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Judiciary and Ethics Meeting Minutes 6/16/2011

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University of South Florida
Student Government Fifty-Second Student Senate

SUMMER SESSION
June 16th 2011

Call to Order by Chairwoman Samantha Toro at 10:30 AM.

Toro- First roll call. I'm here. Carey?

Carey- Yep, here.

Toro- Hussein?

Hussein- Present.

Toro-Thomas? Saunders?

Saunders- Present.

Toro-Wilson?

Wilson-Here.

Toro- Hughes?

Hughes- Here.

Toro- Mark?

Mark- Here.

Toro- And we have guest pro tempore Brown. Okay, are there any additions or deletions to the agenda?
Is there a motion to accept the orders of the day?

Motion to accept the orders of the day by Senator Hughes.

Toro-Any objections? Okay orders of the day are accepted. Next is open forum.

Open Forum:

Toro-Anyone would like to address the committee?

Saunders- Happy Thursday.

Toro-Happy Thursday everyone. Anything else?

Wilson- Good luck on finals next week, if you've got Summer A.

Toro- Yeah, I can't believe it's almost over. I have a couple of brief announcements. The statute of limitations Adhoc has Adhoc committee. As you know there are three Adhocs that we are recruiting for. Ms. Nakita Kiger is the chair and I am the vice chair of the statute of limitations Adhoc committee. It has not started yet, because we do not have enough members. We need... Mr. Hassouneh wants about one more person, before he officially writes the memorandum. You're already on there, Mr. Saunders.

Hughes- So, there's no...Once you get the final person, that's when you set the finally date and time for it. Like, when the committee meets.

Toro- Once we get the final person, Mr. Hassouneh's gonna write a memorandum that pretty much starts all of the committees. And we're just waiting for his memo. So, he says he needs a little more membership. He'd like at least one more person on there.

Wilson- Am I on there?

Toro- Yes, you are.

Hughes- What would I be doing on the statute of limitations committee?

Toro- Okay, the statute of limitations, for those of you who don't know what that is, is how if there are a whole bunch of stats, and then obviously there are a whole bunch of rules. And if you break a statute and it has a statute of limitations that means however much time after. Let's say the statute is over six months. If I broke this statute over six months ago, I can no longer be punished for it. That's what a statute of limitations is; a time limit. So, what we're going to do is we're going to go through all of statutes and put a statute of limitations and see if there should be one and we're going to declare if there will be none. And we're going to do that for every statute. So, it's going to be a long process; it's probably going to take two or three months. I personally have already read through the first three titles and written my recommendations. I've gone statute by statute and written, because it would be horribly tedious for everyone to read through every statute and then we decide upon it. So, what I want to do for the committee is already have my recommendations there and then we talk about the recommendations that I've already made and then we can debate those and change them if necessary. So, that's what it is.

Mark- Is there like a tentative date on when it might be?

Toro- No. Once we have the official committee membership, then we're probably going to send out a Doodle and find a date that works for everyone.

Saunders- How many people are currently in the committee?

Toro- I think four, excluding myself and Ms. Kiger.

Hussein- If your committee has started and it is on a day that I can't show up, would I be able to opt out of the committee or...?

Toro- Yes, if you're interested you can sign up and if it happens to fall on a date that you can't make it, like you're not going to be penalized for it; it's not a big deal. Any other questions? Okay. So, keep that in mind, if this sounds like something of interest to you, just see me afterwards or see pro tempore Brown afterwards and we'll, you know, put your name down. Okay, next up, the special session. We're not going to be meeting next week because it's finals week and I have a final. So, and also we have no new business. So, the following week, it's going to be Monday June 27th at 5:30PM is going to be our special session. So, we're going to meet that Monday at 5:30 and we're going to have a regular meeting time on Thursday at 10:30. So, we're not meeting at all next week and then the following week, we're going to meet twice. The reason we're going to have these two meetings, as I mentioned in my email a couple of weeks ago, is that we have...there's an expected influx of nominations and it would be horribly unkind to you to have six confirmations in one meeting. So, that's why there are two meetings that week; to break them up three and three. Are there any questions regarding special session?

