



THE STUDENT BODY SUPREME COURT OF BUTLER UNIVERSITY

Order Number: 2223-003

Order in the Matter of:

Transmit Documents for Impeachment of Senator Simpson
Motion filed: October 31, 2022

Order handed down: November 2, 2022

In the matter of Petitions 2223-001 and 2223-002, this Court reviewed the evidence presented and voted to begin an investigation into the matter with Court Order 2223-001. The Court reached out to Senator Simpson on October 11, 2022 about having a meeting to discuss her absences from Senate meetings. After receiving no response from Senator Simpson, the Court attempted to reach out again on the morning of October 17, 2022. The Court also called a hearing for Senator Simpson's attendance issues in Court Order 2223-002 on October 17, 2022 and provided two possible times for that hearing. Since both of those times have passed with no response from Senator Simpson as of October 27, 2022, the Court has unanimously passed each of the Articles of Impeachment in Appendix A in accordance with Article V Section 8 of the SGA Constitution, Article XVI Section 3 of the SGA General Bylaws, and Article II Section 4 of the Judicial Branch Rules and Procedures. These documents will be transmitted to the Speaker of the Senate and presented by the Court at the next Senate meeting on November 9, 2022 for the proper impeachment of Senator Simpson.

All Justices concur. *It is so ordered.*

Appendix A: Articles of Impeachment for Senator Simpson

- Article 1.** Senator Simpson has an unexcused absence from the Senate Retreat which is a violation of Article III Section 1 of the Legislative Branch Rules and Procedures which states “Senators shall complete all reasonably assigned onboarding requirements.”
- Article 2.** Senator Simpson has an unexcused absence from the Senate Meeting on September 28, 2022 which is a violation of Article III Section 2 of the Legislative Branch Rules and Procedures which states “Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal.”
- Article 3.** Senator Simpson has failed to respond to Speaker Markland’s messages concerning her attendance, Senator Stubbs’ messages concerning DESB committee meetings, or the Court’s emails concerning these violations which is a violation of Article XVI Section 1 of the General Bylaws which states “Impeachable offenses shall include, but are not limited to: ...Failure to meet the attendance standards or other set expectations by the respective board leader.”
- Article 4.** Since the original petitions were filed, Senator Simspson has had an unexcused absence from the Senate Meeting on October 19, 2022 which is a violation of Article III Section 2 of the Legislative Branch Rules and Procedures which states “Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal.”
- Article 5.** Since the original petitions were filed, Senator Simspson has had an unexcused absence from the Senate Meeting on October 26, 2022 which is a violation of Article III Section 2 of the Legislative Branch Rules and Procedures which states “Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal.”
- Article 6.** Since the original petitions were filed, Senator Simspson has had an unexcused absence from the Diversity, Equity, and Student Belonging Committee meeting on October 19, 2022 which is a violation of Article III Section 2 of the Legislative Branch Rules and Procedures which states “Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal. For the purposes of the absence policy, regularly scheduled committee meetings shall count as Senate meetings. ”
- Article 7.** Since the original petitions were filed, Senator Simspson has had an unexcused absence from the Diversity, Equity, and Student Belonging Committee meeting on October 24, 2022 which is a violation of Article III Section 2 of the Legislative Branch Rules and Procedures which states “Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal. For the purposes of the absence policy, regularly scheduled committee meetings shall count as Senate meetings. ”
- Article 8.** After the opening of an investigation into Senator Simpson’s attendance, the court called a hearing as listed in CO 2223-002. Senator Simpson failed to communicate or attend those hearings which is a violation of Article II Section 4 of the Judicial Branch Rules and Procedures which states “The Judicial Branch will review any documentation submitted and will open an investigation or begin a hearing at its discretion.

