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## Judiciary and Ethics Meeting Minutes 7/7/2011

University of South Florida. Student Government Senate

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University of South Florida  
Student Government Fifty-Second Student Senate

SUMMER SESSION  
July 7th 2011

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Meeting called to order by Chairwoman Samantha Toro at 10:33AM.

Toro- I'm here. Carey?

Carey- Here.

Toro- Hussein?

Hussein- Here.

Toro- Thomas? Saunders?

Saunders- Here.

Toro- Wilson?

Wilson- Here.

Toro- Hughes? Mark? Kimble? Okay. Are there any additions or deletions to the order of the day?  
Saunders?

*Motion to accept the orders of the day by Senator Saunders.*

Toro- Are there any objections? Orders of the day have been accepted. There were no minutes sent out, is there a motion to postpone the minutes? Wilson?

*Motion to postpone the minutes by Senator Wilson.*

Toro- Any objections? Okay. The minutes are postponed. Open forum.

**Open Forum**

Toro- Anyone wishing to say anything? Okay. Happy Thursday.

Unknown- I was going to say, whoever says that gets shot.

Toro- I don't want to get shot. Okay, new business.

### **New Business**

Toro- Nominations for confirmation. First up is Ms. Rachel Shields for associate justice. And who is presenting Ms. Shields? Mr. Goff? Okay, you have the floor, Mr. Goff.

Goff- Alright, so we have for your third nominee for associate justice. We had over 50 applicants. Her resume immediately stood out. She received an interview; one of 15. It was unanimous that we wanted to have Ms. Shields to be associate justice. She's involved in the honors college. She's president of her sorority. She's a member of senate. So I'll let her introduce herself.

Toro- Alright are there any questions for Mr. Goff regarding the position? Okay, Ms. Shields, the way this is going to work is you're going to have two minutes for an opening speech.

Shields- Okay.

Toro- And then we're going to have five minutes to ask you questions and then you're going to have an optional two minute closing speech. And then we'll move to discuss and vote.

Shields- Okay.

Toro- Okay, so your two minutes start now.

Shields- Okay, can I stand?

Toro- If you want to.

Shields- Alright, hi, like I said I'm Rachel and I'm running for associate justice. I've been involved with Student Government since my freshman year. I've always done this since junior high school years. I immediately got involved in street team. From there I ran for senator and the next year and I'm a senator for college of the arts and then for appropriations committee as well. I am going to a law school. I have lots of leadership experience. I feel like I'm well qualified and fit for this position.

Toro- Okay, are there any questions for Ms. Shields? Mr. Saunders?

Saunders- During your time as a senator, what experience do you think will help?

Shields- I got to see all of the confirmations of the associate justice so I know what they're looking for. I have experience working with legislation. I can have a better understanding.

Hughes- What do you feel is the goal of the court in student government?

Shields- it's their turn to take charge and figure out how to handle certain things. They oversee it and make a decision on what should happen. We don't make rules we just act upon them and decide.

Carey- what are your time commitments looking like to take up your hours.

Shields- I will be finishing up my term as president of my sorority and also I have meetings with my exec. Board. I am not going to have any problems so we're right on target. The schedule is gone and the budget is done. It's my senior year so I basically all have dance classes. I am working on my honors college. I wanted to stay four years so I am also members of the pre law society. Now we only have biweekly meetings.

Saunders- do you still work at strat center for performing art?

Shields- yes but it is just a summer commitment.

Hughes- What was your reasoning for your rocky the bull application?

Shields- It is the university's job for the elevators to work properly.

Toro- any other questions? Mr. Saunders?

Saunders- I know you said he should have had the application accepted. To what extent do you feel a circumstance can play a role?

Shields- In most cases the law is black and white but you have cases where it should have been accepted by situation.

Toro- Any other questions? Okay, I have a question. Since you were in the legislative branch what do you feel is the role of legislative intent of interpreting laws.

Shields- I think it affects what they have to act separately in the legislative branch. It is the judicial branches job to look at the rules.

Toro- Questions? Mr. Saunders?

Saunders- Would it affect your opinion if the elevator didn't break down?

Shields- Yes.

Wilson- What do you hope to gain?

Shields- I plan to go to law school and hopefully I get more experience and gain it in general.

Toro- Ms. Hughes?

Hughes- Do you consider yourself a strict or loose constructionist?

Shields- Mostly strict. But lots of things you have to take by situation.

Saunders- Do you have experience writing and interpreting legal documents?

Shields- I look up current issues but I don't have any specifics in writing myself.

Toro- I have a question. If that were to go through officers would have the opinion to interpret a statute and that would be asked if it were unclear. If it were up to you to interpret an unclear statute where would you look to?

Shields- It's not my role, so I would direct them to someone else, because that's not my position.

Toro- What if you sat on a declaratory judgment panel?

Goff- I ask you not to ask her those questions. We are borderline.

Toro- My question is if it were even a court case how would you go about answering an unclear statute?

