

6-7-2011

Senate General Body Meeting Minutes 6/07/2011

University of South Florida. Student Government Senate

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University of South Florida
Student Government Fifty Second Student Senate

SUMMER SESSION
June 7, 2011

Call to Order by Senate President Hassounch at 6:02 pm

Pledge of Allegiance led by Senator Kiger

First Roll Call:

Present: 36

Absent: 6

Additions/Deletions and/or Clarifications to the Orders of the Day:

Senator Gao- *Motion to accept, accepted.*

Additions/Deletions and/or Changes to the Minutes:

Senator Toro- *Motion to approve, accepted.*

Guest Speakers:

➤ Ms. Joanne Adamchak, USF Legal Counsel

Joanne Adamchak- Hi, I am Joanne Adamchak and I work in the general counsel office here at USF. I know some of you but not all of you so I will give you a quick background. A live resume just so you know where I come from and to give you some credibility. I moved to Florida ten years ago with my husband's career. I left mine in Philadelphia where I was a prosecutor, judge, and worked at a private practice for a while. I brought that back to USF. When I got here I had never heard of FERPA and never heard of Student Affairs. When I went to college in my time I didn't know how to file a grievance. I thought if I got the grades then I graduated. But when I came here I learned that the world had changed and my job here now is to represent the university with student compliance and help the university with academics, student affairs, help answer general questions, and to guide you all in your efforts to not break the laws as an SG officer. We have been very successful in that ten years I have managed to not have any major lawsuit and all students that should graduate that had the grades have. So that's my background. If you have any questions that you would like answered I can do that at the end but what I think I have been invited here for is to talk about public records and meetings and how it affects you all. It's a new world for me than it was

ten years ago but I think I have mastered the concepts. Understand that we are all in this together and no one really knows the rights answers, that's why we pay lawyers and have judges. For every law and opinion there is another side. That's why there are two tables in court. I know that you all come in here thinking that you are right but if that were the case then there wouldn't be a need for those two tables. So someone has to make a decision. So even as I guide you through the way I can only give advice and understand that there may be another side and interpretation, but we have to follow the best law and advice that we can. I do that by trying to gauge where legislature and the court have ruled in recent law cases. So by way of background, I will share. I did bring in a slideshow that I didn't prepare but my associate did. I will also put it into perspective and tell you about two major lawsuits that UF lost and UCF is in the middle of right now. We are the next flagship university, not by prestige but if someone were to be the next shark then we are out there in the water. I think we have to protect ourselves. I would rather you ask questions that I can answer because I can start to sound like wah wah wah and I don't want that. Here are the laws. Basically one of the most common mistakes I make and people in Florida make because we are the most broad and openminded when it comes to open meetings. We are the only open meeting state in record of state law in the country. There are also two more open meeting laws which are the Sunshine law that states that almost every meeting is open by agency and notice the other one is 119 which is about the records we create. Two things you will hear people say, I have to come to your meeting because we are an open record state, and I say no we are an open meeting state and under the Sunshine Law I have provide you with records und the open records law. They are two very different things. What does 286 apply to? All meetings of any board or commison meetings have to be open and have notice and minutes should be kept, that is the basic law. When we have open meetings than people have the right to attend. Any two members along can constitute as a meeting. Any two members of a decision making body can constitute as a meeting, that can include talking on the phone, or a lunch meeting. What it doesn't mean is that you don't have the right to a private lunch, if you don't talk about work related items. When it's public is when the meeting should be noticed and open. Board of Trustees is the highest agency. Everything is open, we talk about committee meetings and staff meetings, anything that is going to be decision making. But if a meeting is only fact finding then it doesn't have to be noticed. It's a bunch of grey areas. You're going to ask me specific case scenarios and I'll have to answer them one at a time. So no, not every faculty meeting should be open, only when they are fact finding, developing programs are they allowed to be closed. Anything that doesn't affect financial decisions is generally closed. If the meeting windless away things or takes names off of lists then they have to be open. Anything the president delegates to the faculty such as hiring certain positions, we have to post that because the meeting will be taking names off a list. Say that during the meeting me only discuss facts like if everybody meets the qualifications or has a doctoral background then it can be closed as long as no names are being taken off the list. If I have a list and then give three names to the hiring committee then I didn't just gather the facts, I made a change. Reasonable posting is enough, your members know how to do it on a website. It doesn't mean that you have to take out an ad in the newspaper anymore. We are major in technology so basically if you just have to have a meeting place where people can find it, you can't hide it. Minutes, if you have them then they have to be taken and you have to maintain them. You don't have to record them but if you do then they become public record. You don't have to record verbatim in all the meetings but if you do then they are open. Here's another example. When I came her over nine years ago I remember the advisor at the time calling me. I don't want to say that he was setting me up but you know how they try to test the waters of people who are new and see if they know what they are talking about. He asked me if we can take secret ballots. My gut says yes, students know each other and it's a popularity test so a secret ballot may not be a bad thing. So my gut was saying yes you can have a secret ballot but the law says no that you can't have a secret ballot. Everyone has

