



**72<sup>nd</sup> Student Senate  
Judiciary Committee  
Date: July 13, 2020**

**Call to Order:** 7:01 p.m.

**Members Present:** Chair Leckie, Vice Chair Chabot, Senator(s) Alvarez, Cusnier, Gabriel, Little

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

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

**Members Absent:** Senator(s)

**Guests:** Jack Rowan, Mageda Nader, Ash Soto, Jonathan Marcus, Ryan Villacorta, Senators Mougey, Gerdts, Gnanam, Adamyk, Gonzalez, Martin, Murray, Hinks, Sam, Attorney General Ready, Vice President Janvier, President Levin

**Announcements:**

- Chair - Interviewing a Supreme Court Justice tomorrow
- Vice Chair - Investigative Board is meeting Thursday. I have sent appropriate emails and hope to hear back.
- Members - X
- Guests - Mageda Nader: I wanted to make a statement about Bill 93. I am a part of Decolonize FSU. As a university that says we represent a Native American tribe, we need to start recognizing that history and this is a great first step. One of my Professors with much experience help write this. This is an amazing first step, especially with recent national events.

**Committee Business:**

- Bill 91- Senators Mougey and Adamyk
- Bill 92- Senators Alvarez and Chabot
- Bill 93- Senator Alvarez
- Bill 95- Senator Alvarez
- Bill 96- Senators Alvarez and Leckie
- Amendment 4- Senator Alvarez

**Old Business:**

- X

**New Business:**

- **Bill 91** - Sponsored by Senators Mougey (P) and Adamyk (Co) - To X=amend Student Body Statutes Chapter 807 in regards to updating the title "SOAR Board" to "Engagement Ambassadors."
  - Opening Statement

- Mougey: this is an amendment to change SOAR board to Engagement Ambassadors. They approached Acosta and us a while ago, and it is really important that this is done before fall
  - Technical, Non-Debatable
    - X: None
  - Senator Alvarez moves to enter Round Table Discussion
  - Senator Cusnier seconds
  - Round Table
    - None
  - Senator Alvarez moves to pass by unanimous consent
  - Senator Cusnier seconds
  - Bill RESULT
    - PASSED

### **Chabot relinquishes Vice Chair to Little**

- **Bill 92** - Sponsored by Senators Alvarez and Chabot (P) and Murcia (Co) - To amend the Candidate Screening Process
  - Opening Statement
    - Alvarez: I've been planning to introduce this bill for a long time after serving in many positions. A common complaint is that in SGA, there are many candidates who get positions because their friends in SGA help them. This bill will make sure that the application process is based on candidates. This was written long before the investigative board was formed, based on involvement with the IA committee, so this is unrelated to any ongoing investigations. This is simply to ensure that the student body trusts us with this process.
    - Chabot: in my time here, I've seen nepotism in SGA. It's good to have friends in SGA, but personal relationships shouldn't be the only reason candidates are selected.
    - Alvarez: I've done my best to consider all candidates, but when a candidate is my friend, I refrain from discussion because I think that is only fair.
  - Technical, Non-Debatable
    - None
  - Cusnier moves to enter roundtable
  - Gabriel seconds
  - Round Table
    - Cusnier moves to amend
      - "E.1 When any recusal occurs during the selection of Officers, the forwarding letter sent to the Senate must include a notice stating that there was a recusal and a signed statement from the non-biased actor(s) confirming their lack of conflict of interest."
    - No second, amendment fails
    - Alvarez: I actually support this amendment, as it is a more concise version of what we already have written.
    - Cusnier: I understand that the only person who can second is Senator Gabriel, so I ask her to look over the amendment.
    - Leckie: I believe Senator Little can also second the motion
    - Cusnier moves to amend (same as before), Gabriel seconds
      - Sponsor finds it friendly
      - Amendment passes

- Alvarez: As a point of clarification, I want to remind you all of the student statutory definition of conflict of interest
  - Cusnier moves to pass by unanimous consent
  - Little seconds
  - **Bill RESULT**
    - **PASSED**

