

ASUCM JUDICIAL BRANCH  
UNIVERSITY OF CALIFORNIA, MERCED

Hearing Brief

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“No. 02–S17”

Leiske v. Parra  
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Petitioned February 22nd, 2017 at 9:57am

Heard March 16th, 2017 at 7:30pm

Decided March 16th, 2017 at 10:30pm

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Introduction

Citing alleged bylaw violations, student Chad Leiske filed a petition against Senator Yaqueline Parra. The Purpose of this hearing is to determine whether or not Senator Parra is culpable for the accusations at hand any possible sanctions.

Cause of Action: Allegations of violations of ASUCM Constitution and Ethics Code.

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### Argument

Hearing: On March 16th, 2016; 7:30pm the ASUCM Court held a hearing of the case titled No.02-S17 in the Chancellor's Conference Room (KL 232). This hearing was open to the public, livestreamed to the ASUCM Facebook page, and audio recorded. Both Petitioner and Respondent were in attendance.

### Opening Statement P1 (Chad Leiske)

“Good Evening members of the public, scat few, and members of the ASUCM Court. My name for the record is Chad Leiske and I’m a member, a student here at UCM. When people elect representatives at any level of government, at student, state, and federal level, on the most important aspect of leadership is gifted to the individual and that aspect is trust. You are their voice. You have been bequeathed with the trust of a populous. What helps those people put trust in those representatives are laws and in our essence by laws. But what happens when a representative breaks a bylaw? Or a representative is unaware or doesn’t take the time to understand a bylaw? On state and federal level, real consequences can occur. So, you might ask what exactly am I here for? What are we all here for? That is on Feb. 15th 2017 Bill #42 to fund an organization on campus called PAD hit the senate table. This bill itinerary was poorly written and event so poorly planned to the point that members from the organization could not answer questions about what was going to occur in the event, but it passed. How did it pass? In part, due to a yes vote from Sen. Parra, who on the table expressed support and advocated for the bill. The catch and it’s a pretty big one, Sen. Parra is part of that organization PAD. Now on a federal or state level, there are strict laws and regulations regarding conflict of interest. A conflict of interest is defined as a situation of personal organization is involved in multiple interest financial or otherwise one that can possibly corrupt the motivation or decision making of that individual or organization and even here at the student level at UC Merced, ASUCM Court has strict rules regarding recusal for themselves in many different regards including conflict of interest. Senate does too but it’s under the ASUCM ethic codes and values. That is the foundation of the petition. I, the petitioner, will prove without a reasonable doubt that Sen. Parra should have known these bylaws and should have remained ethical and not in violation of them. She should have abstained from voting on the bill. I yield my rest of my time to the chair.”

### Opening Statement R1 (Yaqueline Parra)

“Hello, I was summoned here today because of a petition filed against me by Mr. Leiske on the grounds that I violated the code of ethics section one part c and d. I’m here to represent myself against these false accusations. I’m pretty sure you all read the section in which I’m being accused of violating, I will argue that the sections in question are not worded as they should have been which is why there is a lot of insinuation for different things to happen throughout the senate meetings. For instance, if we go to section one part c “I disclose to the Internal Vice President of ASUCM my affiliations with any organization that is under the purview of ASUCM, or with any friends or groups that have substantial business with ASUCM.” It never says there when I have to say it, it never says when, where, what time I have to say it to the president if I am a member or not. That’s never mentioned there. Another part is that it never states that I have to state my membership to the senators at the senate meeting. That point on its own, and others that I will make throughout the hearing case will without a doubt show you all the minusense. Thank you.”

### Argument P1 (Chad Leiske)

Once again for the record, my name is Chad Leiske, I’m a student at UC Merced. I’m going to ask a series of questions to the chair, primarily my argument is going to be focusing on questioning. I have

tried my hardest to make these things permissible based on the previous court case and the way the questions were asked there. If at any time, I need to modify my questions please do not hesitate to tell me. I will do it without thinking. My first question, addressed to the chair already off the bat, tell me if this is incorrect, Ms. Parra, are you a senator within ASUCM?

Chief Justice Jones: I cannot force you to answer any questions if you are uncomfortable answering anything.

Sen. Parra: I have a question. Is that not me giving implications of myself, to false accusation including myself?

Chief Justice Jones: I cannot force you to say anything.

Justice Luna: You can plead the fifth.

Chad Leiske: If you don't answer the question, I will. So once again Ms. Parra, are you a senator within ASUCM?

Sen. Parra: Yes.

Chad Leiske: You were present at the senate meeting on the night of February 15, 2017 when bill #42 was passed correct?

Sen. Parra: Bill # what?

Chad Leiske: #42

Sen. Parra: Yes.

Chad Leiske: Bill #42 was to fund for an organization named PAD, correct?

Sen. Parra: Phi Alpha Delta. Yes.

Chad Leiske: What specifically was the funding for?

Sen. Parra: The funding was for 10 students to visit DC for series of tours to law schools as well as network connections.

Chad Leiske: So, we'll take a moment to summarize here. We learned that Ms. Parra is a senator, she was present at senate meeting the night of February 15, 2017 when bill #42 was passed and she knows what bill #42 was and the intent of bill #42. Are you an active member of PAD yes or no?

Sen. Parra: Yes.

Chad Leiske: Has PAD discussed this trip with you as a role as an active member?

Sen. Parra: Discussed in what sense?

Chad Leiske: Has PAD discussed details of the trip to you prior to the meeting?

Sen. Parra: In what sense?

Chad Leiske: So, I'm going to take that as a no. So, you claim to have no knowledge of the trip until the night of the senate meeting despite being an active member? Summary, so we are going to go back and summarize, Sen. Parra Is an active member of PAD, but didn't know of the trip and despite being an active member she claims to have no knowledge of the trip of this massive trip that require external funding from ASUCM.

Justice Luna: When did Sen. Parra say she had no knowledge before the meeting?

Chad Leiske: She implied no answer, I'm allowed to make my argument. Sen. Parra, did you advocate and express support for bill #42?

Sen. Parra: Yes.

Chad Leiske: You voted to pass bill #42 to fund PAD correct?

Sen. Parra: Yes.

Chad Leiske: Once again I'm going to take a step back to summarize. So, Sen. Parra expressed support of the bill despite of being a member and despite of members being able to answer questions. During the senate meeting, members of PAD were asked questions such as "In regard to interest networking such as DOJ and JOE can you give me more information on who your meeting in details?" to which members of the public replied "for the DOJ we are planning on touring it, I have contact them and waiting for a response back" this is all in the evidence if justices are interested. Each of the evidence are labeled with different meeting times. So, did you at any time disclose to any senators that you are an active member of PAD?

Sen. Parra: Is that to me?

Chief Justice Jones: If I find a question not suitable I will step in. If you don't want to answer, that is fine.

Chad Leiske: I'll take that non-answer as a no.

Chief Justice Jones: From the court's perspective, we don't have to as ourselves take that as a no. But for you own-

Chad Leiske: Of course, it's my argumentation. Did you at any time at the table that night disclose that you will not be benefitting from this bill?

Sen. Parra: No.

Chad Leiske: So, you did not deem the information that you were possibly benefitting from this bill of interest to disseminate to you colleagues even though you are a member of the organization?

Sen. Parra: My affiliation with any organization should not act as a form of decision making to affect any senator's process to the decision they make to vote on any particular bill regardless of affiliation.

Chad Leiske: You did not disclose that you were benefitting from this bill. So, you could have gone on this trip and yet you still voted yes for it. If you benefit from this bill, how do you remain impartial?

That's not a question that's rhetorical. So, Sen. Parra, is it your duty to know and operate within ASCUM by laws?

Sen. Parra: Yes.

Chad Leiske: So, Sen. Parra, on the senate meeting of February 15, 2017, were you aware of ASUCM 2013 bill #71 Code of Ethics and Values?

Sen. Parra: Yes.

Chad Leiske: Then you are aware of section one part d where it states, "I abstain or recuse myself from the decision-making process in all situations in where I believe that I cannot exercise impartial judgment"

Sen. Parra: It says, "I believe" so where I believe, so yes.

Chad Leiske: However as per minutes from that meeting in exchange with IVP Gabriel Hubert who is a member of the public, you said I think it's very dishonest of you to say this now when we should of started this agreement when we took office on the table. Are bylaws not agreements that start when you take office off the table?

Sen. Parra: The way it is written, and if you go back the IVP said before I said that comment was that it was more or less of a gentlemen's agreement. He has not enforced meaning that he had not asked the senators to follow that bylaw and that bylaw specifically gives me the power to decide whether I can vote of something. That is a power that you cannot take because I am a senator. It's my power that I take in that seat to decide if I'm impartial.

Chad Leiske: So, bylaws gentlemen's agreements that you can break at any time because you just?

Sen. Parra: No, they're not, that one is.

Chad Leiske: Let it be noticed on the record that Sen. Parra believes that a specific section on the code of ethics and values by laws section one part d is a gentlemen agreement and can be chosen to be forced at any point and that she doesn't necessary need to work within it. So, So Sen. Parra do you as a senator or member ASUCM if you break a bylaw should be held accountable?

Sen. Parra: Yes.

Chad Leiske: At the following senate meeting did you urge fellow senators to call to question on the discussion to appeal ASCUM Code of Ethics and Values on March 1st, 2017?

Sen. Parra: By urging you mean?

Chad Leiske: Expressing support for calling to question?

Sen. Parra: Yes.

Chad Leiske: So, do you not think, and forgive the slang, but sketch to urge fellow senators to repeal the rules you abide by when you have court case against you and that you knew of at the time?

Sen. Parra: I urged the question to vote because it was taking forever to vote. That does not mean that I am in support of the decision. I am urging the senators to come to a conclusion which is completely different.

Chad Leiske: Okay but I want you to realize that from a public perspective they cannot tell that.

Chief Justice Jones: Try to refrain from saying you. Just change the pronoun.

Sen. Parra: I have a question, is this more or less as a witness type of thing?

Chief Justice Jones: There is but there is a specific section for the witness.

Sen. Parra: Can I call them during arguments?

Chief Justice Jones: There is a section for that.

Chad Leiske: At this time, my questions are done. Point of privilege time remaining?