to go through the vote and if you abstain then you have to have a good reason to sustain and everyone needs to know the reason that you abstained. The Sunshine Law is unclear so if you don't know if it is open or closed then go with open. Here are the penalties for non compliance for the Sunshine Law. These are serious criminal offenses. They are civil and you can get a declaratory and injunctive relief, which means courts can make you do it. Any action taken at an illegal meeting is invalid. So we just had this discussion that if someone was elected at what was an invalid meeting then that election would be voided and done again. Public record law is the paper trail, so everything they can take and do is business to them. Bottom line is I'm going to tell you that this includes all letters including emails, letters, and notes. So what does this mean for you? It means that if you use email from USF about business then it is definitely public records. If you use this, and I'm talking to you all in your SG hat, you all signed releases that say you understand your role is a public role and because the law protects students public records but as students your capacity as SG law means you don't have the same right to privacy. Emails sent regarding SG business will be open. If it's not clear if it was SG business or not it's going to be open. I would advise you to use your SG address about business. Don't contaminate your personal email. If I'm going to write to someone on a personal basis like my kids teacher, then I go to my AOL account and use that. I don't do personal business at my USF address. I would advise you all of the same thing because the biggest problems with emails is that it gets into things you wrote like opinions about people or personal comments. If it's included then I cannot white it out. What I can argue due to a recent case in Clearwater, if it's completely personal and no way it can be business then maybe we can find a way to exclude it. But I'm telling you, don't use your personal email for SG and vice versa and everyone will be much better off. Things that are exempt whenever we produce records of SG are student's medical history, SSN, GPA, personal academics, disciplinary records, and evaluations of job performances. These are all protected under student records from FERPA. I help with that, that's my job. If it's unclear you can call me. One of the big questions at the university is who is the custodian of records, that answer is hard. We say if you want student records it has to be a legitimate reason. It can't say Johnny isn't in today so I can't do it but you can say I get a reasonable amount of time to do it and I'll get back to you because anyone of us can be custodian of that record. You can designate someone, and I know that SG has. You can say, I know someone that has the best control of all the documents and we can say the best way is to contact them. In addition we are allowed to charge for those documents. You can make a request for the money up front. We have a charge document and we use that. The really is the best way but don't say to someone it can take a week or month, the best way to respond is just to say that it may cost money. One of the things you don't have to do is create the records. People call me all the time saying that they want how many students received xyz scholarship and I will take out the names and then give them the information. Then they will want me to explain the process. That is up to use and the university, and SG on how helpful you want to be. There is no law that makes you explain what you did. It's just if you want to be responsive and positive to show you are transparent. But I don't have to explain to anybody how it works or what it meant. These are phone numbers of people you can call for the first line of defense. The AG office I contact with questions and I have asked them answers but they haven't always been consistent. There is also a public record office. This is a summary so I'm not going to say it again but we can go back over it when there is a question. The most current case in Florida is UCF. This is a great example. I'll go ahead and hand out these papers to you, you might have to share because I only have 20. I underestimated how many people would be here. Basically it tells you that a person who used to be on SG somewhere was unhappy with the world and made an SG request for recordings of Student Government meetings. Florida said you can't have it. This was before they started using the FERPA waiver, which I'm proud to say we were the first to have it and everyone followed in suit. I didn't know what the right answer would have been for this case, I didn't know if they were

