



**74th Student Senate
Judiciary Committee
[July 5th, 2022 | 5:30pm] | [996 927 9440]**

Call to Order: 5:31 PM

Members Present: Vice Chair Kariher, Senator Rivers, Senator Casiple, Senator Lall, Senator Boisvert

Members Tardy: Senator Lall

Members Absent: Chair Tucker

Guests: President Diaz, Candidate Jack Craven, Chair Rowan, Chair Folwell, HLSU Director Erick Jarquin

Land Acknowledgement read by Senator Casiple: The Student Government of Florida State University acknowledges that it is located on land that is the ancestral and traditional territory of the Apalachee Nation, the Miccosukee Tribe of Florida, the Muscogee Creek Nation, and the Seminole Tribe of Florida. We pay respect to their Elders past and present and extend that respect to their descendants and to all Indigenous people. We recognize this land remains scarred by the histories and ongoing legacies of settler colonial violence, dispossession, and removal. In spite of all this, and with tremendous resilience, these Indigenous Nations have remained deeply connected to this territory, to their families, to their communities, and to their cultural ways of life. We recognize the ongoing relationships of care that these Indigenous Nations maintain with this land and extend our gratitude as we live and work as humble and respectful guests upon their territory. We encourage all to learn about and educate others on the contemporary work of the Indigenous Nations whose land we are on and to endeavor to support Indigenous sovereignty in all the ways that we can.

Announcements:

- None

Committee Business:

- Bill 57: Diaz (P); Garner, Rodriguez, P., Suarez (Co)
 - Proposing comprehensive changes to the governing statutes of the Hispanic/Latinx Student Union. The provisions in this bill add a Programming Board Coordinator and incorporate the Programming Board into the Executive Board, update the candidate forwarding process for members of the Executive Board, remove committees that the new Board does not deem necessary, and strike language deemed unconstitutional, among other revisions.
- Bill 59: Folwell (P); Diaz (Co)

- This bill consolidates the various statements about Senators taking Leaves of Absence, simplifies and codifies the process, and makes it so that senators on a leave of absence are not counted toward quorum.

Old Business:

- **Bill 57 - Sponsored by Senator Diaz (P); Garner, Rodriguez, P., Suarez (Co)**

- Opening Statement:
 - President Diaz (P) – Hey, folks I'll be honest with you. I think the best way to go about this bill is for you all to take some time to look at it and to read it yourselves and to just take a minute to digest a lot of the things that it says, because does a lot. The biggest thing that it does is moves the programming board into the E-board so that they can vote on the next incoming E-board, and so that they can feel included in a lot of the proceedings of the E-Board, because they have not been a part of that conversation for a while. And just for the record I do have the HSLU Director here, so you guys are welcome to ask him questions or share any of your thoughts. It does a couple of other things: it requires that the director and the treasure would be financially certified, updates some language about the candidate forwarding process, removes some committees that the board doesn't feel like they need anymore, and at the very end removing some unconstitutional language in there.
- Technical Non-Debatable Questions:
 - None
- **Senator Casiple moves to enter round-table discussion, Senator Rivers seconds**
- Round-Table Discussion:
 - Chair Rowan – I am going to be bringing a few things up that I will be bringing up on the Senate Floor. I am not comfortable putting all the programming directors on the e-board, because it messes up the ratio of Senate confirmed members to non-Senate confirmed members. The HLSU has seven members now, three more positions that are appointed. Majority of the board is confirmed by the Senate. This bill adds six more people onto this board of seven that are not subject to senate confirmation. This will have nine members on this board that are not Senate confirmed. If we are going to expand the E-Board like we should be bringing in other affiliated groups and move to a model like JSU which involves bringing in affiliates. This ensures a wide range of perspectives are heard, not just the SGA bureaucracy.
 - President Diaz (P) Moves to Allow Non-Senator Erick Jarquin to Speak
 - Senator Casiple seconds
 - Senator Rivers objects
 - President Diaz (P) – This is ridiculous. This happened a lot in the Spring, and we shouldn't be wasting time on pointless motions. This is director of the agency this is being affected. I wanted to hear what he said regarding what Chair Rowan said.