Saunders- What positions are we going to be confirming?

Toro- Perhaps an associate justice and most likely it's going to be a lot of marketing positions. Since those are the ones they are going to need immediately for orientation. So, those are the most time sensitive ones. Any other questions? Okay, moving right along. A little business confirmation recap. I don't think I have to go over confirmations again with you guys seeing as you sat through three of them on Tuesday night. So, I just want to go over and recap who it is that goes to JEC and who it is that goes to the floor. So, the people that we have been confirming so far have been director level positions. So, we confirmed the director of marketing, the director of SLT. Those are the only positions that go straight to the senate floor. Pretty much their associate directors go to JEC, the attorney general, the director of government affairs. So, those are the only positions that go directly to the senate floor. So, the people that we are going to be seeing are associate directors, coordinators; anyone that works in those departments. We are confirming all of the directors of the departments in senate and pretty much everyone that works under them comes to JEC and they're confirmed in here. So, pretty much what's going to happen during our special sessions and our meeting in a couple of weeks, it's going to be exactly what we do in Senate. It's going to be the exact same thing except just a cute little mini version. If directors and coordinators pass in JEC, then that's it; they just immediately start working. If they fail here in JEC, then they're sent to the Senate floor and then Senate gets to decide and we'll you know, do the confirmation process again. So, that's what happens. Everyone in here, all you guys are really all pretty solid senators. So, I trust you guys will all do a really good job questioning the candidates and make sure that we are that check on the Executive Branch. Funny story, in Adam Oldfield's transition memo to me, he wrote during your transformations, it's your committee's time to shine. My job as chair is to facilitate the meeting. It's not to grill people or speak in pro or con as chair. I have to remain neutral and can't speak in pro or con of anyone. It's your committee's job to do all of that. So, he said to make sure your committee does most of the talking. This is the Judiciary and Ethics Committee, not the

Samantha Toro Ethics Committee. So, as you guys see in Senate, I love grilling people and I love just going at em', but I am going to be a neutral and respectful chair and you guys are gonna go at em'. Okay, are there any questions regarding confirmations? Ethics statutes. Okay, something I wanted to go over briefly. I kind of glossed over this in the viewpoint neutrality presentation that I gave before Senate and this is something that I really think is important that I think we should talk about which is conflict of interest. Because conflict of interest is a really gray area that some people think when am I supposed to abstain, when am I supposed to vote? So, I thought this would be something we could go over. I wrote...these are my amendments that I made, and we went over them last time. These have been sent to president Hassouneh and he is hopefully sending it to the rules committee, so then we can further review this in the rules and then it can go to the Senate floor and one day become a law. I just wanted to go over one of the statutes that I added. It's this one right here. I wrote this statute from 209 2.3 to cover conflict of interest. Instead of actually writing, I know we discussed this last time, instead of actually writing, "Don't commit slander and liable, or don't do something when you have a conflict of interest," and then having to go define this, I wrote, what I tried to write in these statutes is the explicit definition of what it is. So, conflict of interest is participating in any student government procedure where the outcome has significant personal consequences for the individual that render him or her unable to act impartially. So, that's what conflict of interest is. I don't know if you guys have noticed, but in a couple of the confirmations there have been people who have abstained and then they give reasons for their abstention when voting on a confirmation. It's if you have a vested personal interest in the outcome. If it's your friend, and people have argued, "Well, if they're a friend, they should abstain," or "If they're sorority sisters or fraternity brothers they should abstain," and things like that. The law really does not require, except if you are a spouse, then you are not required to abstain. So, it's usually up to you to abstain. You have to decide whether you can act impartially or not and if you have a vested personal interest in the outcome of the procedure. In our case this applies to us when it comes to voting on laws, voting on...let's say I'm very active in a student organization and it's you know, my life and their budget comes up before senate. It would be expected that I would abstain as I would have a personal interest in the outcome of that budget bill for confirmations. So, that's how this whole conflict of interest affects us. When it comes to the court, they have their own code of ethics and if they know the people who the trial is about, or anything like that, they have a process where they have to go back and recues themselves. And for exec., I think this would apply if there's a hiring committee and they're very close personal friends and if they're in a close personal relationship with someone they're interviewing; that would be a conflict of interest. So, that's why I wrote this statute and I think it's a good place for it, because it applies to all three branches. Do you guys have any questions regarding conflict of interest? Okay. Alright, next up is the public health ROP's. Did everyone peruse these? Okay. I looked them over and they were drafted by Attorney General Goff and I asked him about them and I asked where did you get these definitions from title seven? And you know, I chatted with him. He said these are the exact same ROP's from the last election, except for wherever it said ERC, he wrote Escato. In our statutes, the election of rules commission, which is hired by and nominated by the president, and all that and confirmed by senate. They are the ones who run all of the elections. But in our statutes it said if the ERC is not yet hired and it doesn't exist yet, then Escato would run the election. And that would be Gary, Jessica, our directors, assistant directors, the grad assistants; they consist of Escato. So,