Chief Justice Jones: 1 min 50 secs

Chad Leiske: Sen Parra believes that section one part d Code of Ethics and Values by laws is a gentleman agree and can be broken at any time. Actually I don't think I need to say anymore, I yield the rest of my time to the chair.

Argument R1 (Yaqueline Parra)

N/a

P1 Witness (NA)

N/a

R1 Witness (Gabriel Hulbert)

Sen Parra: Can you please state your position in ASUCM?

Hulbert: I'm the internal Vice President

Sen. Parra: So, you are familiar with the code of Ethics?

Hulbert: I am.

Sen. Parra: Did you know Sen. Parra's membership to Phi Alpha Delta prior to Bill #42 being introduced to senate?

Hulbert: I was aware.

Sen. Parra: And because you knew Sen. Parra's affiliation to phi alpha delta, do you think it was necessary to re-inform you of her status even though you already knew of her membership?

Objection – Chad Leiske

Leiske: That question is leading.

Hulbert: Are you going to repeat it?

Sen. Parra: No I want you to answer.

Hulbert: Can you repeat the question again?

Sen. Parra: And because you knew Sen. Parra affiliation to phi alpha delta-

Objection – Chad Leiske

Leiske: It's leading.

Sen. Parra: I'm asking a question-

Chief Justice Jones: It's neither your time to speak.

Justice Luna: She needs to rephrase the question.

Chief Justice Jones: Rephrase the question.

Sen. Parra: Did you find it necessary for Sen. Parra to re-inform you of her affiliation to phi alpha delta when bill #42 was going on the table?

Hulbert: No, it's common information in the relationship I have with the other senators on the table I know who's involved in what.

Sen. Parra: Will you say that section one part c of the ethics code was in violation?

Hulbert: I can't speak to whether or not it was in violation or not. That's why we are here to determine it.

Chad Leiske: Point of clarification, am I allowed to cross examine when he is up?

Chief Justice Jones: My apologies, yes.

Chad Leiske: On the night February 15th when bill #42 was passed you and Sen. Parra had a conversation or back and forth regarding the ability to vote on the bill due to her affiliation.

Hulbert: May I see this conversation that you are referring too?

Leiske: Point of clarification, am I allowed to give him stuff?

Chief Justice Jones: I don't see the problem.

Chad Leiske: It is right here. Would you please read the statement?

Hulbert: "Point of information, I have enforced this on previous bills but if you are a member of this organization a lot of the times its more less of a gentlemen's agreement that you abstain from the vote." It's not frack generally, its if you're a member of the organization and whose bill it is there's nothing that says you can't vote on it but you should abstain if you have a conflict of interest.

Leiske: Did you have knowledge of code of ethics bill #71 2013 prior to February 15, 2017?

Hulbert: I did.

Leiske: Even though you had prior knowledge, you did not know of section one part d?

Hulbert: I was aware.

Leiske: So once again bylaws are gentlemen's agreements?

Hulbert: Not necessarily. In the past, it was not enforced. In the past members have also voted for their organization it was just more less a gentlemen's agreement that when you're are a member of the organization where that bill was going to benefit you recused yourself or abstain from the vote.

Leiske: You do not think bylaws are gentlemen's agreement? Yes or no?

Hulbert: I do not.

Leiske: So even though you don't think bylaws are gentlemen's agreements is there any reason why section 1 d wasn't mentioned during the discussion?

Hulbert: No but are you asking why bylaws aren't mentioned in every single vote? It's the responsibility for table to know them, it's not my responsibility to tell everybody about bylaws all the time.

Leiske: But weren't you just educating somebody about a gentlemen's agreement similar to a bylaw?

Hulbert: Because I was asked too.

Chad Leiske: So, the point, you didn't think it was necessary to bring up the bylaw?

Hulbert: Had I been asked I would of brought it up.

Leiske: Do you think that if a senator is a member of an organization that is benefitting from a bill should vocalize it?

Hulbert: I think that, and I speak for myself as a former senator, I would of abstain but I cannot speak for other senators.

Leiske: Would you call that unethical for vote for a bill like that?

Hulbert: I would. But not necessary against bylaws. We are here to determine that.

Leiske: For the record, section part one part d was not brought up because you did not think it was relevant?

Hulbert: Not necessarily. I stated how it was practiced in such situation done previously. I brought it up, I did not bring up the specific bylaw but it was pertaining to that. I didn't state section one of these bylaws or whatever. It was more like this is the practice based on those, not explicitly but implicitly.

Leiske: Point of privilege, time remaining?

Chief Justice Jones: 6 seconds

Chad Leiske: Are you familiar with the student activities committee meetings and their minutes?

Hulbert: Yes, but what exactly do you mean that's a broad question?

Chad Leiske: On the night of February 15th, student activities met, have you looked at the minutes for that evening?

Hulbert: I have not.

R1 Witness (Yosief Ghebresilasie)

Sen. Parra: My next witness is Yosief Ghebresilasie.

Sen. Ghebresilasie: Yosief Ghebresilasie, Senator for the School of Engineering.

Sen. Parra: One of the evidence that Mr. Leiske presented in his petition was that during the student activities minutes I did not state my affiliation with Phi Alpha Delta. Can you please state your position in the Student Activities Committee?

Sen. Ghebresilasie: I am the chair of the student activities committee.

Objection—Chad Leiske

Leiske: I'm going to object because it's outside the scope of evidence. She said that in the student activities' minutes that was on my petition however I don't say that. I say on the record or in the senate meeting. If you would like specific phrasing in the petition the justice can pull it up, or the clerk.

Sen. Parra: I can read off what was specifically stated. It says it is worrying to me that the issues were even highlighted in the student activities committee meeting yet it was not discussed according to the minutes in the slightest.

Objection—Chad Leiske

Leiske: My objection still stands, that's vague there's no point discussing her affiliation with PAD.

Sen. Parra: Those were your words.

Chad Leiske: But nowhere in those words did I explicitly say that your affiliation with PAD was in question.

Justice Luna: What's your objection? That she's not?

Chad Leiske: That it's outside the scope of evidence. There's nothing submitted that I said she didn't talk about it in her committee meetings.

Justice Yechuri: Talked about what specifically?

Leiske: Her affiliation to PAD.

Justice Luna: And you're saying it's in the evidence?

Sen. Parra: Yes. He used 2 different evidence. One was the senate meeting minutes and the other was the student activities minutes.

Justice Luna: And you're saying you didn't submit it?

Chad Leiske: I believe my wording was that she never discloses to the table or to the fellow senators. This is getting semantic and kind of.

Chief Justice Jones: For the sake of time, we will not run in circles.

Sen. Parra: Do your meetings occur weekly?

Sen. Ghebresilasie: Yes, they do.

Sen. Parra: What is the expected duration of these meetings?

Sen. Ghebresilasie: About 30 to 45 minutes. Sometimes an hour.

Parra: During that time do you agree that bills and resolutions are regularly discussed and in addition to any work that the student activity is involved in?

Ghebresilasie: Yes, bills and resolutions are usually discussed.

Sen. Parra: Is it true you are providing an accurate summary of the minutes that was discussed after each committee session for your report?

Sen. Ghebresilasie: True.

Sen. Parra: Judging the minutes you receive weekly, would you say that everything that is discussed or asked during those meetings are noted and recorded during the minutes?

Sen. Ghebresilasie: No, they are not.

Sen. Parra: Can you recall the meeting with bill #42 was discussed?

Sen. Ghebresilasie: Yes, I can.

Sen. Parra: Did Sen. Parra during anytime throughout the meeting voice her affiliation with phi alpha delta fraternity?

Sen. Ghebresilasie: Yeah we were aware of her affiliation with PAD.

Objection—Chad Leiske

Chad Leiske: Objection, there's not evidence submitted that Sen. Ghebresilasie actually understands that she's a member of PAD.

Justice Luna: So did she say she was in PAD or were you simply aware?

Sen. Ghebresilasie: Yes, she said she was in PAD.

Justice Luna: Like she specifically says she was part of PAD?

Sen. Ghebresilasie: Yes.

Justice Luna: Then why didn't it end on the minutes?

Justice Yechuri: So you're saying that's where the issue rises that she mentioned it but not everything ends up on minutes and it was somehow lost?

Sen. Ghebresilasie: What the secretary deems important is what ends up on the minutes so I guess he did not deem that was important.

Justice Luna: Are your meetings not recorded?

Sen. Parra: The student activities committee meetings are never recorded. We have a secretary and whatever is discussed in the meeting the secretary writes. But only the secretary is allowed to write so whatever the secretary records at every committee meeting those are the meeting minutes that are sent to the secretary of the Senate.

Chad Leiske: So does my objection stand? It is not evidence submitted it is outside the court.

Justice Luna: Well the witness is saying himself.

Chief Justice Jones: We treat it as such

Chad Leiske: I'm fine with that on the record I'm fine with either result.

Justice Luna: We'll take it into consideration what the grain of salt.

Parra: So, I'm sure you guys all have a copy that was sent by the petitioner of the student activities committee minutes. So, the student activity committee minutes are widely inaccurate and most casual for the most observers. I don't know if you guys noticed but it starts but it starts at 4:11 PM and at 4:30 PM. That is 20 full minutes of discussion in 90 words. There are only three or four quotes in the little page alone. That could not possibly have everything that was discussed throughout the meeting, which is why I state again that when I voice my affiliation with Phi Alpha Delta, even though it was not place in the student activities committee minutes, it does not mean I did not say it.

Objection – Chad Leiske

Leiske: I change my objection that it is outside the scope, it's not in the evidence. And she's asking a question not pertaining to the evidence

Justice Yechuri: The court will listen to what Sen. Parra has to say however, understand that we see your point of view and we'll take it under consideration in our decision.

Justice Luna: Not one quote is going to sway all of us.

Parra: The list of minutes cannot even remotely and fully be encompassing our discussion. It does not have everything we say and never has, and I can honestly say that most of the committee of the senators does not have every little thing that is stated in all the discussions of the senators have.

Leiske: Sen. Ghebresilasie would you say that Sen. Parra affiliation to PAD is important to the bill?

Ghebresilasie: In what sense?

Leiske: That her affiliation may in fact sway her opinion.

Ghebresilasie: I mean I can't say anything in regard to the because it's up to her discretion that will sway her decision or not.