public or private but I can see both arguments, so we at USF developed a way that says, I'm in SG you can have the records but I don't have to violate the privacy rights or laws of the university. The case though didn't have that for the meetings that were subject to the request and those students hadn't signed any waiver. Why they made the recordings in the first place is a problem. The second thing that they did was when they were asked for the record and the Florida school said, "no, well kind of." They gave them the recordings if they came to see them but they wouldn't give them to for them to take. You can't play with the facts here. When they went to court the court found that the records were the students because the court replied with a current Florida case that said you cannot take academic grades not taken by the registrar. They are not covered by FERPA or the Family Education Rights and Privacy Act. It's not covered by that so you have to give the records unless it is academic. The problem with that is the department of education said they are the student's records and we can't release them. Florida was stuck between a rock and a hard place. They said no to protect the student's rights but they didn't do it well. Florida has paid 35 thousand not including other expenses and it would have cost additional money to appeal so they are not appealing the decision. That leaves us with two bad decisions in Florida. The Florida state decision both contradicts everything that I just said so we are balancing those to say you can be sued and probably will be sued. We are just better equipped because we know a public record request is coming and we are going to find a way not to be sued. We are going to produce the records if we can and do things proactively like signing records, keeping records accessible, and not taking long to produce all of them. That is the most recent Florida case and UF and UCF are being sued in a similar fashion. UCF is taking the very hard line to spite this and say no you cannot have the records. I would maintain to all of you that you are in a public job, spending public monies to pay you in addition to budgeting millions of dollars on behalf of tax payers...how the heck do we call that private? I honestly don't know how to do it. So we will take that avenue and maintain that certain records are private. If you are to impeach someone the deliberations may be private but the decision and actions you take will be public and you will have to ask me every time that there is a grey area. I know everyone questions the cell phone as well. Texts are just like emails so be careful if you are texting another SG person about business because that is considered public record. I'll tell you what, your friend today is your enemy tomorrow. I've learned this the hard way in life. Husbands and wives today, divorce tomorrow. Best friends today and then tomorrow they are public record requesting you. Today you're here but tomorrow you are running against each other and trying to figure out how to get rid of the other person. I'm not saying to distrust your friends but I'm saying there's a way we might learn about things that you say and think that no one will ever know. Those emails and texts are public record. I'll take any questions at this time. I can tell you that I went to the AG office and talked to Alexander. I know that UCF and USF have emailed her on different SG matters and asked about SG. We asked if SG is an agency under the government in the state of Florida or do we have to expose the studnets doing something under the umbrella of student statues, and we have gotten two different responses.

Senator Hughes- What precautions would you suggest we take as far as social networking sites and things we say both for paid and unpaid positions?

Joanne Adamchak- I'm really not sure how to answer that. I think fist of all from a public record stance it's not a public meeting because you are not in a meeting. If your talking to the public, not an SG member. The records can be produced. It's common sense though, don't use the sites to talk about SG business would really be my answer. I know they are a part of our life now but if you are saying something about SG it could be considered public record. How are you conducting yourself Is there anything you are saying that you shouldn't? My answer is don't write down anything that

you wouldn't want on the front page of the newspaper because I honestly don't see how you can protect it. Once it's out there, there is really no way that you can argue that it's private whether or not it is conducting business. Everyone is invited to discuss so they can't really argue that it's not open. I don't know what to say about that one. I think you shouldn't be talking SG business on there overall. That's my strong advice but that's like telling people something stupid. I know that no is going to listen. I would say it's advisable to only use email and USF's official websites to conduct business.

Senator Thomas- You mentioned an SG email address, but I just use my USF one.

Joanne Adamchak-I should say that's okay too. However, if you use your USF email for SG business then I would argue that if we had a public record request we would have to search your USF emails or you would have to provide them and say these are the only emails that pertain to SG. Don't all of you have an SG email address?

Senate President Hassouneh- We don't all have them. We are currently working with IT now. Non paid members of SG used to not be allowed to have them.

Joanne Adamchak -Then that's a great point. Use your USF email because that would be the next best thing. Stay away from your personal email like Yahoo or AOL. It could co-mingle if someone made a public record request about SG business.

Senator Wilson- I have 2 questions. Are these records being stored electronically and physically on a piece of paper? This could easily become a massive amount of information to be stored.