Appendix B: Evidence

Exhibit 1: Portion of Senate Absences tab of Attendance spreadsheet

Senator	SGA Retreat	Makeup Retreat
[REDACTED]		
Simpson	U	P

Exhibit 2: Teams messages with Speaker Markland from Petition 2223-001

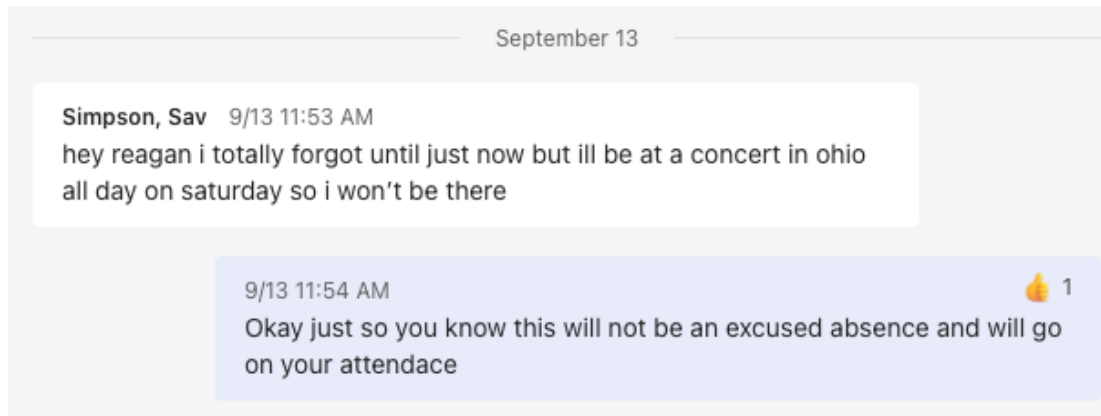


Exhibit 3: Portion of Senate tab of Attendance spreadsheet

Senator	SGA Retreat	9/21/2022	9/28/2022	10/19/2022	10/26/2022
[REDACTED]					
Simpson	P <i>Makeup</i>	P	A	A	A

Exhibit 4: Teams message from Speaker Markland from Petition 2223-001

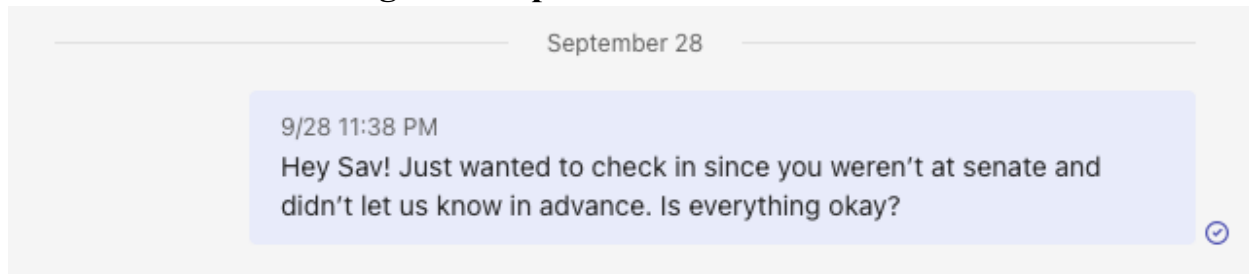


Exhibit 5: Emails concerning Speaker Markland and Justice Kissel's attempts to meet with Senator Simpson

From: SGA Judicial Branch <sgajudicial@butler.edu>
Sent: Tuesday, October 11, 2022 11:00 AM
To: SGA Senate Speaker <sgasenatespeaker@butler.edu>; Simpson, Sav <slsimpson@butler.edu>
Cc: SGA Chief Justice <sgachiefjustice@butler.edu>
Subject: Court Order 2223-001 Open Investigation into Attendance of Senator Simpson

Hello Speaker Markland and Senator Simpson,
The Court has passed Court Order 2223-001 "Open Investigation into Attendance of Senators Brent and Simpson" which is attached to this email. As a result of this order, I would like to meet with the two of you to discuss the attendance and communication issues that were outlined in petitions 2223-001 and 2223-002. I hope we can determine a way to resolve these issues together. Please let me know if you have any questions. My meeting availability after Fall Break is as follows:



Thank you,
Will Kissel, Chair of Conduct



Judicial Branch
Butler University Student Government Association
4600 Sunset Avenue
Indianapolis, IN 46208
sgajudicial@butler.edu

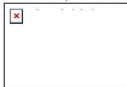
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Kissel, Will

From: SGA Judicial Branch
Sent: Monday, October 17, 2022 10:25 AM
To: SGA Senate Speaker; Simpson, Sav
Cc: SGA Chief Justice
Subject: Re: Court Order 2223-001 Open Investigation into Attendance of Senator Simpson

Hello Senator Simpson,
Since you have not followed up with my original email on 10/11 about scheduling a meeting, I wanted to send you a reminder. Please let me know when you are available to meet with Speaker Markland and me.