Leiske: These are the minutes of February 15, correct?

Ghebresilasie: Yea, those seem to be the ones.

Leiske: This might be outside this court case and different issue altogether that Sen. Parra touched on, that committee meetings really don't and really aren't kept track well.

Sen. Ghebresilasie: Yea that's true.

Chad Leiske: So not only did her affiliation with pad get lost, do you think other things got lost too?

Ghebresilasie: Other things like what?

Chad Leiske: Other statements, other quotes?

Objection— Yaqueline Parra:

Parra: Objection he is leaning towards another problem.

Chief Justice Jones: Please keep it relevant to this case.

Leiske: I'd say it's very relevant because other discussion of her affiliation with PAD might have been lost and it's a conflict of interest case.

Chief Justice Jones: Then please asked specifically about the affiliations of PAD.

Chad Leiske: Okay do you think other discussions about her affiliation may have been lost?

Objection— Yaqueline Parra

Sen Parra: Objection, there are no other discussion senate. There are only Committee meetings and the student activities committee meeting minutes where I could've discussed it.

Leiske: We are discussing the student activities committee meeting minutes and their inaccuracies. What was the ruling from the objection?

Chief Justice Jones: From the courts perspective-

Justice Yechuri: Please be specific as to what you're referring to when you state a question that is all.

Chief Justice Jones: And are you asking specifically about this particular committee meeting?

Leiske: On the committee meeting February 15th, 2017 during bill #42 discussion funding for PAD, was other discussion involving bill #42 lost, yes or no?

Ghebresilasie: Discussion with her involvement with PAD?

Leiske: Yes

Ghebresilasie: I don't think there was much discussion about it. She discloses the information that she was part of PAD and then we moved on to discussed the context of the bill.

Leiske: But that information is not on the minutes, correct?

Ghebresilasie: So you want us to put every word on the minutes?

Leiske: Objection, unresponsive. I asked a question. So, the secretary can't put whatever he wants on minutes?

Ghebresilasie: I mean he's in charge of taking minutes so yeah. It's up to his discretion.

Leiske: So, using this minutes as a guide, members of student activities committee do not think it's important to keep accurate minutes?

Ghebresilasie: So we discuss bill #42 during the committee meeting amongst ourselves. If every comment that was made whether if we agree with the bill or not. Everything else stays within us. Anything she says is not going to sway us from making our decision.

Chad Leiske: But that information is not on here. There's only four lines for discussion.

Sen. Ghebresilasie: So what kind of information do you want on the minutes?

Chad Leiske: I don't have to answer that. Point of information, how much Time do I have?

Chief Justice Jones: One minute.

Chad Leiske: You as a senator do not think that Sen. Parra affiliation with PAD is important?

Objection—Yaqueline Parra

Sen. Parra: Objection misleading question. That does not matter in this case we are here to discuss if I was in violation. His opinion does not matter in this case.

Justice Yechuri: He's asking for the witness' opinion of whether he thinks it's important.

Justice Luna: I think you're perfectly fine to ask that. I don't think the record to take his opinion into consideration.

Chief Justice Jones: As a note senator, you don't have to answer.

Ghebresilasie: What was the question?

Leiske: As a senator, do not think it's important to the discussion that you know Sen. Parra affiliation to PAD?

Sen. Ghebresilasie: We did know that Sen. Parr was affiliated with PAD.

Leiske: Do you think it's important?

Sen. Ghebresilasie: We knew that she was affiliated with PAD but I don't know what part of the importance you're specifically talking about.

Leiske: Do you think its important to ethical decision-making Sen. Parra affiliation with PAD?

Sen. Ghebresilasie: Yeah, I think it's important for me to know.

Chad Leiske: So you think it's ethical?

Ghebresilasie: Define ethical.

Chad Leiske: That is a question that not even the best philosophers can answer. I feel the rest of my time to the chair. Point of clarification, I'm not allowed to ask for five-minute recess?

Chief Justice Jones: I would prefer no

Leiske: Point of clarification, does the court operate under Robert's rules?

Chief Justice Jones: As a guideline

Leiske: Well then, I'll just pose a question to a five-minute recess

Chief Justice Jones: Five-minute recess.

Closing Statement P1 (Chad Leiske)

"I want to return to the idea of trust. The idea that is central to our government that we operate under whether it's student, State, or federal. It's an important idea and when trust is broken, not just when trust is broken, when bylaws are broken there should be punishments. There should be actions. I, as part of the result I am asking here, is for there to be bylaw changes in the future that reflects and greater quantify what conflict of interest means and passing bylaws that senators need to abstain when they are part of groups that have bills on the table. I would like for court to explore that idea of censure or the ability to remove a senator's ability to vote when it comes to certain bills for certain organizations. And finally, I would like there to be greater awareness of conflict of interest here in greater awareness of keeping our representatives accountable at every level of government. To reiterate the biggest thing that came out of this was that Sen. Parra, did not disclose whether she would benefit from the bill on the table that she voted yes on. That is in impartiality. It is a conflict of interest. I posed a question to the court, to the members of the public, and those watching, impartiality can't exist when the gain is present? I believe and I hope I proved without a reasonable doubt impartiality cannot exist when gain is present. We've also found out that Sen. Parra thinks bylaws are gentleman's agreement. That she can just break it anytime. And that she can adhere to it or not adhere to it. They're a gentleman's agreement, just a shake of the hand. She also believes that bylaws do not take affect the minute that she takes office, only when there are brought up in a Senate meeting. That's not true. And we found out that she thinks she shouldn't disclose her affiliation with PAD when there is a bill on the table being discussed, especially when it's her organization presenting the bill. We learned that Sen. Parra doesn't think and openly admits committee minutes, who cares whatever they put on it. They're never accurate anyways. Is that ethical? Is that impartial?"

Closing Statement R1 (Yaqueline Parra)

"As a senator, it is our solemn responsibility to be as fair as possible to best serve the student population. However, it is not realistic nor probable expectations for an active member of the student Senate to fully refrain from non-academic organizations. Not all but most members of the Senate are active members of organizations throughout our campus. My affiliation is public information that can be accessed by any student who is interested to know, including senators. It should also be noted that there is not precedent of what minutes should include for the Senate Committee secretary position. It should also be noted that the bylaw states that if I feel that I'm not being impartial, I should excuse myself from voting. Let me make it perfectly clear that this is an arbitrary bylaw that cannot be forced due to the fact that the centers themselves must determine if they are being impartial or not. I believe that my affiliation with the organization does not affect my judgment of whether or not this bill was a good use of student fees. It is my right to do so according to the bylaws. I am accused of violating the rules of the senate by Mr. Leiske, however I already stated the two sections that he accused me of. The first being of the internal vice president not being informed which according to himself he was. And the second of me abstaining from voting which I already said. My connections to Phi Alpha Delta and any organizations are well documented across Senate. My commitment to transparency among my peers, is unquestionable. However, this is truly not the true issue at hand. The issue brought forth is nothing more than a technicality meant to undermined my affiliated organization and unfairly targets my reputation. I am not

obligated to constantly organizations each and every time a motion a bill is presented that affect the organization itself or me. Quite simply my affiliation with the organization did not act as a factor in my decision. I am fully aware that as a senator we are to remain impartial and our decision-making and boating keeping the student body's best interest in mind. To the best of my ability I have fulfilled my obligation to the Senate and to the university. Thank you."

#### Questions

Justice Talania: Question for Sen. Parra, for the PAD Washington program, can you tell me more about the program? Are you going to be directly involved in that program? Are you one of the delegates of that program just for the context of it?

Sen. Parra: The bill was to send 10 students to DC to visit the law schools there and to network with some of the companies that are law firms that are possibly interested in getting students interested in internships for UC Merced. I am not one of the 10 students to the DC trip.

Justice Talania: What is your rationality behind voting yes for this program? What do you believe as a senator will help the whole ASUCM body its vision and mission towards this bill?

Parra: There are 44 active members in that fraternity. And 44 students have the opportunity to maybe go and visit law schools, go network, and gain a job after college. That was what I was thinking when I was voting yes for this bill. It was not myself because there are 10 spots and there are 44 students this is why I'm here to represent those of 44 students. And simply because I

am a member of the organization does not mean that those students are not representative through me.

Justice Talania: So, if there is another type of program that has an agenda or itinerary that wasn't PAD, let's say Law clinic, or the Merced pre-Law Society, will you say yes to the program?

Sen. Parra: Yes, I am Poli sci so I support everything.

Justice Luna: Sen. Parra, at the senate table, did you see yourself as a representative of Phi Alpha Delta?

Sen. Parra: No, which is why if you go back to the Senate meeting you will know that I did not speak until the internal vice pres. mentioned that if we are part of the organization we should abstain from voting. That's what I thought it was more targeted towards me and Eva because we were the only two members part of that organization at the table. That was a moment when I started speaking.

Justice Luna: Okay for you Chad, do you think that Sen. Parra was sort of led to believe that it was a gentleman's agreement by what internal vice president Hulbert said? Because he did say before that it was a gentleman's agreement. Do you think that even with all the knowledge of the bylaws coming into the senate meeting, do you think is that internal vice president comment could have less senator part to believe that it was indeed a gentleman's agreement and not a binding bylaw?

Leiske: I mean the question that you're basically asking me is whether I think if bylaws are gentleman's agreement?

Justice Luna: No I was saying that Sen. Parra could have thought it was a gentleman's agreement because Gabriel told her directly before that it was a gentleman's agreement?

Leiske: No, I don't think he can determine that bylaws are gentleman's agreements.

Justice Luna: No, he can't. So, you don't think Gabe's comment had any effect on Sen. Parra?

Leiske: She should have complete knowledge of these bylaws. She should have near or complete knowledge of bylaws. It should have not affected her.

Justice Luna: shouldn't the internal vice president and have complete knowledge of these bylaws? And if he said something misleading don't you think that Sen. Parra would have been swayed by that misleading comment or not at all?

Leiske: He should know the bylaws. She should know the bylaws, it was clear that they did not know the bylaws at the time.

Justice Yechuri: I have a question for Sen. Parra in regard to the context of the bill. In regard to the petitioner's context that the itinerary was described as incomplete and largely lacking. I would like you to speak on that point as to why the integrity of the bill is intact if your affiliation when the itinerary is so full of holes.