- Senators Rivers moves to enter roundtable discussion, Senator Casiple seconds
 - Senator Rivers – I understand what Senator Rowan said and hearing from the HLSU Director will not change my mind.
 - Senator Rivers withdraws his objection
 - Senator Casiple – What are your thoughts on this bill?
 - Erick Jarquin – I think it is important to include the Programming Board as a part of the e-board because they are the ones who work closely with these candidates and can see their passion and have more insight into the candidates. Regarding the affiliate president but I think it brings in too many other people and don't know how HLSU runs, and many of them don't care to see the SGA side and want to celebrate at events.
 - Senator Rivers – Thank you for input Director Jarquin, but the feelings I had at the beginning were not swayed by Senator Rowan and Director Jarquin's statements
 - Chair Rowan – This has emboldened me even further to push to have the affiliates represented. Now I didn't say the affiliate Presidents, I just said a representative from each affiliate organization. I think having them outside the SGA bubble is an asset in the selection process. Having people inside the bubble caring too much can be offset by having representatives that don't care as much about internal operations.
 - **Senator Rivers moves to call the question, Senator Casiple seconds**
 - Closing Statement:
 - Diaz: Thank you for the Director for coming today. I am in favor of the bill as it is written as well as the Director. Thank you for your support of this bill.
 - Vote:
 - Yes: 3 – Senators Rivers, Casiple, Boisvert
 - No: 0
 - Abstain: 1 – Senator Lall
 - **RESULT: BILL 57 PASSES**
- **Bill 59 - Sponsored by Senator Folwell (P); Diaz (Co)**
 - Opening Statement:
 - Chair Folwell (P): This bill is a conglomeration of all mentions of Senator Leave of Absences and puts it all in one section. Statues don't are vague and don't match with Rules and Procedures, and there are several conflicts within statutes. There are summer leaves of absences are used interchangeably with other leaves absences that can open the door to loopholes. There are three leaves of absences are normal leaves of absences that can go on for a week and a senator can take mental health days and other things to take a whole semester off Senate and be excused.
 - Technical Non-Debatable Questions:
 - Rivers: Does this bill create any new types of Leaves of Absences?
 - Folwell: Not based on what we have been doing
 - **Senator Casiple moves to enter round-table discussion, Senator Rivers seconds**
 - Round-Table Discussion:

- Senator Casiple: You mentioned loopholes so can you let me know of any type of loopholes?
 - Chair Folwell (P) – Loophole was a wrong term. Because Statutes is so self-contradictory, this just fixes specifically the interchanging of all the Summer Leaves of Absence
- President Diaz: Have you written something that will let Senators come back from Special Leaves of Absences at any time?
 - Chair Folwell (P) – I struggle to see where I stand. This bill has Normal, Special, and Summer Leave Absence. Special Leave of Absence is someone requesting an extended period off, and then at any point during their time off they can return. I am worried for people to manage that administratively, but I would be friendly to it.
- Senator Rivers: I do not like this bill very much. If you are elected into Senate you should be aware of the commitment you are getting yourself into. Like the Sponsor said there is a lot of ways to get around receiving an unexcused absence like with Mental Health days and Summer Leaves of Absence. For me this is too many types of Leaves of Absences; there is no need for a Normal and a Special Leave of Absence. This gives too much leeway considering we do have mental health days, and many opportunities for Senators to be excused from Senate.
- President Diaz – Folwell came with me to the bill and all they did was consolidated the Statutes. I am in support of getting rid of Normal Leave of Absences.
- Chair Rowan – I agree with what Senator Rivers is saying because we have multiple ways to give Senators different types of excused absences. As it stands a Senator can have five absences plus two mental health days, which is twelve meetings. The way it is now a Senator can have six (6) weeks of excused absences and still be in Senate. We also need to look at again at how the Special Leave of Absences works with time limits and allowing someone else new to come in. If Senator Kariher needs to take a month and half off, the College of Music wouldn't have a Senator to represent them.
- Senator Rivers – I like the direction Chair Rowan is going. The Special Leaves of Absences is a special absence so I think it should be handled by the faculty advisor.
- Senator Casiple: I am in favor of taking out Normal Leave of Absences. If they are requesting a Special Leave of Absence, I believe there should be more people involved than just the faculty advisor.
- **Rivers moves to amend, Casiple seconds, Amendment is adopted**
- **Casiple moves to amend, Casiple withdraws.**
- Senator Rivers – The advisor does not have voting capacity in the Senate.
- Chair Rowan – The faculty advisor should not be involved in this process in any capacity. The faculty advisor in our statutes serves as an administrative aid to make sure the paperwork is cleared, spaces are reserved, and the trains are running on time, not make personnel decisions. We are all students, and we understand.
- Senator Rivers: I do not think a Senator should have to go and put their heart on their sleeves to the Rules Committee for that to become public record.

