****

**Senate Agenda**

Associated Students

25 October 2020

Zoom Minutes/Actions recorded by: Maggie Boyle

**CALL TO ORDER** by Tianna White, INTERNAL VICE PRESIDENT  **at 2:09 PM**

We ask you to join us in acknowledging the Chumash Peoples, their Elders, both past and present, as well as their future generations.

We would like to take this opportunity for us all to reflect on how the work we do here today, in our search for knowledge, our opportunities to teach, and every day, in our chosen fields, affects these lands and the peoples of these lands that we work with and research to protect.

We acknowledge that this University system was founded upon exclusions and erasures of many Indigenous peoples, including those on whose lands this institution is located, the villages and unceded lands of the Chumash people. This UCSB Administration has failed to faithfully and dutifully support the traditional custodians of these lands, Chumash people and Indigenous students, through their continued support of Mauna Kea.

As we work together to prevent further damage to these lands and waters that support not only our livelihoods, recreation, lifestyles, research, and education, we remember that the Chumash peoples of this area have been separated from these lands, unable to maintain livelihoods as they should, unable to recreate traditionally, unable to maintain their traditional lifeways freely, and unable to have the same access to their lands that we are provided, to do their own traditional research and educate their future generations.

The Chumash people are comprised of the descendants of Indigenous peoples removed from their Island of origin Limuw (Santa Cruz), Anyapac (Anacapa), Wima (Santa Rosa) and Tuqan (San Miguel), subjugated by 5 missions during Spanish colonization of the Central Coast, from Malibu to Morro Bay and inland to Bakersfield. The Villages, upon which this University sits, were a safe haven for maritime travelers. A place alive with trading, hospitality, and abundance. A place where knowledge of and from the surrounding areas, far and wide, was shared with all people of this place and its many visitors. A traditional place of sharing knowledge and education. A tradition this University has an obligation to remember.

Many of the projects and research conducted by this University are within the traditional territory of the Chumash Peoples, and/or affect other Indigenous peoples in their territories and in spite of all of this, each Tribe, Council, Clan, and Band is working diligently to restore and continue their traditional stewardship practices on these lands and heal from this historical trauma.

The damage that has been done and continues to be done by not sharing the true history and legacy in this place and others, and by the exploitation of the Natural Cultural Resources of these areas, can never be erased, there is no mitigation or research project that can make their communities whole again. But we can do better!

As educators, friends, and allies, together, we can acknowledge the mistakes and atrocities of the past and move forward in remembrance and relationship with the local Chumash peoples and other Indigenous peoples, to facilitate their process of healing by making sure that our processes here make room for their Chumash and Indigenous voices to be heard, their Traditional Ecological Knowledge of these territories to be listened to and their peoples to be a part of the healing of these lands and waters, as well as themselves.

This acknowledgment, though brief and in no way complete, demonstrates a commitment by this institution and their educators, to begin the process of creating a relationship with the local Chumash and Indigenous Communities and work to dismantle the ongoing legacies of settler colonialism.

We come together today to acknowledge, stand up for, and give voice to, the unceded lands and waters of the Chumash and all their peoples

**A) MEETING BUSINESS**

**A-1) Roll Call**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Note:**  absent (excused/not excused)  arrived late (time)  departed early (time)  proxy (full name) | **Name** | **Note:**  absent (excused/not excused)  arrived late (time)  departed early (time)  proxy (full name) |
| Adam Bagul | Absent (Excused for the entire meeting) | Gurleen Pabla | Present |
| Yuval Cohen | Present | Surya Pugal | Present |
| Angel Diaz | Absent | Esmeralda Quintero-Cubillan | Present |
| Catherine Flaherty | Present | Emanuel Roman | Present |
| Anusikha Halder | Present | Bee Schaefer | Present (Excused until 2:20PM; Arrived at 2:20PM) |
| Karsten Kolbe | Present | Hayley Slater | Present |
| Nathan Le | Present | Shva Star | Present (Excused until 2:20PM; Arrived at 2:20PM) |
| Dylan Martinez | Present | Taylor Tait | Absent (Excused for the entire meeting; Proxy: Yehuda Jian) |
| Daniel Mitchell | Present | Jackson Tofft | Present |
| Ahura Nezhad | Present | Eileen Tran | Absent (Excused for the entire meeting) |
| Fabian Oseguera | Present (Excused until 2:20PM; Arrived at 2:20PM) | Aimee Wang | Present |
|  |  |  |  |
|  |  |  |  |

