



**74th Student Senate
Judiciary Committee
[March 8, 2022 | 7:00 pm] | [938 6379 6079]**

Zoom recording:

<https://drive.google.com/file/d/1MAfx0KkPMVRix8gfG7AzKcv69VAMQi6R/view?usp=sharing>

Call to Order: 6:05

Members Present: Chair Myers, Vice Chair Beall, Senator(s) Wang, Little

Members Tardy:

Members Absent: Senator Tucker (Excused)

Guests: Chair DuChene, Senator Murray, Senator Edouard, Matthew Linsky,

Land Acknowledgement

Announcements:

- Chair Myers: Thank You all for being here, we're going to go ahead and do bill 15 first because Chair DuChene has to leave as soon as he can.

Committee Business:

- Bill 14- Wang and Gonzalez (p); Bettley (co)
 - Creating a stipulation that only senators financially certified by the time the Budget is voted on may vote on the bill.
- Bill 15- DuChene (p)- Internal accountability: to close statutory loopholes surrounding how long Student Senators may remain suspended for not being financially certified.
- Bill 17- Murray and Suarez (p)
 - Amending the election code to expand its enforcement period.
- Bill 18- Murray and Suarez (p)
 - To amend the election code to release candidates and political parties from legal responsibility when the Supervisor of Elections approves campaign materials and clothing that are later found to be in violation of the Election Code.
- Bill 19- Murray and Suarez (p)
 - To amend the Election Code to narrow its scope of enforcement to only candidates, political parties, and party members.
- Bill 21- Diaz (P); Pfeuffer-Ferguson, DuChene, Lessard, Drackley (Co)
 - Broadening the language relating to the conditions by which a Student Senator may take a summer leave of absence.
- Impeachment Hearing: Senator Guillamont (Undergraduate Studies Seat 8)

- Impeachment Hearing: Senator Thau (Communication and Information Seat 2)
- Impeachment Hearing: Senator Edouard (Junior Class Council President)

Old Business:

- None

New Business:

- **Bill 15 - Sponsored by Chair DuChene (P) Barker, Beall, Bettley, Bowling, Diaz, Fronczak, Gonzalez, Lessard, Little, Myers, Nemeth, Pfeuffer-Ferguson, Rider, Rivers, Roy, Russell, Stewart, Soares, Suarez, Tsouroukdissian, Tucker, Wang, Weintraub (Co)**
 - Opening Statement:
 - Chair DuChene: This essentially closes a loophole discovered in rules. There was a certain senator we were going to suspend but we realized we couldn't refer them to impeachment because they had failed to be financially certified. This bill clarifies that they can get absences even though they haven't been financially certified and can be referred to impeachment. Yielded 1:45
 - Technical Non-Debatable Questions:
 - None
 - **Wang moves to enter round-table discussion; Little seconds**
 - Round-Table Discussion:
 - Senator Little: I think this bill is a great idea, I will be voting yes
 - Senator Wang: I'm going to echo the same sentiment. In my time as pro tempore, there were many senators who were in the same situation who were not financially certified and this bill rectifies that.
 - **Wang moves to call the question; Little seconds**
 - Closing Statement:
 - Waived
 - Vote:
 - Yes: [3] [Senator(s) Beall, Wang, Little]
 - No: 0
 - Abstain: 0
 - **RESULT: BILL #15 DOES PASS**
- **Bill 14 - Wang and Gonzalez (P); Bettley (Co)**
 - Opening Statement:
 - Senator Wang: So this is something that I thought of when we were confirming people during the 73rd senate. This just inumerates that you have to be financially certified by the time you're voting on the budget bill. It creates a stipulation that the senators who are being confirmed a week before or similar have to be financially certified before they can officially vote. Yielded 1:23
 - Technical Non-Debatable Questions:
 - Senator Murray: Is the budget bill passed before the fall inauguration?
 - Senator Wang: yes