Parra: I believe that the only hole the petitioner pride or digged in, was want a senator asked potential members who wanted to go to the trip, what companies or networks what they meet at DC? If any of you have gone to DC, you would know to get a hold of a company or someone's time during the week is very hard. You can send them emails but you have to wait for that time to be stored for you. That was only hole the petitioner said there was, he said there was lacking information. I do not think that there is lacking information I don't think that any of the senator thought it was lacking information, otherwise it would have voted no on it.

Justice Bey: This is to the respondent: would you consider pad an exclusive club? Meaning if we would all like to join next semester, we would be able to join or is it a strict process in which people would not be able to join?

Parra: No, according to the national bylaws we cannot discourage any student from wanting to be a lawyer or wanting to be involved in law. Everyone who wants to join Phi Alpha Delta simply goes to the process and that is just knowing that information a Phi Alpha Delta, wanting to be a committee member, and then they become a member.

Justice Bey: I have a question to the petitioner: after seeing the answer. The club is not exclusive and if we all wanted to join next semester we can do that. In my opinion this club allows any student at UC Merced to have this opportunity. With that being the case and the respondent being a senator, do you still think that she was still not in the place to vote for a bill to be passed in that all students have the opportunity to go on the trip?

Leiske: I have submitted both the complete minutes of the Senate meeting of February 15, 2017 as for evidence. I have codes as well but I'm not sure if I have the exact quote but the member of the organization state that the selection process, this was a question asked by a senator. Long story short, they said that new were members would be selected and that that there would be one elder member selected in the process. I will say that it is my personal belief that fraternities are not open to everyone they are heightened with the notoriously high fees, there is often a GPA requirement, but that's an entirely different discussion. And please start to refer to the minutes for the accurate wording of the members of the public clarifying how they select the individuals.

Justice Yechuri: You're saying that even though all students are, if afforded the opportunity to go, you don't believe that that opportunity actually exist?

Leiske: Yes, and if I may bring a comparison to government is the idea of access to healthcare and the right to healthcare. You may have access to the organization but you may not be able to get in to that organization without jumping over a few hoops.

Justice Luna: So if we rule on the basis of that, does that mean that any bill that comes on the Senate table that sends members of an organization what just be not legitimate because not everyone can go?

Leiske: Please clarify what you mean by organization.

Justice Luna: Most organizations have some sort of fee involved or requirement involved that not every single member of the student body maybe able to do. Correct?

Leiske: I feel like that's the decision for the court to make, I don't think I'm fit to answer that question.

Justice Luna: Bills that come onto the table, for organizations often ask funding for trips to send select members of the organization on the trip, right? With the understanding that anybody would be able to join the organization, and then joined the trip correct?

Leiske: Incorrect, there are organizations on the bills that say actively participated or keep track of attendance.

Justice Luna: But anybody can join the organization and then joined the trip

Justice Yechuri: Eventually.

Chad Leiske: Once again I don't feel fit to comment on that.

Justice Luna: But your argument concerning Phi Alpha Delta is that not every member of the student body can join the organization can afford the trip and therefore is not legitimate?

Chad Leiske: That's not my argument. The whole reason why this petition was submitted was because Sen. Parr voted in violation.

Justice Luna: Wasn't that your answer to Justice Bey question?

Chad Leiske: My personal opinion should not be relevant to the fact presented to this case. If I had thought that the organization was not bringing members or it was closed off to the public I would've submitted that as a petition not that it was a conflict of interest. I feel like the question is irrelevant personally.

Justice Luna: I feel like the question to Justice Bey was irrelevant.

Chad Leiske: Point of the clarification: what does question for the court mean?

Chief Justice Jones: I suppose I mean "point of clarification"

Justice Talania: I have a question for Sen. Parra. This is regarding fraternities since I am part of one as well, and if I was in your situation I would also have those conflicts of interest even though it's not specifically explicitly or implicitly stated on the constitution or bylaws. So, I'm looking now at PAD's vision statements on CatLife where it's specifically states in one of their passages, it says "to promote the welfare of its members and to encourage moral, intellectual, and cultural advancement." So, the rationality between the fraternities is brotherhood my question is that if this bill or program that you're hypothetically passing, and you don't agree with that because it doesn't make any sense to pass because it doesn't represent the interest of the whole ASUCM community. But you have your loyalty to this fraternity because of its vision, it's like a contract. But you can't compare this to a friend because fraternities are very different and you know that, so what can you say about that? Do you think you can say no to a bill involving PAD when you deem it's not really representing the whole ASUCM body but you are obliged to say yes because you are part of the fraternity?

Parra: I am involved in five different organizations on campus. One is Phi Alpha Delta, another is Phi Mu, the third one is Democrats at UC Merced, the fourth one is ASUCM. With every position at every organization I have a role in in those organizations, I understand brotherhood, I understand sisterhood, I fully understand my position with ASUCM, and I understand my position in the Democrats club. When I am in the senate I am representative of all students. When I am in Phi Alpha Delta, I am representative and I am a member of Phi Alpha Delta. The same goes for all the other organizations.

Justice Yechuri: My question is for Sen. Parra, you stated that you were an active member of phi alpha delta and I was hoping you can expand on your role as an active member and what that entails?

Parra: What I do as active member, we recruit new members, the 2nd most focus is to study LSAT preps. That's what we focus on meetings when we are doing study hours. Apart from that is to make sure we support each other mentally and physically.

Justice Yechuri: So you're saying it's a very goal oriented organization?

Sen. Parra: Yes

Justice Talania: So, if there's ever a conflict in regard to you deeming the bill doesn't fly in your opinion, and that you're against it but you're part of PAD, would you say no to it?

Parra: Yes if I believe it's not legit and it should not go through and it does not represent under a senate position the best interests of all students, I will vote no.

Justice Luna: My question is for Chad. So, the exact language of the code of ethics section one part d "I abstain or recuse myself from the decision-making process in all situations in where I believe that I cannot exercise impartial judgment." In that statement, it says "I" so in the case of Sen. Parra, right? So, where Sen. Parra believes Sen. Parra cannot exercise impartial judgment. So, do you think that the language of the code of ethics can't in any way imply that it is up to her to decide whether she is impartial to decide whether she can exercise and partial judgment? Do you think that it anyway there's any implication of that part of code of ethics that leaves it up to Sen. Parra to decide?

Leiske: I presented my evidence and I think it's up to the court to decide. I made my arguments already.

Chief Justice Jones: I have a question for Sen. Parra, in your closing statement you said that it is a bit of an arbitrary rule, did you say that?

Parra: Yes

Chief Justice Jones: In court bylaws we have similar. Justices if they feel if though they cannot make a partial decision that they must recuse themselves in cases.

Parra: That is up for you to decide, that was my opinion.

Chief Justice Jones: But is it arbitrary that's what I'm asking?

Parra: That's not me for to decide on your bylaws because those are your bylaws and for you to follow.

Chief Justice Jones: Mr. Leiske, you mentioned gain as a theme in your argument. Can you define that?

Leiske: Yes, for instant in Bill #42, Sen. Parra had no time disclosed that she will not be going on this trip. Once again that is very important because she does not disclose is information and she admitted that she will not be going on the trip. Gain, in this instance would be her going on this trip. She voted yes on this bill.

Chief Justice Jones: Can I just have a gained in a general definition?

Leiske: To obtain or secure something desirable.

Chief Justice Jones: Out of theory, if a senate table decides to vote on a bill that is open to the entire campus say that it was a softball tournament, anybody was allowed to join, what the definition of gain applied to anybody who voted for the bill?

Leiske: fully the members that attend. That is my personal belief.

Justice Luna: Isn't that central to your argument, though? That Sen. Parra would have gained and that's why she voted yes.

Leiske: Yes that is my personal belief and that's why I'm here.

Justice Luna: Sen. Parra I have a question following Chief Justice Jones. In that you think that's part of the ethics codes are arbitrary and that it's a gentleman's agreement? Is that a belief that you always have or because Gabe misled you combined with not knowing the bylaws?

Parra: I knew the bylaws, I read the bylaws but I go back to the word that it says and also emphasize where it says, "I believe" where I believe I have the judgment to decide whether or not to abstain from voting. That is a power that the code of ethics gives me as a senator. The fact that that internal vice president named it as a gentleman's agreement made it clear in my mind that it is exactly what that meant and that it is up to me for me to decide.

Justice Luna: Did you give much thought to your decision whether you decided to abstain? Or did you think that maybe because your part of this organization you are being impartial?

Parra: No.

Justice Luna: So, you disregarded the code of ethics as something that because it is not specific to what you must do instead of what you should do? You just didn't consider it?

Parra: It is specific but I go back to that it is up to me to decide.

Justice Luna: you just considered it?

Leiske: Point of clarification and privilege, I would strongly if the justices do not use leading language. They word misleading was never used in this case.

Justice Luna: I can ask my question as I see fit, I am a justice of this court, and I do decide at the end, I am 1/7 of the court and I am allowed to ask questions especially because I am trying to make the person that I'm asking to understand exactly what I'm asking in order for them to give me an answer so that I can better decide.

Justice Totter: You mentioned that Sen. Parra has gained from this bill but she is not going to the trip so what do you think she has to gain from this?

Leiske: My exact argument was that Sen. Para at the time on the table did not disclose the information. It is obvious and it could be assumed then since this case has happened and brought to light that she could've withdrawn from the consideration, I can't force her to answer the question so I didn't bother asking. She might have decided not to go, at the time she did not disclose that she was going or not going on this trip when the bill occurred.

Sen Parra: Point of the clarification, the reason why we're here is to see if I've violated the sections that the petitioner noted. He is bringing up the fact that that I never stated during the meeting that I was a member of Phi Alpha Delta or that I was not going to the trip. That is not the reason why we are here. And no part of those sections does it say that I have to say that I am a member.

Chief Justice Jones: I'll ask the last question to Sen. Parra. You mention that at different times you are a senator, and then you're a member of PAD. So, you're just not a Senator 100% of the time? So, you're only as senator during the capacity? So, when you go to a meeting to take that senator hat off sort of speak?