**A-2) Excused Absences**

Taylor Tait for the entire meeting

Adam Bagul for the entire meeting

Eileen Tran for the entire meeting

Fabian Osegura until 2:20PM

Bee Schaefer until 2:20PM

Shva Star until 2:20PM

*MOTION/SECOND: Pugal/Pabla*

*Motion language: motion to bundle and approve all excused absences*

*ACTION: Vote: CONSENT*

*Vote Taken:  2:14 PM*

**A-3) Acceptance of Proxies**

Yehuda Jian for Taylor Tait

*MOTION/SECOND: Mitchell/Nezhad*

*Motion language: motion to approve Yehuda Jian to proxy for Senator Tait*

*ACTION: Vote: CONSENT*

*Vote Taken:  2:15 PM*

**IVP**

* Need to go to public forum now, so I’m going to ask for a motion to go into public forum

*MOTION/SECOND: Pabla/Roman*

*Motion language: motion to suspend orders of the day and move into public forum*

*ACTION: Vote: CONSENT*

*Vote Taken:  2:16 PM*

**B) External Reports**

**B-1) Chancellor’s Representative**-

**B-2) UCPD Representative**-

**B-3) GSA Representative**-

**B-4) University Center Governance Board Representative**-

**B-5) IVCSD Representative-**

**C) New Business**

**\*Moved here at 2:59PM\***

**IVP**

* This meeting was called based on the injunction was still in place
* Given the injunction situation, we no longer have to go in closed session today and can save that for Wednesday
* The motion wasn’t retracted of overriding the injunction
* Question of the constitutionality
* Now the injunction will be lifted I recommend we move this closed session to Wednesday and make other motions
  + Move closed session to Wednesday
  + Request that when judicial council lifts the injunction in writing to senate and staff once the email is received
  + Upon lifting the injunction both items being in the ballot
* **Star**
  + Thought that Senator Quintero-Cubillan retracted the overriding of the injunction, was her motion was not retracted?
    - **IVP Response**
      * I suggested it and it wasn’t retracted
  + Due to the motion if we motion it on Wednesday moving independently, we are separate branches
  + Our recall is separate from the judicial council decision just exercising the power
* **Marisela Marquez (Executive Director)**
  + My best advice would play out the meeting today and keep up this question on Wednesday
    - **Star Response**
      * If we say that it would invalidate my motion to move independent and I’m not comfortable with that

Closed Session to discuss legal matters with Senators, AS Staff, Tyler Barth, Andrew Yan, Wessal Esber, Raymond Alonso, Kimi Nasiri, and Claire Benedek

*MOTION/SECOND: Proxy Yehuda/Roman*

*Motion language: motion to move closed session to Wednesday’s meeting*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:04 PM*

*MOTION/SECOND: Quintero-Cubillan/Nezhad*

*Motion language: motion for judicial council to provide the Associated Student senate and staff notice by the end of the day in writing once the injunction is lifted and once the case is to be withdrawn*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:06 PM*

*MOTION/SECOND: Mitchell/Roman*

*Motion language: motion to have the election proceed as planned with both questions of SAG and the recall election on the ballot upon the lifting of the injunction*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:08 PM*

**IVP**

* Marisela we never accepted the agenda will our motions still stand?
* **Marisela Response**
  + I would suggest that the chair invites them to do the motions again after the acceptance of the agenda
* I’m sorry y’all we are going to have to do this again in immediate consideration