- President Diaz – The Rules Committee does not have a formal process for Leaves of Absence. What happens if someone wants to come back to their seat is that fair or not?
 - Senator Rivers: If the Special Leave of Absence is over a month, then the Senator’s seat should not go up.
- Chair Rowan – I believe that minimum should exist, but not just for filling a seat, for requesting a Special Leave of Absence in the first place, because as I said someone can already take a month off and not have any consequences, unless they already have a lot of absences to begin with. I also will say on the public disclosure, Senators already must come to the Rules Committee and spill their guts for a suspension hearing. This is just a byproduct of having an open government.
- President Diaz – Austin Wyatt took a leave absence and has been gone the entire year and hasn’t been to any Senate meetings. I wouldn’t mind having someone filling that seat. In those cases where it is a long period of time, Senators should not be able to return.
- Senator Rivers – There is no case where you should take a yearlong leave of absence. I am not going to give someone a three month leave of absence. Senate is not an RSO, it is a commitment, and at that point you should consider resigning.
- **Senator Rivers moves to amend, Senator Casiple seconds**
 - Sponsor finds the amendment unfriendly.
 - Senator Rivers – This bill is supposed to fix loopholes and we just heard the perfect example of a Senator using one of these loopholes: which is a Senator taking a yearlong leave of absence. Let’s imagine a Senator takes a year off and then serves another year, they get a lower stipulation even though they technically didn’t serve two years. I am passionate about SGA, and I want people who will be present to serve the Student Body.
 - Chair Rowan – What was brought up on the question is a good point, and instead of talking about months we put it in terms of Senate meetings. Three (3) months is about ten (10) or twelve (12) meetings, and this should deal with the reappointment of Senators.
 - Chair Rowan – Would you be willing to reintroduce this in terms of meetings instead of months?
 - Senator Rivers – No.
 - Senator Casiple – Why are you so adamant about months?
 - Senator Rivers – When taking a Special Leave of Absence there is a significant event occurring in a Senators life that requires them to leave for a period of time. I think quantifying it in terms of months, because meetings can be more than three months, and whether or not a break is happening shouldn’t affect whether or not that Senator will come back.
 - Chair Folwell – The time limit should be in place so Senators can leave for a year and take that seat from someone else.
 - Senator Lall – I agree with a time limit, but let’s say someone has medical issues and needs more time?

- Senator Rivers – I would be open to extending the number of months. Like we said there is Mental Health Days among other absences, and if you are unable to the work you were elected to do then maybe you should resign.
 - Vice Chair Kariher – Keep in mind that during summer these meetings occur in greater intervals.
 - President Diaz – Do you believe a Senator should resign if they miss a full semester?
 - Senator Rivers – We have many Senators who do abroad over the summer, so I do not think the grace given to Senator Wyatt should be given to any other Senator.
 - Chair Rowan – I have changed my mind; I am good with the three (3) months. The longest break the Senate takes is max a month for winter break.
 - **Casiple moves to call to question, Boisvert seconds**
 - **Yes: 4 – Senators Rivers, Boisvert, Casiple, Lall**
 - **No: 0**
 - **Abstain: 0**
 - **Amendment Passes**
 - **Rivers moves to call the question; Casiple seconds**
 - Closing Statement:
 - Folwell: I think we are working to make leave of absences to a better system that is in place now. Hopefully, if this passes Rules, we will see this on the floor tomorrow
 - Vote:
 - Yes: 4 – Senators Lall, Casiple, Boisvert, Rivers
 - No: 0
 - Abstain: 0
 - **RESULT: BILL 59 PASSES**
- **Candidate for Confirmation: Jack Craven – Associate Justice of the Supreme Court**
 - Opening Statement:
 - Candidate Craven – Thanks for having me today. Sorry I missed the first meeting I was running late at work and couldn't make it. I have always been interested in the Judicial System and I am doing an externship Justice LeBarga on the Florida Supreme Court. I am excited for this position to resolve disputes between students in a non-confrontational way. I am also excited to give out advisory opinions to Senators to provide clarity before issues arise.
 - Technical Non-Debatable Questions:
 - Senator Lall – Given your externship, will you have time to commit to this position?
 - Candidate Craven – Law school is a time commitment, and I know I will be able to put forth enough time to do well in this position.
 - Chair Rowan – Have you had any time to look at the Constitution, Statutes, or any previous cases?
 - Candidate Craven – No, not in depth.
 - **Senators Rivers moves to enter round-table discussion, Senator Casiple seconds**