Joanne Adamchak -We don't have to create a record. So in other words we don't have to send our SG emails to one place. I don't have to send every email that I write at work to a central location. My public job is that I am my own custodian of my own records, so they would come to me as the custodian. You don't have to send them all to one place and you also don't have to maintain every email you write unless it's transacting actual business. If you haven't maintained it and it's personal then that is okay. If you deleted it then you don't have to create or maintain anything you wouldn't otherwise do in context of your job. If it wasn't about transacting business then you can make the preliminary decision yourself. However if you write to each other and then say it wasn't transacting business and erased it when it really did then that would be in violation. If you can make the argument that you really didn't think that it was transacting business then you might be able to win the argument. There is no need to maintain independent emails if you don't think it was about business itself. If you sent an email to the person maintaining it, in other words you're just the copied person then you don't have to maintain that because just the original record has to be maintained. So if you're the 3,000 cc'ed people and you know there's a hard record somewhere else held by the SG President or Gary, then you can delete it. So you are not creating a thousand email depository that you're sending to some central bank. It is ridiculous. If you saw the emails that I have, such as "yes, you can change the catalog to say September" you would think it was stupid. I have to save it though because it is business. I know that if I had that conversation on the phone it wouldn't be memorialized, so I think emails should be telephone conversations because unless saved all it is is a conversation. An email is a conversation and we would not ever record every verbalized conversation we have, so why do we have to have our emails? Emails came in the middle of the public record law. The law was before technology so now this came in the last fifteen years and we are stuck with maintaining what would be a telephone conversation, on a piece of paper. I would say

use your best faith effort to keep known business somewhere on your computers but if you know it's being held by the office itself than you can delete it off your computers. You don't have to personally maintain everything because SG has the person that maintains it. If it's there though when that public record request comes then you once you receive it I have to advise you to freeze everything. You cannot start deleting stuff the day you receive it. If you go to court and they discover that it could be bad. The moment you receive that request from that second on, nothing containing that case can be changed or deleted, even if it wouldn't otherwise be a public record. You have to keep everything the way it is. Use your own discretion. Don't be saving emails that were about business but derogatory and you know were not meant to be a part of the record. But if and when it's on there then we will produce it for the St. Pete Times. We all think it's amongst each other but those that have been in the public light know that no matter what you say or do it's going to be twisted and they will take out a piece of what you say and change the context. You will say that's not what I meant but you will never be heard. They take each little thing. So I'm not trying to scare you, I promise you can do your jobs. You've been doing it for 100 years. Don't go home saying that you don't want this job anymore because you are going to be sued. I can almost guarantee there will be no fine, arresting, or jail time. I'm telling you that I will have to produce records and you may have to produce them. So just use common sense, especially when it comes to SG business. If you're on your AOL account and want to be an idiot then fine, if you're on your social networking site then as long as you don't talk about SG business then fine. We don't get you just because you are an SG member, that doesn't do it. You are allowed to have a personal life. No one can come into my house and take my personal things. Once you get in the habit of doing it you will revert back to the right email. Don't be afraid, just maintain records if you know it's business and if you are having a meeting and you are not sure if it's open or closed then air on the side of open. If you're making the right decision about a budget then most people don't care you're meeting unless you are spending their money. Budget, hiring, firing, ASRC, all of those are going to be open meetings. You have a lot of money and everybody wants it. Don't be afraid, just know it's out there. You can keep the powerpoint and it's also online. If you Google whatever questions you have it then it usually comes up. The Florida AG keeps a website with all those powerpoints. When they sued SG nobody personally paid at UF or UCF. SG had the money or Student Affairs did. We don't know who paid it yet really but the university is the one on the line because they are our records. I will let you go, have a good day.

Senate President Hassouneh-There are a few specific rules for SG when it comes to public records. In the sunshine laws you can refer to chapters 204 and 205. If it's a record for business then you are supposed to hold onto it for 3 years. After 3 years it is no longer relevant, so you don't have to hold on to everything your entire life. Our custodian is Gary Manka. You should never give out information like SSN and GPA's, in order to protect yourself. If you do get a public records request then you direct it to Manka and respond to the person that sent you the request and explain to them that you forwarded it to the custodian of records and you let them deal with it from there.

Gary Manka- If you do get a public records request and it actually does happen quite often then come to me. The Oracle is our main customer. We've also been public records requested by a newspaper in Gainesville and other state schools, in response to the case. So do realize whatever you put in emails can be requested even for student. There are people that have been with SG for 3 and everything you have ever done for SG can be retrieved if the person wants to pay for it. So keep those emails. No offense to the Oracle because they are a good paper, but you don't want to end up on the front page because most of the time it would be for doing something wrong.