Thank you,
Will Kissel, Chair of Conduct



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From: SGA Senate Speaker <sgasenatespeaker@butler.edu>
Sent: Friday, October 14, 2022 11:27 AM
To: SGA Judicial Branch <sgajudicial@butler.edu>; Simpson, Sav <slsimpson@butler.edu>
Cc: SGA Chief Justice <sgachiefjustice@butler.edu>
Subject: Re: Court Order 2223-001 Open Investigation into Attendance of Senator Simpson

Hi Will,

Thank you for reaching out. I hope we can find a good time to sit down and come up with some next steps. My availability is as follows:



Best,
Reagan Markland

Exhibit 6: Portion of DESB Tab of Attendance spreadsheet

Senator	Date 10/19	Date 10/24
[REDACTED]	[REDACTED]	[REDACTED]
Savannah	X	X

Exhibit 7: Email from Court to Senator Simpson with possible hearing dates

From: SGA Judicial Branch
Sent: Monday, October 17, 2022 10:24 PM
To: Simpson, Sav
Cc: SGA Chief Justice; Spini, Jenna; Sisson, Marney; Miller, Kayla; Ball, Amelia; Rashevich, Kate; Kissel, Will
Subject: Court Order 2223-002 "Hearing in the Matter of Senator Simpson's Attendance"
Attachments: CO 2223-002 Hearing in the Matter of Senator Simpson's Attendance.pdf
Importance: High

Hello Senator Simpson,
The Court has passed Court Order 2223-002 "Hearing in the Matter of Senator Simpson's Attendance" which requests that you attend a hearing for the charges listed in the attached document. We would like to hold this hearing on Wednesday 10/19 at 9:30pm or on Monday 10/24 at 9:00pm. Please let us know which date works best for you or if you have any questions about this process.



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Exhibit 8: Teams message from Justice Kissel concerning court orders

Simpson, Sav Chat Files Organization Activity 1 more +

10/19 10:15 AM
IMPORTANT!
Hello Savanna, I wanted to reach out because the Court has not heard from you regarding Court Orders 2223-001 and 2223-002. Please take a look at the emails that were sent from sgajudicial@butler.edu and reply as soon as possible.
Thank you,
Will Kissel, Chair of Conduct

Appendix C: Petitions

Petition 2223-001

Form: SGA Anonymous Complaint Form

Submitter: Reagan Markland (Speaker of the Senate)

Subject: Senator Simpson Attendance

Received: 10/4/2022

Shared Information:

Per the Constitution and Bylaw Amendments, I sent my attendance records to the Judicial Branch for review. I would like to highlight a variety of instances with Senator Savanna Simpson prior to those amendments passing and instances of misconduct not recorded through the attendance. Senator Savanna Simpson did not attend the Senate retreat due to a concert she forgot about in Ohio. Simpson was notified that this would not be considered an excused absence; this is a direct violation of the Legislative Branch Rules and Procedures Article III. Section 1. Duties of Senators: General Senator Duties which states Senators shall complete all reasonably assigned onboarding requirements. While Simpson did attend the makeup retreat hosted 9/21/22, I believe her unexcused absence is important to note in conjunction with the attendance violations noted in both her committee and the Senate meeting post the passing of the revised bylaws which implemented a standard attendance procedure. On 9/28/2022 I followed up with Simpson after she did not attend the Senate meeting with no notice and no explanation. I did not receive a response from her. According to Article III. Section 2 of the Legislative Branch Rules and Procedures (Duties of Senators: Absence Policies), Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal. All purposes of the absence policy, regularly scheduled committee meetings shall count as Senate meetings. In light of this policy, the noted events and the attendance that the Judicial branch received 10/01/2022 , I urge that the Judicial Branch administer appropriate consequences for Senator Simpson. Especially as a returning Senator, Simpson is setting a dangerous precedent to the Senate and action must be taken to show that such behavior and unexcused absences will not be tolerated.

Petition 2223-002

Form: SGA Anonymous Complaint Form

Submitter: Lauren Stubbs (DESB Committee Chair)

Subject: Senator Simpson Attendance

Received: 10/4/2022

Shared Information:

As the DESB committee chair, I have had trouble contacting Savannah Simpson to schedule a committee-meeting time. She has taken 24(+) hours to respond to my personal teams messages and has not acknowledged any of my messages sent to the DESB committee GroupMe thus far. She was absent at the Senate meeting on 9/28 and I have not heard/she has not given me any notice as to what's going on.

