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## Judiciary and Ethics Committee Meeting Minutes 9/29/2011

University of South Florida. Student Government Senate

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University of South Florida  
Student Government Fifty-Second Student Senate

FALL SESSION  
September 29<sup>th</sup> 2011

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**Meeting called to order at 2:04PM by Chairwoman Samantha Toro.**

Toro- First order of business is roll call. I am here. Brinkworth?

Brinkworth- Here.

Toro- Hussein?

Hussein- Here.

Toro- Stubbs?

Stubbs- Here.

Toro- Cocco?

Cocco- Hello.

Toro- Belmont?

Belmont- Present.

Toro- Gula?

Gula- Present.

Toro- Patel?

Patel- Present.

Toro- Ortiz is excused. Lovely perfect attendance today. Okay, are there any additions/deletions to the agenda? Is there a motion to approve?

*Motion to approve the orders of the day by Senator Belmont.*

Toro- Are there any objections? We have approval of the minutes. Is there a motion to approve the minutes?

*Motion to approve the minutes by Senator Belmont.*

Toro- Are there any objections? Accepted. Open forum. Any senators wishing to speak? Anyone in the gallery wishing to speak? We have Ms. Rachel Canning. Presenting her is Ivan Gill.

Gill- Before you we have the last person of the department. We're excited to have Ms. Canning. She has a lot of personality that we think is crucial. Coordinating Street Team. She wants to tailor them to build into those leadership experiences. She speaks in front of a crowds which is crucial. Do you guys have any questions regarding the position?

Cocco- How intensive is the position?

Gill- A lot of one on one interaction with students and a lot of emails. It's very personable. Someone that's not shy. Something I like to add is there were 72 applications for this position. So it took a while to go through all of that.

Toro- Any other questions? Alright. You're going to have two minutes and a q and a period and we will discuss and vote.

Canning-I'm really excited to be here. I'm a delta gamma and an alpha phi omega. I like working with people and its al interacting and involvement with street team. I had an internship with Victoria's Secret pink and I got people excited about the brand and it transfers over here to get people involved about student government. I think a lot of people are excited about getting involved and they need to know a little bit about it. I am really excited to get people involved and wanting to work with student government.

Toro- Questions"?

Brinkworth-What's your availability?

Canning- I am done on Mondays Wednesdays and Friday at 12:40. Thursdays I don't have classes. On Tuesdays I have class in the morning and 2 and I am busy but there's a lot of hours to devote to this.

Stubbs- Did you participate in street team?

Canning- I was interested but I didn't want to take more that I couldn't handle.

Brinkworth- You said you have never been in student government? How did this come about?

Canning- I signed up for street team on OASIS and I felt like I would excel in this position. I thought this would be the best for me.

Gula- How transferable are the skills from PINK in Student Government?

Canning- What are you asking?

Gula- How are things learned from pink transferred over to student government?

Caning- It was a street team but it was smaller and my experience with Greek life gives me experience to work on street team.

Gula- You said the team was about 5 people and volunteers. How large a group is you coordinating?

Gill- We have over 300 people registered. We're looking at 25 to 30 individual's flyer.

Brinkworth- On the description it says creating graphics, do you have any experience?

Canning- Just minor things, but nothing extensive.

Hussein- What experience do you have with coordinating?

Canning- I would talk to them and offer to help. We do stuff within PanHellenic and get more involved. Its trying to develop more relations. I tried to get involved in UGC and I tried to reach out and get to know members of the organizations.

Gula- How many events did you do with PINK?

Canning- We would do 3 major events and tabling and events with the athletic center. We would do PINK out and stuff with the rec center. We would theme the workout classes. We would get people to go to the rec center.

Gula- What was the least successful?

Canning- It was our first year and we were the newest members and we would work with nationals. It was establishing connections, so our biggest and hardest thing was trying to get people to email us back and get in touch with them. It was a matter of lining things up and getting people to answer.

Toro- Besides classes, what other commitments do you have?

Canning- I am involved in delta gamma and alpha phi omega. My chapter for DG is at 6 on Sunday and it leaves my entire day open to work on stuff like this.

Cocco- Tell us about your experience in Japan.

Canning- I went to Japan in high school and I went against 400 applicants. We interacted with them and we sent students to Japan and it went both ways. I was their liaison. I took them to schools and to do stuff. I met with the mayor and made speeches. It was a lot of experience with 1 on 1. We built relations and to establish after WWII and to build our connections and with students it's the best way to start. So...