Senate President Hassouneh- Yeah, we don't get public records requested for good things because we broadcast those ourselves. Make sure you are doing everything appropriate and whenever you have questions go to Gary, that's why we have a staff of professionals. It's really not as bad as Jody made it seem. USF actually has a really good track record. With that being said I would like to introduce Ms. Jessica Morgan, Assistant Director for SGATO. By new I mean she's 3 weeks old now, but she is still new to you guys.

➤ Ms. Jessica Morgan, SGATO Assistant Director

Jessica Morgan- Hello everyone, I am Jessica and I'm starting to meet some of you. My name is Jessica Morgan and as Khalid said I am the new assistant director for SGATO. I am looking forward to working with all of you. I'm going into my third week so I am still pretty new on the job. A little bit about myself: I actually graduated from USF with degrees in political science and sociology in 2005, so I have been gone for a few years. I took off to DC for a while and then got my Masters in college of student affairs administration from the University of Georgia. Most recently I was at the University of Arkansas advising SG, so that's my advising capacity. I am the biggest SG nerd and I will own up to that. I enjoy the work with all of you and I think it's a privilege to serve. Anyway that I can help I will be more than happy to do so. Some things that you will never find on my resume is that I am obsessed with pumpkin. So in the fall I will make lots of pumpkin treats for you all to eat. I love cooking and when I am not cooking or doing SG, I try to blog. If you facebook friend request me you will see all my blogs that go out, but no official business on facebook. Are there any questions? Alright thank you guys and have a good night.

Legislative Branch Report:

Senator Kiger- Hello everyone. In rules this week we looked over title changes as requested by Rachel Brown. You will be seeing those tonight on first reading. Also Adam Saunders was elected vice chair of rules committee, so snap or give him a round of applause. As Mr. Hassouneh mentioned last meeting, I will be chairing an ADHOC committee that he will be starting, with statutes and limitations. If you are interested in being apart of that or any other ADHOC committee then please contact him. He needs people to sign up for those.

Senator Toro- No report.

Senator Gao- Appropriations will have nothing to come before senate until July because we don't get anything. From our last meeting we went over education things like budget transfers and off campus request. I also have an ADHOC committee about budget process and education. WE're going to try and meet ASAP so if you're interested in budget process, ASRC, proviso, or educating financial officers then please contact Khalid and ask to be on my committee. When you are on my committee we will figure out the times so for now the times are open.

Senator Sandoval- We are giving out a survey for the next two weeks about programming. Does anybody have a question about it? It's about programming in the university and what SG should focus on and try to help on. We have 160 responses thus far and Aziz and I will tell you about that after his report. Starting UWC's Mr. Warmke will create sub committees to start getting appointees for UWC's for Mr. Diaz.

Senator Aziz- Hey guys, at the meeting this week my committee had icebreakers and we went around the room and they told what they learned. We also went out to student services around campus and are in the early stages of planning mayor on campus. I will give you weekly updates on that. Scott and I also have something for tent days.

Senator Sandoval- Our tent day was yesterday and we had 160 responses for the survey, 100% attendance for the senators that signed up (17 senators), 103 petitions, and over 120 comments and suggestions about the university and school. Our next tent day is June 20th, so in two weeks, in front of Cooper Hall. We would like to show our appreciation to those who came out. Omar Rodriguez, Peter Nyguen, Nakita Kiger, Kelly Wright, Bianca Arguilla, Aziz Mithia, Tyler Carpenter, Uhlir, Rachel Shields, James Lewis, Sarah Bijan, Toby Thomson, Keith Woroby, and Dana Jordan. I also have a special award here for William Warmke for getting the most surveys and being there the longest. That's it. Thank you for helping us, we appreciate it.

Senator Hemani- Hi everyone, just a reminder that signature event applications are due June 24th. If you are part of a student organization or know anyone that wants to put on a big event then let them know about it. The grant is for \$2,000 and I have applications up here if you want to see me after the meeting we can chat.

Pro Tempore Brown- I was out a lot last week for tests and graduations but I want to say congrats to Sandoval and Aziz for having almost a 3rd of senate showing up to a tent day, that's impressive. Thank you to the senators that attended, especially alternates that hadn't even been to a senate meeting yet. I am very impressed. If you were elected in general or interim then you should have gotten a certificate. If you didn't I can send you to the former supervisor of elections and you can yell at him. If you did not get a name tag then I have your name on a list and I'm working on it. You should have it for next meeting. Please make sure your name is correct and college on your placard. If anyone isn't getting listserve emails then I would be the one to talk to, so let me know. I'm here in the office all the time so if you want to talk or have an initiative or would like to change committees then I am happy to help you out.