- Senator Wang: Point of information for the sponsor, why are we even saying this doesn't preclude the reporting violations later enumerated in 711 if we were already moving back that date to the start of the semester/
 - Senator Murray: It's my understanding that the part that's struck through. that it doesn't make much sense for it to be in there in that case. I don't want to take it out if Someone puts that in there intentionally, I don't know if it's the most important thing to have that part in there. I mean I'm not sure.
 - Senator wang: gabby do you think we should strike that clause is 700.B
 - Senator Little: All I think it does is protect the part of the area of the spring semester where after the spring election is certified like someone over zealous started campaigning or the fall. I don't know if it makes more sense to take it out or leave it in, it seems a little bit redundant but it could give clarity.
 - Senator Wang: It still doesn't make up for the time in between the spring and fall semester
 - Senator Little: I don't see it in that section.
 - Senator Little: I feel like keeping The preceding statement for good measure cause Spencer is still the SOE until summer, so if that some person wants to campaign tomorrow, someone could potentially file a violation.
 - **Wang moves to call the question; VC Beall seconds**
 - Closing Statement:
 - Senator Murray: Waived
 - Vote:
 - Yes: [3] [Senator(s) Beall, Wang, Little]
 - No: 0
 - Abstain: 0
 - **RESULT: BILL #17 DOES PASS**
- **Bill 18 - Sponsored by Senator(s) Murray and Suarez (P)**
 - Opening Statement:
 - Senator Murray: Thank you, I think this is pretty straight forward. Basically if someone has campaign materials and they submit it to the SOE and they get it approved and then someone files an appeal and it goes above the SOE then if it is against violations, then it precludes anyone from being in violation because it got approved by the SOE. Basically if the SOE says yes, then if you get in trouble it's not their fault. Yielded 2:08
 - Technical Non-Debatable Questions:
 - Senator Wang: Say your campaign materials are approved, are you still bound to the election code
 - Senator Murray: yes
 - **Wang moves to enter round-table discussion; Little seconds**
 - Round-Table Discussion:
 - Senator Little; Ok I do not like this bill, I think it removes the notion of taking responsibility for knowing statues. If you are running for a political office in SGA, it's your job to know the statues. We have seen that regardless of the SOE, you need to know. The SOE is a human being that

may not know the statues. Things may slip by that's against statues. I don't think that getting a stamp of approval by the SOE is an excuse.

- Senator Wang: I completely agree, having this as a free pass is not good. I'm going to be voting no.

- **Wang moves to call the question; Little seconds**

- Closing Statement:

- Senator Murray: I definitely agree with everyone, my only thing is that since people in parties are working to better themselves, there may be disagreement. We may have had just 16-17 violations, and everyone has their own opinion and can be argued. It's my understanding that when an SOE is approving it, they should probably know statues better than the campaign managers id argue. I'm trying to think, so it's not saying they're not taking repsobitly, they're just not being fined. Waived

- Vote:

- Yes: 0
- No: [2] [Senator(s) Wang, Little]
- Abstain: [1] [Vice Chair Beall]

- **RESULT: BILL #18 DOES NOT PASS**

- **Bill 19 - Sponsored by Senator(s) Murray and Suarez (P)**

- Opening Statement:

- Senator Murray: Alright so, this is my last senate bill ever, this is basically where the only people who should know about election code will be held responsible and can be punished by election code. Students who know nothing about it should not be held responsible and not be bound by election code. For example if someone is not affiliated and is just annoyed by people on landis and decides to take campaign materials, they would be bound by student conduct, not the elections commission.... Yielded 1:46

- Technical Non-Debatable Questions:

- none

- **Wang moves to enter round-table discussion; Little seconds**

- Round-Table Discussion:

- Senator Wang: For 711.A on how it's currently written, I understand the attempt of the bill, but I don't think it reaches it because it says that all candidates rather than only candidates because saying all candidates doesn't say that other students aren't bound to the election code. Point of information to the sponsor, would you be friendly to an amendment.
- Senator Murray: Yes I would, I just want to make sure the message is there of what kind of people/candidates are bound by this code
- Senator Little; Where my issue is coming from is that political parties shall be held responsible and prosecuted for election code violations by the parties active paying members. Are active paying members for a party public record? To my understanding, they are not. Sometimes you don't even know what person you're filing a violation against? If there is no way to tell what person is an active paying member. It doesn't make sense to put a burden on someone who is trying to follow election code. I don't know if I have an issue with that part.

