CHAPTER 400 – PUNITIVE ACTIONS GENERALLY
400.1 The Student Government Association at the University of North Carolina Wilmington, in order to address any and all Executive and Senate concerns, adopts Title IV of these Statutes.

400.2 All Members of the Student Government Association, either of the Senate or the Executive Cabinet will henceforth in this document is referred to as “Members.”

400.3 All Senators will henceforth in this document be referred to as “Senators” and all Executive Cabinet Members will henceforth be referred to “Executives.”

400.4 All Members affected by this section shall consequently be subject to the Code of Ethics as outlined in Title I of these Statutes.

400.5 Chapter 405, “The Point System” will be effective starting the first week of the first meeting of the Senate, in the fall semester. Office hours and committee attendance for Senators will begin the week following the Fall Senate Retreat unless otherwise determined by the Student Body Vice-President and President Pro-Tempore.

CHAPTER 401 – DEFINITIONS
401.1 An “infraction” is an allegation that some specific regulation on official conduct, as outlined in Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington, has been violated by a Member.

401.2 A “specification” is an allegation of some action by a Member that supports a particular charge.

401.3 “Documentation” is some form of statement or information that supports or refutes an allegation made in a specification.

CHAPTER 402 – SCOPE OF PUNITIVE ACTIONS
402.1 The Punitive Actions of the Student Government Association shall extend to all Senators and Executives.

CHAPTER 403 – GROUNDS FOR PUNITIVE ACTION
403.1 A fair punitive process requires Members to be aware of clear conduct expectations; all resolutions containing formal charges shall only include charges explicitly defined by this article.

403.2 The following list includes regulations that are considered grounds for Punitive Action in accordance with Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington:

403.2.1 Non-performance of duty
403.2.2 Misadministration
403.2.3 Serious violation of University policy
403.2.4 Public Falsehood (publicly stating a lie or something untrue against SGA or the University)
403.2.5 Unconstitutional acts
403.2.6 Violation of the Honor Code
403.2.7 Conviction of a serious crime
403.2.8 Slander
403.2.9 Behavior unbecoming the dignity of the office
403.2.10 Attendance Violations

403.3 Internal Affairs can allot points for noncompliance with any on the above (403.2) regulations based on the severity of the offense; allocation of points is to be decided by the approved Internal Affairs Committee and the President Pro-tempore.

403.4 Should the Student Body President be accused of an infraction, all Presidential duties shall be discharged to the Student Body Vice President (Senate President), Senate President Pro-Tempore, and the Chief of Staff until the punitive process has been fulfilled.
403.5 Should the Student Body Vice President (Senate President) be accused of an infraction, all Vice Presidential and Senate duties shall be discharged to the President Pro-Tempore with assistance of the Vice Chair of the Internal Affairs until the punitive process has been fulfilled. The Vice Chair will be elected as stated in 309.9.

CHAPTER 404 – INTERNAL AFFAIRS
404.1 Internal Affairs, as outlined in Title III of these Statutes, shall oversee all processes involving reprimands, censures, removal from office and impeachment of the Members with final voting by the Senate.
404.2 Internal Affairs maintains the right to submit a Bill of Reprimand of any Member before the Senate, outlining in detail a violation of a specific regulation.
404.3 Internal Affairs may make a recommendation to the Senate in the form of a bill to begin the process of impeachment and removal of any Member from office.

CHAPTER 405 – THE POINT SYSTEM
405.1 Each Member is entitled to accumulate up to one-hundred (100) points throughout the entire academic year without repercussions.
405.2 Senator Points shall be applied as follows:
  405.2.1 One unexcused Senate absence will constitute an assignment of twenty (20) points.
  405.2.2 One excused Senate absence will constitute an assignment of ten (10) points.
  405.2.3 One unexcused Senate Retreat absence will constitute an assignment of twenty (20) points.
  405.2.4 One excused Senate Retreat absence will constitute an assignment of ten (10) points.
  405.2.5 One unexcused Senate Committee absence will constitute an assignment of ten (10) points.
  405.2.6 One excused Senate Committee absence will constitute an assignment of five (5) points.
  405.2.7 Each missed office hour will constitute an assignment of ten (10) points.
  405.2.8 One late arrival after the roll call has taken place or departure before the meeting is adjourned from a Senate Meeting will constitute an assignment of five (5) points.

405.3 Executive Points shall be applied as follows:
  405.3.1 One unexcused Senate absence will constitute an assignment of ten (10) points.
  405.3.2 One excused Senate absence will constitute an assignment of five (5) points.
  405.3.3 One unexcused Senate Retreat absence will constitute an assignment of twenty (20) points.
  405.3.4 One excused Senate Retreat absence will constitute an assignment of ten (10) points.
  405.3.5 One unexcused Executive Cabinet Meeting absence will constitute an assignment of ten (10) points.
  405.3.6 One excused Executive Cabinet Meeting absence will constitute an assignment of five (5) points.
  405.3.7 One late arrival after the roll call has taken place or departure before the meeting is adjourned from a Senate Meeting will constitute an assignment of five (5) points.