Senate President Hassouneh- There's a couple things that have gone on or will be going on this week. The executive branch and their structured approved so they got their payroll approved last week in committee and now are hiring for all positions. They are all clear on senate side so you will be seeing more and more confirmations. Expect the next two meetings to be packed with 4 confirmations each and there might even be more after the next two. I received the application for governmental affairs, director of marketing department, and student life and traditions. They are also currently advising for all other positions. I'm sure president Diaz will tell you more about that. The first inaugural meeting on behalf of USF Tampa is Diaz, Johnson, Goff, and from senate is myself, rules and jec chair at the meetings. I know I have a third thing, you will get an email later on in this week. I will be to a certain extent restoring a newsletter, bulletin thing that I had when I was Pro Tempore so that you can discuss and ask questions at senate as opposed to not having the opportunity to look stuff over before the meeting. ADHOC committees will be meeting next week. If you are interested in those then shoot me an email and I'll tell you what committee I want you to be on. That's it for now.

Executive Branch Report:

Student Body President Diaz- Hello everybody, how are you doing? Sorry I wasn't able to be here last time. I was at a conference with Johnson so we apologize for that. But hey, I'm your President! How are you? I'm Matt Diaz I am your student body president. I'll work from the top down. I had my first meeting a week or two ago and it was good. A lot of things were going on in it. We're approving professors for tenure, adding different degrees for different colleges you are more than welcome to come out and watch what's going on there. We will be approving tenure, A&S fees, and the Health and Athletic Fee that we did adjustments on through the fee increase committee. We're also talking about the USF arena. As you may or may not we got 35 million to renovate the inside of the SunDome, so we are approving that at BOT meeting. We have a new FSA chair that is a BOG representative Micheal Long. He is the president at the New College of Florida, down in Sarasota and he will be representing Florida. We had the election this past weekend and that went well, he is a great representative for our students. FSA planning conference is July 22-24th so we will plan out the legislative agenda and the initiatives on behalf of the FSA. Khalid briefly touched on the SG and BOT council which we did. As he said I am the chair of that and I am also the trustee of communication for the committee. We are working together as a system and we have to keep in mind that we are not USF Tampa, we are a USF system and do have other campuses to reach out to. We want closer interaction with all our SG and hopefully some system wide initiatives. That's a report on the not fun things, now for some fun things. Orientation is in full swing out there and we are getting students to sign up for orientation so that's exciting. We are in communication with the Rays to try and get a USF Ray's Day for the students. I'm sending a team for the executive branch to a Rays game to sit down and pull things together on that. We are finally hiring so you will be bogged down with a lot of appointments and a lot of people going through. Scrutinize them, ask them the hard questions and make sure that they are good candidates. We do a good job in the hiring committee when I make those appointments but you guys are the checks and balances. We aren't a student parliament, we are a student government. I know that was horrible, let me rephrase that. We are not a student monarchy but student government. If there was a student monarchy I would be the head because I am the Homecoming King. Now that I have some laughs and put a little life in you, I look forward to a great year. No questions? It looks like I did my job then, but you know where my office is so cruise on in. Thank you so much.

Judicial Branch Report:

Chief Justice Robert Then- Good evening everyone. The application for associate justice is up right now. I encourage you to tell your constituents and inform them. Being on the court is a unique opportunity. Next week we will be canceling our meeting because we don't meet quorum, but hopefully that will be fixed pretty soon. Other than that like I said inform your constituents. I also encourage you to make a branch hop like I did from senate. Does anybody have any questions?

Senate President Hassouneh- Mr. Then regrets moving to another branch, but now he has no speaking rights so he can't say anything about that.

General Business:

Senate President Hassouneh: Today is very informational and you will be learning about a lot of things. I promise over the next few weeks you won't have that opportunity. Today you will receive presentations on view point neutrality and budget process. Keep in mind these are general themes that are going to be touched on just like the public records presentation earlier. You will see these things in your time throughout your service to SG and how it affects you.