- Senator Wang: I don't know I like the intent of this bill, but you're right in the fact that we have no idea who qualifies as an active paying member. MAYbe that's something we need to change.
- Senator Little: I have another question. Was 711.4b intentional? It implies that when every candidate behind a certain party does something, they represent that party and it's on that party and their fault.
- Senator Murray: Let's say I ran with the communist party with FSU and I committed a violation then the party would be notified. But if I was running independently then I would be notified.
- Senator Little: The SOE has the capability of reaching out to a specific student. I don't know if it's just me but I would want to know if a violation was being made against me.
- **Senator Little moves to amend; Senator Wang Seconds**
 - 711.1(A): Strike "All", add "Only"
 - Sponsor finds it friendly
- Senator Little: I saw the sponsor's hesitation, so I guess to the sponsor, so if it's the party affiliated candidate, you also want the party notified. Maybe we should add an and/or
- Senator Murray: I was originally going to say no, but I totally understand and I want to find a solution.
- Senator Wang; I like and/or but i don't know if there's a precedent in our statues that says and/or
- Senator Little: I'm worried about that too, but I think that and/or is vague enough. I'm down to do a b.1
- Parliamentarian Rowan: here are 66 mentions of and/or in our statutes
- Senator Little: I'm slightly concerned that it is just interesting and/or doesn't say specifically when you should contact more than one of those parties, so maybe the qualifying statement underneath would bring more clarity. I would love everyone's thoughts.
- **Senator Little moves to amend; Senator Wang seconds**
 - 711.4(B): Add "party-affiliated candidate," after the stricken out "individual candidate"
 - Sponsor finds it friendly
- **Senator Wang moves to amend; Vice Chair Beall seconds**
 - Add 711.4(B).1: "Should a violation be filed against a party-affiliated candidate, both the candidate and the party shall be notified."
 - Sponsor finds it friendly
- Senator Little: This is back to the dues paying member thing because i agree that if we are agreeing that regular students shouldnt be prosecuted under the code, but i don't think we know whos a dues paying member unless it becomes a part of their registration process to keep a list but that doesn't even make sense. So, I just feel like this creates a big obstacle to filing violations and maybe discourages someone from speaking up because they don't know if the person is affiliated etc. I want to strike it but I'm not sure.
- Senator Wang: Which part do you want to strike?

- Senator Little: I was gonna say we should maybe, but maybe not. I don't know
- Senator Wang: Is there a way to keep a running list of members on nole central
- Senator Little: I don't know but I am aware of the feature on nole central.
- Senator Wang: yes i agree, so that means were striking
- Senator Little: I don't know how to fix this, the problem with putting this qualifying statement is like if you bring a violation against someone and you can't prove if they are a paying member, then what your violation gets thrown out? I don't know i feel like this could cause a big problem
- Senator Wang: Yes I agree, so if we were striking this were striking all of what's added to 711.1 A1 or?
- Senator Little: Im looking at that because if we take all of it out, then it just says tat candidates and political parties can be filed against, but there are people who are like party executives that are named in that subsection that could be held responsible but are not mentioned in A, because it doesn't mention who specifically
- Senator Wang: I don't know how to fix this. This is a really big issue. I'm not going to lie. Is there a way to fix this?
- Senator Murray: If someone wants to ask my opinion
- Senator Wang: Point of INformation to the sponsor, how do you want to fix this
- Senator Murray: So going into this i felt very comfortable putting that, Im looking at who paid dues to one party and who paid dues to another one, a collusion could be the SOe could request that information at any point of time
- Senator Wang: I'm having trouble with this specific clause and I will be voting no
- Senator Little: Im backtracking right now and this whole dues paying member thing is too complicated and could open the door to problems regarding election code violations. I dont know Im in a tailspin and the more that I think about this the more I think of the consequences. I also think I'm going to vote no.
- Vice Chair Beall: I agree with the sentiments of my fellow senators. It's too complicated and I'll also sadly be voting no.
- **Senator Wang moves to call the question; Little seconds**
- Closing Statement:
 - Senator Murray: Thank you to everyone's comments, I think this sets something up for something bigger in the future, hopefully something happens, and I want to publicly say to Senator Suarez, thank you so much for being committed, motivated, and being so helpful. Hopefully something happens in the future. Waived time
- Vote:
 - Yes: 0
 - No: [3] [Senator(s) Beall, Wang, Little]
 - Abstain: 0
- **RESULT: BILL #19 DOES NOT PASS**

