

Rules and Procedures for the Impeachment Hearing of President David Rhode

1. *Date, Time, Place:* The Impeachment Hearing for President David Rhode will take place on December 2, 2019 at 6:00 pm in the UC Multipurpose Room.
2. *Guests & Gallery:* It is expected there will be twenty seats open in the gallery for any person who wishes to attend. Members of the gallery shall not be allowed to engage the proceedings unless called as a witness, or called on by Ms. Lochner. The gallery is expected to remain quiet and respectful throughout the hearing. The prohibition on electronic devices also applies to members of the gallery. Any person who is in violation of these rules, or is disrupting the procedure, may be asked to leave.
3. *Right to Counsel:* There is no right to have counsel for students in SGA Impeachment Hearings as this is not a WCU conduct or disciplinary hearing and instead a meeting of the SGA Senate. Guests, advisors, representatives, counselors must be seated in the gallery and are not allowed to participate.
4. *Nature of Proceedings:* The nature of this proceeding should be viewed as non-adversarial. All participants are expected to be professional at all times. Impeachment Hearings are not "court" or disciplinary. This is an SGA hearing governed exclusively by these rules and procedures, the SGA Constitution, the Student Code, and the Gatekeeper. The normal rules of evidence do not have any applicability.
5. *Quorum:* Normal rules governing quorum apply.
6. *Gatekeeper Authority:* Given the potential of conflicts of interest, Mary Ann Lochner (Dean of Students' designee) will preside over the hearing as gatekeeper.
 1. Ms. Lochner shall be given all authority and power necessary to preside over the hearings. She shall be allowed to use Robert's Rules of Order as a guide, but in the event there is a need to depart from the standard procedure she is authorized to do so. Explicitly stated, Ms. Lochner has complete and full control in the presentation of information and maintaining order in the Hearings. This authority is necessary for the gatekeeper to ensure compliance with the Impeachment Hearing format, rules and procedures, the Student Code, the SGA Constitution and Bylaws, and general professionalism. The Gatekeeper shall not have any voting power or influence over the Senate.

2. All witnesses, parties, guests, and senators are expected to maintain professionalism. Failure to comply with Ms. Lochner's orders or requests may result in removal from the proceedings.

7. *Production of Materials:* Anticipating the Hearings will take place during the December 2, 2019 meeting, the deadline for production of materials to be turned over to President Rhode is 6:00 pm on November 30, 2019. All Senators should submit any written statements, documents, videos, recordings, writings, data compilations, drawings which relate to the Impeachment to Chief Justice Alston via email by 1:00 pm on November 30, 2019.

Any written statements, documents, videos, recordings, writings, data compilations, drawings which relate to the Impeachment that are not provided to President Rhode by 6:00 pm on November 30, 2019 will not be allowed to be considered as evidence.

If for some reason the hearing is postponed then this rule shall be nullified.

8. *Witness Questioning:* Pursuant to Article X.II.e, Chief Justice Alston and President Rhode shall have the right to call witnesses and present evidence. Any person may be called as a witness. Expanding upon those rights, the ***Senate will also be allowed to call witnesses and present evidence*** to the extent allowed by Ms. Lochner. The procedure will be as follows:

1. Party calls witness
2. Witness gives a statement
3. Chief Justice Alston questions witness
4. Senate questions witness
5. President Rhode questions witness

9. *Witness Lists:* Expanding upon the discovery requirement in X.III.c, it is required that a witness list (all anticipated witnesses) be sent to TJ Eaves via email by 1:00 pm on November 30, 2019. This requirement is for Chief Justice Alston, President Rhode, and ANY senators who intend on acting as a witness or calling a witness. A comprehensive list will be shared with all parties and Senate prior to by 6:00pm on November 30, 2019.

Calling of witnesses not included on the witness list is only allowed at the discretion of Ms. Lochner. Further, in the event witnesses presented are being called for duplicative reasons then Ms. Lochner reserves the right to deny their calling.

10. *Evidence:* Evidence may be presented at the hearing. Evidence includes any "written statements, documents, videos, recordings, writings, data compilations, drawings which relate to the Impeachment" and any testimony provided in the course of the hearing. No person shall be allowed to give a statement without making themselves available for questioning by all parties.

11. *Senators Duty to Review:* Senators may be sent material to review in advance of the meeting. It is the duty of each Senator to review said "evidence." This will be done so that Senators will be familiar with evidence when referenced in the Hearing. There is no requirement that documents be read aloud during the hearing but they should be made available for inspection for the Senate upon request.

At the close of all evidence, Ms. Lochner will clarify the evidence to be considered in conjunction with any witness statements. No new evidence or information may be considered after the close of evidence. This does not prohibit Senators from drawing reasonable inferences and making arguments based upon their interpretation of the evidence in deliberations.