### **Little Relinquishes Vice Chair back to Chabot**

- **Bill 93** - Sponsored by Senator Alvarez - To create Statute 211, enacting an SGA Indigenous Land Acknowledgment Act of 2020
  - Opening Statement
    - Alvarez: As it was brought up previously, this bill serves as an acknowledgment of the Indigenous Tribes whose land we currently reside on and whose image we use. I hope this serves as a reminder of what the student body can do and how we can learn moving forward. We accidentally left out a tribe and it will need to be added. WSU has already adopted something like this as well as other universities.
  - Technical, Non-Debatable
    - X: None
  - Senator Cusnier moves to enter Round Table Discussion
  - Senator Little seconds
  - Round Table
    - Cusnier moves to amend to fix a grammatical error, Little seconds
      - Sponsor finds it friendly
    - Little moves to include “the Miccosukee Tribe of Florida,” in 211.2 and 211.3, Cusnier seconds
      - Sponsor finds it friendly
    - Chabot: I think that this a great first step in acknowledging the land that we reside on and the tribes who have given up that land so that we can exist. We need to acknowledge our relationship with Native tribes and our namesake. I am in full support of this bill.
    - Little: I think this is a great step to take to show our gratitude to the native tribes and recognize our relationship with them.
  - Little moves to pass by unanimous consent
  - Cusnier seconds
  - **Bill RESULT**
    - **PASSED**
- **Bill 94** - Sponsored by Senator Alvarez and Murcia (P) - To clarify the timeframe for Senate Confirmations
  - Opening Statement
    - Alvarez: This comes from 2 years of IA and juggling multiple forwarding letters in my time. The current statute alludes that IA is the only committee that receives forwarding letters and also has a short timeframe for committee members to read over the materials. This clarifies the process and ensures that the letters are sent by the Wednesday meeting so that other senators are able to go to committee to ask questions to ensure that candidates are good for the job. This also makes sure that committee members are given the proper materials within a reasonable amount of time.
  - Technical, Non-Debatable

- X: None
  - Senator Little moves to enter Round Table Discussion
  - Senator Cusnier seconds
  - Round Table
    - Chabot: I think this is a great bill. We have always had trouble with receive forwarding letters properly and this clarifies the process. I know in my initial application, a mistake in the forwarding letter delayed my interview. I applaud the sponsor for clarifying the process.
  - Cusnier moves to pass by unanimous consent
  - Little seconds
  - Bill RESULT
    - PASSED
- **Bill 95** - Sponsored by Senator Alvarez - Mandating the publication of minutes from any and all SGA meetings
  - Cusnier moves table until tomorrow, Little seconds
  - Leckie: understanding the language of the proviso, have you done so
  - Alvarez: Yes, I have reached out to Ben Young, AASU, BSU, HLSU, WSU, VSU, and Pride
  - Leckie: Is their anyone who believes this doesn't meet the proviso
  - Seeing none
  - Opening Statement
    - Alvarez: This bill clarifies the timeline for the publication of minutes. Statutes already mandate that minutes be taken but this statute was created at the beginning of the website. Times have changed and publication is more feasible. Senate has been doing this for a while and we should have other organizations do the same. I have reached out to Ben Young seeing as this responsibility falls on him and he did not foresee a problem. In checking agency statutes, all of them are mandated to take minutes so it is as simple as sending one email afterward. This makes those more accessible to the student body. This concern even came up in Culver v. CPE and hopefully, passage will ensure that this doesn't happen again.
  - Technical, Non-Debatable
    - X: None
  - Senator Little moves to enter Round Table Discussion
  - Senator Cusnier seconds
  - Round Table
    - Little: I fully support this. With the Investigative Board we have become familiar with how important this is. This will make us more ready to keep other branches in check. This will force us to be more transparent and accountable.
  - Cusnier moves to pass by unanimous consent
  - Cusnier seconds
  - Bill RESULT
    - PASSED

