

yGriffin McAndrew, *Knott Hall Senator*

AN ORDER TO AMEND ARTICLE XIII OF THE CONSTITUTION

Whereas, Article XIII, Section 1(b) of the *Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac* states that “If the Student Union Ethics Commission finds that the Student Body President, the Student Body Vice-President, either of the Hall Presidents Council Co-Chairs, the Club Coordination Council President, the Class Officers, any Senator, the Off-Campus President, or any official appointed and approved by the Senate, should be removed from office due to their behavior or misconduct, a Bill of Impeachment will be brought before the Senate at the next meeting;”

Whereas, the purpose of a hearing to consider a Bill of Impeachment is not to rule upon the innocence or guilt of the alleged party, but to examine the findings of the Student Union Ethics Commission and to impartially assess whether or not a constitutional provision was violated. A hearing seeks neither to determine the rightness or wrongness of the alleged party’s actions nor to put their character on trial;

Whereas, the purpose of the hearing following a vote of impeachment is to allow the alleged party to justify their actions and to call witnesses in their defense. Such a hearing is expressly for the purpose of mounting a defense and is designed to provide the Senate with a more complete understanding of the actions and motivations of the alleged party;

Whereas, the ability for alleged parties with speaking privileges to mount a defense during the hearing of a Bill of Impeachment may hinder the ability of the Senate to make an impartial and properly informed assessment of the matter. Were a speaking member of the Senate to abuse their speaking privileges to mount a defense during the consideration of a Bill of Impeachment against them, it may confuse the discussion of the constitutional grounds of the Bill of Impeachment.

Whereas, such a limited and one-sided defense would deny the Senate the complete understanding of the actions and intentions of the alleged party. Such a defense may also deny the alleged party the true opportunity to defend themselves with the resources reserved for the hearing following the vote of impeachment;

Whereas, recusal provisions are employed throughout the Constitution to ensure the impartiality and integrity of ruling bodies such as the Election Committee, the Student Union Ethics Commission, and the Senate when making decisions on serious matters that significantly affect the Student Body;

Whereas, the consideration of a Bill of Impeachment constitutes an equally serious matter that significantly affects the Student Body. The Student Body must be able to trust that the Senate and

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its membership can maintain their integrity and impartiality during a matter of such importance; therefore, be it;

Ordered, by the Student Senate of the University of Notre Dame du Lac,

- I. That Article XIII, Section 1(b) of the *Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac* be amended to insert the following after Article XIII, Section 1(b)(1):**
 - (2) The alleged party shall forfeit speaking privileges for the duration of the hearing.

It is so ordered.

Patrick Lee
Student Body President