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Judiciary and Ethics Committee Meeting Minutes 7/21/2011

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University of South Florida
Student Government Fifty-Second Student Senate

SUMMER SESSION
July 21st 2011

Meeting called to order by Chairwoman Samantha Toro at 10:32AM.

Toro- Roll call: I am here. Carey?

Carey- Here.

Toro- Hussein?

Hussein- Here.

Toro- Thomas? Saunders?

Saunders- Here.

Toro- Wilson?

Wilson- Here.

Toro- Hughes?

Hughes- Present.

Toro- Mark? And Kimble?

Kimble- Here.

Toro- Okay. First order of business: additions/deletions to the agenda. Toby Thompson couldn't make it, so he will be going up next week. So, what has happened here is that Toby Thompson will ideally be stricken and Kathleen will go up. So, is there a motion to add these tentative items to the agenda? Mr. Wilson?

Wilson- So moved.

Toro- Are there any objections? Okay. Next stuff is the approval of the minutes. The minutes were sent out for 6/30. I do not have the minutes for 7/7 and the minutes for 7/14 are currently under my review. So, you guys should have gotten the 6/30 minutes. Is there a motion to approve those minutes? Mr. Wilson?

Motion to approve the 6/30 minutes by Senator Wilson.

Toro- Are there any objections? Okay. Minutes are approved. Open Forum. Any senators wishing to speak?

Open Forum

Toro- Ms. Hughes?

Hughes- Welcome to the full house. Glad you all are here.

Toro- Yeah, I love this; it's exciting. Mr. Saunders?

Saunders- Happy Thursday.

Toro- Happy Thursday. Anyone from the galley wishing to speak? No? Okay. First up we have Joanna. Rebassa for Deputy Chief of Staff. And presenting her will be Chief of Staff Ken Getty. Yeah you can go ahead.

Getty- Really quick. There's an updated resume'. I'm Ken Getty Chief of Staff, presenting Joanna. We really thought that Joanna had a lot of experience. As you know the legislative and judicial branch have their clerks. It falls to the deputy chief of staff. When it comes to agendas and minutes, it's not specified in the job description. So, I'm going to leave it up to Joanna.

Toro- Does anyone have any questions for Mr. Getty regarding the position? Any specifics/details regarding the position.

Hughes- If the deputy had to step into the chief what would be their job description?

Getty- The assistant to the president or vice president.

Toro- You're going to have two minutes for an opening speech and then you have a two minute optional closing speech and then we'll move onto voting.

Rebassa- I am Joanna Rebassa, it is my junior year. I am a double major. I am finishing an internship this Friday in Ocala with a magazine. I am in USF's Best Dance Crew. I have been working on my academics and I have one summer B class which is professional writing.

Toro- Any questions?

Carey- How familiar with the statutes are you?

Rebassa- I have them downloaded. Ken told me to be aware and post the minutes and business. Just really make sure that we have our business in public.

Saunders- How familiar are you with the other departments of the executive branch.

Rebassa- I still have much to learn on. I am familiar with how to take minutes and post agendas. I'm organized and detail oriented.

Toro- Any other questions?

Saunders- What would you say your biggest weakness is?

Rebassa- Being overly passionate about something. Sometimes you have to let other people in and push you in other directions that you might not have seen. I have come to really grow.

Toro- Any other questions? Okay, I have a question. If Mr. Getty was ever unable to perform his duties, you would be Chief of Staff. What experience do you have?

Rebassa- I was captain of a dance company that was 50 plus dancers. I was directly below the dance director. So, I not only had to make sure that all individuals were accounted for. I worked with the theatre department and the faculty. I have been working with the multicultural welcoming committee. I work with the committee of leadership. I oversee my committee of 15 member. I also have to adhere to the leadership committee and I adhere to all of the guidelines.

Saunders- Do you have a previous working relationship with Diaz, Johnson or Getty?

Rebassa- I worked with Ken during Cesar's campaign and I worked with Matt during his campaign.

Toro- Any other questions?

Wilson- If you had to step in for Mr. Getty, how flexible is your schedule?

