



**72nd Student Senate
Judiciary Committee
Date: June 23rd, 2020**

Call to Order: 7:06 p.m.

Members Present: Chair Leckie, Vice Chair Chabot, Senator(s) Cusnier, Garcia, Alvarez

Members Tardy: Senator(s) Rossi

Members Left Early: Senator(s) Little

Members Excused Absent: Senator(s) DeJonge

Members Absent: Senator(s)

Guests: President Levin, Senators England, Lavender, Gnamam, Ryan Villacorta,

Announcements:

- Chair - Senator Alvarez has been assigned to our committee.
- Vice Chair - None
- Members - None
- Guests - None

Committee Business:

- **Bill 82** - Sponsored by Senators Lavender and England - Restructuring of Appointed Executive Positions
- **Bill 85** - Sponsored by Senator Leckie (P) and Senators Adamyk, Porter, Murcia, Kilinc, Martin, Little (CO) - to define the powers and duties of the Office of the Student Body Attorney General
- **Discussion of Interviews**

Old Business:

- **Bill 82** - Sponsored by Senators Lavender and England - Restructuring of Appointed Executive Positions
 - Opening Statement
 - England: This is the third bill we had from last week. We made some amendments but tabled due to some concerns about the constitutionality of the Director of Cabinet Affairs position. Senator Lavender and President Levin are here to answer questions.
 - Lavender: The amendments we have are in regard to the Director of Cabinet Affairs position. We want to make sure that everything is in line with the Constitution
 - Technical, Non-Debatable
 - None
 - Senator Alvarez moves to enter Round Table Discussion

- Senator Cusnier seconds
- Round Table
 - Alvarez moves to amend 301.1 to add “and the vehicle through which the Student Body President and Vice President execute their constitutional powers and carry out their administration's programs, projects, and agenda.”, Chabot seconds
 - Sponsors do not find it friendly
 - Opening
 - Alvarez: I bring up this amendment to help give legal backing to the executive branch and to make sure the officers in this office have a constitutional background to work off of. Specifically in regard to the Deputy Chief of Staff and have them help the Vice President. Given that we have executive power split between President, Vice President, and Treasurer, this would give the members in this office more legitimate backing in regard to serving other executive members other than the President.
 - Technical, Nondebatable Questions: None
 - Lavender: Can you go over the changes again?
 - Alvarez: This gives legitimate backing to members of the Executive Office of the President by providing that they are an extension through which Executive members carry out their constitutional duties.
 - Chabot moves to enter roundtable, Little seconds
 - England: Point of information. What is wrong with the current language? It currently says the Executive Office of the President is the admin support system for the executive branch.
 - Alvarez: The current language doesn't go far enough. This protects the Executive Office of the President more to ensure that it is constitutional.
 - Lavender: The thing that is sticking out to me it including the Student Body Vice President. I think that it disrupts the hierarchy.
 - Alvarez: Understanding that the Student Body Vice President does have executive power and this chapter includes the Deputy Chief of Staff, I think it is important to cover this in the chapter.
 - England: Every week we seem to be finding new problems. Last week, we left with the idea that the problem was with the Deputy of Cabinet Affairs. I think that adding this is unnecessarily confusing and doesn't make it clear what the Student Body President is going for here.
 - Lavender: Especially now, there is a demand for students to be involved. We should be creating positions that are accessible to the student body.
 - Garcia: I appreciate the specificity of this amendment. Reading the amended version that Alvarez proposed, it makes it clearer to me, especially since I am newer to this. Making this easier to read will make it easier for students to get involved.
 - England: The biggest problem for us is that the Student Body Vice President is mentioned. There is a reason we did not include them in the original version. It makes it confusing as to who they report to. It already says they support the executive branch. We would

be friendly to adding this if the Student Body Vice President is removed.