Parra: I don't take that hat off. It's like you as yourself go to a senate meeting. You can sit down as a member of the public but then you can get up and speak as chief of the court. Do you see where I'm going at?

Chief Justice Jones: I understand, your language is confusing at first.

## **Evidence**

Petitioner's Evidence:

P1 Form:

Submitted on February 22, 2017

Submitted by anonymous user: [::ffff:73.220.190.212]

Submitted values are:

Petitioner's Name (Your name): Chad Leiske

Petitioner's Email (Your email): cleiske@ucmerced.edu

Respondent's Name (Name of accused party): Senator Yaqueline Parra

Respondent's Email: yparraaragon@ucmerced.edu

--Break--

Brief:

During the Senate meeting on 2/15/2017 during the vote on Bill #42 Funding for PAD Washington DC Trip, Senator Parra failed to disclose that she has ties to the fraternity that is involved in the bill. As a result, Senator Parra is in violation of ASUCM Ethics Bylaws Section 1 Part C/D "Honesty" and as such should be reviewed by the court.

Section 1 Part C: I disclose to the Internal Vice President of ASUCM my affiliations with any organization that is under the purview of ASUCM, or with any friends or groups that have substantial business with ASUCM.

Section 1 Part D: I abstain or recuse myself from the decision-making process in all situations in where I believe that I cannot exercise impartial judgment.

In the meeting minutes for Senate, 2/15/17, when the bill was being discussed Senator Parra can be quoted saying:

a.19. Senator Parra - I think it's really dishonest of you to say it now. When we should have started this agreement when we took office on the table. Going on the idea of sorority or fraternity life. You can't really discourage someone to not be involved on campus, just because myself and Eva are in fraternities and sororities it's not really like our place to say it. It doesn't mean that we're going to go it's the opportunity for them to go.

a.23. Senator Parra - I feel like UC Merced does not have or encourage programs for law school or med school but this is a way for the organization itself to encourage members to go. We've seen this with other med programs as well. I yield the floor to the public.

Neither of her statements within Bill #42 discussion disclose that she is a member directly or affiliated with PAD. In fact, Senator Parra only spoke up when the IVP mentioned recusing themselves.

a.18. IVP Gabriel - Point of information, I haven't enforced this on previous bill but if you are a member of the organization a lot of times it's more or a less a gentleman's agreement that you abstain from the vote. It's not frat's generally, it's if you're a member of the organization who's bill it is. There's nothing that says you can't vote on it but you should abstain if you have a conflict of interest.

This is what triggered the response from Senator Parra. I want to focus keenly on the "We should have started this agreement when we took office on the table" as Senator Parra not understanding the ethics bylaws that are in place for her to follow.

I will include Senate Minutes from 2-15-2017, and the committee meeting minutes which are sparse to say the least... It is worrying to me that the

issue was even highlighted in the committee meeting minutes for Student Activities yet was not discussed according to the minutes in the slightest.  
Case Outcome Sought: To be determined.

**Student Activities Committee Notes:**

Call to order: 4:11

Bill #42

“ I am just worried about sending this amount of people, since they could all just go just to mess around”

Eva

“ what’s the buffer for?” Yosief

“Just to cover for the tickets, but it might not cover enough. We should try to get them to take less.” Yaq

Passed

“Yaqueline don’t forget to get the emails from the art professors, in order for us to start this project we want to do this semester.” Yosief

Concluded: 4:30

## **2016-2017 ASUCM Senate**

### **ASUCM Regular Senate Meeting Agenda**

5200 N. Lake Road KL169, Merced, CA 95343 – P: (209) 228-7468

E: [asucm@ucmerced.edu](mailto:asucm@ucmerced.edu) W: <http://asucm.ucmerced.edu>

#### **SPRING 2017 Session**

**Wednesday, February 15, 2017 7:30 pm**

**Chancellor’s Conference Room (KL 232)**

- I. Call to Order
  - a. Call to order 7:29 PM.
    - 1. Gabe IVP – You need to promote a new secretary due to Levi being absent.
      - 1. Senator Vu – I nominate Senator Diep.
        - 1. IVP – Senator Diep is court liaison. She cannot.
        - 2. Senator Vu – I nominate Senator Gonzalez.
          - 1. Senator Gonzalez – I accept.
          - 2. Vote –

1. Approved.
2. Senator Gonzalez is the temporary secretary.

II. Roll Call

- a. Present - Senator Fuentes, Manon, Perez, Suma, Ghebresilasie, Massey, Parra, Vu, Diep. Juarez
- b. Absent - Senator Martin, Martinez.

III. Approval of Agenda

- a. Senator Diep – I motion to suspend legislative bylaws to add a guest speaker and a bill.
  1. Senator Parra – Seconded.
  2. Vote -
    1. Agenda has been amended.

IV. Approval of Minutes

- a. Senator Juarez – I motion to approve last week's minutes.
  1. Senator Perez – Seconded.
  2. Vote –
    1. Last weeks minutes have been approved.

V. Guest Speaker

- a. Jill Orcutt, Associate Vice Chancellor, Enrollment Management
  1. Good evening, my name is Jill Orcutt. I'm the Dean of Summer Session and extension at UC Merced. Last year we had a record number of applications and met the enrollment target starting with the fall of 2016 we had a headcount of 7336 FTE is 7306. Current enrollment is 6334 for spring, graduates at 504 totalling 6838. The reason why the fall semester is the biggest is due to fall graduations and students who stop out or transfer or are dismissed for academic reasons or dropped for non-payment the school of engineering has 1527, school of nat sci 1840, largest SSHA 2524 there is currently 373 undeclared students this spring semester. Looking at fall 2017 we had a record number of

applicants again we had the largest number of 1<sup>st</sup> year applications by a percents. We tied with Irvine for number of increased applications, and we are one of the 2 UCs we had an increase in transfer applications. Things are looking very positive we are pretty much remaining flat for fall of 2017. We are bring in 2000 new 2st years and 200 more transfers. Again that's the targets for fall of 17' summer is 488 students for summer. I encourage everyone to think about summer, we've been able to prove financially that attending summer session will save you money in the long run. There are some financial aid funds available, we're able to demonstrate that it's much more affordable to go to 1-2 summer sessions than go for a 5<sup>th</sup> year or 5<sup>th</sup> semester. We tied for highest retention of 1<sup>st</sup> year students, 85.5% first to second year retention rate. And our transfer rate was really high. We received some national rankings this year, this year we were able to enroll 27 UC regents scholars which is the highest in the UC system. We went from 3 to 27 we enrolled 24 more regent scholars. UC Merced was named Sierra Club's cool schools for our commitment to sustainability. In the nation for social mobility we were ranked number 5. An interesting fact is that 29% of our students are from Northern California, a few from central and a large bulk from southern California. UC Merced was ranked 8 for best bang for the buck in western colleges. Our top 5 majors are 1. Biological sciences 2. Undeclared 3. CSE 4. Psychology 5. Management and Business Economics. Some of our top counties Los Angeles, Merced, Santa Clara, Sacramento and Alameda counties for enrolled students. Top cities were LA, San Francisco and San Jose. We are 76% first generation and 66% Pel eligible. Our top majors for transfer students 1. Biological Sciences 2. Psych 3. CSE 4. Management and Business 5. Economics. UC Merced is by far the youngest university to appear in world reports we are being recognized for the kind of work we're doing here. So for transfers top counties, Merced, LA, Santa Clara. The top cities for transfers were Merced, Stockton, Modesto. 68% first generation 62% pel eligible. On the financial aspect in our recent survey student said their financial aid

package is the reasons why we enroll. A lot of students are seeing the bottom line and then they decide to enroll at UC Merced. One of the things we did last year that we were proud of, we were able to go out with admit notices and financial aid packages in one packet. We're excited and want to do that again this year. We expect to have our admit notices out on the 1<sup>st</sup> of March. And we'll be able to get everything out by mid march. We're way ahead of transfer reviews, we'll also have transfer notices out as early as march. I think that some of the important facts is that we had over 132 million dollars in financial aid disbursed. 86% of all students received gift aid. The average gift aid is 18254 dollars. I think this is an important one, the student loan default rate is low compared to national. The most recent 2013 cohort default rate shows that UC Merced is 3.6% which is way lower than 11.3% the national average. The state average 10.4, the state college rate is 7.4%. Our average student loan debt is 21,000 dollars. This is 43% less than the average US debt amount. This says a lot about the opportunities here at UC Merced. We're trying our best to reduce student debt and provide the best financial aid packages we can. The average net price was 11,465 after grants and scholarships. One of the telling data points is that 52% of our students have a household income of less than 40,000 dollars. Our students need the best help they can get and we're trying to do that. We're proud that our student loan debt is low and that our default rate is low. Certainly room for improvement but we're doing well. I don't know if anyone has done it, we just implemented a new dreamworks scholarship applications. There's been an increase in applicants, we hope that this scholarship software is more student friendly. I'll tell you if its need based or specific to a major but if you haven't filled out a scholarship applications please do so. I'm happy to answer any questions you might have. I think that something else that's important to talk about is that our students are graduating at almost the same rates across the 3 schools. It doesn't matter even if you're an engineering student you're graduating at a high rate.

2. Senator Suma – One of the things that you talked about was where you admit students regionally. UC Merced was built to serve the central valley, it was interesting to see that LA had the highest admissions. Where do you see admissions going to in the future?

1. UC Merced was placed in Merced to serve the central valley. We're trying to help students be more college ready and UC ready. A lot of students in the central valley aren't UC ready. There aren't a high percentage of them that are UC eligible. We have got a program that is working with the Fresno unified school district, to offer free SAT testing during the school day. They are trying to implement strategies to help more students become UC eligible. We're doing more outreach for students to be prepared. Working with school districts and getting them A-G prepared. The thing that we're attracting to students to LA, there are students that feel Merced is more comfortable. Of course we have the little airline that jumps from here to LA. We're a very good option for a lot of students, and we're doing more recruitment statewide. Some of the things we're doing is for the first time we'll have a yield reception in Sacramento and moving to Fremont and then LA then San Diego and then San Bernardino and then we have our big Bobcat Day event. This is an opportunity to make sure that students know we want them to come to UC Merced and talk about financial aid and the opportunities that they have here. It's about making students feel connected, or if you have any ideas please let us know. We want students who also want to go to these events, and we have a program over spring break if you go back to talk about your experience we're interested in working with students to not only improve the recruitment and the yield of students coming to UC Merced. When people come here and talk to the students here is that the students here at UC Merced are so passionate and so articulate about why they've remained here. The other award that we were nationally ranked for was alumni giving. Even though we are alums are a

young population they are giving back to the uni at higher rates than others. That's also a testament to the feeling they like about UC Merced.

