

6-9-2011

## Judiciary and Ethics Meeting Minutes 6/9/2011

University of South Florida. Student Government Senate

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University of South Florida  
Student Government Fifty-Second Student Senate

SUMMER SESSION  
June 9th 2011

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**Call to Order by Chairwoman Samantha Toro at 10:33AM.**

Toro- First roll call. And we have a guest, general attorney, Ryan Goff. Could I have a motion to accept the minutes?

*Motion to accept the minutes.*

Toro-Any objections? Any additions/deletions to the agenda.

Toro- Motion to approve the agenda?

Motion to approve the agenda.

Toro- Any objections? Okay. Agenda is approved. Open forum. Does anyone have anything to say?

**Open Forum:**

Hughes- Happy Thursday.

Toro- Happy Thursday. Moving on, SOP's. I sent you my most recent version. I changed two things since last time, so I'm going to point those out to you. I added this right here, in accordance with title 6. This is something that's already in statutes and I'm just repeating it here. I want to have all the duties of the chairs in one document. I just put that there. And over here, the nominee will be asked to leave the room. I decided that I am really going to try hard not to get sued and air on the side of caution. As chair period, I can say who can speak and who cannot speak. And those are my two changes. Do you guys have any questions in regards to SOPs?

Saunders- I don't understand.

Toro- What is it that you don't understand.

Saunders- Not anyone can talk into discussion?

Toro- There isn't an explicit rule. During our moderated caucus regarding a candidate, I don't like when people without speaking rights. Because I was on JEC all of last year and our discussion time should be

for us. I'm not going to ask anyone to leave the room but I will regulate who can the discussion. Okay, is there a motion to accept the SOP's?

*Motion to accept the SOPs.*

Toro- Okay, any objections? Okay, Carey, yes or no on the SOP's?

*Everyone says yes.*

Toro- With a vote of five to zero to one...Moving on, chapter 209 revisions. Chapter 209 is the code of ethics of all of student government.

Goff- There was stuff that we wrote into the bill. There was elements of the bill that had disappeared that really gave the ethics chapter its strength. Bulls radio, student government computer, a chapter for exec, a chapter for the judicial branch. So, under that, Ms. Toro revised it.

Toro- So, these are the revisions to 209. I put in some changes to title 4. What I decided to do is strike that entirely. I think everything is covered under this umbrella here. So, this first change, from the senator code of ethics: these are my additions, this one I think is very important because it attains to every branch. Participate in it, so that's if you have some sort of biased, you should abstain. The appropriations chair, because their budgets. This next one is to cover slander and liable. No one can make an untrue claim. This claim may be communicated. So, that's just the most explicit definition I can get and I think that's it.

Goff- 207.

Toro- Yes, this is a change of mine. This was something I brought up in the rules last year, because according to the statute if you break a rule in the employee handbook, you're immediately terminated. I think if you do violate the handbook...immediate termination.

Goff- Doesn't this statute apply only if it is essentially a voluntary position. So, I don't understand...

Toro- That would apply to SenEx members.

Goff- I don't see a reason to remove it.

Hughes- So, there isn't any writing that says if you violate a rule in the handbook, you get a warning and then immediate termination.

Goff- Like having consensual relations of someone that you supervise. That if you break would mostly be a warning.

Hughes- So, I just want to be clear on this, so in the case that someone did have a consensual relationship, it would be immediate termination.

Toro- And these, all of these changes, I am the author of these changes, so everything is always open for discussion. Okay, do you guys have any questions?

Saunders- For 209.2, was this proper decorum defined in title 1.

Toro- I don't believe it is.

Saunders- So what does that actually entail?

Toro- We're just going to go by the dictionary definition of decorum. Which would be just socially accepted behavior.

Hughes- I had to look up the definition, I could read it to you if you like. "The appropriateness of behavior."

Saunders- Okay, keep going. 209.2.1 : That was not the most recent version of that statute anyways.

Toro- It wasn't?

Saunders- That was Dan M's older version of that statute and I amended that to be a lot more concise. And it's not actually added?

Goff- Where did pull these statutes off the website and then amend them?

Toro- I pulled these off the P-Drive.

Goff- Just for future reference, you might want to get these from the fifty-first term. Cause the statutes are not codified, so when we made changes from on the floor, those might not be reflected on the P Drive yet. And compare those, because Mr. Saunders pointed them out.

Toro- Alright, I'll definitely check that out then. Thank you.

Manka- If this was passed officially just look at the bill with all of the signatures.