### **Leckie relinquishes Chair to Chabot**

### **Little takes up Vice Chair**

- **Bill 96** - Sponsored by Senator Alvarez and Leckie - Refining the Statutory definitions of Majority and Two Thirds to line up with Roberts Rules and general best practices

- Opening Statement
  - Alvarez: This bill is a result of a double-check of Roberts Rules and our Statutes. This would make sure that when we define “majority” and “ $\frac{2}{3}$ ”, it is based on votes cast. It would also clarify that abstentions do not count as votes, but rather the absence of a vote.
  - Leckie: As written, the rules are a little outdated. This updates and makes sure that a bill doesn’t get sent back to committee due to too many abstentions.
- Technical, Non-Debatable
  - None
- Senator Little moves to enter Round Table Discussion
- Senator Cusnier seconds
- Round Table
  - Cusnier: I think this is a good bill because we follow Roberts Rules, and it makes sense for our statutes to align with that.
- Cusnier moves to pass by unanimous consent
- Gabriel seconds
- **Bill RESULT**
  - **PASSED**

#### **Chabot Relinquishes Chair back to Leckie**

- **Amendment 4** - Sponsored by Senator Alvarez - Abolishing the offices of the Student Body President and Vice President, and replacing them with the Executive Council of the Student Body
  - Opening Statement
    - Alvarez: At the previous meeting, I brought up the fact that I have no illusions about the scope and feasibility. Although I would love to see this pass, I hold no ill-will to anyone who thinks this is too radical or even unconstitutional. I apologize that I have not reached out to members of the committee more but I hope to hear what you all have to say
  - Technical, Non-Debatable
    - Cusnier: Have you spoken to anyone in exec?
    - Alvarez: No I have not
  - Senator Little moves to enter Round Table Discussion
  - Senator Cusnier seconds
  - Round Table
    - Cusnier: I personally am against this. I think that our current senate leadership is working to ensure that everything flows as smoothly as possible. I think that such a radical change with be too much and from reaching out to Student Body President, they think it will be a hindrance to leading the student body properly.
    - Cusnier moves for a non-senator to speak, Little seconds
    - Ready: The Executive branch is against this amendment. The Student Body President has the best ability to represent us on the Board of Trustees. It took a lot of work to gain that position and that it is uniquely available with on Student Body President. I would hate to lose that position on the Board of Trustees to advance the student body’s initiatives. From working with Alvarez, he always offers an interesting perspective. After some reading, I have come to respect the founding fathers and the way they built our system. Having this form allows for quick reactions whereas deliberative bodies have to take more time.

Everyone has checks and we should not handicap the ability of the exec to carry out their duties. We are against this bill for multiple reasons