12. *Resignation:* Anticipating the Hearings will take place during the December 2, 2019 meeting, President Rhode has up until 1:00 pm on December 2, 2019 to submit an unequivocal resignation letter to an SGA Advisor. After that time Respondent may not resign to avoid Impeachment Hearings.

13. *Closed Session:* When the Senate moves into closed session the only persons allowed to remain are:

1. Voting members of the Senate
2. The Gatekeeper, Ms. Lochner
3. SGA Advisors
4. WCU Legal Counsel

14. *Voting:* Voting will take place in Open Session via secret ballot. Ballots will be passed out and collected by either Ms. Lochner, SGA Advisors, or a combination of both. Ballots will be tallied by SGA Advisors and overseen by the Parliamentarian and Ms. Lochner. Because Impeachment is merely the process of which a removal is considered, the only vote is whether or not to remove President Rhode from office. The ballot will read as follows:

As to the allegations presented in the Articles of Impeachment, and only considering the evidence presented in the Impeachment Hearing, please indicate your vote as to whether or not David Rhode should be removed from office.

_____ I find that there has been sufficient evidence to support that David Rhode has committed an act that should result in him being removed from office and it is my vote he should be removed from office.

_____ I do not find that there has been sufficient evidence to support that David Rhode has committed an act that should result in him being removed from office.

15. *Electronic Devices*: A reminder that Article X.III.f of the Bylaws states that cell phones and other electronic devices will be prohibited with the exception of those Ms. Lochner deems appropriate. Chief Justice Alston, President Rhode, Ms. Lochner, the Clerk of the Senate, the Parliamentarian, SGA Advisors, WCU Legal Counsel, members of the media, and any other person Ms. Lochner deems necessary shall be allowed the use of electronic devices to assist in their duties. Ms. Lochner has the authority to seize electronic devices which are being used in violation of this rule.
16. *Time Limits*: In the interest of efficiency, Ms. Lochner shall work with Chief Justice Alston and President Rhode with the intention of stipulating to timing rules. However, in the event no agreement is reached the following time limits shall be in place:
1. Opening statements shall be limited to 10 minutes for each side.
 2. Closing statements shall be limited to 15 minutes for each side.
 3. Ms. Lochner shall have the discretion to set time limits for witness statements, and questioning by each side.
 - i. In the event there is not a stipulation witness statements shall be limited to 10 minutes, and each side may question the witness for 10 minutes.
 - ii. At the request of a party, or a Senator, it is within Ms. Lochner's discretion to extend these time limits.
- *All time limits may be adjusted in the discretion of Ms. Lochner in the hearing with the stipulation that equal time will be afforded to all parties. For example, if senate is allowed 20 minutes to question a witness then Chief Justice Alston and President Rhode will be allowed 20 minutes as well.*
17. *Note from Vice President Spencer*: In the interest of transparency, during this impeachment process, you may feel the need to share with your constituents what is happening because it is the Student Body's right to be informed. You are encouraged to be honest and transparent. However, you are encouraged to refrain from bashing

others and destroying reputations without them having the ability to defend themselves. This is to protect the integrity and professionalism of SGA as well as all parties involved.

Important Contact list:

1. Chief Justice Alston- knalston2@catamount.wcu.edu
2. TJ Eaves, Assistant General Counsel Assigned to SGA – teaves@wcu.edu
3. Karen Farmer – kwalker@wcu.edu
4. Jeff Hughes – hughes@wcu.edu
5. Stephanie Sue Rowell – shelmers@wcu.edu
6. Any communications intended to be sent to Ms. Lochner should be directed to TJ Eaves

Important Deadlines:

1. Witness lists – Saturday, November 30, 2019 at 1:00 pm to TJ Eaves
 - a. This requirement is for ALL parties (Chief Justice Alston, President Rhode, and ANY Senators who plan to be a witness or call a witness)
 - b. All witness lists should be submitted to TJ Eaves via email by 1:00 pm on Saturday, November 30, 2019.
2. Material Production by Senate to Chief Justice Alston – Saturday, November 30, 2019 at 1:00 pm to Chief Justice Alston
 - a. Senators should submit any written statements, documents, videos, recordings, writings, data compilations, drawings which relate to the Impeachment to Chief Justice Alston via email by 1:00pm on November 30, 2019.
 - i. Without being submitted to President Rhode at least 48 hours in advance it will NOT be allowed to be considered or referred to.
 1. Chief Justice Alston's role is to collect and present evidence. You should not send material directly to President Rhode and instead route it through Chief Justice Alston.
 - ii. This does NOT require a written statement to be created. If a witness was interviewed but no statement made, there is nothing to produce. Witnesses are not required to write statements, but if they plan to read from a document or statement it must be produced to President Rhode 48 hours in advance.