Saunders- I guess I had a problem with 209.4. Just the way it was worded, I thought there was something else already in there to protect that in other areas. The way it's worded, it seems like you could take advantage of it a lot, with implication and intent, which I don't think we should be punishing people for, because there's so many different ways you can take something. Because if you say something to the Oracle, they may misinterpret what you said. If you spoke bad against student government. Something like that.

Toro- Okay.

Saunders- I mean I also think intent is only known to the person that does the action.

Wilson- I think that's what that part says expressed stated or implied to be factual.

Saunders- Implication is not...

Wilson- Like, I could give you examples. When Senator Kyle says 90% of what Plan Parenthood does, is abortion and his office went back and said that was not intended to be a factual statement. It was implied to be factual, then later reverted as such.

Saunders- As it is right now I think it is a first amendment violation.

Toro- Slander and liable means that when you say something and it is an opinion, that does not fall under the umbrella of slander and liable. It is when you are making a statement.

Goff- It is to protect students that are in the galley or to protect other senators. When I was involved in SG in all of my escapades, a senator stood up and exerted that I was a part of a thing that threw signs in a lake and lit them on fire and all of these asinine things, when I wasn't even a student at USF. To protect things like that where people may feel that they are. We've had instances where a student went to the oracle and said things about students outside the chambers. I really don't see it as a first amendment. I mean we shouldn't be saying derogatory things about each other's anyway.

Toro- I can stand up in Senate and say I don't like Christina Hughes. I think she has an attitude. That is not slanders or liable, I am just expressing an opinion. We are talking about saying incorrect factual statements that harm the validity and reputation of a person.

Goff- The example that we had used last year was What would prevent me from saying to the Oracle that Khalid goes downstairs and kicks freshman and knocks things over in the food court, fully knowing it's not true is slander. The oracle might run that story and then its front page.

Saunders- My main problem is that it's the word, expressed stated is implication. I can imply anything from what you say.

Wilson- I think you might just be misunderstanding. You are implying to the oracle that it is a fact. Not that it is your opinion but it is factual.

Saunders- Implication is not that way, its how other people perceive it.

Toro- I think we're splitting hairs here. When you are talking to the Oracle there is a difference. I could say Theresa has blonde hair, Theresa is a blonde. I like Theresa's hair, she has nice hair. I think that this definitely covers implication.

Hughes- Just want to get my words straight before I speak. Wouldn't this more scrutinize people that are pro con, more con. It means basically when you speak, you've got to watch every word that you say. I presume.

Toro- I think when we're speaking in con debate everything should be true.

Hughes- Things like she's not qualified, you would say that is not qualified.

Goff- Are you guys worried that someone is going to try and impeach you, because at the end of the day, when you're speaking con-debate, it is understood that it's your opinion. Because they go down to

Nebraska Avenue and do all of these things. I think she's not qualified, she's too busy and everybody should be fine.

Saunders- That was actually another thing. Intent- really hard to prove. I think it is going to...that legal part of liable and slander anyways, I think that overall it is going to weaken the ethics statues.

Toro- This is the definition.

Saunders- I would take that out completely. I think that was a decent way of stating liable and slander.

Goff- The way that Ms. Toro did it is better than the way people have done it in the past. So, you have to open up another document. If you're just a student looking into it, it makes it a lot easier...then you're going to have to go back and spell it in other places.

Manka- I know it's the definition, move two words; their implied and you still get the basis of what you want.

Toro- Okay, that's something to consider. Okay, so this is just something that I wanted to bring you guys and I wanted you to see this.

Saunders- Title 401 which got stripped all together, maybe we should look at 401.4, the consequences of violation, so maybe they should be added to title two.

Toro- If any physical violence was to happen in the chamber. That is something to consider in ROP's. So, I showed you guys this document. I'm really glad some of you brought up your ideas. Since this isn't the rules committee, it goes to rules then it hits the senate floor. Thank you guys for the input. Oh and special session, the link I sent regarding the special session; I consulted the leadership, they decided to have the special session. So I'm sorry about that it's picking which time on Monday because that special session is going to happen on Monday. Are there any announcements?

Saunders- This Monday?

Manka- When you guys look at statues and ROP's, think about it in not just terms of senate, but student government, and because you said it was already in title seven. See, to me title seven is for those just running, it's a bigger implications, so think about it when you think of those type of things. So always, I want you all to think about that.

Saunders- Are you going to know when?

Toro- Mr. Hassouneh has said whenever he writes that memo. Any other questions? Motion to adjourn?

*Motion to adjourn by Senator Saunders.*

Toro- Any objections?

**Adjournment called by chairwoman Toro at 11:00AM.**

Transcribed by Theresa Rivera.