Shields- I would have to separate myself. Being president of my sorority I am used to being unbiased. I would give what would be the best and what I think personally.

Toro- Are there any other questions?

Saunders- Going back to Rocky the bull, if there were another candidate, if he submitted the application 5 minutes earlier would you still accept it?

Shields- It's only his fault, not the university's. Since the elevator was broken, he did not. If the other didn't turn in the application, then it should not be accepted.

Hussein- What if you walk to the MSC and saw Rocky the Bull walking slow and then the elevator broke down, would you accept it?

Toro- I'm not going to entertain that question. I think we are getting too much into splitting hairs.

*Motion to move to discussion by Senator Hughes.*

Toro- Are there any objections? Okay, would you step out of the room please? Thank you. Okay, just like last time. If you'd like to say something, please raise your hand. I believe discussion is healthy.

Carey- She's got the experience and she's got the desire to take the position, and so from that standing alone she seems relatively decent. She has the ideas of time commitments down and how to get planning's and listings down.

Saunders- I know she's senator I asked her how she was familiar during statutes. The fact that she did allow Mr. Bull to submit his application after the deadline, she saw the statute and decided it wasn't implacable in this case, I just thought it was a bad idea.

Hughes- From some of the things she was saying, I felt a bit of inconsistency. I would have to say as much as people can come in and gain this experience; I don't feel she is ready.

Mark- I personally did think she did do a good time. And me personally, I don't speak all the time. We used to sit next to each other and I think it's good she had a different opinion with Rocky the bull. We need that on the court.

Wilson- I am just not convinced based on her experience and what her application shows. I know she said she wants to go into law. Based on the things she's doing, it does show that she's just that interested. I feel like she thinks it's a club rather than a job.

Saunders- There's nothing long with a loose constructionist on the court. You have to offer some strong supporting evidence not just say it was the responsibility of the university. That's not event statutes. So, by that she kind of went against her own citation. That's a problem.

Toro- Okay, we're going to have two more comments. Mr. Goff, do you have a point of information?

Goff- The writing examples are just mainly to get an insight to their thought process.

Toro- Ms. Hughes?

Hughes- I don't feel like she's the best. I've said that there's not that much of consistency. If you're strict you're strict. This is not strict.

Kimble- I don't believe we have anyone. It was a nice change. Instead of just being in pre-law societies. It would be nice to have a more diverse background.

Toro- Okay is there a motion to vote?

*Motion to vote by roll call by Senator Hughes.*

Toro- Okay, are there any objections? Yes to confirm, no to not confirm. Mr. Wilson?

Wilson- No.

Toro- Mr. Carey?

Carey- Yes.

Toro- Ms. Mark?

Mark- Yes.

Toro- Mr. Hussein?

Hussein- No.

Toro- Ms. Hughes?

Hughes- No.

Toro- Mr. Saunders?

Saunders- No.

Toro- And Mr. Kimble?

Kimble- Yes.

Toro- Okay with a vote of...And I abstain as chair, with a vote of 3 to 4 to 1, this candidate fails. Okay, moving on, we have Vincent Defrancesco for associate director of communications. Mr. Ivan Gill you have the floor.

Gill- For you I have Vinny. He is someone that I interviewed last year for public relations officer. This year he applied again. He has written for the Oracle. I see his opinions on a daily basis. Writing press releases and being the face of marketing is perfect for street team recruitment. That's one of the big things. Also, social media. He's got a lot of that experience. I'll let him take it from here.

Toro- Okay, you have the floor.

Defrancesco- Okay.

Toro- I'm sorry, before you begin, are there any questions relating to the position for Mr. Gill? Mr. Saunders?

Saunders- What were the job duties for the resume?

Gill- On the application mainly, is there are kind of the two way communications maintaining street team and social media, press releases; being the PR of student government overall.

Toro- Okay, are there any questions for Mr. Gill?

Defrancesco- I am majoring in journalism. I have been involved in a lot of ways. I joined my fraternity my first year. My second year, I started working for the Oracle. Thought that I have gained strong writing skills. I manage all of my writers. As Ivan said I do a lot of similar things as a promoter. I work with their street team. I do graphic design. I think that as a culmination of all of these experiences, this job is right up my alley.

Toro- Thank you, are there any questions for the candidate? Mr. Wilson?

Wilson- Are you at all intimidated by this process now?

Defrancesco- Yes, I'm not going to lie.

Toro- Ms. Mark?

Mark- So, do you think there would be a conflict of interest for this job?

Defrancesco- No, I do not think there would be a conflict of interest. I would be very flexible. There's a reason for that. I don't feel like there will be a huge time conflict. I think I'll be able to work that out.

Hughes- It says you're a senior, what is your schedule for fall?

Defrancesco- I work for new student connections for 10 hours a week and I have my fraternity. I wouldn't be standing in front of you if I didn't think I had the time commitment for this job.

Saunders- If there was a two deadline thing that you had to meet that was overlapping how would you handle it?