Aziz- Based on your knowledge, where do you see yourself spending the most time?

Canning- Mostly on street team. I feel like without their help it would be hard and we have 300 registered on OASIS so really seeing incentives and retention maybe talking to them about what makes them keep coming back.

Aziz- Can I have a follow up?

Toro- No. I have one question. What is your philosophy to motivating large groups?

Canning- I think if you make that one on one connection, it makes it easier. I think it makes them a lot more excited. Just generically being like hope you show up and even like little paper awards, people like to be recognized and it makes them feel special.

Toro- Alright thank you. Is there a motion to discuss?

*Motion to discuss by Senator Brinkworth.*

Toro- Are there any objections? Seeing none. We are now in discussion. I kindly ask anyone not in JEC to leave the room. Okay, we are now in discussion. Any thoughts? Feeling?

Stubbs- I like her attitude. I'm not sure if she would lack project management skills. She seems very enthusiastic. I have a good vibe.

Brinkworth- On paper I wanted to tear her apart. She has good ideas. I can see how it easily transfers. Out of 72 application, I'm backing her.

Gula- She had an extremely personable presence. She wants people to be appreciated. Knowing what people will come out for, she'd be a great candidate.

*Motion to vote by Senator Brinkworth.*

Toro- Any objections?

Patel- Yes.

Hussein- Yes.

Cocco- Yes.

Belmont- Yes.

Brinkworth- Yes.

Stubbs- Yes.

Gula- Yes.

Toro- And I abstain as chair. With a vote of 7 to 0 to 1, this candidate passes. Congratulations. Alright cool. Who's presenting? Mr. Goff?

Goff- I'll present. Robert started off as a senator and moved up to an associate justice. He is the senior justice and the acting chief justice. He's very involved on campus. He's in ROTC. He is involved in his fraternity writing bylaws.

Then- A little bit about myself. I'm a military brat. I'm set to commission, may or April in the arm. I've been in student government for over 3 years. I was in senate for a year and a half. I pushed for the green fee. After that in the time of Sarah H's impeachment, I got a lot of interest in becoming a justice, so I applied under the Juan Seltera administration. Since then, I have pushed for having a solicitor general. We've been trying to expound upon our role. We want to assist students on campus. I'm currently the senior justice, acting chief justice. We right now don't have a lot to go off of and I want to be citing court opinions and write opinions as they would be written as other courts would write them.

Toro- Questions?

Belmont- I know you wanted to start the parking and transportation expo. How would you do it in the future?

Then- There was something that the exec. Branch could get involved with. We put it in the Marshall Center Ballroom. We actually ended up being thrown into Bull's Market. We changed it to the parking appeals expo and that has been successful going to the students and telling them about parking rules and procedures and having them address their concerns. We were the middle men basically. We got GR and MR permits changed to R permit because we realized that was another issue. We have done a lot.

Cocco- Says here that you helped expand the jurisdiction of the court what is that?

Then- We have a permanent seat that has been changed to the ethics commitment. Hopefully one day we'll have an honor court and maybe justice will serve on that. We have justice in student rights and responsibility. We want them to serve on the university conduct boards. We've been expanding two intramurals. Right now we have talked to organizations to expand on one of the councils on their standards aboard.

Gula- What is your answer for number one?

Then- My thought process is, I have 3 boxes in front of me, then I know the apples and oranges is either going to be apples or organs and once I put that label on, I have to switch the other one to the other box. That make sense?

Gula- No. How do you know what label it is?

Then- Each label will be on a different box. So, whatever fruit comes out is the fruit that the box should be labeled.

Gula- How do you know what the other two boxes are.

Then- That was my thought process. I don't know if that's correct.

Goff- That's the correct answer.

Toro- That makes sense to me.

Then- That made sense in my mind.

Cocco- You're looking to have members sit on the sorority and fraternity board?

Then- A lot of the areas of the campus do not have a fair appeals process. Organizations don't have an appeals process. At any time they could basically put their organization on hold and make them inactive for a semester. But if you think about it, they miss out on funding and recruiting. As far as Greek life goes, there are four councils, each has their own standards process. A member is in trouble and that doesn't relate to student rights and responsibilities. They'd be going before each one of their conducts boards. It's the OFSL's job to go ahead and pick from different people across that council and then the problem is arranging that time with a court and 9 people that meet on a regular basis that have set schedules that are available to me and are very...more set in stone as far as learning how it works and having more of a commitment towards it. It would be a good unbiased procedure. If you're going up before people that have creative eyes, they can remove people.