- **Bill 21- Diaz (P); Pfeuffer-Ferguson, DuChene, Lessard, Drackley (Co)**
 - Opening Statement:
 - Senator Diaz: Hi Judiciary I thought this bill was just going to rule. I apologize. It's a simple bill that would broaden the language regarding taking a leave of absence during summer.
 - Technical Non-Debatable Questions:
 - None
 - **Little moves to enter round-table discussion; Wang seconds**
 - Round-Table Discussion:
 - Senator Little: I think this is something that already happens but I do agree, It just clarifies language
 - Senator Wang: this is a simple bill, I move to call to question
 - **Wang moves to call the question; Little seconds**
 - Closing Statement:
 - Waived
 - Vote:
 - Yes: [3] [Senator(s) Wang, Little, Beall]
 - No: 0
 - Abstain: 0
 - **RESULT: BILL #21 DOES PASS**

- **Impeachment Hearing: Senator Guillamont (Undergraduate Studies Seat 8)**
 - Total of 9 absences since 12/01/2021
 - Opening Statement:
 -
 - Questioning
 -
 - _____ moves to enter round-table discussion; _____ seconds
 - Closing
 -
 - Round-Table Discussion
 -
 - ___ moves to call the question; ___ seconds
 - Vote: Yes to approve the charge of impeachment: No to not
 - Yes: [(vote count)] [voter names]
 - No: [(vote count)] [voter names]
 - Abstain: [(vote count)] [voter names]
 - **RESULT: TABLED**

- **Impeachment Hearing: Senator Thau (Communication and Information Seat 2)**
 - Total of 10 absences since 12/01/2021
 - Opening Statement:
 -
 - Questioning
 -
 - _____ moves to enter round-table discussion; _____ seconds
 - Closing

- - Round-Table Discussion
 -
 - moves to call the question; seconds
 - Vote: Yes to approve the charge of impeachment: No to not
 - Yes: [(vote count)] [voter names]
 - No: [(vote count)] [voter names]
 - Abstain: [(vote count)] [voter names]
 - **RESULT: TABLED**
- **Impeachment Hearing: Senator Edouard (Junior Class Council President)**
 - **Matthew Linsky “on behalf of Ms. Edouard”**
 - Opening Statement: 3:00 minutes
 - Senator Edouard's opening: Chair Myers, members of the committee, I am a senator and the A member of the Junior class council which I take very seriously. It is such that I'm here tonight without most sincerity in my defense against the charges I've brought before the Judiciary Committee. It is true that relationships on the class council have been strained and the charges are indicative of the strain. Yet I want to use my opening statement as the proportion of these charges to highlight the total lack of evidence that has been provided to myself, my counsel and the committee itself which rids the charges brought by my accuser. I received the notice of these charges on Monday, February 21 that a charge of impeachment was brought against me and it came as a shock to me as there was no investigation therefore no finding of wrongdoing. find investigation board by the judiciary committee or any other body of our student government after receiving after receiving notices of these charges I ask for our former senator Linsky to take a look at my case and he agreed to represent me then on Friday, February 15 February 25 Mr. Linsky then requested any and all evidence from Chair Myers regarding the charges filed against me. With this in mind I want you to remember that the burden of proof in this case and that this burden is my accuser and other word it is not my job to prove my innocence but rather the substance of his charges through the presentation of evidence and though it is not my job to prove my innocence. I did not commit any impeachable offenses as alleged by my accuser and I ask you to pay close attention to the manner in which he continues to make his accusations against me and ask yourself where is the evidence. At this time I would like to introduce my counsel Mr. Matthew Linsk
 - Counsel Linsky's opening: Nonfeasance and malfeasance have very specific definitions. It isn't is the lack of a statutory obligation and that really isn't pinpointed by any of these charges that there is no conclusory in nature saying that Ms. Eduard undermined somebody that he didn't like the things that she did as a leader and you know that's inevitable and situations arise where you have passionate people who are coming together for the greater good. However I couldn't find a single impeachable offense in the charging document as alleged by Mr. Rivers which is why I requested to see any evidence. Also I thought it would just

be good to know I am discovering what he is talking about that I'm not really....

