



**72<sup>nd</sup> Student Senate  
Investigative Board  
Date: 7/2/2020**

**Call to Order:** 5:05 p.m.

**Members Present:** Senator(s) Alvarez, Chabot, Cusnier, DeJonge, Leckie, Little

**Members Tardy:** Senator(s) Rossi

**Members Excused Absent:** Senator(s) Garcia

**Members Absent:** Senator(s)

**Guests:** Patrick Martin, Jaylen Darling, Senator Waters, Lavender, Sam, President Daraldik

**Chair Elections**

- **Leckie moves to enter nominations.**
- **Little seconds.**
- **Leckie nominates Chabot.**
- **DeJonge seconds.**
- **Chabot accepts.**

**Vice Chair**

- **Alvarez moves to open the floor.**
- **Leckie seconds**
- **Leckie nominates Little.**
- **DeJonge seconds.**
- **Little accepts.**

**Alvarez moves to adopt the Rules of procedure.**

**DeJonge seconds.**

**Announcements:**

- Chair - X
- Vice Chair - X
- Members - X
- Guests -
  - Martin: I'm glad this is happening. Are members allowed to comment during deliberations?
  - Chabot: Rules dictate that only senators can speak at that time. A senator may motion for non-committee member to speak, though.
  - Martin: I'm here in an official capacity. I'm here to commend this board and its investigation, they are the backbone of our school's process. I'm happy to see this being taken up by a body who has significant power.

The meetings from now on should be recorded, and the qualtrics form is a promising sign. I also want to advocate that the minutes should be shared with Torchlight and the student body, so that everything is recorded accurately. I'm looking forward to the results of this investigation.

- **Leckie moves to re-enter deliberations.**
- **Alvarez seconds.**

#### **Committee Business:**

- **Chair and Vice Chair Elections**
- **Adopt Rules of Procedure**
- **Discuss next steps and norms moving forward**

**Hearings: None**

#### **Deliberations:**

- Senator Alvarez moves to enter Deliberations
- Senator Leckie seconds
- Deliberations:
  - Chair Chabot: We need to decide who to call in to testify, if any of us will testify, and how to gather testimony/evidence
  - Alvarez: 1) When we begin collecting evidence/witnesses, I volunteer my personal experience/evidence, 2) I do not believe we should not be collecting evidence at this meeting due to lack of notice to the public.
  - Leckie: There was a qualtrics form made where people can submit evidence to the board.
  - Chair Chabot: I will pull that up now. (form is published to the board via screen share) If any guests present want to testify, please fill this out beforehand so we can proceed orderly and timely. If you want to submit a sample response, you can do that by just not filling the whole thing out. This form explains the board, our goals, and the way people can submit evidence. We'll use this to create a list of those who want to testify. Once I get submissions, I'll send them to you guys.
  - Alvarez: **Motion to enter public comment** based on SGA Sunshine Law in case of announcement
  - **Leckie seconds the motion**

#### **Deliberations (re-entered):**

- Chabot: The qualtrics form will compile a list of witnesses, who are also given the option not to testify. We hope to make the form public in the next week so we can begin hearings. I currently have some people who are willing to testify, I will contact them this week to bring them in
- **Alvarez: Point of inquiry-** Is a roundtable format or Roberts' Rules format used for this?
- Chabot: Roundtable.
- Alvarez: So we can speak freely and also make motions/points?
- Chabot: Yes.
- Cusnier: Thank you Chair Chabot for making the qualtrics, how will it be advertised?
- Chabot: I will send an email out to important SGA and admin heads and it will also be published on the SGA website.

- Alvarez: It was eluded to that a member of the committee has had private conversations with witnesses and compiled a list of them. Have the people on that list been contacted and given the link to the form?
- Chabot: We're waiting for it to be published on the website.
- Alvarez: Are we going to contact those people once it goes public?
- Chabot: Yes.
- Dejonge: Are we leaving the advertisement of the form to SGA, or should we reach out to people individually?
- Chabot: If people come to you and want to testify, you can direct them to the qualtrics. If they don't feel comfortable coming forward themselves, they can have a senator speak on their behalf at the meeting.
- Leckie: Are we ok with having people come forward with evidence without sharing their name? We want the investigation to be as credible as possible.
- Chabot: I want to hear opinions from the group.
- Alvarez: If we want to be credible, we need to have all the available information. If we don't have the entire story available to us, we can't consider it. In real government they have means to deal with things like this, but because we are a student government I would encourage that we only accept evidence from sources that are willing to be transparent to the public. With an exception to the redaction of personal contact information in publications, of course. As a matter of legitimacy, we shouldn't accept evidence not in its original form or cannot be heard by the board to the fullest extent.
- Dejonge: I agree. I don't know why anyone would falsify evidence, but it would be harder to do so if they gave us their information. However, because of mental health reasons, a senator should be able to present the information on behalf of an individual, given that they already provided us with their personal contact.
- Leckie: What part of rules allow us to have evidence considered without the person testifying themselves?
- Chabot: Our rules say that any board member may submit evidence on behalf of individuals. Any more questions?
- Alvarez: During hearings and testimony, does the board have authority to request non-SGA officers to take an oath? Will we use this power if we do have it? Some officers in official capacity can't give false info, but there is nothing governing members of the public. We might have the capability to do so, if we request some form of affirmation of truthfulness, for the sake of the record and an additional layer of effectiveness.
- Leckie: I think that's something we should do, but whether or not we can actually bind people to the truth is the real question. We should give some kind of oath, legally binding or not. But if we want to make it legally binding, we have to change statutes.
- Alvarez: We can say that if non-SGA officers testify, we ask them to give an "affirmation" of truthfulness for ease of mind of the board- not a legal standard. This doesn't dive into the legal quadrant if we don't have that power, and makes it clear that it is unofficial, but at least gives an extra piece of legitimacy to the investigation. Then we can cite specific officers and members of the public. Making that clear in rules and procedure would be effective
- Cusnier: I drafted something we could ask the public, it's in the chat.
  - "Do you promise to tell the truth, the whole truth, and nothing but the truth when speaking to this investigation board?"
- Leckie: I think it's good, just specify that it is non-legally binding.