**D) PUBLIC FORUM**-

**\*Moved here at 2:16PM\***

**Daevionne Beasley**

* Hello Senators, I am here to inform you today that I’ll be withdrawing my Judicial council case that I filed against the Elections Board
* While still my feelings that the legal code interpretation by the board may have not been correct
* I respect that some students may feel that I’m staffing their voices especially students who took the time to petition for my recall in the first place
* However, I would like to acknowledge the harm that has been done to the association and thus the students by the Senators present
* Not only did y’all break the legal code that you swore to uphold and protect but you contributed to a dangerous narrative both online and in that meeting that I abused my power to make that injunction happen
* I filed my judicial council petition as soon as I was physically able to
* Elections board notified me of the signature verification process with intent to move forward the day of your senate meeting I had submitted my petition just within hours of that
* Judicial council themselves took hours to review the petition
* The council is the one that did the injunction unanimously because they though there was validity to my claims
* I want to reiterate that judicial council is the one who placed the injunction in because despite what some of you think I don’t have the power to do that on my own
* The defendant claimed there was a lack of precedent which allowed you to overturn the injunction, but the constitution is explicit in the power that it gives to judicial over AS entities including the Senate
* I heard the argument that the recall had no weight if held within winter but even remove me from my office should not and cannot be used to override an established constitutional processes
* As student leaders we can’t pick and choose when to abide by the rules that we swore to follow and protect
* I have seen so many people say including those who started the petition: “I have the right to defend myself” “I have the right to due process”
* Since the assault allegations have come up I have maintained my innocence and have fought to prove the truth and have at the very least a right to challenge unverified signatures on a petitions that attempts to prosecute me for a crime that I haven’t committed
* The moment I use the right to defend myself against that unverified petition through a process written in your own constitution many of you publicly criticized me as a tyrant abusing his power I may be president but I am a student first and I utilize the power that is given to the students
* A lot of you have Black Lives Matter in your bios and want to sit and preach about racial equality but you’ve sat here and voted to strip me of any rights or autonomy that I have breaking your own constitution and leaving yourself in shambles in the process I want you to see the inherent anti-blackness in all of your actions
* Again, I will be withdrawing my petition against Elections Board I don’t know how that changed things for you all or the recall will be present or not
* I do hope that whether you as a senate will be forced to face the consequences of your actions or not you wake up and really look deeply at yourselves how far you are willing to go to tear me down stifle my often times lonely voice as a queer Black leader
* Will you fall into the historical narrative that falsely hypersexualizes Black men and has justified our lynching and murder since this country was founded?
* Are you willingly to undermine this association, your constitution and the rights of the entire study body as long as I am negatively impacted in some way?
* These are the questions only you could answer

**Shva Star**

* Only statement I have is that we make sure we all know it’s recognized and it’s based off constitutional basis
* I did not see a grievance process
* It would be wrong just because it’s a specific person
* Make sure it’s based off constitutional basis and not to remove a single person off office
* Look at it constitutionally and make sure our constituents without the bureaucracy of Senate
* There should not be org that doesn’t have a grievance process where due paying organization members cannot question people in office no matter who it is
* Even as senators we have a bias and constituents should have a process where they could question anyone
* We are guiding our constituents however the constituents have the most power and it is important we listen to them
* Behoove the entire senate if we created a process so constituents can do this with ease

**Alia Reynolds**

* I didn’t hear everything said
* I did hear him speak to his identity as a Black queer man and how Senate is trying to do everything in their power to get him out
* Survivors have their own identities, the communities that he has hurt includes his own
* It’s about standing with survivors
* This is his last attempt in trying to guilt you guys
* I would just try to remember that
* Encourage you all you made the decision to support survivors and it meant the world to survivors across UCSB when you called for the recall

**Esmeralda Quintero-Cubillian**

* It seems pointless putting a trigger warning at this point, but I will still instate one though
* \*Trigger warning sexual assault and sexual violence\*
* There is a level of frustration that I have in which the Senate took the stance to support survivors
* I have been victimized many times over my life over sexual assault and violence
* It doesn’t escape me that there are multiple allegations and they are from the queer and trans POC community
* There is a danger in what’s being done right now
* Want to remind us that we did what we thought is best and what I still think is the best option

**Manny Roman**

* I think it’s important to state that every identity that the as president identifies as is important, he as a black queer man is completely entitled to use those identities
* As someone who is not Black but is queer I want to be careful and cautious and have everyone remember that even though he is a Black queer man and knowing the history with Black men and assaults and UCSB it’s complicated I believe firmly that nobody is excluded from being able to commit assault
* So, I want to reiterate what gaslighting is it is a tact that makes a victim question their reality
* What we know is that multiple survivors have come forward and yes there is due process and one of these was the petition and that’s what our constituents did
* The AS president weaponized his identity
* When he filed the petition, he used the president ID it said AS president Daevionne Beasely, is this the AS president or the student because it can’t be both that’s what senate is questioning
* The powers given to judicial council is from the bylaws not the constitution
* Want all of us to realize the way that the AS president shifted his argument and in a sense is making us feel like we are guilty for doing this I think as someone who studies it’s on an individual basis and when you have multiple survivors going forward and we need to acknowledge that

**IVP**

* Going to invite Raymond and Kimi from judicial council to address the process on the case and then after we are going to get to the rest of public form speakers