o Questioning

- Senator Little: POI for the chair, where can I find the evidence
- Senator Little: Matthew would you like to go ahead and finish what you were going to say
- Matthew linsky: Yes please, let's just do this one by one. we have a charge number one which is nonfeasance and I in support of any such charge Mr. Rivers says that section 302.6 D1 describes specific duties for Miss Eduard to carry out and indeed it does do so therefore they're very short. However in the subsection of this charge, first off he said that Miss Eduard undermined the junior class council including three conclusory language such as she neglected the power hence that's not really malfeasance. It also uses language such as she neglected to follow through on plans for events, preventing the council from doing their job. These are circular in nature and there are accusations without substance, and without evidence. The second part is that she's in danger of the collaborative nature of the junior class council by refusing to respond to the messages or listen to the opinions of its members. I am not really saying anything to that end evidence wise either it just seems to be a general accusation of malfeasance. Malfeasance is when it comes to the triad misfeasance malfeasance requires specific intent to do wrong in and knowledge it's gross. I don't fully understand how when the council declines to host a specific event and she is unhappy about it and said some things that maybe aren't the most comfortable that that's malfeasance in an impeachable offense. It's not to say that this doesn't indicate tension between members of this committee. I don't know if that's really a verbal attack insinuating that members of the council should not become friends? Where is this evidence of an insinuation of any kind? Is it credible? We don't know it's just conclusory words on a piece of paper and then finally it says that their attacks which I suppose that the accuser Mr. rivers saying or a repeated substantiallyEssentially asserting like a hostile work environment type of charge without any of the elements that require a finding of hostile work environment insuln substance this charging document is indicative of a lot of strife a lot of tension a lot of dysfunction within the junior class council and as the presidents of the junior class council sure Miss Eduard has responsibility in those relationships however it's a two-way street here. It's a multilateral avenue of opportunity and discussion and to see this go to essentially asserting like a hostile work environment type of charge without any of the elements that require a finding of hostile work environment insinuates substance this charging document is indicative of a lot of strife a lot of tension a lot of dysfunction within the junior class council. Sure, Miss Eduard has responsibility in those relationships however it's a two-way street here, it's a multilateral avenue of opportunity and discussion and to see this go Directly to impeachment without an attempt to mediate or even to investigate into this and do some sort of fact-finding mission to me, that's what smelled wrong that's why I decided to take this case. It's not the

senate that I remembered that I strive to be a part of it is why I'm here to defend Miss Edwards

- Senator Little: what in your mind would constitute proof as nonfeasance
- Matthew Linsky: I'm not even sure if the charge itself can be considered nonfeasance. I don't think that the things that Mr. Rivers alleges in the subsection for nonfeasance. It actually is tantamount to that. Now let's say there was a portion of that student body statue that said specifically there was one thing that other students assume the president of the junior class council had to do as a part of their duties, something specific, not vague, not general but an actual item. And then a complete and total lack of follow through an attempt to do that, that would be nonfeasance. In a place where there are bystander intervention laws that see if you see something you have to go and you have to help and if you don't do that whether by choice or otherwise that's nonfeasance. That is the most precise definition I can muster.
- Senator little: I understand what nonfeasance is. You're saying there's no proof, what is missing here?
- Matthew Linsky: All the walls we have right now are allegations on paper. We don't have testimony backing this up, we don't have credible witnesses who are the accuser backing this up, we don't have an explanation of what undermined actually means in terms of concrete actions and steps taken by any singular party. In order for this to be a charge that carries weight to me from the very beginning and again there has to be a specific statutory duty that has been neglected. That's number one, and without that there is no nonfeasance that can really be heard because there hasn't been a violation of any statutory duties.
- Senator Wang: Yea so evidence aside, i'm reading the statute for the president of senior class duties, it says that Shall act as a spokesperson of the Florida State University junior class given that do you believe that acting as a representative in the official capacity as junior class council president for any other Ben other than junior class counseling vans does that count as acting as a spokesperson for a junior class I'm not sure if I everthey .
- Matthew Linsky: I don't understand the question.
- Senator Wang: I'm looking at the The first charge it says that Miss Eduard was not present for an event that she promised to go to as she was going to represent the council with that in your mind constitute as nonfeasance due to the fact person no it wouldn't evidence. These would be the spokesperson.
- Matthew Linsky: no it wouldn't. Even if this is true everything that he's saying is that if Miss Edwards said "hey we have this event I'll try to be there, I think I'm gonna be able to be there" and then wasn't able to make it it depends on the reason why she could not make it. As it was a question of access to health, whatever that was and even if there isn't that much of a good excuse I still don't look at it as nonfeasance. Yeah, is it the best look in the world? No. Is that something that we should reprimand? yes. Is impeachment the reprimand that is fitting of that? I