405.4 A member may reduce points by completing extra community service hours. These hours are to be completed through events approved by the President Pro-Tempore and shall be via Wavelink. Each hour of community service will be worth ten (10) points. No member can exceed four (4) hours and forty (40) points of reduction per year. Events are to be documented and submitted to the President Pro-Tempore within seven (7) days of the community service event.
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405.5 Once a Member exceeds the allotted one-hundred (100) points, they will then enter into Reprimand Proceedings.

405.6 Once a Member exceeds one-hundred fifty (150) points, they will then enter into the Impeachment Proceedings.

405.7 If a Member is to join after December 1st, they will be allowed one half of the total points allotted to each Senator (50 points for Reprimand and 75 points for Impeachment).

405.8 An absence will only be excused if the Member contacts the President Pro-Tempore within one week after the absence has occurred. Once documentation has been provided, the President Pro-Tempore may, at their discretion, excuse the absence. Absences may only be excused for the following reasons:
   405.8.1 Minor Sickness
   405.8.2 Mandatory Class Activity
   405.8.3 All other reasons will be handled on a case-by-case basis as determined by the President Pro-Tempore, the Senate President and the Chief of Staff.

405.9 A reduction of points may only occur if extreme extenuating circumstances are present. Any reduction of points will be recommended by the Internal Affairs Committee to the President Pro-Tempore, Student Body Vice-President, and Chief of Staff for final determination. The decision will be per each offense.

CHAPTER 406 – REPRIMAND PROCEEDINGS
406.1 In the event of a reprimand proceeding, every Member is entitled to the rights enabled them as defined in Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington.

406.2 Upon exceeding the allotted one-hundred points, a Member will receive notification from the President Pro-Tempore that they are to appear before Internal Affairs.

406.3 The Senator will have two business days to respond. Upon reply, the Member must schedule a meeting with Internal Affairs regarding the offence(s). The meeting must occur within one week’s time.

406.4 If no response is heard from the Member, a hearing may be conducted without them present.

406.5 During the Internal Affairs meeting, the Member is entitled to an explanation of the infraction and to request access to the documentation that has been gathered by Internal Affairs.

406.6 In return, the Member has the right to elaborate on the infraction, explain the situation, and ask for a reduction or removal of points.

406.7 If after the reduction of points occurs and/or the Member still has over one-hundred points, the President Pro-Tempore will entertain a motion from Internal Affairs for a reprimand based upon Statute 403.2.

406.8 The motion for a reprimand must pass with a simple majority vote within Internal Affairs.

406.9 In the event of a tie, the President Pro-Tempore may break the tie.

406.10 If the motion passes within Internal Affairs, then a Bill of Reprimand will be submitted by the President Pro-Tempore at the next regularly scheduled Senate meeting.

406.11 The reprimand must obtain at least a two-thirds majority vote of the Senate to be passed.

406.12 The Student Body President does not have the power to veto a Bill of Reprimand.

CHAPTER 407 – IMPEACHMENT OF AN EXECUTIVE CABINET MEMBER
407.1 The Senate will have the power to impeach any Executive according to Statute 403.

407.2 Executives will be granted all rights as outlined in Article IX of the Constitution.

407.3 At least a two-thirds majority vote of all present Senate Members is required to remove an Executive from office.

407.4 A clause may be added to any bill removing an Executive from office stating that the Executive will lose the right to run or be appointed in the subsequent election.
407.5 All bills removing an Executive from office must originate in the Internal Affairs.
407.6 Due process will be guaranteed to the Executive as stated in Chapter 409.

**Chapter 408 – Impeachment of a Senator**

408.1 The Senate will have the power to impeach any Senator according to Statute 403.
408.2 Senators will be granted all rights as outlined in Article IX of the Constitution.
408.3 At least a two-thirds majority vote of all present Senate Members is required to remove a Senator from office.
408.4 A clause may be added to any bill removing a Senator from office stating that the Senator will lose the right to run in the subsequent election or not be eligible to be appointed for the next session of the Senate.
408.5 All bills removing a Senator from office must originate in the Internal Affairs.
408.6 Due process will be guaranteed to the Senator as stated in Chapter 409.