3. Senator Gomez – One of the yield days it kind of sounded like it skipped over the central valley? Are there any days in the major central valley cities?

1. What we really do is thinking about Bobcat Day is almost a 1000 students coming onto campus. If we get the students from LA or Sac to come on campus because it's a long drive and they are visiting other schools we are kind of going out to them. Bobcat Day is our main event where we hope people come to us. We're funding councilors to get exposure to UC Merced, this is the first time we've done that not in this kind of volume or pace. IF you live within a certain mileage or distance or if you're in a driving distance come meet our student and learn more about UC Merced. Not only are family members an influence and councilors.

4. Senator Juarez – In the past have you had any events in Fresno or Bakersfield?

1. We have not had a yield event, but we have councilor events. We've had other events but not yield events.

5. Senator Juarez – I mean Bakersfield is 3 hours away, I think a yield event in Bakersfield is pretty important as it's an incredibly large population.

1. Each one of these yield events costs 40,000 dollars. We definitely take that into consideration. Anybody who would like to be a recruiter please let us know. We would love to have you come talk to students and parents. If anyone is looking for a job please submit your resumes. We can't have campus tours without our students and we value them greatly.

6. Senator Diep – Correct me if I'm wrong but a majority of the transfer students come from the central valley. A lot of students aren't UC ready so they go to community college then come to UC. Majority of transfer students come to UC via community

college in the central valley. Is there a way we can increase the number of transfer students coming in?

1. It's supposed to be 2:1. Because we're so young we've gotten a by, but we're working towards there. All the faculty have gotten together and reviewed the selection material is what they found some of our programs were requiring courses that the community colleges didn't offer. There were huge barriers for transfer students to be admit to UC Merced. What they did is the top 20 majors across the system, but standardizing those we have a cleaner pathway for transfer students. The goal is to build out transfers and keep freshmen at the 2000-2200 level and increase transfers.

7. Senator Perez – Motion to extend time.

1. Senator Diep – Seconded.

1. Time has been extended by 10 minutes.

8. Senator Parra – You had mentioned before that the enrollment had been going up quickly, this past semester students have voiced their concerns on limited spacing.

1. Fall of 18 we will have additional buildings with a new dining hall and the living and learning spaces. We'll have new retail and classrooms. This is one of the reasons why we're remaining steady in our incoming. The legislature said that the UC system will take 5000, then this year is 2500 California residents. They didn't waive or excuse any campuses. Merced only took 25 more which is a small portion more compared to the 2500. In fall of 18 when our new buildings come online we will grow at a much faster pace.

9. Senator Perez – in regards to lower division transfers how many have you accepted?

1. We haven't accepted any yet, we're finalizing all those reviews. I'm happy to follow up at a later time. We're happy that we worked with the faculty to get transfer

in with less than 60 units. Very academically talented students would go to college out of state but then say I can't afford it or you have family issues or homesickness then the students are lock out of the UC. We now have the ability to consider students with less than 60 units. It's a great opportunity for students to come here and receive a UC degree. It allows some flexibility for students who change their minds.

10. Senator Gomez – You had said previous that you added 2 more yield days, what are the criteria for adding a yield day?

1. Our communications director does all the data mapping, he looked at where all the current applications were looking at. By sheer numbers is where we placed them.

11. Senator Diep – Out of curiosity do you have any data on UC to UC transfer rates?

One of the stories I always hear is I want to transfer to a different UC, I know some students that did. I'm curious how many students from Merced are we losing to other UCs. The number of regent scholars you give is promising.

1. I don't have that, I focus on bringing students to the campus. They pretty much have to grab that data out of the national clearing house. The UC doesn't encourage transfers within itself. They don't give preference to transfer students within the UCs. It's based on what their accepting. 4 year transfer students is you're transferring from a 4 year and you are the lowest priority.

12. Senator Suma – I know one of the things you are talking about is student success, there is going to be an increase in transfer students and other students. The concerning thing is that academic success of students is important, like transfer students don't have an advisor.

1. Again I was sharing earlier the advising is going through a transition they brought in experts and evaluated our current advising situation and they are now in the process of making those recommendations. Now all 1<sup>st</sup> year advising will be done centrally, and then all other advising will be done through the schools. I don't know

if you heard yet, but we'll have a writing center, math center and honors program.

We're trying to make students successful. I think Charles Nies does an excellent job looking at strategies for students to be successful. We've got a few growing pains but we're trying very hard to make sure we try and think about processes and supports and strategies that will benefit students long term.

13. Senator Fuentes – Do you have any statistics on students that were admitted via the UC guarantee, where students above a certain threshold are admitted to merced whether or not they applied or not?

1. No, what we have for us there is a state guarantee to the top 9% that are given a place at a UC. We also have what an eligible in the local context, we are charged with looking at students in our local geographic area and make sure we admit them in a proportion. We get what we call our native applications, then we get our opportunity to get students in the referral pool. So students who are qualified to get into UCLA or UC Berkeley are in a referral pool. What happens is Merced looks at the pool and then sends out an offer. We review those applicants and make additional offers. We have native and referral pool. The quality is equal and sometimes the referral pool is sometimes stronger.

14. Senator Diep – Motion to extend discussion time by 5 minutes.

1. Senator Perez – Seconded.

1. Vote-

1. Time has been extended by 5 minutes.

15. Senator Diep – I just wanted to share a concern, I want to echo the concerns of not having a central valley yield event I personally feel that as a student it's more club oriented. It's basically selling the school based on the students. I feel like the us coming to them rather than the them coming to us could be a great way to reach out. I'm a student from the bay area that went to a privileged high school I know my school offers AP

classes and such that these schools do not. We are picking and siphoning off privileged high schools and then we have people out competing folks based on where they were raised. If you could please carry the narrative and concern that would mean a lot.

1. If you as a group would like to help us with those yield events, I don't think anything makes as big an impact is when you students talk to other students. They see an opportunity. I do want to share two things, I will take that back to the director of admissions, there definitely is no objection to that. I hear Fresno, Bakersfield.

16. Senator Vu - Mentioned going to those places cost 40,000 maybe instead of having the central valley going to those places we can have a small gas reimbursement and I think that can be a substitute for it.

1. We do fund student travel for Bobcat day, but the issue is it's a weekday and parents don't have the time for that. One of the things that the data does prove, is that when students come on campus they are likely to enroll. If they participate in a campus tour or campus event or education, programming, drones they are more likely to enroll. They get a sense of I feel comfortable here. We definitely want to get students on campus for people to actually enroll. Again willing to talk about that but if anyone would like to be a subcommittee let me know we'd certainly like to work with you. We can try it out as a smaller type event and see if we can make it work.

17. Senator Perez – I work under admissions I've been a tour guide, I appreciate bobcat calling I've talked to parents and students it helps change their minds about our school. I do feel like there's a lack of outreach within transfer students. I know that's kind of because of their community college doesn't offer them that help but if we were to inform them about TAG resources that would be really helpful if you outreach to them specifically they don't have the knowledge for the resources.

1. The priority was originally all on 1<sup>st</sup> year student,s but we've now hired recruiters for CC. An advisor would sit down with transfer students and go over things, and we

had transfer Thursday night and we would evaluate you and tell you if you were admissible or not. Thank you for being a bobcat caller. There's nothing better than a student talking to a prospective student.

b. Alex Delgado, Associate Director of the Bright Success Center.

1. I oversee many parts of the bright success center and I oversee services about undocumented students. I am not going to make any statements regarding the students themselves, I won't be their voice but I will talk and clarify some of the things that were brought up in your last meeting. The new York times approached us and asked us to learn more about our undocumented students. We have a great reputation for our programs. Our retention rate for undocumented students is 97%, our average GPA is 2.82, juniors 2.81, sophomore is 2.72 but our freshmen is 2.41 we have been successful in their academic success and retention and their graduation. The newspaper article was to do that. Because of the thing that we are doing here, we are one of the two universities that is apart of the dream scholarship, we are one of the two UCs that get this money. So it gives you some background of the notoriety we already have. One of the things that the reporter asked is what are some of the things that you do. We recommend three things, apply for the fiat lux scholars program, enroll in UTSU10, and number three is the success mentor program. We feel that those three programs are conducive for student success. Even 2/3 we feel that we get the personal support and mentoring they need. The reporter was intrigued by the fiat lux program. Our fiat lux program has a retention rate of 92.5% which is higher than the 88.5% rate that Jill said. Yes there are mandatory study hours but it's great for students in need. We have a small contingency of undocumented students in that program. We provided the reporter with opportunity to meet with these students. At no time did these students know that their personal information would be released. They did sign a release that they would use their picture and their names. The NYT took a step further, they chose not to take that information down and we did

speak to them on Friday when the hard copy would be coming out they had ample opportunity to take it off but they chose not too. The overwhelming response has brought greater attention to the to the undocumented students and also the fiat lux program. Some folks have donated money to the fiat lux program, that was a positive. Our students in discussing with them that first Friday when the article came out, I would be honest I was angry. I was extremely angry. But when I met with the students the students were very much disappointed that their personal information was shared in that article. But what I learned from them they still wholeheartedly believed something positive would come. I met with some of them and their parents were supportive, some were disappointed. And so in that regard our students have been teaching me a lesson. There has been information shared throughout the state and nationally, they were removed and put in another location. There was a threat for their lives... We didn't get that kind of feedback, there was a lot of misinformation. Alternative facts were being shared, the information shared in the last meeting the students were confident strong and resilient. I can't share if they've been moved or not out of respect for their privacy. We're still getting information and request for media. They will respond when they are ready. And we will respect that and we will assist them when they are ready to speak. I've given you quite a lot of information, I am open to any questions.