Appendix D: Relevant Governing Documents

SGA Constitution

Article V Section 8: Impeachment and Removal

Members of the Student Senate may be impeached for gross neglect of duty by a two-thirds majority vote of the full Student Government Association Supreme Court and vacate office upon the conviction of impeachment by an affirmative two-thirds vote of the full Student Senate. A member of the Student Senate is ineligible to hold a future leadership position if impeached and convicted.

SGA General Bylaws

Article VIII Section 2 Oversight & Investigation

The Supreme Court, in its role as the primary oversight body of the Student Government Association, shall have the power to lead investigations into areas of interest for the betterment of the organization, and shall be endowed with powers to subpoena documents and persons in accordance with these investigations, with the understanding that such subpoenas are subject to appeal and discussion. The Judiciary shall have the power to call hearings in the course of its investigations, and all such hearings must be open to the public. The Judiciary shall be endowed with the authority to injunct resolutions, executive orders, and memorandums of understanding following passage while awaiting judicial review, with this action subject to appeal.

Article XIV Section 1 Meetings

Meetings of members of the Student Government Association, whether as the whole organization or any subset thereof, are to be assumed to be mandatory unless explicitly stated otherwise. Failure to appear at a mandatory meeting can be grounds for disciplinary action, with reasonable exceptions. Quorum for any meetings of the Student Government Association Senate, or committees thereof, Supreme Court, Election Oversight Commission, or Executive Cabinet, or boards thereof, shall be at least 60% of all members qualified to vote. If quorum is not reached, a meeting may still be held, but no votes other than approval of minutes and adjournment may be conducted. All official meetings of Student Government Association entities are to operate utilizing a modified form of Robert's Rules of Order.

Article XIV Section 2 Regularly Scheduled Meetings

Any recurring meetings of the Student Government Association, or any subset thereof, should attempt, where possible, to keep to a regular schedule so as to give forewarning and extend courtesy to members of the organization. It is the responsibility of the leader of any meeting to communicate the schedule of meetings with as much notice as possible to members expected or required to attend.

Article XIV Section 3 Attendance

Roll shall be called in any regularly scheduled meeting of the Student Government Association, or any subset thereof, that requires a minimum of four members receiving payment from the organization for their duties to be present. Records of attendance at any of these meetings shall be sent to the Court Clerk at the first of each month during the academic year, for review by the Judicial Branch. It is the duty of the leader(s) of any qualifying meeting to take the roll and forward it to the judiciary, or designate a member to perform such a duty. The Court shall review attendance records and, if members of the organization are not meeting the attendance requirements of their position, the Court may take disciplinary action including, but not limited to, the enforcement of a Performance Improvement Plan. The Court shall send their attendance records to the Executive Cabinet, who shall have similar powers and procedures in enforcement of attendance standards. Attendance cannot be required at any meeting where members had less than 24 hours notice that the meeting was to occur. No disciplinary action may be taken if more than sixty days have elapsed since the last attendance incident.

Article XVI Section 1 Universal Impeachable Offenses

Impeachable offenses shall include, but are not limited to:

1. Proof of unethical actions resulting in that individual's election or appointment to office.
2. Proof of unethical actions resulting in another person's or people's election or appointment to office.
3. Failure to perform the duties listed in these bylaws or the Student Government Association Constitution.
4. Proof of unethical use of Student Government Association finances.
5. Proof that a member is no longer a resident of the district from which the member was elected, as defined in Article V, Section 1 of the Constitution.
6. Failure to meet the attendance standards or other set expectations by the respective board leader.
7. Not signing an offered Performance Improvement Plan
8. Not making progress on a Performance Improvement Plan
9. Refusal to take the oath of office.
10. Disclosure of Student Government Association information deemed to be confidential.
11. Other issues as specified in individual branch bylaws
12. Other actions not listed deemed severe enough to warrant impeachment

Article XVI Section 3 Legislative Impeachment Process

All members of the Legislative Branch are subject to impeachment and removal from office. All complaints should be made via the specified Judicial Branch complaint form. The impeachment process must follow Article V Section 8 of the Student Government Association Constitution. Under no circumstances may a member of the Senate vote in their own impeachment proceeding. A vote of impeachment in the Senate must be done by a roll-call vote.

