

## Constitutional Challenge 01-F21

November 30, 2021

**Intent and Purpose:** To appeal the impeachment of former President Matthew J. Meyer enacted through Senate Resolution (SR)01-F21 and Senate Resolution (SR)02-F21 on grounds of unconstitutionality.

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**Whereas,** the aforementioned Senate Resolutions violated multiple clauses of the Student Government Constitution and General Bylaws, and

**Acknowledging,** that upholding these resolutions would establish a poor precedent of allowing the Student Government to act without following proper procedures, and

**Noting,** that according to Article V Section 5, subsection (a) of the Student Government Constitution, “[T]o initiate the impeachment process, legislation in the form of a bill, coded under Resolution (RES), shall be presented to the Senate floor during a formal Senate meeting,” and under the second clause of the aforementioned subsection, “[T]his resolution bill shall be tabled for one (1) week, and is to be voted on at the next formal meeting of the Senate,” and according to subsection (b) of the aforementioned section of the Constitution, “[T]he proper voting procedure for voting on a Resolution bill of impeachment is to vote by roll call,” and

**Further noting,** each of the aforementioned clauses were directly violated during the impeachment of former President Matthew J. Meyer in that both of the aforementioned Senate Resolutions were improperly coded; the Senate failed to table the resolutions, a constitutional right guaranteed to any member of the Student Government facing impeachment; and the impeachment was not voted upon by following the correct, constitutionally prescribed procedure of vote by roll call, but rather a vote by secret ballot, and

**Acknowledging,** that there was a motion to “suspend the rules” during the impeachment to circumvent the aforementioned clauses, which, in and of itself is unconstitutional, as according to the Student Government General Bylaws Appendix A Section 2 subsection (h) regarding Robert’s Rules and the proper procedures within a Senate meeting, “Motion to Suspend the Rules:

- i. Motion to suspend a part of procedure i.e. extend debate time beyond ten minutes.
- ii. May not suspend any bylaw or constitutional clause,” and

**Noting,** that according to Article II Section 1 of the Student Government General Bylaws, the proper coding of a bill of impeachment, Resolutions (RES), are meant to “reflect the opinions of the student body,” and

**Further,** the minutes from the Senate meeting on November 16 do not explicitly nor thoroughly explain which pieces of legislation passed or the vote, further obstructing transparency and accountability between the JCSG and the student body, and

**Recognizing**, that the members of the Student Body were unable to provide opinions due to the lack of a time between introduction of said articles and their vote, and

**Whereas**, the movement to impeach former President Matthew J. Meyer has sparked a backlash amongst the student body, as their opinions and interests were not taken into consideration during this process, but rather subverted by an unconstitutional, and rushed impeachment, and

**Noting**, that according to Article V Section 1, subsection (h) of the Student Government General Bylaws, “[The President] must sign an official copy of all Senate legislation within one (1) week of enactment unless they exercise their veto,” and

**Further noting**, that the acting President upon the impeachment of former President Matthew J. Meyer, Margaret Skubik, failed to sign an aforementioned official copy of the impeachment Special Resolutions, further nullifying the impeachment, and

**Furthermore**, the actions taken on behalf of the Student Government Senate and Executive Board to remove President Matthew J. Meyer were unnecessarily hasty, depriving the aforementioned individual of the opportunity to redress concerns being presented, as well as the opportunity to enact in a dignified departure from the Student Government through resignation, and

**Acknowledging**, that the tabling requirement could have theoretically been looked over if a persuasive reason was given on the floor of a regularly-scheduled Senate meeting, but no members of the body made such an argument, and

**Whereas**, the will of the Senate, as a representative body shall be upheld though through constitutional means, and

**Noting**, that the individual of concern wishes not to obstruct the procedures of the John Carroll Student Government, but rather to salvage the relationship between the Student Government and its concerned constituents, and

**Therefore be it resolved**, that the John Carroll Student Government appeals Senate Resolution 01-F21 and Senate Resolution 02-F21.

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**Written and Submitted by:**

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**Date Proposed:** November 30, 2021