Belmont- Everyone always asks this, but are you a strict or loose constructionist, go deep with it.

Then- I've always in that sense, it depends on what the situation does, it really does. I can be strict because when it comes down to it, we're going to interpret the law and it clearly states what is right and what is wrong and that's when the court is supposed to come into play and we can go back and think about what is the intent of the law.

Gula- In the Brian Goff, it said that you have to be unbiased, but you would assume that there were no grounds.

Then- When it came down to it, I felt that the court was over stepping its bounds. I thought in that situation that the voting process was that you guys all have a sense of biased. You see each other and work with each other on a regular basis. It was never actually brought up.

Gula- In both Cesar and Brian committee, did you write the opinion for both?

Then- The Brian Goff Committee. That was my thought process.

Gula- In your PAS paper, an opposition to PAS was an outdated prejudice. Could you express why those are your feelings?

Then- That might have been from the research page?

Gula- No, it's in your opinion.

Toro- There's a copy of it somewhere.

Then- I have to think back to when I wrote this.

Gula- The last page. The last sentence on line 4.

Toro- Do you want to get up and show him? It would be a lot easier?

Gula- Yeah, right here.

Then- My thought process is that it was the reasons for outlawing it date back to the 12<sup>th</sup> 13<sup>th</sup> century and it goes back to Canon Law which is if you were to go ahead and do that you would be going to hell. It progressed to staying within the law. My belief is that under certain circumstances the incidences. I do not believe it is inhumane. A lot of courts have established that it is not.

Cocco- What exactly is your reason for the common law system?

Then- Another good thing that has come our way is that you guys went ahead and passed declaratory judgment. It is coming to the actual body of student union which makes the most sense. Nowhere in any case will you find the prosecution writing opinion. As far as creating that common law system. It will come from writing what is precordium decisions and opinion s. We have a lot of intelligent people on the court and we have fantastic memories. We are voting on 50 cases every other week. We can't remember how did we vote? So my decision is precordium opinions. Nit is not signed by many justices. My colleagues can go ahead an have that written records without becoming targets. We have gotten hate emails believe it or not.

Gula- Also, in your resume' you stated you planned to pursue expansion and equal branches of student government. Why do you think that's so?

Then- Over the years, the court didn't meet. They did not meet for months at a time. The powder keg evolved back when I was a senator. It was a tremendous blow to the court. Over the years the attorney general had opinions and other sorts of that nature as far as helping out legally. So , unfortunately the court has been viewed as not equal. We have been building it up and I think that we're getting there. We're on that level playing field.

Toro- Could you give us a brief recap of the common law system.

Then- With declaratory justice, I a opinions from the past, m pushing training this year and opinion writing. If you look at out for It, we have to recite and say this is not in statutes and I kind of lost my train of thought but building upon that system is we are bound and if you look at our past opinions, we don't have decisions to site. I want to keep a complete library of that and make sure justices are looking at it. It does say you are bound to decisions of the court.

Toro- I'll have two more questions.

Cocco- A follows up on Mr. Gula's point. Are you looking to pursue equality through expansion?



Then- Certain areas of the campus are unfair and nonexistent. I want to do what I can to serve the students if that makes sense.

Belmont- What are your views on interactions with the attorney and solicitor general. It's not always going to be Brian Goff who's in mock trial.

Then- The big focus for this year and the next coming year is interactions in the courtroom. That's one half of the training and that's the same interactions you'd find between colleagues. We all are privied to the same information. We're usually privied to the same information.

*Motion to vote by Senator Brinkworth.*

Toro- Any objections? Thank you Mr. Then. I kindly ask that the galley members exit. Any points of discussion?

Gula- I have several problems. To outline them, in his PSA statement, he finds an objection to his opinion. To define prejudiced, it makes it feel like an opposition to his opinion is arbitrary. I had a problem with where he said technically we shouldn't be unbiased. He was the writer of that dissenting opinion.

Toro- Anything else.

Cocco- I wasn't sure how he wants to send court into other parts of the campus. I didn't get a clear answer on expanding the jurisdiction.

Toro- It's not a job requirement, but it's an initiative he would want to take.

Belmont- I thought he was very clear; he said how and what aspects. In regards to his opinion, I think what he meant as far as the Goff case, I was around and I personally agreed with his descending opinion and I thought it was well written for the Goff case. I think what he meant by that is the impeachment committee. It doesn't say they have to be unbiased. That was the case in the first place is that the three members looked at the memo. The problem is it doesn't say biased or unbiased. In senate, you're just around SG and it's hard to be unbiased. I get what he's saying. I don't think he should be discounted for that opinion at all.

