officer whose removal is sought, as provided for in Article IX of the University of West Florida Student Body Constitution.
 - D. The petition must be registered with the Chief Justice of the Judicial Branch of the Student Government Association, before signatures supporting the petition can be solicited or affixed to the petition. All signatures must be obtained within a period of

thirty days, and the petition shall be filed within thirty days after the date the first signature is obtained on the petition.

- E. Each constituent signing a petition must sign his or her name in ink as registered with the University Registrar and must state on the petition his or her constituency. Each petition must contain appropriate lines for signatures, student identification numbers (social security or otherwise), and addresses of the constituents. Each petition must also contain an oath, to be executed by the circulator thereof, verifying the fact that the circulator saw each constituent sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the constituent it purports to be, and that the petition was signed in the presence of the circulator on the date indicated.
- F. The petition must be filed with the Chief Justice of the judicial branch of the Student Government, when a facially valid petition meeting the requirements of Chapter 7804, ~~as well as paragraphs A through E~~ above is filed, the Chief Justice shall submit such petition to the Supervisor of Elections who must, within a period of not more than thirty days after the petition is submitted to the supervisor, determine whether the petition contains the required valid signatures. If it is determined by the Chief Justice that the petition does not meet the requirements of Chapter 704 ~~or paragraphs A through E~~ above, and therefore is not facially valid, the Chief Justice will notify the Supervisor of Elections to take no further action. The petition cannot be amended after it is filed with the Chief Justice.
- G. If it is determined that the petition does not contain the required signatures, the Chief Justice will certify to the Student Body President and the legislative branch of Student Government Association and file the petition without taking further action, and the matter will be at an end. No additional names may be added to the petition, and the petition must not be used in any other proceeding.
- H. For the purposes of compliance with Section 1004.26(4), Florida Statutes ~~(2004)~~, a petition is "filed" only when the "Recall Petition and Defense" is filed with the Chief Justice.
- I. If a recall referendum is authorized pursuant to this section, the Supervisor of Elections will immediately proceed with a recall election as specified in Article IX of the University of West Florida Student Body Constitution.

Chapter 705: Resignation in Lieu of Recall

- 705.01 If the Student Government Officer whose recall from office is sought files, with the Chief Justice, his or her written resignation, the Chief Justice will at once notify the Student Body President and the Legislative Branch, and the resignation will be irrevocable. A permanent successor will assume the vacated office as provided by student body law.

Chapter 706: Recall Referendum

- 706.01 In the absence of a resignation, the Supervisor of Elections of the Student Government Association will fix a day for holding a recall election for the removal of any affected Student

Government Officer not resigning. Any such election must be held not less than thirty days or more than forty five days after the Chief Justice has certified that the requisite number of signatures on the "Recall Petition and Defense" have been collected pursuant to the terms of this chapter.

- 706.02 The ballots at the recall election must conform to the following:
- A. With respect to each person whose removal is sought, the question shall be submitted:
- "Should (Name of Student Government officer) be removed from the office of _____ (Student Government Office) by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:
- _ (Name of Student Government officer) should be removed from office.
- _ (Name of Student Government officer) should not be removed from office.
- 706.03 Immediately to the side of each of the propositions a square or line will be placed, on which the electors may vote for either of the propositions by making a cross mark (X). Voting machines, electronic, or electromechanical equipment may be used if they indicate each voter's choice clearly and succinctly.
- 706.04 The Supervisor of Elections will submit a plan for conducting the recall referendum, following the same processes and procedures used for any regular Student Government Association election as described in the student body law and pursuant to this chapter, to the legislative branch for approval.
- 706.05 Following approval, the Supervisor of Elections will publicly announce the recall referendum and the details thereof.
- 706.06 Following the recall referendum held on the date or dates specified by the Chief Justice of the Student Government Association Judicial Branch, according to Chapter ~~707~~ 706 supra, and the plan submitted by the Supervisor of Elections and approved by the legislative branch of the Student Government, according to Chapter ~~707~~ 706 supra, the Supervisor of Elections will certify the results of the recall referendum to the officer sought to be recalled, the Student Body President, the Chief Justice of the Student Government Association Judicial Branch, and the Legislative Branch of the Student Government Association post haste.
- 706.07 If a majority of students voting in the recall referendum recommend the recall of the named Student Government officer from office, then the named Student Government officer will be immediately and permanently removed from office. The Senate President will notify the removed Student Government Officer, the Student Body President, and the University President, in writing, of such removal.
- ~~706.08 Pursuant to Section 1004.26(4), Florida Statutes (2004), the removal of an officer pursuant to this chapter shall be subject to appeal to the University President.~~

Chapter 707: Offenses Relating to Petitions

- 707.01 No student will impersonate another, purposely write ~~their~~ ~~his or her~~ name or constituency in the signing of any petition for recall or forge any name thereto or sign any paper with knowledge that he or she is not a constituent of the Student Government Officer whose removal from office is sought.
- 707.02 No expenditures for campaigning for or against an officer being recalled shall be made until the recall referendum date is publicly announced. Violations of this section will be considered an offense against the student body and as a student conduct offense against the University. Violators will be penalized according to established Student Government Association and University procedures. No person shall accept employment or payment, nor have another person accept employment or payment on their behalf for the circulation of recall petitions.