2. Senator Vu – With all the recent events on the news and ICE doing checks are undocumented students at risk?

1. Students who have DACA a majority of our students that have that is that they have lawful presence in the United States. A 23 year old immigrant is being detained even though they have DACA, ICE says he has gang affiliation but that's unclear. You have seen the press release for President Napolitano and the Chancellors who are making broad statements that they are safe havens for undocumented students the UC has made the same promise and commitment. You have not heard that we are

using the word sanctuary, but if you look at the practices they are sanctuary like. They will not be working with ICE and will not be deputized by ICE. There are protocols in place.

3. Senator Diep – Thank you for coming out tonight, in the event that ICE does come to the campus how much legal flexibility, when do we have to cooperate with them?

1. The only time we have to work with them is if they are coming onto the campus they notify the campus police. If they are looking for folks they have to have a warrants. Students are informed of what their rights are, and we have cards that we gave to our students a sort of know your rights card. We have kind of a cheat sheet to notify people if ICE is around, there is a network throughout the state of California that the students are in contact with. There is due process if an individual is detained without due process ICE is in violation of that.

4. Senator Gomez – For my understanding that DACA is a 2 year program, what happens if the student is denied re-entry?

1. A student has to renew their DACA 120-150 days prior to expiration. The UC President Napolitano allocated 900,000 dollars to create a UC Undocumented Legal Services which provides legal services to all undocumented students. We have an attorney that includes students and their families. Mixed status students that are US residents and they too are eligible to use those students as well. I didn't know that... I can get my dad on the process of permanent residency on this?

5. Senator Gomez – What resources are offered to students who are denied to DACA?

1. Only reason DACA would deny is if there was a criminal incident misdemeanor or felony. We've had a couple of students who have had legal issues that have delayed the process but were able to get their DACA. We haven't seen that yet. We

were encouraging students to renew their DACAs before January 20<sup>th</sup>. We have students who were in fall trying to go abroad via advanced parole we've been telling them to get back here before the 20th. Same with UCDC, if DACA goes away in the time they are in UCDC take the Amtrak take the Greyhound do not fly. We tell them to their home country ID to get back to California. Our attorney is on the ready, we've had some students who have had difficulties or international calls with the attorney to return.

6. Senator Gomez – I think at the last weeks meeting one of the roles for undocumented students is vacant?

1. I will be totally honest with you we had in 2014 in the Fall we created a position for coordinator for undocumented student services. We were blessed to have an individual who was awesome, she was from southern California and wanted to be closer to her family. We've had that position vacant since early November we've had this offered to two individuals on a 6 month contract. By the time we offered it he had taken another position, the other person was a UCLA alum and we thought we found somebody exceptional, but unfortunately the process took too much time and we just posted the position. That's why we're down that one staff members.

7. Senator Perez – As a concern do you feel like you're being supported on this campus?

1. I have four outstanding student coordinators, I'm fortunate to work on a campus that is totally committed to support all marginalized students. We have an undocually training for faculty and staff. So they get a certificate that they put in their offices or workplaces. As far as support in that regard, however what happened is that one of the things we do with the funds we're in the first year of the 3 year plan is that we have allocated 12,000 dollars for emergency funds. Because of the election a lot of students wanted to redo their DACA earlier, the fee went up. We were always able to

provide 300 to students for fees but it really exhausted our funds. Last year we had 12,000 we had 3000 dollars we rolled over. Really we used 15,000 dollars in one semester.

8. Senator Diep – In regards to the students who are eligible for the legal assistance in Davis... what does family entail?

1. Immediate family, it's not unusual when the attorney comes in we have the the student walk in with their mother, father and 5 siblings. Alumni, we've never had a situation like that but I would never turn away one of our alums. We graduated our first our first undocumented phd. And now she's in Chicago doing her post doc.

9. Senator Gomez – So if you could summarize how the vacancy is affecting the undocumented students?

1. Under my purview I have almost a 1,000 students. The undocumented part of that is 427 students, every mid-semester we check everybody's grades to see how they are doing academically. Over the course of the 2 years we've only lost 14 students to academic dismissal. Last semester we lost 10, because I couldn't be able to get to them in time. So it hurt us in that regard, if we had intervened at an early period. If a student has one bad grade and we can turn them around they'll fix their grade. But I couldn't do it this time because it was just me. Deana has created some programs the LEAD program for leadership in undocumented students. They are RAs, Tour Guides, Tutors they are a variety of different positions. They have so embedded themselves in the university. Because we work with them. How many of you know that undocumented students can practice medicine or law? These students can be a nurse, contracting, etc over 40 professional licenses. Oriana Aguilar is not the exception, she is the first footstep in the many to come. UC San Francisco admitted 3 undocumented students in their school of medicine, Davis has a few in their law school.

10. Senator Diep - Point of Privilege – 5 minute recess

VI. Chair's Report- *Gabriel Hulbert*

a. I first want to thank Senator Suma and Eva for using the elected and appointed officers position you don't have to come to me for a spot. I did actually have a few other Senators who talked to me about it this week. I encourage you to use it and people can ask questions. Also the problem I did have this week, if you make friendly amendments at the table send them to me right away there is a process that I go through that all of ASUCM has to go to. I don't want to have to chase you down for the friendly amendments. I get my staff to send the version and you send me your version and I cross check them and then send them to Katelyn who sends them to the interns who send them to connie and katherine. You ultimately slow down the time the RCO gets the funding. The friendly amendments should be sent to me by the time the bill I voted on. The other thing is you are allowed to leave early. But that doesn't mean you should, it's a tough job someone needs to do it. You're going to have long nights, and it might include your Wednesday nights. Other thing is that we are having our first food Friday this coming Friday in OSL we will be sending out the flier. Really good opportunity to start meeting with our constituents and we'd like to make this some sort of regular thing. Please show up on Friday. Any more questions?

1. Senator Ghebresilasie – What's happening on Friday?

1. We're buying a bunch of Sam's Café food and saying students who want to come eat and talk to their representatives can in the OSL conference room.

2. Senator Suma – Will the ASUCM representatives wait to at least the end to make sure the food is for the constituents and not for us.

1. Thank you. Me and a few others.

3. Senator Diep – So what's the news on the retreat?

1. If you still want to figure out the strengths quest code please see Steve about that.

4. Senator Diep – I mean the training for us to get together to think about our goals, my concern is that we're never going to meet?

1. So give you that I'm a little iffy to schedule it because I don't know how confident I am of people to show up. I say that off of people's track record.

## VII. Elected & Appointed Officers Report

### a. Director of Academic Affairs – Andre Frise –

1. Winter commencement so we had an unofficial small one in last fall, I don't have the figures but I'll be meeting with Charles to see how that went. Some students were still disappointed in the lack of grandeur. WE will have a discussion about that. We'll have a discussion with some folks about it and achieving a better winter commencement. I'll be showing the report to Charles, something to get us on our feet and I will from there be contacting vice chancellor Kyle Hoffman he oversees the commencement planning. Hopefully we can get our winter commencement 2017 the grandeur and the accomplishments students make. Heading into review week, I actually met with Mia Jones and Brenda Gutierrez we're breaking wind with this one. We talked about our action plan we'll be meeting with UGC who oversees anything academic related project wise, so we're meeting with them on February 27<sup>th</sup> and we are going to propose this with them and ask for recommendations. We then want to get into focus groups, I contacted UCB dining and housing about their review week. However most of these people weren't there when that was implemented. Hopefully by April that will be actually put on the table for the solid proposal. That has its own academic cycle my hope is that with ASUCM and HEROES and student/staff involved it won't be Andre's thing. I want the next everyone to be involved with this. Admin can't block it hopefully. Scantrons, I bought all the scantrons I could and I am out of funds. These are going to continue to be demanded, so I actually met with the ICC rep Trisha and devised a plan to have an ASUCM resource vending machine and we were throwing out ideas about vending

machines that will be 24 hours you just put your cat card and log how many scantrons and limit it to 1 or 2 per day but its' 24 hour access and it's still outside our door so we still get that foot traffic. And we're thinking about other resources we can put in that, maybe food pantry for snacks and maybe heroes for putting in safe sex materials and resources. All condom hotspots are in offices, the one that goes to the latest time is the gym. We're trying to make it the most useful, it's probably going to be expensive to see if that could be his yearly treasurer thing he has 20,000 dollar fund and I'm interested. I might be coming back soon if that doesn't work out I don't know how expensive it will be. So general education I think Charles talked about this, I met with Elizabeth Wit the committee the is overiewing the gen ed platform is stalling. The draft is supposed to be released by now, I am concerned because that limits the period where student can provide feedback. I recommended to do a town hall or something to get students in there and have a discussion. To hold them accountable, this affects all of us new students and old. I hope that gets mitigated soon. We gave out fellowships in undergraduate research, today this year we are giving out 10 research grants so applications are due Friday at 11:59PM and I am having the last info session from 1:30-3:00 in the bobcat lair we had 2 this semester and 2 last semester. I want to max out the 10 last year we gave out 7 which is double than the year before. I want to max out at 10 and make it competitive so students can put this stuff on resumes. I also signed up ASUCM to do a library exhibit so that means that the 7 individuals will give me the biographies and the some summaries and photographs and those will be displayed. So that'll be fun because the advertising is great. We're literally giving free money away from research, research week is coming up march 6<sup>th</sup> to march 10<sup>th</sup> I signed up ASUCM To table. I plan on having a table for FURS. We did it last year and were able to spread the info more. The academic affair committee is reviewing FURS how the 3.0 GPA requirement blocks students from participant. I thought about lowering the GPA to 2.75 because that's the majority of grad schools require. I know that's

unallowable for ASUCM elected and appointed officials to apply but I want you all to be able but I don't want the concerns existing that we're doing shady stuff. We have a new choir group up as you may remember that students were upset and vocalized their concerns that no choir courses were offered. This is an opportunity for students to get into these hobbies and what might be their career. OSL has a new choir director and that was funded by Charles Nies and Elizabeth Wit.