Toro- Any other comments?

Gula- I understand what he's saying and at the same time, the fact that you wouldn't be unethical or unbiased, I guess is a strong issue for me. If I could return to the question, people would choose apples and oranges is a wrong answer. That's the way it is in psychology. It's the purpose of a congruence biased test. It's an inability to gain the maximum yield.

Toro- Did his answer not make sense to you?

Gula- You find the 90% exhibit this.

Toro- Okay. Is this regarding the question Mr. Manka. Could you put that in laments terms?

Gula- To restate, congruence biased is when you're making a decision you tend to look at information in a limited way to support what you already believe instead of not getting the most information that you can. You would then select the fruit if it was an apple and the box that says just organs. If you pick C, it is the vast majority of what you're going to pick.

Toro- I'm going to defer to Mr. Goff so you can tell us the correct answer. Do you want to draw on there?

Goff- It's not about what he's said.

Belmont- I think we're looking at the wrong things. He's been in student government for almost 4 years. He's seen the worst of the worst of the court and since he's been on the court, it has been increasingly getting better and I think with his ideas of expansion it would be great. I'm a firm believer of hierarchy. I'm happy of people getting involved and he did it the right way. He moved up the ranks and he deserves it because of his amount of effort.

Toro- Look at his opinions and attitudes of the law. I think we should focus on his interpretations.

Goff- All 3 boxes are incorrect. Go for the apples and oranges box. So, if you go in there you know that this is apples, because only apples can be in here. This is incorrect and can't be apples and this can't be oranges. You pull one out, label that box and flip the two.

Gula- I still would have to disagree, because you don't know that it's not apples and you don't know that its oranges.

Goff- You have these two boxes left and this one's labeled oranges. So, the only remaining boxes would be oranges. This is in the first stage, so this one has to be apples. So, this is gone now; you understand? This is labeled incorrectly, so it can't be oranges.

Gula- It makes sense, but I just disagree with your logic.

Toro- We agree to disagree. Are there any other points of discussion right now.

Gula- He has done a lot in student government and anywhere to logic areas; it was a poorly written legal review. With HD vs. ERC, I feel like it's inappropriate. I don't feel it's appropriate for chief justice.

Toro- Okay. I think I saw hands up earlier. Did I not?

Hassouneh- Hello.

Belmont- I'm going to reiterate that it's the only logical choice for the job. These opinions are very old; that's two years old. He's grown with his legal writing. He could grow further in the job. He wants to write legal opinions; it would be just fine for him to be chief justice. I've experienced a chief justice that was on the court. I'm pro-hiring within the court. Out of everyone in the court, I think that's its only appropriate.

Toro- I'll take a motion to vote.

Cocco.

Toro- Are there any objections?

Patel- Yes.

Hussein- Yes.

Cocco- Yes.

Belmont- Yes.

Brinkworth- Yes.

Stubbs- Yes.

Gula- No.

Toro- With a vote of 7 to 1 to 1, this candidate cases. We have 4 constitutions to review. Who cannot stay for an extra 10 minutes? One two three. I need at least 5.

Hassounah- They don't count towards quorum for class.

Toro- So, we're going to go for an unmoderated caucus.

*Motion for an unmoderated caucus by Senator Belmont.*

Toro- We are now in unmoderated caucus.

### **Unmoderated Caucus**

Toro- Hello, hello, hello. Okay, we're back at 3:13PM. At the current time is there a motion to approve them?

Belmont- Can I motion to approve all four?

Toro- No, they all need to be approved individually. Is there a motion to approve Unspoken Thoughts?

*Motion to approve by Senator Brinkworth.*

Toro-Any objections? Seeing none. Is there a motion to approve Emerging Green Builders?

*Motion to approve by Senator Brinkworth.*

Toro- Any objections? Seeing none. Game Developers at USF.

*Motion to approve by Senator Brinkworth.*

Toro- Are there any objections? Okay. Approved. And is there a motion to approve Down and Dirty Printing Collective?

*Motion to approve by Senator Brinkworth.*

Toro- Are there any objections? Okay, seeing none. All the constitutions are approved. Are there any announcements?

**Announcements**

Toro- No? Is there a motion to adjourn?

*Brinkworth- So moved.*

Toro- Are there any objections?

**Adjournment called by Chairwoman Samantha Toro at 3:15PM.**

*Transcribed by Senate Secretary, Theresa Rivera.*