Rebassa- I have 14 credits. And I am not involved in any other organizations. My complete devotion would be to my academics and student government.

Saunders- What skills and experience do you have to bring to the table?

Rebassa- I am well rounded. I have worked with the Marshall Center and computer lab. I worked with a lot of the teachers and faculty there. I worked with the city of Ocala. I worked with individuals much elder than me that many individuals my age wouldn't have.

Toro- Okay. Any questions? Saunders- What do you use to keep myself organized?

Rebassa- I have Google calendar on my Mac, iPod and phone and I have 15 to 30 minute text message reminders before any events.

Toro- At this time is there a motion to discuss?

Motion to discuss by Senator Hughes.

Toro- At this time, I'd like you to step out along with executive branch members and nominees. Okay, so we're going to do this in the form of moderated caucus.

Saunders- When I first looked at her resume' I was a little skeptical about it. She came in and she was really impressive; I have no reservations.

Hughes- She is very well spoken and well rounded. She's a go to person. I've seen her work and various other things in school and she's always been on top of it.

Motion to vote by Senator Wilson.

Toro- Okay, any objections? We're now in voting.

Marc- I don't...

Toro- If you're in the room, you have to vote.

Marc- Yes.

Wilson- yes.

Carey- Yes.

Hussein- Yes.

Kimble- No.

Saunders- Yes.

Hughes- Yes.

Toro- And I abstain as chair. With a vote of 6 to 1 to 1, this candidate passes. He's not on the committee. He's a guest. So, could you go get them please? Thank you.

Applause.

Toro- Congratulations. Moving on, we have Mark Araya for Graphic Design Coordinator and we have Mr. Ivan Gill to present him.

Gill- Hello Everybody. Before you, you have Mr. Mark Araya. He falls into place in marketing; it is split into two: graphics and communication. He would be the generic graphic designer. He does the print of the t-shirts. He felt that his portfolio is phenomenal and he beats me in some aspects. He's been recommended by previously recommended by two previous graphic designers. Any questions about the position?

Toro- Any questions? Okay. You heard how it works. Whenever you're ready, you can start.

Araya- First of all, thank you for having me here. Just to introduce myself, I am going to be a sophomore this year. I'm majoring in marketing. I use Photoshop. I am on the exec. Board for the USF advertising club. I also have an internship at an advertising industry. So, its good having that experience, because he's been in the business for a long time. I love to do my own artwork. I've done free-lance work for album covers, t-shirts, event fliers. I did advertisement for ZTA sorority and sigma chi. I'm sure that you guys can teach me things I don't know.

Toro- Alright, are there any questions?

Saunders- What is your turn over rate for deadlines?

Araya- I work on what needs to be done first.

Carey- What leadership skills do you have for getting people to expedite projects?

Araya- I head a design committee: I would tell them what works and what doesn't.

Hughes- If you were given two projects with a very short deadline, what would you do?

Araya- Organize my time; get things that need to be done done.

Wilson- What are things that you would not do again?

Araya- What Peter has done was awesome: I would keep doing what he has been doing.

Saunders- I have the basic Photoshop tool bar for a design palate, could you identify the different buttons?

Araya- Probably not every single one of them (identifies buttons). I don't know them by name, but I know what they do.

Toro- I have a question: what does your schedule look like?

Araya- I'm taking five classes and besides that, I don't have anything else. Besides that, I'm free.

Saunders- Would you say that there's a different approach to print graphics than web graphics?

Araya- Yes, for print graphics, I sketch it out before hand to see how it will look on paper to see what fits and what doesn't .

Kimble- Do you have any experience with web based graphics?

Gill- That's just to kind of give that variety; it is one of those things that in case the web designer cant do it, they can do it for that position.

Kimble- Do you have experience with web or electronic graphics?

Araya- Basic web design.

Saunders- Do you have any experience in InDesign?

Araya- Yes, in my internship.

Toro- Okay, do you have any closing remarks?

Araya- No, just thanks for having me.

Toro- Okay, is there a motion to discuss?

Motion to discuss by Senator Wilson.

Toro- Are there any objections? Okay. At this time I'd like to ask everyone to step out please. Any points of discussion?