Defrancesco- If there were two deadlines, as my job as a sportswriter, I am very good with working under pressure.

Wilson- If there was two unrealistic deadlines and it overlapped with a commitment, what would your action be?

Defrancesco- You would have to prioritize. My deadlines with new student connections are good. If something was urgent, it would have to take priority.

Wilson- I had a follow. Are you the type of person who could physically not do something would you do it?

Defrancesco- I was really bad with doing that but I think I've gotten better.

Kimble- What is your favorite thing about orientation?

Defrancesco- As my role in new student connections, I do a skit. I really enjoy it. I feel the student enjoy it but after the skit, the freshman sit in tables of 8 and they have discussions and they get the opportunity to ask questions about what college is like.

Saunders- As the associate director, you are expected to lead street team, what kind of ideas would you have about motivating and recruiting?

Defrancesco- Like I said, I have had numerous freshmen introduce themselves and these people are looking to get involved I feel like recruiting is about finding the right people. I think the other part is motivating. I am a leadership minor and we have studied and I believe you have to get these people to buy into what student government is trying to do. You have to get them to buy into the event and really want to do it.

Saunders- How familiar are you with the candidates of student government?

Defrancesco- I'm a fast learner so...

Toro- Ms. Hughes?

Hughes- How would you describe your leadership style?

Defrancesco- In the past I have let people under me know what to do and I let people fail. In my fraternity I organized chores in my house. It didn't work. So, I kind of became a more hands on leader. I would check in. I would say I am more of hands on leader.

Saunders- How familiar with the election process are you?



Defrancesco- I work with the Oracle and I am not familiar with the election process. I mean should I be for this position?

Toro- I have a question. Since you'll be the face of SG, what are your tactics for outreach?

Defrancesco- Whether its street team, we have come up with a great idea; put out a video weekly for student government to reach out to freshman.

Saunders- How do you view your separation of duties between the oracle and student government.

Defrancesco- I will not be doing the oracle in the fall. It is a huge time commitment. I would not be able to write the opinions of the paper, because it's a huge conflict of interest.

*Motion to move to discussion by Senator Hughes.*

Toro- Okay, before we move to discuss, do you have any closing statements?

Defrancesco- I have been very interested in being involved in student government. I applied last year. I am involved with people. I help them. I help to better the campus community. That's the reason why I applied.

Toro- Would you like to reinstate your motion?

Hughes- I would like to say he is a great candidate for this position. I think he is passionate. That would play a big role to me, that he is willing to put the Oracle aside. Working in new student connections is almost the same thing. Most of the freshmen are familiar with his face.

Saunders- I mostly agree with Ms. Hughes. The fact that he is quitting the oracle is good news. The fact that he straight up admitted that he knows nothing about student government; I asked him about events and elections. I'm certain he will learn. He is coming in with nothing, so it may make the learning curve kind of a long process.

Toro- Anyone else? Ms. Hughes?

Hughes- The fact of the matter is being in the legislative and having...being in different branches, as a communication, whereas it's more of business, marketing and excelling, all of these things, it won't be much for him to learn.

Toro- Any other comments?

*Motion to vote by Senator Wilson.*

Toro- Okay, are there any objections to voting? Okay. Yes to confirm, no to not confirm. Mr. Wilson?

Wilson- Yes.

Toro- Mr. Carey?

Carey- Yes.

Toro- Ms. Mark?

Mark- Yes.

Toro- Mr. Hussein?

Hussein- Yes.

Toro- Ms. Hughes?

Hughes- Yes.

Toro- Mr. Saunders?

Saunders- I actually have to abstain.

Toro- What is your reason for abstaining?

Saunders- My sister ran for the position.

Toro- Okay, just make sure to have that in writing. I'll submit it to the secretary.

Kimble- Yes.

Toro- And I abstain as chair. So, with a vote of 6 to 0 to 2, this candidate passes.

*Applause*

Toro- Congratulations.

Defrancesco- Thank you, you guys.

Toro- Mr. Wilson?

Wilson- That's just the easy part.

Toro- Okay, do we have any announcements, any feelings, any emotions? Mr. Wilson?

Wilson- Just about the first candidate, I was on the fence.

Mark- So, what happens? Is she still on Senate?

Toro- She already resigned. That position is still open.

Saunders- That really does stink that she's not on senate anymore. We can't pass people just for that.

Toro- I think you guys did a really good job of grilling them really hard. I really commend you guys on doing a good job today.

Hughes- When do you plan on electing a vice chair?

Toro- I was planning on doing that in the fall to see who was here in the long run, but I might do it sooner. So, if I don't do it by the end of July and if not by July, then the first week of fall.

Saunders- Who do I submit the abstention to?

Toro- Just send it to me and then I'll send it to the secretary. Okay, are there any motions to adjourn?

*Motion to adjourn by Senator Mark.*

Toro- Are there any objections?

**Adjournment called by Chairwoman Samantha Toro.**

*Transcribed by Senate Secretary, Theresa Rivera.*