

STUDENT GOVERNMENT ASSOCIATION SUPERIOR COURT

No. 1

*BEN KEUPEN, ARTS AND SCIENCES REPRESENTATIVE
V. MADISON TAYLOR, SGA GENERAL COUNSEL*

[April 24, 2025]

CHIEF JUSTICE GRACE delivered the unanimous opinion of the Court.

Petitioner Ben Keupen brings an appeal of SGA General Counsel Opinion 2025-001. Petitioner asserts that the General Counsel’s interpretation of the impeachment provisions of the SGA Constitution and Code Annotated are incorrect. General Counsel’s interpretation is that the impeachment provisions only apply to the President and Vice President and not members of the Executive Staff. This interpretation in the opinion was based on SGA Constitution article III, § 9 and on Title II, Chapter 1, Section 9(c) of the SGA Code Annotated (SGACA). The Court decided to hear the case to determine the ultimate interpretation of the SGA Constitution article III, § 9.

For purposes of this opinion, the Constitution will be interpreted in isolation and the SGACA will not be considered given that “in the event of a dispute between the various forms of SGA Law, the SGA Constitution is still the supreme law of the SGA.” SGACA Preface. Additionally, the Court’s reasoning is entirely based on construction grounds as the Court found no need to assess policy grounds.

As all parties seem to agree, the relevant impeachment provisions of the Constitution that pertain to the Executive Branch are very ambiguous. The most relevant provision states: “Congress shall have the sole power to bring impeachment charges against the members of the Executive,

Judicial, and Programming branches.” SGA Const., art. III, § 9. The lack of qualifying language in front of the word “members” leads the court to believe that the word “members” encompasses all members of the Executive Branch, including Executive Staff positions. This is also supported by the nonexistence of exclusionary language for members of Executive Staff in any of the impeachment provisions of the Constitution.

In the General Counsel’s opinion, she states in part:

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, Vice President, members of the Superior Court, and the Campus Activities Council Chair. . . . 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 . . .

GC 2025-001.

However, the Court determined that the named positions in the Constitution were not for purposes of enumerating the positions that can be impeached, rather for establishing succession procedures for those positions. For members of the Executive Staff, there does not need to be established succession procedures because the President will just appoint another student to that position as is the normal procedure under Article IV, Section 4(2).

The General Counsel also argued that since the Constitution says the President has the “sole power to appoint personnel” for Executive Staff positions, they also have the sole power for removal. SGA Const., art. IV, § 4(2). However, the Constitution also gives the legislature the right to confirm or deny nominations made by the SGA President. SGA Const., art. III, § 5(2). The Court determined that the presidential right to appointment and legislative right to confirmation

are equal, therefore negating the argument that since the President has the sole power of appointment, they also have the sole power of removal.

If any student disagrees with this opinion, they can begin the process for a constitutional amendment to clarify the ambiguous language.

Accordingly, the SGA Constitution should be read to allow impeachment of Executive Staff positions, and SGACA, tit. II, ch. 1, § 9(c) should be stricken.

It is so ordered.