Article XVI Section 6 Performance Improvement Plans

Performance Improvement Plans are warnings that can be issued to Student Government Association members concerning their conduct or performance. Such plans must clearly state the reason for such a plan being implemented, a reasonable timeline for the plan, and lay forth expectations going forward. Branch leaders may assign a performance improvement plan to any member of their branch. Performance Improvement Plans must be signed by the relevant branch leader and the member to whom the plan is assigned. The assignment of a Performance Improvement Plans may be appealed to the Supreme Court. As part of the Court's disciplinary action, as a result of a hearing, the assignment of a Performance Improvement Plan may be enforced. The Court, by majority vote of the full body, may also assign Performance Improvement Plans to Student Government Association members without a hearing on routine matters such as attendance and university status, with the understanding that a hearing must be granted should the member request one. Terms and conditions of a Performance Improvement Plan, including early release from it, shall be at the sole discretion of the assigning body of the plan, excepting cases of appeal.

Legislative Branch Rules and Procedures

Article III Section 1 General Senator Duties

Student Senators shall exercise their authority in accordance with Article V of the Constitution and uphold the dignity of Student Government Association in their behavior.

1. Senators shall attend all Senate meetings and meetings of their assigned standing committee, or name a proxy in their place.
2. Senators shall complete all reasonably assigned onboarding requirements.
3. Senators who are duly elected or appointed may not simultaneously hold any type of leadership position within the Student Government Association Executive or Judicial Branch.
4. Senators are required to complete all outreach guidelines as specified by the Speaker of the Senate. Outreach requirements may not include more than 3 in-person events per semester.
5. Senators are required to complete all guidelines set in their Senator Contract. (Contracts may be amended prior to signing with a 2/3 vote of the Student Senate.)

6. Senators must complete all Student Government Association Diversity, Equity, and Student Belonging training as collectively determined by the Speaker of the Senate, Diversity, Equity and Student Belonging Committee Chair, and the Director of Diversity, Equity, and Student Belonging.

7. Senators are encouraged to post two office hours per week. Representatives shall hold these appointments in a place accessible by their constituents.

8. Senators are encouraged to host additional outreach events in a place accessible to their constituents. Senators should report their findings from outreach to the Senate. Funding for such events shall be determined by the Senate Steering Committee.

Article III Section 2 Absence Policies

Absence from one regularly scheduled Senate meeting without a proxy present or a valid excuse shall be grounds for impeachment and removal. For purposes of the absence policy, regularly scheduled committee meetings shall count as Senate meetings. All members of the Senate shall have the opportunity to appeal an absence to the Judicial Branch, which shall have the final decision on the matter as to whether the absence was excusable.

Article VI Section 4 Posting of Times and Locations

Meeting times, places, and subject matter for committees shall be posted by the Committee Chair in an area known and easily accessible to committee members in the following ways:

- An email/official communication sent to all committee members
- Any other additional means as the committee chair sees fit
- Posting shall occur at least twenty four hours before the scheduled meeting time.
- Committee chairs shall maintain a consistent weekly meeting schedule.

Judicial Branch Rules and Procedures

Article II Section 4 Impeachment of Student Government Association Members

Full-time undergraduate students may submit concerns and evidence regarding a member of the Student Government Association via a form designated by the Court. The Judicial Branch will review any documentation submitted and will open an investigation or begin a hearing at its discretion. The Court must vote by a simple majority to send the matter to an impeachment hearing or to open a further investigation. Any member of the Student Government Association who is the subject of an investigation beyond review of any submitted documents or who is subject of a hearing must be informed that the investigation or hearing is occurring, be provided a timeline for the investigation or hearing, be provided with evidence against them, and be afforded the opportunity to submit a brief and evidence in their own defense and to argue their defense before the Court if they so desire. The Court shall also keep the petitioner notified of official action taken in the impeachment process. The Court shall retain discretion for the levying of sanctions based on investigation findings within parameters provided in the Constitution and General Bylaws. If the Court investigates a member of the Executive Branch not confirmed by

the Student Senate, the Court may only deliver disciplinary recommendations to the Student Government Association President, but has no authority to officially sanction or dismiss that member.

1. Evidence in an Impeachment: Should the Court believe that evidence vital to the decision making process of an impeachment is being withheld, the Court holds the right to issue a subpoena for documentation or witnesses.
2. Articles of Impeachment: When sending an impeachment query to docket for a hearing, the Court must levy specific Articles of Impeachment against the subject of the hearing. These Articles of Impeachment must be voted on by the Court prior to any hearing and pass by a simple majority vote. These Articles must be finalized a minimum of three days prior to the hearing, and the subject of the hearing must be informed of the finalized Articles of Impeachment levied against them. Should any of these Articles be upheld, they shall be transmitted to the Speaker of the Senate for the next portion of the impeachment process.