- Round Table Discussion:
 - Chair Rowan – The court can be petty and sometimes not rule on cases they don't like. How would you handle this in this position?
 - Candidate Craven – I think if we take a case in a court, no matter how big the case, we feel like we should issue an opinion. I am not sure why they couldn't issue opinions, but if we are missing information, we will at the very least issue an advisory opinion.
 - Senator Rivers – When reviewing the Candidate applications for Supreme Court I noticed that this Candidate only gave one sentence answers, and nothing of real substance, while the other Candidates shared quite a bit more. Also, during his opening statement and throughout the interview I still feel like he is holding back, so I am not comfortable passing this candidate.
 - Chair Rowan – What is your philosophy regarding interpreting statutes?
 - Candidate Craven – I would say I am a purposefulist which means I think of the intent the author had when writing the legislation. But I think the first step is just to look at the language and interpret it as anyone would expect with them to be in common day language. Both Florida and University statutes are very confusing, and I also think looking at the precedent is very important.
 - Senator Casiple – How would you take your experience in the law firm and apply to your role
 - Right now, I am doing Statute research, so I have learned a lot about backlogs, deadlines, Statutory language, and moving legislation along to make sure cases are getting through on a timely manner. Last semester I was with a government agency, and I think that my experience there will be more applicable to the role of Associate Justice. That was with administrative law judges, and I was a clerk who wrote a lot of their opinions. I think all of that will be very helpful for this position.
 - Chair Rowan – One of the issues in Judiciary is that the bar to entry is high for undergraduate students trying to get involved, especially due to third party standing. Considering this, how do you think the courts could be more accessible?
 - Candidate Craven – Siding to precedent from actual Judicial Branches. Also accepting basic pleadings and accepting informal complaints from students will help ease the pressure to perform at a Law Student level and make the courts more accessible to undergraduate students.
 - Chair Rowan – This is an incredible slate of nominees, and these are great candidates. I understand reservations about the application, but these answers to my questions proves why this candidate should be confirmed. Please pass this candidate.
 - Senator Rivers – The candidate has been able to relieve my reservations, but as someone who has gone through this process twice and has been interviewed twice, I don't see applicant from where they got in the interview process to here in front of us. I work with intention, and I was able to see why the other candidates wanted to do this and shared a lot more information when asked similar questions. I feel like Senator Rowan had to pry a lot to get some of the answers.

- **Senator Boisvert calls the question, Senator Casiple seconds**
- Closing Statement:
 - Candidate Craven – Thank you senators, I am looking forward to working at the Florida State Supreme Court. I did not give a lot of information in the application because I felt a lot of the questions were prying too much into the ways I would hear a case. I didn't want to give the impression that I would prejudge any case or hearing before the court. I appreciate your concern and thank you for your time.
- Vote:
 - Yes: 2 – Senators Lall, Boisvert
 - No: 3 – Senators Kariher, Casiple, Rivers
 - Abstain: 0
- **RESULT: Candidate Craven FAILS**

Unfinished Business:

- Election Code Exam Next Week

Closing Announcements:

- Senator Boisvert – Thank you Candidate Craven for your time.
- Senator Rivers – Thank you Candidate for being interested, and for your time.
- Chair Rowan – I am sorry this happened, and I hope you put your name back into the application process. I have five (5) bills coming through Judiciary Committee.
- Chair Folwell – To Candidate Craven – I enjoyed your responses and I hope you reapply.
- President Diaz – Did you fail the Candidate because of what Chair Tucker sent in the chat?
 - Vice Chair Kariher – No, I failed him because of his responses to the questions.
 - Senator Rivers – I didn't see Chair Tucker's message. I just didn't vibe with what the nominee was bringing.
 - Senator Casiple – I think it was intent throughout the whole process. I wasn't expecting him to come in today either. I think the respect for the process and the respect for our time wasn't there, but I thank him for coming today.

Next Meeting: July 14, 2022, 5:30 PM

Adjourned: 7:25 PM



Signature of Chair Tucker



Signature of Vice Chair Kariher