- Alvarez: Rather than “promise” it should be “do you believe...”, because “promise” seems more intimidating and legally binding. Saying “do you believe you are being truthful” will be less intimidating and not make people feel they would be committing perjury.
- Dejonge: Because it’s all unofficial, then what’s the point of the oath? We already have to consider all the evidence unless it’s objected to. So if the “oath” isn’t legally binding, I wonder what the point is.
- Leckie: The oath is important, but this isn’t the best thing to spend time debating. I actually have an amendment to the rules. **Motion to amend committee rules and procedure.**
  - “3.2 Any Board Member or group testifying who wishes to submit evidence for consideration during a meeting of the Board must do so by (1) sending it to the Chair of the Board through an email, or (2) using the Qualtrics form provided by the Chair, but must testify in order for the evidence to be admitted for consideration.”
- **Alvarez seconds, amendment is adopted.**
- Cusnier: Point of personal privilege- If everyone is in an agreement, I think we can move on to the next step outside of this call, in the groupme chat.
- Chabot: still in deliberations
- Leckie: If we get some qualtrics responses in the next few days, at what point are we cutting off who comes to next week’s meeting? What’s the last day someone can apply to be considered at the next Thursday meeting?
- Chabot: I want to open that up to the board
- **Alvarez: motion to amend the committee rules and procedures**
  - “2.2 a. Before an Officer of the Student Government is yielded time for their opening before the Board for a hearing, the Chair shall ask the officer, “Are you aware of and affirm your following of Student Body Statute 205.3 (E), titled “Fraud in the Student Government Association”?”
- **Leckie seconds, amendment is adopted**
- Dejonge: Are we thinking about having a set time for these meetings? A specific start and end time might help us figure out what we can handle per meeting.
- Leckie: Maybe 5 until 7:30 at the latest, so we don’t tire ourselves out. That seems reasonable.
- Dejonge: Sounds like a good starting point, we can always change it depending on how meetings go.
- Cusnier: Assuming each speaker takes about 20 min, should we cut it off to 5 people testifying per meeting? That way everyone has equal time to speak.
- Alvarez: 1) to Dejonge: Precedent has been that a meeting goes as long as our room is reserved. Virtually, that’s difficult to determine. I think if we want to establish a definite end time, it’ll depend on when we start the meetings and how much business we have. 2) to Cusnier: I think we can look at how IA does large numbers of forwarding letters for candidates. We have rules for all parts of that procedure in writing. We should hear as many people as we can per meeting, giving all of them as much time as they need. We shouldn’t put a hard limit on the number of witnesses testifying per meeting, but we should inform people that they may be tabled until the next meeting due to time limits. Putting a numerical limit on speakers would be bad, but putting a numerical limit on total meeting time might be beneficial for us.
- Leckie: I agree. I do think that aiming for around 5 people per meeting is proper. 2.5 hours should give us time to get through plenty of people and not wear ourselves out.

- Chabot: I see a consensus of around 2.5 hours for meetings. Normally, when we hit that mark, we should move on from hearings to deliberations and then adjourn when we're done. All in agreement? (affirmation) Good. Any other points?
- Leckie: In the chair's opinion, what else do we need to do today?
- Chabot: We've gotten through the qualtrics form, the general flow of meetings, and we've talked about the oath of truth accompanying testimony. So if no one has anything else, I think this was a good first meeting.
- Alvarez: Assuming no further questions/business, **motion to adjourn.**
- Chabot: First, we have to move to exit deliberations.
- **Alvarez withdraws motion.**
- Dejonge: Did we come to a conclusion on what day/time the qualtrics form will cut off for who can speak at this week's meeting?
- Chabot: No, that's a good point, thank you. Thoughts?
- Alvarez: I think it should be before noon the day before the meeting. Anything submitted after noon on Wednesday gets rolled to the next week. Or, we can do 24 hours before a meeting, so that anything after 5pm on Wednesday gets rolled over.
- Dejonge: I like noon, so we have more time to review any documents.
- Chabot: Agreed, that gives me more time to assign and catalog documents. Are we all in agreement? (affirmation) Good. I will confirm that information on the qualtrics form before I send it out.
- Alvarez: Just so members of the public have that to see, **motion to amend rules and procedure.**
  - 3.4 All evidence submitted by noon the day prior to any advertised meeting will be available to the Board before the next meeting
- **Leckie seconds, amendment is adopted.**
- Chabot: Is there anything else to discuss?
- **Alvarez: motion to exit deliberation.**
- **Cusnier seconds.**

#### **Final Announcements:**

- Chabot: Next meeting is on Thursday at 5m, hopefully we will have witnesses and testimony by that time.
- Little: I have no announcements, just excited to do this with you all!
- Leckie: Judiciary has 16 new things to do, so we'll have a lot of work between this board and judiciary. Everyone should get ready to read lots!
- Alvarez: Of those 16 pieces of legislation, all but 3 or 4 were written by me, so I look forward to you all reading them.
- Chabot: Thank you all for coming. Best wishes to President Daraldik, we miss you and hope to see you soon. I look forward to seeing you all at the next meeting!
- **Alvarez motion to adjourn.**
- **Cusnier seconds.**

**Date and Time of Next Meeting:** Thursday, July 9 @ 5pm

**Adjourned:** 5:49 p.m.

*Elizabeth Chabot*

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Signature of Chair