- Garcia: Alvarez mentioned earlier that the Student Body Vice President has executive powers. If they are not specifically mentioned, does that change what powers they have?
- Alvarez: Language of the executive branch has the implication of all three, so it would not remove powers.
- Alvarez: Would the sponsors be supportive of me withdrawing this amendment and reintroducing to include all three of exec?
- Lavender: From my understanding, the Chief of Staff reports directly to the Student Body President. We want to keep the hierarchy of reporting to the Student Body President. It is more realistic for them to report in that way
- England: The Chief of Staff reports directly to the Student Body President and is technically the head of the Executive Office of the President since the big three are not technically apart of it. To us, including the other three makes it confusing as to who they report to
- Alvarez: Understanding that the Deputy Chief of Staff serves the Student Body Vice President, it seems disrespectful not to include the Student Body Vice President since they coordinate a lot with the Executive Office of the President. They seem to be an important part of this amendment and should be included in this.
- England: The Student Body Vice President is one of the people who contributed to this bill and ok with this version. Not mentioning them does not take away from their authority. The Executive Office of the President contains the positions that support the Student Body Vice President but the report to the Student Body President. There is no need to mention them in the Executive Office of the President.
- Garcia: In the bill, it doesn't state that the Executive Office of the President reports to the Student Body Vice President. Mentioning them in the bill doesn't change who they report to. I don't see it allowing the Student Body Vice President to supersede the Student Body President.
- England: Student Body President Levin would like to speak and add his thoughts.
- Little moves for a non-senator to speak, Cusnier seconds
- Levin: I agree that it does bring confusion. If you look at section a and b of Chief of Staff it would take away any thought that the Executive Office of the President does not report to the Student Body President. This is strictly a hierarchy message to keep order and direction from Student Body President. I think the way that it is written right now is best to avoid confusion.
- Little moves to call to question, Cusnier seconds
- Closing:
 - Alvarez: This had nothing to do with the function or form of the Executive Office of the President. It is just to cover legal grounds for these members. I wanted to make sure that at the start that we carry forward existing legal language and in the future that they have written aspects

in the first paragraph that allow them to expand the office to serve to both Student Body President and Student Body Vice President.

- Vote
 - Y 4 (Garcia, Rossi, Alvarez, Chabot), N 2 (Cusnier, Little), Abstain 0
 - **Amendment passes**
- England: Earlier Senator lavender asked to make an amendment. It is in regards to the Deputy of Cabinet Affairs 302.3B to change “manage and lead” to “manage”
- Alvarez moves to amend to redact 302.4 “Membership” in its entirety, Cusnier seconds
 - Sponsors do not find it friendly
 - Opening: This deletes 302.4 membership. This section starts with a brief definition and states the Student Body President has appointment powers. This is already listed elsewhere in statutes.
 - Technical, Nondebatable Questions: None
 - Cusnier moves to enter roundtable, Little seconds
 - Lavender: I see no problem with this amendment.
 - England: We actually do find it friendly
 - Cusnier calls to question, Little seconds
 - Closing: If they find it friendly we should be good
 - Vote
 - Y 6 (Cusnier, Garcia, Little, Rossi, Alvarez, Chabot), N 0, Abstain 0
 - **Amendment passes**
- Alvarez moves to amend 301.1 Chief of Staff F, seconded by Rossi
 - Sponsors find it friendly
- Alvarez moves amend 302.1C, 302.2E, add 302.2E1, and redact the entirety of 302.3, Chabot seconds
 - Sponsors do not find it friendly
 - Opening
 - Alvarez: This is two-fold. One, it is grammatical insurance for the Cabinet. Two, I don’t believe that the senate should codify an office that has not previously existed. It should remain an open vessel for future administrations to arrange as they wish. I included a secretary to maintain the sponsors’ wishes for this position however I do not believe it is in the best interest of the is committee to codify a position not previously held. There is another line to publish minutes. I want the Executive to be able to function in the best interest of SGA in the future and the enumerated powers to be upheld in a constitutional manner.
 - Technical, Nondebatable: None
 - Garcia moves to enter roundtable, Little seconds
 - England: Point of personal privilege, can the presiding officer read out the statements of the previous attorney general and acting chief justice in full?
 - Alvarez: Point of Order, there is not current Chief Justice to give the opinion of the Supreme Court