**Raymond Alonso and Kimi Nasiri**

* We are from Judicial council
* So, withdrawing a judicial council case is really simple
* I should say that the president speaking here does not withdraw the case
* The president needs to send an email to me saying that he wants to withdraw the case
* I have not yet gotten an email that they are withdrawing the case so at this particular moment the injunction is still in place
* At the present moment I have not received an email withdrawing the case
* Only way to do that orally is through the hearing
* Limited only to the process
* **Star**
  + Does the AS president know that he has to email Judicial council?
  + **Raymond Response**
    - After he said here that he was going to withdraw the case I emailed him right away explaining that to withdraw the case he needs to email me
    - So, his shouldn’t be an unknown thing
* **Roman**
  + If the AS President sends the email saying they are going to withdraw the petition what does that mean moving forward?
  + **Raymond Response**
    - The injunction is lifted, the election can move forward start on Monday as placed once I receive the email
* **Quintero-Cubillan**
  + Question about injunction, one of the articles cited in the injunction, Article 7, Section 3, Subsection b line 6
  + **Raymond Response**
    - Yes, I see what your referring to, in the judicial council legal code there is a typo with one of the lines I referred to it to as 6 because there were two 3’s instead of it being a 6. I did that for purposes of clarity my bad for not specifying what I did there

**Wessal Esber and Andrew Yan**

* Moving forward we wanted to make sure everyone is clear about the process
* Daevionne would have to submit that to the judicial council email the injunction remove and continue to move forward
* SAG election is happening
* We are here to answer any questions
* **Star**
  + Due to everything being remote will the voting threshold be reflective of the remote situation?
  + **Wessal Response**
    - When it comes to recall the 20% threshold can’t be change
    - Changing the threshold for SAG because special elections thresholds that are not regarding recall is up to Election boards
    - So, for SAG it’s a 4% threshold now
  + Will the SAG election still begin on Monday?
  + **Wessal Response**
    - As of right ow move forward with both questions need injunction to be removed during the meeting right now
    - Whatever happens with the injunction the election will go as planned
  + Let’s say we reach 4% and if we don’t reach the 20% threshold, will there be an extension?
  + **Wessal Response**
    - It is up to the board something we would have to consider
  + So, it is up to the determination of Elections board?
  + **Wessal Response**
    - Yes

**IVP**

* Forward me the lifting of the injunction
* Discuss procedure now the case is going to be withdrawn with that being kept in mind I will give the floor to the rest of the public forum speakers

**Izzy Mitchell**

* So, I do understand the injunction is up in the air with the word unconstitutional
* In the daily nexus it kept saying “unconstitutional” which is something that shouldn’t be thrown around
* The senate meeting the IVP informed everyone breech of legal code of Judicial council when they made the document not public
* As Senator Roman said it was filed using the president email which is a conflict of interest
* Got exclusive confidentiality something only a president would have, for their petition
* Judicial council says they voted unanimously to hear the case and granted the injunction
* There were a lot of interpretations made last meeting or assumptions made about legal code
  + When you are in a position power you shouldn’t say no unless that’s the actual answer
* Remind y’all whatever happens moving forward and what you all did was fine and was correct
* Emphasize there should be no more talk about “unconstitutionality”

**Shva Star**

* Notice people throwing around legal code without really knowing what it is
* Either you know or you don’t and its abuse of power to be throwing around assumptions
* Wanted to say if you don’t know for anyone an answer to a question and it’s okay to say that you don’t know and come back to that question when you look it up
* Reference my motion that we did have the power that Judicial council had the right to do what they did but we did too with moving forward
* This petition holds more weight because it was made by our constituents, we owe them their rights
* There are clear and obvious miscommunications between the branches of the organization there are multiple things excited to work on that
* You don’t know the answer to something it’s okay to say ‘I don’t know’ or ‘I need to look that up’
* All I wanted to say

**Halder**

* I want to say I have concern with the vagueness of the timeline
* Our job to change the process that has failed students
* Trying to give student body some sort of restorative justice
* Wanted to say that I recognize the AS presidents’ identities
* At the end of the day it will be about the student body
* Never once did I hear that the filing of the injunction hurt the student body

*MOTION/SECOND: Martinez/Nezhad*

*Motion language: motion to resume orders of the day and go back into new business*

*ACTION: Vote: CONSENT*

*Vote Taken:  2:59 PM*

**E) Acceptance of Agenda**

*MOTION/SECOND: Quintero-Cubilllan/ Roman*

*Motion language: motion to accept the agenda*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:09 PM*

**F) Consent Calendar**-

**G) Action Items**

**G-1) Immediate Consideration**

Closed Session to discuss legal matters with Senators, AS Staff, Tyler Barth, Andrew Yan, Wessal Esber, Raymond Alonso, Kimi Nasiri, and Claire Benedek

*MOTION/SECOND: Proxy Yehuda/Pabla*

*Motion language: motion to move the closed session to Wednesday*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:09 PM*

*MOTION/SECOND: Quintero-Cubillan/Nezhad*

*Motion language: motion for judicial council to provide the Associated Student senate and staff notice by the end of the day in writing once the injunction is lifted and once the case is to be withdrawn*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:10 PM*