they would be running the election. Do you guys have any questions about any specific statute, or any questions at all regarding this document?

Hussein- For one of the parts, if you have a shirt or a flier or anything you have to have Student Government on USF website for voting. But, what if you just have blackboard on there, because you can also vote through Blackboard I believe?

Toro- No. I mean yes, you're right; you can vote through Blackboard, but it's required that you have the website on there.

Saunders- I have a question directed at Pro Tempore Brown.

Toro- Go ahead.

Brown- Sure.

Saunders- Were the changes in the ERC title eight committee, were they adopted into title eight?

Brown- Title eight is a financial code...I mean titles and elections code. And no, they haven't been sent to rules yet.

Toro- Okay, just so I can let you guys know why we are getting a background on looking at this document, the election rules commission rules of procedure, their ROP's have to go through rules and JEC. So, the way it's supposed to theoretically work is rules checks for, is consistent with statutes is the word correct, that's the thing, and we're supposed to check the ethics of it. So, there's a lovely system of checks and balances. So, we're supposed to check over the ROP's. So, every election that comes up, their ROP's: we need to vote on them. This went through rules on Monday and these passed unanimously in rules on Monday. So, if they are passed right now, then they will apply for the election, which I believe is in a week and a half. Am I correct, Ms. Brown?

Brown- It has to be finished by July 1st. So, around that time. The applications are already online.

Toro- Yeah. It's...this election is coming up. We are in a bit of a crunch. Okay, any questions regarding this?

Saunders- In your own opinion is there anything wrong or major that we should be aware of? Like...

Toro- I looked it over and I read through everything and I had a wording quibble regarding one of the statutes and then I discussed it with to Ms. Kiger and Mr. Goff. I'm definitely a perfectionist when it comes to writing statutes, so wording and grammar: I'm very strict about that. And I had a bit of a quibble, but it really didn't change the meaning of the statute; it didn't have any significant affect on how it would be interpreted. So, instead of me changing these two words and then having to wait a few days to send it back to rules and then having to you know go through this process again. I don't think my quibbles were very very minor and don't change the intent of the law. So, I don't think it would be worth putting it off and making it go through rules again to change two words. Okay, any questions, concerns, comments? Okay, is there a motion to vote?

Motion to vote by roll call by Senator Wilson.

Toro- Are there any objections? Okay. Seeing none.

Wilson- Yes.

Carey- Yes.

Hughes- Yes.

Hussein- Yews.

Mark- Yes.

Saunders- Yes.

Toro- And I'm abstaining. So, with a vote of six to zero to one, these ROP's pass. Yay. Okay. That was pretty quick. Are there any announcements? Any questions, concerns at all?

Saunders- Oh, no. I was going to motion to adjourn, but...

Toro- Okay. Are there objections to adjourning? Seeing none.

Adjournment called by chairwoman Toro at 10:47AM.

Transcribed by Theresa Rivera.