



**General Counsel Opinion
GC 2025–002
March 9, 2025**

Question Presented

Are the proposed impeachment procedures in the Undergraduate Student Bylaws compliant with the SGA Constitution and Code Annotated?

Brief Answer

Yes and no. Congress may develop their own process for impeachment, but it must comply with the Constitution and must be consistent with the other provisions of the SGACA.

Analysis

I. Proposed language in 8.5(1)

This subsection in its entirety is inconsistent with GC Opinion 2025–001, and thus, presents potential conflicts with the SGA Constitution and Code Annotated.

II. Proposed language in 8.5(2)

The proposed subsection 8.5(2)(c) might violate the SGA Constitution Student Bill of Rights, which states that students have “[t]he right of judicial due process . . . including . . . confrontation of witnesses by parties accused[.]”¹ The proposed subsection would allow a special executive session in which “the accused officer shall not be allowed in the room” and “[o]nly members of the Undergraduate Student Congress, SGA Advisors, and any witnesses named by the

¹ SGA Const. art. XI, § 5.

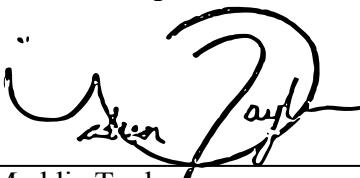
member making the motion shall be permitted to speak in Executive Sessions.”² Allowing additional parties to the voting members of the Undergraduate Student Congress, such as witnesses against the accused, in the special executive session might conflict with Article XI, § 5 of the SGA Constitution because the accused would be denied the right to confront witnesses and testimony against them.

Though a similar provision can be found for the impeachment and conviction of Congressional Officers in Section 4.6 of the Undergraduate Student Congress Bylaws, that language states that “[a]ll non-essential personnel shall be ordered to leave the room[,]” seemingly providing more protection than the proposed language for the impeachment charge(s) hearing for members of other branches.

This is a requested advisory opinion and does not bar the proposed language in Section 8.5(2) of the act from coming forward to Congress.

The rest of subsection 8.5(2) does not bring forth any immediate conflicts with the SGA Constitution or Code.

This is the opinion of the General Counsel.



Maddie Taylor
SGA General Counsel

² See proposed act, “Outlining Congressional Impeachment Hearings.”