

Fall 2020

UNIVERSITY OF MIAMI STUDENT GOVERNMENT

SELECT COMMISSION ON IMPEACHMENT

Dear Speaker Labarbera:

The Select Commission on Impeachment wishes to present its findings with regard to the four impeachment charges brought against Senior Class Senator Randall Fitzgerald, on November 1, 2020. After careful consideration, the Select Commission on Impeachment has not found a preponderance of evidence to continue the impeachment efforts and therefore will not be authoring Articles of Impeachment. Below, our processes, decision making procedures, and findings are summarized. Charges were submitted by two Senators, in accordance with the processes outlined in the Student Government Constitution. The charges were as follows:

1. Negligence of duty,
2. Abuse of authority,
3. Malfeasance of office or position,
4. Conduct or actions unbecoming of such a person holding such office or position in Student Government.

Following the receipt of the charges, the Select Commission on Impeachment was formed, chaired by Associate Chief Justice Anthony Hoffman. The Select Commission on Impeachment subsequently entered an investigatory phase, lasting twelve class days. Throughout the investigation period, the commission conducted several depositions with members of Student Government. None of the names of deponents shall be made public, nor will the testimony said deponents presented.

The Select Commission found the allegations against Senator Fitzgerald largely inapplicable in the alleged circumstances, with three Justices in the majority, and two dissenting. This conclusion was reached after careful consideration of all testimony and evidence presented.

Associated Chief Justice Hoffman joined the majority, finding that the evidence presented did not meet a reasonable standard to adopt Articles of Impeachment against Senator Fitzgerald.

During the deliberation, Associate Justice Javier Paredes expressed Senator Fitzgerald's comments regarding the two Special Appointments during the September 30th, 2020 Student Government Senate meeting as mere opinions and valid concerns expressed during the discussion period allowed before the candidates' confirmation. Moreover, Associate Justice Paredes joined the majority and found no reasonable circumstances where Senator Fitzgerald's remarks could be interpreted as personal attacks or be considered, "Conduct or actions

Fall 2020

unbecoming of such a person holding such office or position in Student Government," and thus decided not to adopt Articles of Impeachment against this charge.

During the deliberation, Associate Justice Allie Fraga expressed Senator Fitzgerald's comments regarding the two Special Appointments during the September 30th, 2020 Student Government Senate meeting as a senatorial duty to express concerns that they have heard from their constituency during the discussion portion of the Senate meeting. Associate Justice Allie Fraga believed that it is the Senate's duty to bring up their constituency's concerns in order to represent them fully and unequivocally during the Senate meetings. Moreover, Associate Allie Fraga joined the majority and found no reasonable circumstances where Senator Fitzgerald's remarks could be interpreted as personal attacks or be considered, "Conduct or actions unbecoming of such a person holding such office or position in Student Government," and thus decided not to adopt Articles of Impeachment against this charge.

During the deliberation, Associate Justice Cameron Helm dissented. Justice Helm expressed that Senator Fitzgerald's comments regarding the Special Appointment of Roger Saummure during the September 30th, 2020 Student Government Senate meeting were in regard to a disciplinary matter resolved with no guilty verdict. As such, Associate Justice Helm concluded that doing so in a position of power such as Senator Fitzgerald's is irresponsible, and sets a precedent allowing this in the future, so long as it is relayed by members of the constituency represented by the Senator voicing the concerns. Associate Justice Helm found reasonable circumstances where Senator Fitzgerald's remarks could be interpreted as personal attacks or be considered, "Conduct or actions unbecoming of such a person holding such office or position in Student Government," and as such dissented from the majority, voting to adopt Articles of Impeachment for this charge.

During the deliberation, Associate Justice Dallas Bennett dissented. He expressed that Senator Fitzgerald's comments regarding the Special Appointment of Roger Saummure during the September 30th, 2020 Student Government Senate meeting were in regard to a disciplinary matter resolved with no guilty verdict. Referencing such a case is forbidden in the Student Government Statutes (Sec.6-4.1 Art.5). As such, Associate Justice Bennett concluded that doing so in a position of power such as Senator Fitzgerald's is irresponsible, and sets a precedent allowing this in the future, so long as it is relayed by members of the constituency represented by the Senator voicing the concerns. Associate Justice Bennett found reasonable circumstances where Senator Fitzgerald's remarks could be interpreted as personal attacks or be considered, "Conduct or actions unbecoming of such a person holding such office or position in Student Government," and as such dissented from the majority, voting to adopt Articles of Impeachment for this charge.

As a body, the Select Commission wishes to convey the gravity and magnitude of adopting Articles of Impeachment against a member of Student Government. This responsibility

Fall 2020

is not one the body takes lightly. The decision was made in the most objective and just manner possible, and the body believes it came to the correct conclusion.

Sincerely,

The Select Commission on Impeachment

Anthony Hoffman

Associate Chief Justice, Chair of the Select Commission

Cameron Helm

Associate Justice, Select Commission

Javier Paredes

Associate Justice, Select Commission

Allie Fraga

Associate Justice, Select Commission

Dallas J. Bennett

Associate Justice. Select Commission