*MOTION/SECOND: Mitchell/Slater*

*Motion language: motion to have the election proceed as planned with both questions on the ballot upon the lifting of the injunction*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:11 PM*

**IVP**

* Now going to do the restating of the motions
  + If it doesn’t happen by the end of day what does that mean?
  + **IVP Response**
    - Make motion a backup in the case it isnt lifted the election will have complications with the result we will discuss this in closed session
* A motion directing Elections board to move the election following the injunction conclusion or the lifting of the case the special election will contain both questions within 24 hours
* In contact with both my case and on this cases to switch cases states- the cases will be heard on Tuesday so there will be a decision by Wednesday senate
* My recommendation to make a motion to direct Elections Board to move the election and it will contain both questions

**Proxy Yehuda**

* *Point of Information* Do the SAG vote would be moved to the new date too?
* **IVP Response**
  + Yes, the ballot is one whole thing

**Quintero-Cubillan**

* In this cases if they don’t inform us by the end of today for our Wednesday meeting, we will have to motion to move the entire election
* **IVP Response**
  + So that’s why I’m saying if they don’t inform us by the end of today, if the injunction is not lifted then we direct Elections board to move the special election date. If the injunction is lifted then it will happen within 24 hours of the lifting this is a good fail-safe if it isn’t withdrawn, it would be one we make today

**Roman**

* So that would be under the stipulation?
* **IVP Response**
  + Yes
* Would Elections board have to move it because of the validity of the results?
* **IVP Response**
  + Yes, we can direct them to move the dates

*MOTION/SECOND: Proxy Yehuda/Nezhad*

*Motion language: motion to direct elections board to move the special election following the lifting of the judicial council injunction which will contain both measure of the ballot within 24 hours and the latest by Friday*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:19 PM*

**G-2) Old Business**-

**H) Recess**-

**I) ASUCSB Reports**

**I-1) Administrative Committees**-

**I-2) Boards and Commissions**-

**I-3) Unit Reports**-

**I-4) President’s Cabinet Report** -

**I-5) Executive Director’s Report**-

**I-6) Executive Officers’ Report** -

President

Internal Vice President

**Tianna White**

* Thank you for all coming
* The last thing on the agenda is the appointments of pro-tempts
* I opened up a new application on Week 1 and closed it Friday of Week 2
* Only had two applicants but we still continued to interview them with Marisela
* And we’ve affirmed them as ready to fill these positions

External Vice President of Local Affair

External Vice President of Statewide Affairs

Student Advocate General

**I-7) Senator Representative Reports**-

**I-8) Administrative Reports**-

**J) Committee Reports**

**J-1) Standing Committee on Finance and Business**-

**J-2) Standing Committee on External Affairs**-

**Quintero-Cubillan**

* Met on Friday created the social media and have to get a new member because one of them hasn’t responded to any communication

**J-3) Standing Committee on Internal Affairs**-

**Star**

* The meeting was very productive 15 people attended
* All worked on important legislation

**Pabla**

* We went ahead and clarified a lot of what we discussed in last week senate’s meeting it will be in this week’s agenda
* Added some clarification on conflict of interest lots of foggy area on what constitutes conflict of interest

**Quintero-Cubillan**

* *Point of clarification* Andrew just sent an email of motions to dismiss the case just thought you all should know

**J-4)** **Standing Committee on Food Insecurity-**

**J-5) Group Project and other Temporary Committee Reports**-

**K) Minutes and Allocations:**

**K-1) Senate Minutes**

**K-2) Administrative Committees Minutes**

**K-3) BCU Minutes**

**K-4) Standing Committee Minutes**

**L) Appointments**

Office of the Internal Vice President:

Catherine Flaherty for first Senate-pro tempore

Dylan Martinez for second Senate pro-tempore

*MOTION/SECOND: Proxy Yehuda/Pabla*

*Motion language: motion to bundle and approve the appointments*

**Roman**

* With Catherine’s involvement with IVCSD how would that relate to Senate?
* Does it violate legal code?
* **IVP Response**
  + Legal code doesn’t stipulate outside organizations only organizations within AS
  + IVCSD is outside the encompassing of AS so it’s okay

*ACTION: Vote: CONSENT*

*Vote Taken:  3:24 PM*

**Marisela**

* Recommendation to the chair before adjourning you should go back on the motions made and make sure that was the intent of them and it has to make sense to you all
* It would make sense to ask out minute-taker to restate the motions

**M) Discussion Items**

**N) Remarks**

**O) Adjournment**

*MOTION/SECOND: Pugal/Nezhad*

*Motion language: motion to adjourn the meeting*

*ACTION: Vote: CONSENT*

*Vote Taken:  3:31 PM*