- Little moves to allow a non-senator to speak, Cusnier seconds
- Gerdts: It is obvious why exec would oppose this so I don't believe we should listen to them. I will focus on the feasibility. How do you see section 2 subsection A1 working? And my second question is that of the seven councilors only being able to hold the president of the councilor for 2 months wouldn't that put the division that the one councilor who doesn't serve at a disadvantage?
- Alvarez: I want to thank Ready for coming to speak tonight. I have no large objections to the current structure but I see the possibility of our modern government to evolve and try new forms. I will not go screaming about this if it fails, it was just a little project of mine over reading our documents. To Gerdts, this has a proviso that allows time for statute changes and to put those regulations into place. If this somehow passes and Senate has the duty to put this into statutes, I think that the Supervisor of Elections should have the duty to make it first come first served for nominations, and members of the same division will run against each other. Also, ensuring that there is no way to have councilors from the same division. In terms of seats, I originally had it at 5 with 2-month limits with restrictions lifted in summer, but in looking to real-world governments, I am hesitant to have that few seats that could result in more ties. Now if you wanted to make the amendment to have Student Body Treasurer as a voting member I would be open to that. Again, I emphasize that I take this with levity as I wrote it in a brief amount of time and it was a passion project of mine. I understand the constraints and magnitude and again have no illusions as to what this does or the fact that it may not pass.
- Little moves to have a non-senator to speak, Cusnier seconds
- Janvier: Good evening. I think it is important to hear from people in office as we understand the work that is done. I want you to keep in mind that the positions of Student Body President, Student Body Vice President, and Student Body Treasurer deal with a lot of different departments. I am very cognizant of the turn around of leadership and how even not it is a short amount of time to get things implemented. This will make that quicker and will harm the ability to carry out our duties. I think it is important to hear from current officers and their experience.
- Cusnier: the Student Body President becomes a Board of Trustees and builds that relationship with them. This proposal inhibits that relationship. This applies to many other entities. We need one leader and too many will lead to nothing successful.
- Little: I share those concerns. We see in senate how long things take and doing this in exec may inhibit progress and change. Our relationship with the Board of Trustees is invaluable and we need to maintain those relationships in order to make the changes the student body wants to see. I commend Alvarez for all the research and time. But I am concerned that it will slow productivity
- Gerdts: I do foresee a problem in the sense that all three candidates in the spring could be arts and sciences students, putting us in a position where we have to choose which ones to put in. Puts too much decision making on Supervisor of Elections. We are being forced to reckon with

the force of exec and in my three years the most I have seen in the controversy over election results, payments, and appointments of FSL to positions. I hope that even if this fails, we keep exec accountable.

- Cusnier moves for a non-senator to speak, Little seconds
- Levin: Thank you all! To be very direct, I don't support this. This would make us less effective. I have a responsibility to serve on the Board of Trustees and be the representative to the university and student body. By changing the person, it causes confusion and takes away from the respect and honor of the position. It inhibits our ability to accomplish things. With recent events, it is imperative to have the structure that is set and not to keep changing. This will prohibit sustainable change. I would encourage you all not to accept this. Let the person who is elected lead and hold them accountable. This system has been in place for a long time and works so let's keep it
- Senator Chabot moves to call the question
- Senator Cusnier seconds
- Closing
  - Alvarez: To reiterate this is the largest amount of attendance of exec. Especially considering the first time this was brought up and the power of the unitary exec. I like to think that we can keep them in check but with my statements of dissent, this is not always the case. To exec, broaden your horizons and look at what more we can be doing.
- Vote
  - Y 1(Alvarez), N 5 (Cusnier, Garcia, Gabriel, Little, Chabot), Abstain 0
- Amendment RESULT
  - **FAILED**

**Cusnier moves to reconsider Bill 95, Little seconds**

- **Alvarez moves to issue a subpoena pursuant to constitutional article 2 section 5 clause A9**
  - Pursuant to Article 2, Section 5, Clause (A)(9), I move to subpoena Student Body President Levin as provided in the document sent to the Chair, as it has been alleged that on the night of our Senate meeting this last Wednesday, that President Levin violated SBS 205.3(A)(3) in threatening several Senators in order to vote a certain way. As these Senators fear retribution if they are to provide these documents themselves, this subpoena will ensure that if any wrongdoing was made by the President that the Senate Judiciary Committee will be able to have such evidence without violating the privacy concerns of these Senators.
  - Cusnier: point of info: Do these messages deal with the confirmation of the justices?
  - Alvarez: It is unclear as the people who came forward did not specify so it is unclear as to what matter this pertains to.
  - Cusnier: If we find something from this what will happen?
  - Alvarez: If there is a clear violation, I will submit written charges of impeachment to the senate program assistant.
  - Cusnier: Senate Sundays are not official but how many people have come forward during this?
  - Alvarez: To my knowledge, at least 10 people have come forward either directly or to the senate president