don't think so at all and that's even in the world where there is evidence to back every single alligator up.

- Vice Chair Beall: Did these accusations brought by the accuser just not happen or were they taken out of context?
- Miss Eduard: So for the first charge of impeachment, where it stated that I undermined the council by scheduling events and then neglecting it that, it was on October 31 and as we all know like it it's an extremely busy day and I didn't have a car and no transportation in order to make it to the event. There were other council members that were supposed to be there with me as well and unfortunately they weren't able to make it because they have their own plans for that evening. So there were no lyfts or Ubers or means of transportation for me to get there and I communicated with the senior class president throughout the evening about how I was trying to get transportation and I was trying to get Uber's however they were not available at all. The other charges that are put against me for example there's a place where apparently class members and I argued in a meeting and those are all false. There has never been a time where I referred to anyone as racist on the council or offended anyone. I take respect so seriously and I put that in all of my leadership positions and for him to say that, I really do believe that it is an attack on my character but my leadership as well and as a black woman leader as well..
- **Little moves to enter round-table discussion; Wang seconds**
- Closing: 2:00 minutes
 - Matthew Linsky: Impeachments are the highest bar we can do in student government. In order for this to happen there needs to be 2 clear violations of the ethics code. When it comes to impeachment it really is up to the Senate. There is obviously tension between certain members of the Junior class council and to be frank i don't know the extent of it. I just think that this is the wrong way to deal with it and to that end, looking at the charges that have been Levied, there is just no evidence, there is insufficient evidence for a finding of culpability on any of the charges or the sub allegations. Even assuming the best case scenario for the accuser, it doesn't even rise to the level of impeachment from the outset. That in mind, I don't think that the committee has any rational option other than to find Miss Edwards not responsible, not liable, not culpable for violations of any of the allegations made by Mr. Rivers.
- Round-Table Discussion
 - Senator Little: I'm having a hard time with this one because there is no evidence that anything that said happened actually happened. I feel like if we forward the impeachment of this person it sets a bad precedent. I will be voting no.
 - Senator Wang: Yes I'm going to have to agree, I don't see any actual evidence and a ton of accusations. I agree with the previous senator and it opens the door for legal actions if we were to follow through with this.
 - Vice Chair Beall: I agree with the statements made by the previous Senators, there is no tangible evidence.
- **Little moves to call the question; VC Beall seconds**
- Vote: Yes to approve the charge of impeachment; No to not

- Yes: 0
- No: [3] [Senator(s) Wang, Little, Beall]
- Abstain: 0
- **RESULT: Senator Edouard is not forwarded to Senate for impeachment**

Unfinished Business:

- Impeachment Hearing: Senator Guillamont (Undergraduate Studies Seat 8)
- Impeachment Hearing: Senator Thau (Communication and Information Seat 2)

Closing Announcements:

- Chair Myers: I am so sorry about all the formatting errors and time errors, that will definitely not happen again. I thank you all for being here and bearing with me and I promise we will hear those two senator's impeachment hearings at our next meeting.

Next Meeting: Tuesday, 3/22/22 at 7:00 via zoom. <https://fsu.zoom.us/j/93863796079>

Adjourned: 7:43pm

Camila Myers

Signature of Chair