Wilson- I think he did a great job. His resume' is pretty well rounded and Mr. Gill knows what he's looking for. The web based design is just a backup.

Saunders- My only reservation was that reading his resume' was that his experience was confined to posters and fliers and if you look at rules and responsibility, it's a wide variety of things. T-shirts are very different than a poster, so that was my only reservation.

Toro- Is there a motion to vote?

Motion to vote by Senator Hughes.

Toro- Are there any objections? Seeing none.

Marc- Yes.

Wilson- Yes.

Carey- Yes.

Hussein- Yes.

Kimble- Yes.

Saunders- No.

Hughes- Yes.

Toro- And I abstain as chair. With a vote of 6 to 1 to 1, this candidate passes. Please? Thank you. We're making good time.

Applause.

Toro- Up next is Kathleen Tran, Graphic and Web Design Coordinator. Mr. Gill, Mr. Saunders, do you have a point or motion?

Motion for a three minute unmoderated caucus by Senator Saunders.

Saunders- To look over the resume and think of any questions.

Toro- Would you like to change that to a two minute recess?

Saunders- Okay, a two minute recess.

Toro- Are there any objections because I know you guys got that late? Okay, we're now in a two minute recess.

Recess

Toro- Hello hello. Alright, we're back at 10:58PM. Here to present Ms. Kathleen Tran is Mr. Ivan Gill.

Gill- Before you we have Ms. Kathleen Tran. A little bit about this position: prime example is last year I had my web designer be the only to create the flag for international festival. We were going to create a web page for student organization. We need to transcribe it to html. And basic updates to the websites like very very simple to do. That's a little bit about the position. Graphics are the main focus. They need to know a little bit about html and css. We felt that Ms. Kathleen was perfect for the position. She comes in recommended.

Toro- Any questions for Mr. Gill? You have two minutes and an optional speech.

Tran- I'm in my third year at USF. I have had experience since elementary school. I took web design classes in high school. Last year I was education chair, so my responsibility was to coordinate educational events, I did things like fliers for my association. I've had experience with Java and html and hp and also in the adobe creative things such as Photoshop. I did after effects and fireworks.

Toro- Thank you Ms. Tran. Are there any questions?

Saunders- What experience do you have with the management system?

Tran- inaudible.

Wilson- What attracted you to this position?

Tran- Recently I just wanted to take up a job that would give me an experience for my career.

Saunders- Do you use hardcode?

Tran- I can hand code also.

Saunders- Do you do html 5 standard?

Tran- I'm learning that now before the school starts.

Wilson- Are you still going to be the web designer for MSA?

Tran- No, I've dropped MSA. I'm on the green team so that's going to be 10 hours of my week at most.

Saunders- What kind of web projects have you worked on from beginning to end?

Tran- I haven't had much free-lance experiences. But for my classes, I created like a shop on a homepage and individual pages for the items and...

Toro- Any last questions? Okay. Mr. Wilson?

Motion to discuss by Senator Wilson.

Toro- Before I entertain that, any further remarks?

Tran- No, that's all. Thank you.

Toro- Okay. So, would you like to reinstate your motion?

Wilson- Yes.

Toro- Alright are there any objections? Okay seeing none. I'd like everyone to step out, please. Okay. Any points of discussion?

Kimble- She doesn't present herself very well, but she's more than qualified I feel and the things she doesn't already know, Mr. Gill said things are very specific, so its kind of unrealistic for people to know everything.

Hussein- I know her from MSA and she had to work for them perfect under all of that, so she's qualified.

Saunders- She seems like a really good graphics designer from her resume', but in web design, its pretty limited.

Wilson- Just as a point, Mr. Gill says it's hard to fill, but you're not going to find a boatload of experience.

Marc- Even though she doesn't have the experience of web design, she looks like she's willing to learn and she didn't come out here all...but I still think she's qualified.

Brown- If I had all of this experience, I would not be working for student government for \$8 per hour and I would own my own business. We want someone that wants to learn on a job.

Kimble- Unfortunately Mr. Gill said the description of the web design person ended up making fliers. It's not all that important, but as the actual responsibility, it's not...