- Cusnier: How many members, in the case that evidence does reveal something, would be willing to testify?
- Alvarez: If these text messages are able to reveal info, my hope is that upon publication people would come forward both from those that originally made these claims as well as people who did not know that this was wrong.
- Cusnier: Although the Student Body President has his rights as a citizen of the USA, is there anything in statutes that would prevent him from sharing this info or prove if he did not have this information?
- Alvarez: Understanding fraud in SGA, no officer will withhold or provide false evidence. If it were the case that there are no messages than the subpoena is mute. Supreme Court precedent allows subpoena power over messages. If there were a situation in which Levin deleted these messages, I would hope that members of the public would come forward with the message that would show that this was the case.
- Little: If/when we get the messages, we would vote on whether we think statutes were violated?
- Alvarez: If there were any undue actions, not that there necessarily are any, the subpoena states that we take the necessary actions to uphold our laws.
- Little: Is there an intersection between the Board and this possible investigation?
- Alvarez: Personally, no since this would be a separate violation (Code of ethics vs. appointment). The grounds for violation of 205.3 would be more reprehensible and clear for action.
- Cusnier: Is there a violation in the time to produce this evidence?
- Alvarez: I am not opposed to change the received time in the subpoena but I would like to keep it short in the interest of urgency. Reasonable time is defined in 204.1A as during office hours so this would be legally correct.
- Cusnier: I worry that the subpoena would be too vague. Is there any way to amend to make it more specific so that we can remain effective?
- Alvarez: Point of clarification: The Student Body President's office hours are listed as on Tuesday from 10 AM to 3 PM. I specifically worded it to legislative matters before the senate for that session to limit it so that it doesn't pertain to other things that the senate did not consider. I believe that this scope does not immediately accuse him of any wrongdoing but I do not know the specific legislation this pertained to. I believe that by specifying legislative matters and that it is only senators and the current time frame, we are able to see what we need without overburdening the committee.
- Cusnier: Personally I don't see anything wrong with the current version, but in the case that it is interpreted too broadly we have a short time frame and may not be able to effectively conclude this before the end of the summer session.
- Alvarez: I share these concerns. But in it says that an officer may not provide misleading evidence and by doing so we could rely on that statute. What language would you like to be seen to make it more effective
- Cusnier: I wish I had the right answer but anything I have would make this more accusatory and open it to others.
- Little: My main thing is to expand to any point during July 2nd seeing as how senate business is publicize beforehand and things could have happened during that time but I have no problems with the language regarding the scope of legislative business.
- Alvarez: Understanding that the meeting ended July 8th, would you want to see this expanded to the 8th? I am open to this but again we have the concerns that Cusnier brought up. I welcome input.



- Leckie: There is the possibility of deleting individual messages. How would we account for this?
- Alvarez: I would hope that those who receive the messages would come forward, if he is guilty. If he is innocent, then that is that.
- Little: If it were possible, is there a case where we can subpoena members of the public, or is it limited to members of SGA?
- Alvarez: It is a gray area and I would be remiss to test it. I would have to check but I would air on the side of caution.
- Little: Is there a way to fact check this without violating anonymity?
- Alvarez: all documents need to be available to the public, so I would hope that people would come forward with truthful information. We would then work to verify the story. But ultimately it is up to the individuals that this happened to come forward with information.
- Leckie: I know that you said President Daraldik had had members come forward to him, would you suggest that he comes tomorrow to committee?
- Alvarez: I do not think that is within my scope right now. We could invite him but I don't think it is in the scope of the conversation right now. But yes we should extend an invitation.
- Cusnier: Seeing as this is the last week of senate, any investigation that may or may not come about, this would go into fall. Are we ready to handle that?
- Alvarez: The sooner info comes out the better. The longer we wait for material evidence we tend to forget about this. It would also be more time for him to mislead the Senate if he is guilty. I think this question can be answered swiftly if anything was said. The break gives time for people to look over any evidence and contact proper people.
- Gerdts: If anything were to arise that would fall on the committee that I would serve in in fall, I believe that the break would give us time to see public opinion and allow the fall committee to give themselves time to prepare. Should anything arise I will be sure that the committee does what is statutorily mandated and morally right. I hope nothing does arise but this is our duty to find out.
- **Little Seconds**
- **No objections**
- **Vote**
  - **Alvarez- Yes**
  - **Chabot- Yes**
  - **Cusnier- Abstain**
  - **Gabriel- Yes**
  - **Garcia- Abstain**
  - **Little- Yes**
- Leckie: How do you all feel about an email about this?
- Cusnier: I would like a line about confirming reception as well as attendance to the meeting.
- Little: I think that is a good way. Would the evidence be emailed to you then uploaded to the drive?
- Leckie: I believe that is reasonable

