



General Counsel Opinion
GC 2025 – 001
March 5, 2025

Question Presented

Do other members of the Executive Branch beside the President and Vice President fall under the purview of impeachment procedures?

Brief Answer

Impeachment serves as an accountability measure against popularly elected positions and those positions for which there is no alternative accountability mechanism (in other words, those that “act independently” of the other SGA offices). Accordingly, the Student President’s staff, who can be removed from their office at the sole discretion of the Student President, do not fall under the purview of impeachment procedures.

Analysis

I. The SGA Constitution

The SGA Constitution gives the Legislative Branch “the right of impeachment and removal within the Executive, Judicial, and Programming Branches.”¹ When read in conjunction with other Constitutional provisions, however, it appears that only specific members of said branches are subject to impeachment. The SGA Constitution explicitly mentions impeachment involving the Student President,² Vice President,³ members of the Superior Court,⁴ and the Campus Activities Council Chair.⁵ For example, the Constitution explicitly states that the Legislative Branch may impeach the Chair of the Campus Activities Council, but is silent as to the removal of other positions within the Programming Branch.⁶

If Article III, Section 9 meant that the Legislative Branch has the power of impeachment over *every* officer and/or official of the SGA, it would seem duplicative to further enumerate positions eligible for impeachment, such as in the case of the Campus Activities Council Chair. The explicit references to impeachment of this position, and not others, creates ambiguity in how far the

¹ SGA Const., art. III, § 9.

² SGA Const., art. IV, § 2(1).

³ SGA Const., art. IV, § 2(2).

⁴ SGA Const., art. V, § 1.

⁵ SGA Const., art. VI, § 2.

⁶ *Id.*

Legislative Branch's power of impeachment may reach, and might suggest that there are positions within the SGA whose removal is based solely upon their supervisor's discretion.

II. The SGACA

The SGACA provides guidance that resolves some ambiguity left in the Constitution regarding impeachment eligibility. The SGACA states that “[t]he right to impeach should be reserved for those positions which are either popularly elected by the student body, or have the ability to act independent of any other office.”⁷ Additionally, the SGACA explicitly states that members of the Presidential staff and members of the Programming Branch are not impeachable.⁸ Finally, the SGACA provides that “the President may remove any member of EOP at will without notice.”⁹ This language suggests that members of the EOP are subject to removal by their direct supervisor, the President, and not the impeachment powers of the Legislative Branch.

This reading is consistent with purposes of accountability for SGA officials. Popularly-elected individuals have an accountability mechanism imposed on them via impeachment. Appointed individuals are subject to the accountability of their supervisors. It would seem duplicative to subject the other Executive Branch members to two removal systems: one via the President, and the other via the Legislative Branch. This would seem especially odd when contrasted with removal procedures for other members of the SGA, including judicial members and election committee members.¹⁰

The Constitutional provisions expressly providing for the impeachment of some officers but not others, and the additional guidance within the language of the SGACA suggest that impeachment is exclusively reserved for those popularly elected positions, positions in which the Constitution expressly permits impeachment, and offices that are not subject to other accountability measures.

Accordingly, members of the Executive Branch, outside of the President and Vice President, are outside the purview of impeachment procedures.

The scope of this opinion is narrow and is targeted specifically at the impeachment eligibility of members of the Executive Branch other than the President and Vice President. Should the Legislative Branch seek to amend provisions mentioned in the position, they are free to do so. However, this opinion should in no way be read as endorsing any such legislation. This opinion does, however, warn that attempts to do so might present issues with the separation of powers between the branches and might themselves be Constitutionally unsound, or otherwise inconsistent with other provisions of the SGACA.

⁷ SGACA, tit. II, ch. 1, § 9.

⁸ SGACA, tit. II, ch. 1, §§ 9(c), 9(c)(i).

⁹ SGACA, tit. III, ch. 1, § 5(d)(iii).

¹⁰ *See generally* SGACA, tit. IV.

This is the opinion of the General Counsel.

A handwritten signature in black ink, appearing to read "Maddie Taylor", written over a horizontal line.

Maddie Taylor
SGA General Counsel