Hughes- My biggest concern for her would be diversity in creating and designing things, but that's what she's worked with. I'm concerned of what her diversity would be in this position.

Toro- At this time is there a motion to vote.

Motion to vote by Senator Hussein.

Toro- Are there any objections? Seeing none. We're now in voting.

Marc- Yes.

Wilson- Yes.

Carey- Yes.

Hussein- Yes.

Kimble- Yes.

Saunders- No.

Hughes- Yes.

Toro- And I abstain as chair. With a vote of 6 to 1 to 1, this candidate passes. Thank you

Applause.

Toro- Congratulations, Ms. Tran.

Gill- Thank you guys.

Toro- Okay, up next we have tons of fun. Midterm election ROPs. Bye marketing. They didn't find this as fun as we do. You have the floor Mr. (inaudible).

Presenter- Just kind of a tweaked diversion of the ROP's we use for interim elections: I don't think I need to run through it.

Kimble- I looked at what was online, I don't have what's memorized. What was changed?

Presenter- Mostly dates. Rules would be looking at moving signatures. So, I took that out. I took out everything that said SGATO in it. Because SGATO ran I had to have a section about meetings on how voting happens. Pretty much all of that is the same. I had a section about evidence which was a concern last year in the general election.

Wilson- So, the evidence part is based on the person who is claiming that there is a grievance.

Presenter- Yes.

Toro- That's in statutes in title 7.

Presenter- If they file without it (inaudible).

Kimble- Did you say that you didn't need signatures to run anymore?

Presenter- Whatever statutes has, immediately trumps ROP's. It doesn't affect anything. If we left it and you changed it, I'd come back to have them approved.

Toro- Any other questions? Okay, I'm going to scroll to the end.

Saunders- What does that mean? That's a very encompassing clause.

Presenter- It's the one below that's in previous ROP's. It's just in case you weren't able to encompass things for the major violation. Any grievances assigned are appealable to the Supreme Court.

Hughes- So, basically if there was something that someone submitted a grievance for, it wasn't specific.

Presenter- Yes.

Toro- So, this is the end of the document? Are there any questions or concerns?

Saunders- I had 3 from earlier. In 3.8. I thought maybe it should have been during voting hours. If it was already there people shouldn't be penalized.

Presenter- It's further clarified in the violations and I guess you can argue that it wouldn't be a voting station until...

Hughes- So, that's stated specifically in the minor violation.

Presenter- Yes the minor violation is chalking within 10 feet of a polling station.

Hughes- So, if I were to bring up a grievance, this is just a follow up, doing what he just said, that would be up to the ERC (inaudible).

Presenter- It's minor. Also, 5.9, say you did it to such an extent, it allows ERC to promote that to a violation.

Saunders- If you chalk at night in front of the Marshall center, it's during voting days.

Presenter- I don't understand. Do you want it to be during voting hours? I disagree. It should be all day.

Marc- So, everyone who's running for a campaign, they would already know where all the polling stations would be, so they would know not to chalk before.

Presenter- It says here, the ERC has to inform...

Wilson- So, does that apply to mobile polling stations as well?

Presenter- Since, I'll be running that, I'll side on the safe side of all places that might be mobile polling stations. And places that we're going to be doing mobile stations, won't have anything to do with chalking.

Saunders- The second one I had, for 4.2, within two business days of the purchase, it should be clarified, excluding weekends. It doesn't specify whether its inclusive or exclusive.

Presenter- I give you Monday to 5 and Tuesday to 5.

Saunders- There was two interpretations. The Friday and the Monday.

Toro- Its...what its saying is two full business days. So you would have from Friday at 5opm to Monday at 5 pm.

Saunders- That is not how it has been interpreted in the past. It was filed against me and I made the argument.

Toro- I think this statute is pretty clear. He's writing it and its clear.

Kimble- Can we emit it by one word. Either inclusive or exclusive of the day of purchase. Whatever one.

Presenter- From my understanding, it is not amendable in committee.

Toro- We can't amend it in committee. We would vote no and it would have to be amended and come back.