- Leckie: Reads the statements
- Alvarez: Point of Order, there is no chief justice and no notice has been given.
- Levin: This name came from Justice Dana Keller. This opinion came from the person that has been appointed by the former chief justice as the interim chief justice. I recommend that these opinions be read as they come from people actually in law school
- Alvarez: The appointment power is only for specific cases not for interim terms where there have not been justices appointed yet. Even if this is the case, the constitution states that the Chief Justice should be appointed by the president upon a complete vacancy. We should not read this statement and continue with debate.
- Leckie: I will err on the side of caution and not read the statement as they have not been confirmed by Senate yet or forwarded
- England: Regardless of whether or not they are in the position, we should hear the opinion of an actual law student
- Leckie: the statement is available to all committee members, but seeing the question of legitimacy, I will not be reading the statement.
- Alvarez: My amendment prevents the codification of a position that has not been previously held. I want the executive branch to currently utilize the person in the position and have included language for the Student Body President and Student Body Vice President to designate a secretary. This section would take out the current language that makes this a statutorily mandated position. I caution members of the committee to consider the effects of putting this in statutes. The language allows for flexibility in the future.
- Chabot: After conversations with Alvarez I have come to the belief that we should not put this into statutes since no one has previously held the position. We should be cautious with putting positions into statutes. The language proposed still allows someone to serve in the capacity the sponsors want but doesn't codify the position.
- Lavender: I think that this should be put into statutes so that students can see what the position is. We need to be consistent in what the students see.
- England: I am a little confused. I have heard tonight that we should clarify and be transparent. This does exactly that. It is clear to the role of this position and the job. We added the Senate Press Secretary position without a test run, so why is it not the same when it comes to this position and others in the executive branch
- Alvarez: All great points. The offices of press secretary are given and have been used in the past by SGA so it makes sense that it should be in statutes. In terms of transparency for the cabinet, that is already in statutes in the form of a 50-word description of the roles in the executive cabinet so the position is still valid. Press secretaries are a given for transparency but this new position is not equivalent to that. We have the avenues to have these positions without putting it into statutes. If they have questions as

to the transparency of these positions, I urge them to read the amendment and to look at the avenues that this position can be made and held.

- Levin: If there is precedent for someone outside of the president to chair the cabinet, look at the Deputy Chief of Staff. If this is a violation then so have the last 10 years. The two questions of last week were whether this position was constitutional and if this position could manage the cabinet. We were asked to get opinions. We did that and got them from people who are in a legitimate position. Those opinions are in favor of this. There needs to be someone to coordinate the cabinet as we have seen. We see in other groups that people in the group can lead that organization. We were here last week and understood the concern and got opinions and they have no issue. Putting it into statutes creates a standard and is needed.
- Alvarez: I appreciate the president's comments but none are relevant to the amendments. The amendment gets rid of the problems altogether and still allows an avenue for this to be done. In terms of precedent, yes the Chief of Staff has done this before and my amendment permits the executive branch to do the work needed today but leaves it open for the future administration to adapt to what is needed for them. I see little issue from the perspective of the executive branch in the current amendments. We need to keep in mind what might be in the future not just today when we write in positions.
- Chabot: In my opinion, we should hesitate in putting a position into statutes with no person previously holding this position.
- England: Rather than thinking about what will happen in the future, we should focus on what is needed now. If the future administrations want to remove this they can. This amendment makes things less clear and more confusing. We wanted to introduce a position that would take over that responsibility that the Deputy Chief of Staff previously held
- Lavender: Let's step back. My opinion is that when we are talking about transparency, we need consistency in the positions that students can hold. I would encourage all of you to think about the perceptions that students will have on this.
- Cusnier moves to call the question, Chabot seconds
- Closing:
 - Alvarez: This amendment allows the current administrations to do what they want, but keeps it open for future administrations.
- Vote:
 - Y 5 (Cusnier, Garcia, Rossi, Alvarez, Chabot), N 0, Abstain 0
 - **Amendment passes**
- Alvarez: I Like this bill in its current version. Its good that we are clarifying Chief of Staff, Deputy Chief of Staff, and finally codifying Press Secretary. Appreciates the distinction of the Executive Office of the President and Cabinet. As former IA, I like that we are finally able to make these positions more clear. I applaud Senator Lavender and England for their

resilience and taking criticism in a positive way. I will proudly be voting yes on this bill. I was coming from a place of care in these amendments and like this bill