➤ *View Point Neutrality Presentation*

Senator Toro- Hello everyone, this is the much anticipated view point neutrality presentation by the senate judiciary and ethics committee, well by me. View point neutrality is the stance that all SG members must take when making funding decisions. The main purpose of SG is to allocate A&S fees, which are roughly 11 million dollars. That is the main purpose why SG is mandated by the state of Florida, it's to allocate that roughly 11 million dollars. In senate what we do is we have appropriations committee. As you know the entire student organization request go through there and we have the programming and audits committee that give signature event grants. All student organization budgets go through appropriations and then they come to the floor and this is where we vote yes or no. So whenever votes are cast, view point neutrality is what you must maintain. Decisions cannot be based on an organizations point of view, so in other words an organization cannot be denied funding because it advocates a particular opinion no matter how unpopular or neutral it is. What we are doing essentially is handing out tax money. This is government money and the government has to ensure were protecting first amendment rights. Funding decisions for SG budgets should be based on neutral criteria; how many students will be affected by their events, the budgets fiscal soundness and responsibility, how club events have been audited, and budget guidelines. In SG's case that's chapter 804, in statues is provisio. What to avoid: funding cannot be based on view of SG organization no matter if we disagree or religious affiliations. If it's an atheist organization your vote cannot be based on point of view. You cannot be denied because your organizations similarity to another organization. If there are two events going on the same weekend and they are both, let's say political rallies then you can't say no we are going to give you that much money because there is another rally going on. Funding cannot be based on size of the student organization but rather focus on how many students the events are intended to reach. When we looked at budget bills on the powerpoint they used to have a number or students in that organization, that is no longer seen because we shouldn't take into account how many people are in the organization but rather how many people are going to go to their events and the intended outreach of those events. View point does not mean that all groups should receive the same amount of money. All organizations are looked at individually and funds are given due to that. Let's say theres a republican and democratic group that comes to us for money that doesn't mean they both have to receive the same amount of money and they don't even both have to be funded. Let's say the republican groups budget is bad or doesn't follow rules of proviso, then we cannot fund them. We are making this decision based on objective criteria. Some examples of proper use I gave earlier like religious student organizations. Let's say religious student organizations all want to fund 3 different concerts the same weekend, we cannot deny funding based on events but fiscal responsibility. Just to reiterate what I said earlier. We we have some activity. I am going to read the situation. The committee on appropriations allocates \$200 for one event and \$200 for a local rally event at another club. Both are expected to reach the same number of people. Is this situation view point neutral? Someone raise your hand. Yes or no, I will call on you.

Senator Aziz- Yes.

Senator Toro- Yes, regardless the intent of the club was reaching similar amounts of people and similar events. Next one, the SG organization of two polITICAL parties both are similar. In size one

has 500 members and the other has 200, the organization with 500 receives more money than the one with 200. Was this decision view point neutral?

Senator Berkowitz- No.

Senator Toro- No, both events reach the same number of people so they should have been given the same allocation. This is the last one. An Atheist student organization was allocated \$400 for an event expected to reach 350 students. A Christian organization was allocated \$150 expected to reach 450 people. The allocation of \$150 was given because a similar organization was holding a similar event. Both organizations requested \$1000. Was this view point neutral?

Senator Wilson- No.

Senator Toro- No, simply because the organization... You guys get the picture so I'm not going to repeat myself. Are there any questions regarding view point neutrality because I know some of this seems counter intuitive at first.

Senator Aziz- Can you explain circumstantial situations where you would have conflicts that you would have to abstain?

Senator Toro- That's not view point neutrality, but it's definitely something important. If you are part of an organization and you feel you have a strong connection with them that makes you feel like you cannot make an unbiased opinion when voting then you abstain and give the reason to the senate clerk.

Senate President Hassounah- You must abstain, this is the legal definition- whenever you think a decision you are making cannot be made in an objective way whether you are a member of that organization, or roommate of a member, or your best friend is a member of that organization. That is not to say that just because you are a member of that organization that you have to abstain. The only time that you have to abstain in senate is if you are in charge of the organizations budget. So if you think that you can vote without conflict of interest than you are clear. Now if there is a personal gain to you then you abstain and submit your reason to the clerk within 24 hours of when you abstained.

Senator Toro- Are there any other questions? Thank you guys. I hope you had as much fun as I have.

Senate President Hassounah- Thank you chair women Toro. Next up we have...

Senator Hemani- *Motion for 5 minute recess, accepted.*

Seante President Hassoneh- We are back in session at 7:11 pm. Moving on with the Interim Budget by Chairmen Gao.

