

IN THE STUDENT SUPREME COURT IN
AND FOR THE FLORIDA STATE
UNIVERSITY

COURTLAND CULVER

Petitioner,

v.

CENTER FOR PARTICIPANT
EDUCATION

Respondent,

*Drake, J., Lagos, J., and Nations, J. deliver
the Opinion for the Court.*

Published March 3, 2020

SYLLABUS

This case comes before the Court on an appeal by Petitioner, Courtland Culver (“Culver”), from a decision of the Center of Participant Education (“CPE”), a bureau of the FSU SGA. Petitioner alleges that CPE improperly rejected his proposals by refusing to provide public notice of the location and time at which the voting would take place, as well as for failing to provide a basis for the rejections.

ISSUES

- I. Did Defendant violate SGA Stat. 203.9 by failing to provide proper notice to the Petitioner?
- II. Did Defendant violate SGA Stat. 203.6 by failing to record proper minutes of the meetings at which the decisions on Culver’s proposals were reached?

HOLDING

- I. Defendant violated SGA Stat. 203.9 by failing to provide proper notice to the Petitioner with specific information as to when the proposals would be discussed.
- II. Defendant violated SGA Stat. 203.6 by providing minutes with no evidence of discussion about the Petitioner’s proposals.

**FACTUAL BACKGROUND AND
PROCEDURAL HISTORY**

On or about December 5, 2019, Culver submitted a proposal to CPE to teach a class. The proposed class was entitled “The Ethics of Capitalism.” On or about January 26, 2020, Culver was notified that his class proposal had been rejected. Culver was not provided a basis for the rejection. On or about January 31, 2020, Culver submitted another proposal to CPE to teach a class. The proposed class was entitled “The Single State Solution is the Only Solution – The Geopolitical Case for Political Zionism.” On or about February 2, 2020, Culver was notified that his class proposal was rejected. No basis was provided for the rejection.

ANALYSIS

I. Failure to Provide Notice

The plaintiffs concede, rightfully so, that CPE is a “bureau” which falls under the Executive Branch of the FSU Student Government Association.

SBS §203.9 states that “Any meeting held without twenty-four (24) hours prior public notice shall be considered in violation of the provisions of this chapter.” The plaintiffs presented an Instagram post which stated, in part, that the CPE board has a standing

meeting on Sundays at 6pm at a local coffee shop. This practice is insufficient.

The CPE website (provided by both parties as evidence) has a section labeled “upcoming meetings”. Under that section it simply states, “more information coming soon”. There is **no mention** of the Instagram post, the standing meeting, nor the location **anywhere** on the website.

Furthermore, *SBS* §203.10 states that “public notice shall consist of an announcement of the meeting time, place, and purpose.” Without any further guidance from the student body statutes, the court must turn to the Florida Statutes guiding public notice for state agencies.

§120.525(2) of the Florida Statutes, the Administrative Procedure Act, states that the public notice must include an agenda, and that agenda “... shall contain the items to be considered in order of presentation. After the agenda has been made available, a change shall be made only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time.”

The CPE board made absolutely no effort to advise the public of what was going to be discussed at each of these standing meetings. This defies the very purpose of why we as a society established a notice requirement. For these reasons the court finds that CPE violated *SBS* §203.9 and *SBS* §203.10.

II. Failure to Properly Record Minutes

Transparency. Transparency should be the goal of every scribe, secretary, or reporter. There are a number of in-house reasons for organizations and agencies to keep record of meeting minutes, but there is only one reason that serves non-affiliated members, and in this case, the FSU Student Body as a public. Transparency is what this Court looks for when reviewing meeting minutes, and transparency is what this Court found to be lacking in Defendant’s argument against a violation of *SBS* § 203.6, which reads:

The minutes of any meeting under this chapter shall be recorded at the time of the meeting and such records shall be open to the public and to Student Government Affiliates. The Student Supreme Court shall have jurisdiction to issue injunctions to enforce the purposes of this chapter upon application by any member of the Student Body.

To begin, this Court must once again address a violation of a *SBS* where the *SBS* itself provides zero boundary to the organizations attempting to abide by it.¹ It is time for FSU SGA’s junior politicians to seek guidance in the rewriting of their statutes that they purport to serve the student body, rather than continuing to use the statutes’ vague and favorable construct as a shield for “governmental discretion”.

Defendant produced documents that lacked any real substance or reasoning as to the denial of Plaintiff’s class proposals.² Plaintiff’s first proposal was listed on Defendant’s documents and was followed by

¹ See *2020-AP-01 SBA v. COGS*.

² This Court is unable to cite to any exhibit numbers as neither party marked the exhibits prior to entering them into evidence.

only one word, “Denied”. Plaintiff’s second proposal was listed on Defendant’s documents and was followed by only one word, “Denied”. An agency’s minutes should at the very least reveal the substance and reasoning behind a denial or approval. Plaintiff learned nothing from these documents and neither did this Court. There was no transparency. The documents presented by Defendant are not minutes. They are words on a page which provide nothing to the public they are intended to service. For these reasons, this Court finds that Defendant has violated *SBS* § 203.6, for failing to record meeting minutes.

III. Remedies

In light of the various violations of the Student Body Statutes by the CPE, this Court finds it necessary to issue penalties in order to prevent this sort of behavior in the future. Therefore, this Court has decided to issue a freeze on funding with a probationary period of three CPE meetings.

SGA Stat. 206.2 grants this Court the authority to assign penalties such as “freezing of funds, with possible suspension/loss of Student Government Association status, permanent loss of existing Student Government funding, removal from office, and/or probation.”

Should the CPE provide proper notice on any future class proposals during the probationary period, as well as provide proper minutes of the three meetings during the probationary period to this Court, this Court would then recommend the Senate lift the freeze of funds.

It should not be taken lightly that this Court only exercised some of the possible penalties it was capable of issuing upon the CPE. There were a number of procedural

violations that the CPE allowed to take place. This Court hopes that this punishment is taken in stride as a reminder that as a bureau of Florida State University, the CPE’s decision-makers are held to a high standard that is to be taken seriously.

CONCLUSION

Notwithstanding the Defendant’s arguments to the contrary, this was not a case that was concluded based on the substantive arguments by both sides. Rather, this was a case in which procedural violations occurred in violation of not only SGA Statutes, but more concerningly the Florida Sunshine laws. This Court has a duty to maintain a fair and transparent atmosphere in which student government business can be conducted. Therefore, the probationary period enacted by this Court sets out to maintain transparency in the way that CPE goes about its business in the future. Should the CPE honor the probationary period imposed, including the requisite adjustments, this Court shall provide the Senate with recommendation that the freeze of funding be lifted.