**Chapter 409 – Impeachment Proceedings**

409.1 In the event of an impeachment proceeding, every Member is entitled to the rights enabled to them as defined in Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington.
409.2 An Impeachment proceeding may convene for the following reasons
   409.2.1 An Executive or Senator accumulates one-hundred fifty points.
   409.2.2 An Executive or Senator is found in violation of Statute 403.2
409.3 As outlined in Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington, any Member undergoing the impeachment or removal proceedings shall have the right to a hearing before Internal Affairs no less than seven (7) days before an impeachment vote is held.
409.4 If an Impeachment proceeding is to be held, a Member will receive notification from the President Pro-Tempore that they are to appear before Internal Affairs. This notification must be sent via electronic mail with a mandatory read receipt.
409.5 The Member will have two business days to respond. Upon reply, the Member must schedule a meeting with Internal Affairs regarding the offence(s) within one week’s time.
409.6 If no response is heard from the Member, then a hearing may be conducted without them present.
409.7 During the Internal Affairs meeting, the Member is entitled to an explanation of the impeachment and to request access to any documentation gathered by Internal Affairs.
409.8 In return, the Member has the right to elaborate on the impeachment, ask for a reduction of points, and provide documentation to support their case.
409.9 If the Member still has over one-hundred fifty points or is found responsible by Internal Affairs of the offence, the President Pro-Tempore will entertain a motion from Internal Affairs for a bill of impeachment based upon Statute 403.2.
409.10 The motion for an impeachment must pass with at least a two-thirds majority vote within Internal Affairs.
409.11 If the motion passes within Internal Affairs, then a Bill of Impeachment will be submitted by the President Pro-Tempore at the next regularly scheduled Senate meeting.
409.12 In reference to Article V, Section 3, Clause D of the Student Government Constitution, the Bill of Impeachment must obtain a two-thirds majority vote of the Senate to be passed.
409.13 Upon the bill’s approval by the Senate, the impeached Member will lose all voting privileges and will be removed from payroll (if applicable).
409.14 As stated in 407.4 and 408.4, the impeached Member may not be eligible to be in Student Government in the subsequent election if stated in their specific Bill of Impeachment.
409.15 The Student Body President does not have the power to veto a Bill of Impeachment.
CHAPTER 410 – APPEALS

410.1 The charged member may request an appeal to the Student Body Vice President within two business days after a vote of the Senate.

410.2 The function of the Student Body Vice President in hearing an appeal is to review the actions of Internal Affairs and/or the Senate to determine if:

(1) An alleged violation of the member’s rights, as outlined in Article IX of the Constitution of the Student Government Association of the University of North Carolina Wilmington, has occurred.

(2) An alleged violation of the Reprimand and/or Impeachment proceedings, as outlined in Chapter 406 and 409 of the Title IV Statutes, has occurred.

(3) New evidence has developed which has bearing on the verdict.

410.3 The Student Body Vice President shall receive a request for the appeal of the decision of the Senate. Such request shall be submitted in writing to the Student Body Vice President explaining in detail the reasons for the appeal and specifying the ways in which they believe the procedures or actions of Internal Affairs and/or the Senate has violated the standards outlined in 410.2.

410.4 Upon receiving a petition for appeal, the Student Body Vice President shall obtain the records and minutes of Internal Affairs and the Senate. The record shall include relevant documents, the decision of hearing including a case summary, and the rationale for supporting the decision.

410.5 With this information, the Student Body Vice President shall decide whether an appeal hearing is warranted based on the three options for an appeal outlined in 410.2 above. They shall notify the petitioner in writing of their decision within seven (7) business days after receiving the member’s petition.

410.6 If the Student Body Vice President determines that a hearing shall be granted, that hearing shall be held by Internal Affairs within seven (7) business days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the hearing, specifying time and place of the hearing and informing the alleged member of their rights as outlined in Chapter 406 and 409.

410.7 The Student Body Vice President shall invite the appellant and other persons as they deem appropriate to appear before them to make statements and respond to questions. The student may request for the Student Body Vice President to invite persons to testify if there is new evidence.

410.8 The Student Body Vice President has the authority to approve or reject the decision at hand. If accepted, the case then reverts back to Internal Affairs for an initiation of new proceedings. Their decision on the appeal shall be considered final and standing.

410.9 The appeals process outlined in this chapter is a modified version of the Campus Conduct Board Appeals Process of the University of North Carolina Wilmington as outlined in the UNCW Code of Student Life.

CHAPTER 411 – RESIGNATIONS

411.1 If a Senator resigns from office, a written notification must be submitted to both the Student Body Vice President (Senate President) and Senate President Pro-Tempore.

411.2 If an Executive resigns from office, a written notification must be submitted to both the Student Body President and Senate President Pro-Tempore.

CHAPTER 412 – INTERPRETATION

412.1 The interpretation of the Constitution of the Student Government Association will be determined by Internal Affairs.

412.2 After an interpretation is made, the President Pro-Tempore must submit the rendering to the Senate in writing.

CHAPTER 413 – FAILURE TO MEET MINIMUM QUALIFICATIONS
413.1 If a Member is determined by the advisors, as stated in the constitution, to not meet the minimum qualifications for their respective positions, they will be notified of their ineligibility by the SGA advisors in addition to the Student Body Vice President and Senate President Pro-Tempore. Upon notification, that Member may provide a formal resignation within one (1) business day to the Student Body Vice President and the Senate President Pro-Tempore. If that Member fails to submit a formal resignation, they will be removed from their office by the Senate President Pro-Tempore with notification provided to the Senate at the next Senate meeting.

413.1.1 If said Member is a part of the SGA Executive Cabinet, the SGA advisors should also provide notification to the Student Body President.

413.2 There is no appeals process for a Member who fails to meet minimum qualifications.