- Senator Chabot moves to call the question
- Senator Alvarez seconds
- Closing: Lavender I know that this has been in committee for a while so I want to thank all of you, especially Chair Leckie
- Vote
 - Y 5(Cusnier, Garcia, Rossi, Alvarez, Chabot), N 0, Abstain 0
- **Bill RESULT**
 - **PASSED**
- **Leckie relinquishes chair to Chabot**
- **Bill 85** - Sponsored by Senator Leckie (P) and Senators Adamyk, Porter, Murcia, Kilinc, Martin, Little (CO) - to define the powers and duties of the Office of the Student Body Attorney General
 - Opening Statement
 - Leckie: I have some amendments that Cusnier will propose and would like to add Alvarez as a cosponsor.
 - Technical, Non-Debatable
 - None
 - Senator Cusnier moves to enter Round Table Discussion
 - Senator Alvarez seconds
 - Round Table
 - Cusnier moves to amend the bill at statute 300.6 F, Leckie seconds, No objections
 - Sponsor finds it friendly
 - Cusnier moves to remove section 300.6 F1A , Leckie seconds
 - Sponsor finds it friendly
 - Cusnier moves to amend 300.7 B, Leckie seconds, no objections
 - Sponsor finds it friendly.
 - Cusnier moves to amend 300.7 I, Leckie seconds, no objections
 - Sponsor finds it friendly
 - Cusnier moves to add Alvarez as a primary, Alvarez seconds
 - Sponsor finds it friendly
 - Senator Cusnier moves to call the question
 - Senator Leckie seconds
 - Closing: Alvarez - As a parliamentarian and now as a senator, I am glad to see this move from the 71st senate to now and we appreciate Cusnier making the amendments viable. I hope the committee members made sure to check and ask enough questions to ensure this is as good of a bill as we think it is.
 - Vote
 - Y 5(Cusnier, Alvarez, Rossi, Leckie, Garcia), N 0, Abstain 0
 - **Bill RESULT**
 - **PASSED**
- **Chabot relinquishes chair back to Leckie**

New Business:

- **Discussion on Interviews and Appointments**
 - List of possible violations
 - Multiple candidates were asked to sing in their interview and felt compelled to do so

- Candidate was forwarded for Arts and Sciences seat
 - Seat was wrongly advertised under Applied Studies during the application period
 - Forwarded a candidate before this mistake was rectified
 - Candidate was confirmed
- Candidate was forwarded for a class council position
 - Application was for a bureau board member
 - Forwarding Letter states that there were at least 4 other applicants for the position
- Candidate was forwarded for one position within a class council
 - Application was for a different position
 - Forwarding Letter states that there were at least 2 other applicants
- Candidate was forwarded for a Secretary position when they originally applied for a different position
 - Was also asked to sing during their interview
- Candidate was called at 10 pm and asked to verify info
 - Was then called again to do an interview without any notification beforehand
- Candidate A applied with Candidate B (at the same time)
 - Originally applied for arts and science seat and didn't get an interview
 - Candidate A applied at the same time as Candidate B and received an interview
 - Candidate B never received an interview after multiple applications
- Candidate never received an interview
 - Was forwarded and then confirmed to a summer senate seat
- Multiple candidates have reported less than one-minute phone calls that constituted their interview
- Candidates were contacted without notice for interviews over the phone
- Summary of discussion: We will not make assumptions. We want to look into what may be happening. We should listen to our constituents and we owe it to them to look into this. We should hold everyone accountable but understand that this may be a mistake.
- What will this process look like: We will have people come in to testify on their experiences and we will ask them if they have evidence. Then we would most likely ask the executive branch to come in to figure out what is happening. Then we will decide on an action, if any, from there.
- Options: 1. Do nothing, 2. Do hearings, 3. Launch an investigation according to Chapter 406
- Alvarez moves to launch an investigation pursuant to chapter 406, Rossi seconds
- Vote to initiate investigative board to examine irregularities of interviews for Summer Senators and Executive Cabinet Officials
 - Alvarez- Yay
 - Chabot- Yay
 - Cusnier- Yay
 - Garcia- Abstain
 - Rossi- Yay

Unfinished Business: None

Committee Legislative Round Table: X

Final Announcements:

Chabot- Please let me know if you have any questions! We are here to make sure you feel confident in your decisions and actions moving forward. We are resources for you and are here if you need us! Love you all!

Garcia- I agree that this is a little overwhelming. We should be diligent and thorough with these hearings. This was a productive meeting in my eyes and I look forward to work with you all

Alvarez- I have 15 pieces of legislation on first. Please let me know if you want to jump on board. Thank you to all members and guests for your patience and resilience tonight with all my announcements. I appreciate your diligence in forming this investigation. I am here for all of you.

Gnanam- AASU Outreach Chair has made a statement asking survivors to come and make comments at the next senate. These will be very sensitive and emotional. If you are unfamiliar with this please reach out to me.

Lavender- Thank you again with these bills!

Date and Time of Next Meeting: X

Adjourned: 9:54 p.m.

Griffin Leckie

Signature of Chair