**Unfinished Business: none**

**Committee Legislative Round Table:**

Cusnier: If we chose to stay on Investigative Board, how long do you expect it to take?

Chabot: Personally, I think it will go past the turn of the senate

Cusnier: Will we be meeting after this week?

Chabot: No since classes end the last week of July

Griffin: Task Force resolution

Alvarez: Is there any other business following roundtable?

Leckie: No

Gerdts: I am about to begin a project restructuring OGA and offer to work together if anyone is interested.

Alvarez moves to unlock the calendar to move to new business, Little seconds

### **Final Announcements: X**

- Leckie: I was not expecting to have so much on the last day, but I haven't seen as many important things discussed here as we do now. I admire the way that this committee has handled unprecedented things. I am proud and hope that things go well tomorrow.
- Chabot: This summer has been unprecedented, to say the least, but you all have handled it with grace and the severity these things deserve. Thank you for trusting Griffin and me this summer. It has been an honor to serve you all. You have a special place in my heart and I love you all dearly. On a different note, the Board meets Thursday. I have sent emails and checking my inbox now the replies I have gotten refer me to the Attorney General so I will contact them after this meeting. Make sure to take care of yourselves!
- Cusnier: I want to echo Leckie and Chabot, you all have been great to work with. But a personal note, can we hear the Justice candidate first seeing as how she may be hearing the things that come from the subpoena.
- Little: Survivors' Advocacy Ad hoc is meeting before the board at 3:30 on Thursday
- Alvarez: When I applied to return to Summer Senate, my only goal was to submit my bills and amendments and resolution. Obviously things have taken a turn. As the one who had made the motions to form the Board, issue the subpoena, and bring the Chief Justice candidate to Judiciary, I can only say thank you for your patience. I always try to do things with the best intentions. I have learned to pick my battles and I hope you all understand that my intentions are pure. You have been amazing to work with. The more experience senators were excited to see who would rise and to Cusnier, Little, Garcia, and all other members you all have exceeded and taken everything with grace. I can't wait to see what you may do. You are a person first, student second, and senator third. If you swap any of those, everything has become harder. Just as I have had to pick my battles, I hope you all use this time to pick and choose your battles. It is about your capability to learn, grow, and know when not to take action. I'm not going anywhere and hope to work with you all in the future.
- Garcia: I really appreciate you all. Coming in not knowing anything, Judiciary was very welcoming. Everyone here has been helpful and hasn't made me feel bad about not knowing things. Had I not been here, I wouldn't have had this experience. All of my individual experiences with you serve as a great example to me and I admire you all. Thank you!
- Gnanam: I'm here as a student. I want to thank all summer senators for finishing their term. I was originally a summer senator and here I am now. Last senate, I actually passed out from a concussion. This is the second time this has happened. As a queer student I am very disappointed at the senate for rushing the confirmation of the supreme court justices and attorney general without any questions about how they view queer issues. This incident has served as my coming out and while I have been met with grace I have also received a lot of hate. Others and I are very afraid of what this case could

mean for the future. I will be here to ask questions tomorrow because this case is very influential and could hurt a lot of people.

**Date and Time of Next Meeting:** Tomorrow at 2 p.m.

**Adjourned:** 9:44 p.m.

*Griffin Leckie*

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Signature of Chair