➤ *SG Allocation Process Presentation*

Senator Gao- Hey everybody! So I am the Appropriations Chair and I will be telling you guys all about the interim budgets. We're going to talk about how it's done, what the process is, what we're looking for all, of that. So you can go back and tell your constituents when they ask, which they probably will because some financial officers aren't very knowledgeable. What is SG funding? The average last year that we gave out to organizations in ASRC was \$1,958 per organization and there

were about 260 organizations that we had apply for funding. Interim is for organization that cannot request funding during the annual allocation process. So they either missed the deadline or were a new organization. The interim account for next year is roughly \$150,000 that we can use from July 1st to June 30th. An important thing to remember is that we subsidize, we never fully fund. If we fully funded every organization on this campus then we would be in the hole about 10 million dollars. Okay, I'm over exaggerating but it would probably be about 1 million dollars. Here's the process: The organization officer downloads the template from the SG website and they fill it out with request for the whole year from July 1st to June 30th. They then submit it to me and the A&S business office. I receive the budget and I contact the officer to set up a meeting. I either meet or have my vice chair meet with them and we discuss in depth their budget. Such as; what material, why they need this, the person to talk to, why do you need this place, etc. Then I make a rec or my vice chair does based off the meeting and how we see each event based on view point neutrality that Miss Toro just discussed. That budget then goes through the committee and we approve it following all the rules. At this time changes can be made. So say one organization was recommended \$150 for food during an event and the committee feels like it should be more based on the number of students attending, then we can make those changes on the committee floor. When the committee approves the allocation it then goes to senate. At this point there are three things that can happen. It can either pass and the organization receives full funding, it can fail and that means the organization receives zero funding, or it can be motioned to be brought back to committee and we rewrite the budget to present it again. This is what it looks like. The financial officer looks through it and they put their individual events and there are individual sections for food, materials, cost, etc. The description area is the most important because this is where they will tell us everything, from the type of food to the event, the location, and who it reaches in the student body. Of course for location we don't fund events that are scheduled off campus normally according to proviso. If they want to schedule an off campus event, then they have to fill out the form and go through that process. Some questions that we ask for events are; what type of event (concert, banquet, recruitment event, lecture) has it happened before, is it an annual thing, how successful was it, and what was the past attendance. If it's a new event then we ask them how many students do they anticipate on reaching out to and go into as much detail as possible. Then we ask what kind of food are you going to have for the food category. The travel category has what type of event it is, like if there is a conference they want to go to then they have to say where and why they want to go. For example say Automotive Engineers wants to go to California for a conference then we ask them questions like, have you gone before, did you place, what will USF gain, what will you bring back, and who is it against. It's really in depth. This is now what you guys see. This is when interim budget goes through the process and comes to the floor. It says the purpose, what they are requesting, what was allocated, and what the cuts were and why. We want to set a standard and follow throughout the year. Are there any questions?

Senate President Hassouneh- I know that there was a lot of information tonight. I obviously don't expect you to remember all of it. Over the next few meetings you will see how all of this comes into play and what they are talking about. I will send out the powerpoints you saw today in an email later this week so that you can have a reference to look over.

➤ *Statutory Legislation on First Reading*

1.SB [S] 52-002 *Alterations to Limitations on Funding in Chapters 801 and 804*

Senator Kiger- Hello everyone. The intent of this bill is to establish a maximum view period for all budget transfer request and the services comparable to services provided by Bulls Radio. The amendment to Chapter 801 states that if no action is taken by the committee within 10 business days of the request that the chair will approve the request. This is in place now because just this last semester senate had its final meeting and we received budget transfer request on the last day they could turn them. The problem was that there wasn't goint to be any committee meetings to vote on them and this wasn't in place so it created a dilemma that had to be solved. By having this in place it won't be a dilemma anymore. The next chapter says that proviso states that services and materials that could be provided by Bulls Radio will not be funded by A&S monies. Any questions?

Senator Saunders- For the first amendment, the 10 business days thing, why couldn't there be a special session called to actually approve the budgets instead of having this?

Pro Tempore Brown- I didn't call a special session because we met every week except finals and I wasn't going to call a special session during finals week. Then we had a week break between summer sessions and there aren't committees the first week of school so it would have been a month when they could have been heard by the next chair.

Senator Toro- *Motion to postpone to second reading, accepted.*

Senate President Hassouneh- For those not clear, that just means you will revisit it next meeting.

Final Roll Call:

Present: 38
Absent: 6

Senator Kiger- *Motion to adjourn, accepted.*

Adjournment called by Senate President Hassouneh 7:23 pm