Marc- What do we want to add again?

Toro- Mr. Kimble says including the day of purchase. Are there any other questions or concerns?

Saunders- The last one I had was 5.5.; it was just...could you scroll down a tiny bit more? Within a timely manner should be changed to one business day, because in 5.6 it says the candidate gets 24 hours to present a statement and it's a fair standard.

Presenter- Pretty much this is how it was from previous elections.

Toro- I think as long as the candidate is given a minimum of 24 hours, I don't believe that there's a problem.

Saunders- Again from experience, it's kind of a pain when you get grievances filed against you.

Thomas- Point of information: last year we wrote it this way and I was acting as ERC, because while I work here, I am also a full time graduate student. We were thinking this person is a full time student and requiring something in one business day, might not be feasible.

Toro- Is this leaning towards debate, Mr. Saunders?

Saunders- I was going to clarify what it said. They still have that unlimited period.

Toro- Okay.

Marc- I just want to clarify that I understand: So, once they respond, you have 24 hours to respond to their response.

Toro- The ERC reviews the grievance to accept it or not and review it as long as we want. The moment they accept the grievance, they have to inform in a timely manner. Once they inform, they have 24 hours to prepare the defense.

Presenter- What this really comes down to is grievances don't show up until voting days when you're already engaged in being out in the hot sun. A meeting would be 8PM and we have all this time to prepare. We prepare it to add all the evidence to take time and then we deal with the voting. We make sure the process isn't hung up on a time constraint.

Toro- A time constraint on the ERC would be infeasible?

Presenter- It would just be unnecessary and would only add more pressure.

Toro- Okay, is this leaning towards debate? I'll allow it; go ahead.

Saunders- I'm just kind of confused. I thought the ERC would prepare things like that before the grievance was accepted.

Presenter- I think it should be decided whether the grievance is accepted.

Marc- Would you like the candidates to have more time or a time constraint on the ERC?

Saunders- Would it be feasible to increase the time that the candidate has to prepare.

Presenter- These occur during the election days so you would drag out the election if you make it two or five grievance days.

Toro- I'm going to make a final comment and then we're going to move on, most grievances occur during the week of voting. So, in my opinion, it would be unfeasible to have that 24 hour turnaround time on the part of the ERC because they have so many responsibilities during that week. The candidate's focus is all running. We're going to move on from this. Is there any other concern besides this?

Saunders- Um 6.3, you wrote like weird wording. Commissioners of the rules election. All the members?

Presenter- Yes, all the members.

Toro- Any other questions or concerns? Is there a motion to vote?

Kimble.

Toro- Are there any objections? Okay, we're going to vote by roll call.

Marc- Yes.

Wilson- Yes.

Carey- Yes.

Hussein- Yes.

Kimble- No.

Saunders- No.

Hughes- No.

Toro- And I abstain as chair. With a vote of 4 to 3 to 1, these ROP's pass. Okay, so these go to rules and they're going to vote on them.

Saunders- If rules passes them what happens?

Toro- They go back and they process them again.

Presenter- Point of personal privilege: take into account that these must be passed by the beginning of application period, so if you do carry this over to rules, that you are absolutely possible that the changes need to delay them.

Toro- Is this going to lean towards debate.

Wilson- The 24 hour requirement is not like the state requirement.

Toro- Any announcements?

Thomas- Don't want to sound like SGATO is begging, but please sign up for Plunge. Alternates, regular senators, you are all invited. So, please please sign up for Plunge.

Toro- Did everyone receive the email? I'm on the programming council and the agenda for Plunge looks super awesome and we get to bond and I really hope all of you guys are there.

Aziz- Senate Potluck.

Toro- Did everyone get the email for the potluck? I signed up. Ya'll need to sign up.

Wilson- Too many sweets. Make some real food.

Saunders- I would be super happy to sign up to get a briefing of the agenda.

Aziz- Never mind.

Toro- Are there any motions to adjourn?

Hughes- So moved.

Toro- Are there any objections? Seeing none.

Adjournment called by Chairwoman Toro at 11:30AM

Transcribed by Senate Secretary, Theresa Rivera.