

November 6, 2022

Boston University Student Government Judicial Commission

Constitutional Opinion Concerning the Definition of “Removal from Office” in Legislative By-Laws



Justices:

Ilana Keusch

Ben Klein

Ruhika Ponda

Minji Kwak

Emily Wright



Concerning Opinion of “Removal from Office in Legislative By-Laws

On Thursday, November 3, 2022, the Justices received a request for Constitutional Opinion from Senate Chair Hanna Dworkin regarding Article I, Section I, Clause 4, Subclause b of the Legislative By-Laws which states the following:

“A total of two unexcused absences or four excused absences will be grounds for removal from office;”

Senate Chair Dworkin requested that the court rule on 1) the difference between “grounds for removal” and “an impeachable offense” and 2) whether the Senate Chair has the authority to remove a senator from office for this infraction without going through the impeachment process as outlined in Article IV of the BUSG Constitution.

Ruling

After reviewing the current governing documents, including the Boston University Student Government Constitution as well as the By-Laws of the Legislative Branch, the Justices find that the only current mechanism available for removal is impeachment because there is no textual justification for the direct removal of a Senator. Therefore, while the instance of four excused absences may be deemed grounds for removal, if this occurs, then the correct procedure is outlined by Article IV of the Boston University Student Government Constitution. The basis for this rule is supported by Article I, Section IV, Clause 2 of the Legislative By-Laws:

“The impeachment process of a Senator shall follow the rules and procedures outlined in Article IV of the Constitution;”

Article II of the Legislative By-Laws does not explicitly grant the Senate Chair the power to remove a senator from office. The only procedure outlined in the BUSG Constitution to remove an individual from office is through the submission of Articles of Impeachment. Therefore, while the Justices recognize that there is a difference between “an impeachable offense” and “grounds for removal from office,” there is currently no alternative procedure outlined for the latter.

The Justices find, by a 5-0 decision, that in accordance with the current governing documents of BUSG, Articles of Impeachment must be submitted in order to remove a senator from office on account of absences from senate meetings.