Chapter 708: Impeachment and Removal Process

- 708.01 Grounds for removal shall be misfeasance, malfeasance, or nonfeasance of office.
- 708.02 The Senate President shall be responsible for bringing impeachment charges, or a senator may bring impeachment charges with the agreement of the Rules of Statutes Committee.
- 708.03 Senators who bring impeachment charges against any Student Government Officer must present a list of charges to the Senate President with the signatures of the additional six supporting Senators by no later than two days prior to the Senate meeting in which impeachment processes will be held.
- 708.04 Formal accusations of malfeasance, misfeasance, or nonfeasance against a Student Government Member shall be recognized by Majority Vote of the Senate.
- A. During the impeachment proceedings, the Senate President will read aloud the charges being brought against the accused.
 - B. If a majority of Senators present vote in favor of impeachment, conviction processes will be held the following Senate meeting.
- 708.05 Conviction Proceedings
- A. During the conviction proceedings, the Senate President will read aloud the charges against the impeached Student Government Member.
 - B. The senator(s) who brought forth the impeachment charges will have five minutes to produce evidence for the removal of the impeached Student Government Association Member.
 - C. The impeached member will have five minutes to produce evidence in their defense, after the senator(s) who brought impeachment charges have produced their evidence.
 - D. Following the arguments from the senator(s) who brought forth the charges of impeachment and the defense of the impeached member, the Senate shall debate.

E. Three-fourths of voting members present must find the impeached party guilty to be convicted.

708.06 Once a Student Government Member has been impeached by Majority Vote of the Senate and convicted by a Three-Fourths Vote of the Senate, they have officially been removed from office.

~~708.07 — Once a person in any capacity in the Student Government Association has been removed from the Student Government Association through the removal process, he or she may never serve in any capacity for the Student Government Association.~~

Chapter 709: Removal of Senators by the Absentee Policy

709.01 If a senator accumulates three unexcused absences from committee or Senate meetings during a semester they may be put up for removal by the Senate President and or the Rules and Statutes Committee and removed by Majority Vote of the Senate. The senator in question may produce up to five minutes of defense on his/her behalf at the time of the vote, but the senator in question forfeits the right to vote on this particular issue, as defined in the Constitution Article IV, Section 3, subparagraph 8.

709.02 The Rules and Statutes Committee may bring a senator up for removal through the absentee policy.

709.03 If the Rules and Statutes Committee submit removal charges, they will provide all evidence to the Senate President, prior to notifying the accused that they are up for removal.

709.04 Senators that have been removed due to violation of the absentee policy shall be notified by the Senate President.

~~709.05 — Once a senator has been removed from the Student Government Association through the removal process, he or she may never serve in any capacity for the Student Government Association.~~

Chapter 710: Removal of Appointed Offices

710.01 This section shall pertain to the removal of any person who holds an appointed Student Government Association office, with exception to the Supreme Court.

710.02 Grounds for removal shall be malfeasance, misfeasance, or nonfeasance of office.

710.03 A Student Government Member holding an appointed office that is being brought up for removal must be taken to the Senate as part of the removal process.

710.04 The removal proceedings shall be conducted as follows:

A. The member who is being accused shall be notified of their removal accusation 48 hours prior to a Senate meeting.

B. The Senate President will read aloud the charges against the accused to all of Senate.

- C. The individual bringing charges against the accused will be allowed five minutes to bring evidence for the charges. The accused will then have five minutes to bring evidence in their defense. Senate debate will follow.
- D. It takes a majority vote of senators present in order to remove an appointed official.

~~710.05 — Once a person, serving in any capacity in the Student Government Association has been removed from the Student Government Association through the removal process, he or she may never serve in any capacity for the Student Government Association.~~

Chapter 711: Appeals and Removal

- 711.01 In compliance with the provisions of Section 1004.26(4), Florida Statutes, any elected or appointed officer of the Student Government Association who has been disciplined, suspended, or removed from office as outlined in Title VII has the right to appeal to the Vice President of Student Affairs. There shall be no qualifications on grounds for appeal.
- A. Appeal must be submitted to the Vice President of Student Affairs within 5 business days of the notification of discipline, suspension, or removal. The appeal must include a clear and detailed description of the action being appealed.
 - B. All relevant documentation must be submitted by the appellant at the time of the appeal.
 - C. The Vice President of Student Affairs may designate other appropriate senior University officials as to review and rule on an appeal. The reviewer may uphold or vacate the initial discipline or removal. If the reviewer vacates the decision of SGA or the results of the recall referendum, they may order additional proceedings consistent with this title.
 - D. A written decision letter from the Vice President of Student Affairs or their designee will be provided to the appellant and appropriate SGA officials within ten business days following the student's submission of the appeal.
 - E. The decision of the Vice President of Student Affairs or their designee is final.
- 711.02 Once a person, serving in any capacity in the Student Government Association has been removed from the Student Government Association through the removal process, he or she may never serve in any capacity for the Student Government Association.