2. Senator Diep – motion to extend time by 5 minutes.

1. Senator Vu – Seconded.

1. Vote –

1. Time has been extended.

3. Senator Gonzalez – I yield the floor to Steve.

1. The other person to contact is Virginia Lerer also oversees commencement.

4. Senator Perez – Good job Andre.

b. Commissioner of Sustainability –

1. Good evening everyone, enjoying the last clear day of the rest of the month. I was waiting to have lots of things to tell you, I'm going to share this picture this came out of the community garden just on Sunday. We planted these in August but obviously they don't really look like a carrot is supposed to look, this is a picture of what the best intentions can do but you need knowledge and ability to make them perfect. I just want to let you all know that the sustainability council is online again and we're meeting Fridays 2-3PM KL 397. We have a whole list of people participating. It's a really good environment to share ideas, and we have people show up sometimes that just aren't involved but want to be and that's really exciting. Here's a picture of our new garden. Now all of our plants are enormous and you can actually eat from them. Right here this is just Sunday this our broccoli plant which is just coming out. That's pretty cool. Part of the reason I wanted to share my enthusiasm is we're having really big problems keeping this

garden going. People are afraid of students coming into the garden eating something and getting poisoned, on a not so great note I've been there and found beer bottles and trash. I don't know why you would drink in the community garden, it's not that great of a space yet. The point is that if we don't do something about this they will remove the garden. ASUCM through my fund I've invested in the garden and lots of other orgs have been going into the funding. If we can't find a way to appease EHNS this could get bulldozed. WE've been talking to them to mitigate this problem. They want us to take a food safety course, they want us to do something that's kind of impossible at this point. We asked them when the program will be available they hit us with the maybe March. She and I will keep on moving forward with the basic infrastructure. So I'll be putting a greenhouse type netting, other than that it's kind of a rock and a hard place. We can't have people come out and it's stalling the momentum of the garden. I really encourage you guys to just take a look around and see it as an opportunity of what it can become. It's a place for students that can come out and plant gardens and we'll have benches where people can relax. Let's just hopefully we can keep this from happening.

2. Senator Diep- I know that for the past semester it's been edible vegetation. Does the DC support this? Any department giving you support?

1. The department of sustainability has been the big champion. We want it more from the scientific approach rather than the eating approach. We can't do those anymore, but then they propose that we put a fence around the garden. Kind of like the black chain link fence we have for 2020, nobody can go in that's not a community garden. Then they proposed that we pay for that fence. So it's really...

c. At this point we don't have any idea what's going to happen with his garden. I'm still operating and saying that we're going to keep it going. I don't know if you guys have heard about it, I'm usually the one that puts on Earth Day. UCM Recycles said they wanted to put on earth day. I know I represented about changes, but this is the first part of what we're doing.

WE'll be doing sustainability audits what are they good at ? Turning off lights, not showering for an entire hour? Somebody in housing showered for 2 hours and then PGE went out there and told them they were really wasteful. We can teach you guys how to take short showers. This event is going to be called ecolympics and we'll be celebrating people who have the most sustainable dorm and the green departments on campus. WE'll also have an eco-warrior who really incorporates this idea into their teaching. More on this to come we won't get to this in march at the end we'll have a really nice banquet. I just want to leave you guys with this picture this is from my UC sprouts group these are their drawings of their ideal gardens. This one is from Evan who is really into Pokemon, this other one named his garden Bob. I have really big news, I'm sure you guys know that it's the goal of this campus to be carbon neutral by 2020. Up until last year the consensus was it wasn't going to happen, the trash problem here is crazy impossible. The problem with getting energy to this campus is hard and not enough investment in solar. Well we're really pleased to announced that we are on track to reach this goal. There will be rooftop solar, a bio-gas pipeline that will bring gas to the campus. A totally new recycling waste process it's definitely going to happen. I honestly didn't think it was going to happen. I encourage ya'll to be proud of this, this is really momentous no other campus in the entire campus and let alone the entire world has managed to do this. This is nuts.

1. Senator Suma – motion to extend time by 15 minutes.
  1. Senator Parra – Seconded.
    1. Vote -
      1. Time is extended by 15 minutes.
2. Senator Parra – You mentioned that the garden has trash and stuff, has there been talk about moving the garden away from the dorms?

1. The original location was behind lake lot, moving the garden costed 20,000 dollars. No intent to move it. Also we have talked to UCM recycles to move recycle and trash cans down there but they can't do it because it's lower campus.
3. Senator Fuentes – I like the location where it's at. Are there any boundaries?  
What about a little picket fence?
  1. No boundaries, EHNS wants a fence to keep people away. They don't want a little picket fence, they want a solid wall. Like THE wall.
4. Senator Diep – I'm just curious, has there been or will there be collaborations with housing or RAs?
  1. Yes that's supposed to be part of the gardens plan, but EHNS says that can't happen. They want a list of all volunteers in the garden. If you don't have training you can't work there.
5. Senator Diep- You said that the program doesn't exist, I know that OSL does the training for hot food. Is it different?
  1. Yeah its different.
6. Senator Gomez – Can we help out at all?
  1. Maybe I'll write a letter to explain how many people have invested time and money to get this thing rolling. Maybe we can get people to sign it.
7. IVP Gabe – Point of information you all can write a resolution saying we urge EHNS to get that training we need in order to keep it going.
8. Senator Parra – I know the first time you came we asked this. Do they have a plan now for the lower campus trash?
  1. I recently heard from someone that they are planning to consolidate upper and lower campus. I feel like I heard that from somebody I'll follow up on that.
9. Senator Suma – When you say gas, is that like fracking?
  1. No it's bio-gas, much like composting. It's not a fossil fuel.

10. Senator Vu – you mentioned that like only people who are apart of the gardening if you want to pick up trash can you do that?

1. This is where it gets blurry I'm not sure if what they want like you can't enter if you don't have the food handling but either way it still stinks.

11. Senator Diep – Regarding the food safety, is that the only one that they want?

1. That's the one they seem to have the biggest problem with. If you do the training you have to do a quarterly follow up meeting. If you miss one you have to do the whole thing again.

12. Senator Parra- have you talked to the daycare? I know that they have plots but I'm not sure if they are planted. The ECEC manages their own thing and its enclosed.

13. Senator Gomez – Just to clarify, the community garden is the two boxes on the way outside of the valley terraces

1. yes it's a bit bigger now it's 8 boxes. Some of them is for students for disabilities some of them will be used for research. There's greenhouses, a bunch of them coming for faculty.

14. Senator Diep – For the community garden do you foresee this student held management for the entirety, for the future? DO you see staff taking over?

1. I hope not, I don't see it as a place where staff has say. We decide what we want to plant.

15. Senator Gomez – What Senator Parra talked about the child center. Their garden?

16. Senator Diep – Could you perhaps follow up with EHNS I can help you out. I am very curious.

17. Senator Gomez – I think you mentioned it early I want more trashcans in halfdome.

1. Well that's another interesting thing the compost bins aren't successful. People don't know how to compost.

18. Senator Parra - Do you know if the community college has a garden?
  1. They have 4 enormous greenhouses and plant classes they've got a whole thing going. Their garden is actually enclosed, it's a glass greenhouse not a plastic one.
19. Senator Suma - Yield the floor.
  1. How much would it cost?
    1. A lot of money, a lot of money. Considering that the 2 new greenhouses were added in the back and the other ones to come they have no intention of adding more. That came from a professor in the flora biology department.
20. Senator Fuentes - Yield the floor to Steve.
  1. So last year that faculty requested funding from ASUCM funding as an investment and ASUCM passed on it as there was some confusion. That was the space they ended up putting it anyways.
    1. Well yeah it has to be a controlled environment for studies.
21. Senator Diep - Could we plant the garden with flowers?
  1. Isn't that kind of the same thing as bulldozing it? At what point is a garden not a garden.
22. Senator Gomez - So going back there are two greenhouses that faculty uses that students paid for?
  1. I had to ask somebody what they were about. That's happening on faculty resources.
23. Gabriel IVP - I was the chairmen of the strategic investments committee, faculty was asking for a greenhouse funded by us that they would use for their research. So it wouldn't be open to all students so it wasn't funded. It wasn't accessible to all students it would only be accessible to research.
24. Senator Gomez - How did it get funded this year?

1. It's really irritating. On that note we have a makeshift greenhouse that's a shed in the facilities area. That was an old garage with some grow lights in it.
25. Senator Gomez - Could you get back to us, me follow the green trail?
1. Sure.
26. Senator Juarez - \*volume too low to decipher\*
1. It's actually a very confusing dilemma I don't know what's the part they disagree with. Is it the food part? people being around the food? they don't want to pay for the fence, and the only money left is the money from the class gift and that money wasn't given for a wall.
- d. Senator Vu – Hello, the UC Merced law clinic is going to host a know your rights events on the 26<sup>th</sup> of February and this time is going to be focused on undocumented students and knowing your rights. On another note I'm going to be meeting with Richard cummings but he had a family emergency and I couldn't meet with him and I'm trying to find out his schedule. Having the 2020 plan be for everyone rather than just the elected officials. I scheduled a meeting with ed and due to time conflicts I'm not sure when I'm going to meet with him.
1. Senator Fuentes – Do you know the lawyer that we contacted?
    1. NO they just told me that they will let me know more information and I'll bring it back.
  2. Senator Gomez – Is this workshop being offered being worked with in collaboration?
    1. usually they have local lawyers come and then the lawyer will answer any questions that you have. Pizza and drinks are provided. The 26<sup>th</sup> they will do it off campus and target our local community. I'll try to talk with them to have an event on campus.

3. Senator Gomez – The law clinic usually shares with them on classifieds and I'll try to get them out on a happenings email. I'm going to try my best to publicize or their families may need the resource.

4. Senator Suma – I yield the floor.

1. I know also we created a position called Immigration Department Coordinator so SALE knows about it and some others know about it. The law clinic has done a really good job of keeping students in the loop.

e. Legislative Director – Clara Medina –

1. Hi everyone I'm legislative director. That means I'm facilitating and rebuilding the lobby core. One thing that I wanted to give an update for is that we are now looking at bills that UCSA take a stance on SB54 is the California values act we've voted to give it the top priority. For those of you that are interested in advocating for our undocumented communities. I would recommend because it's such a good opportunity because we've had these conversations the reason why I redesigned is to focus on these issues. That means we'll be lobbying for that in everyone of our visits. Another thing is the bridge act, the lobby core will also be going on a federal advocacy trip. And we're also looking at AB201 if there's any legislation that UCSA should be actively advocating for. We really do have a stake in what UCSA is doing and could be actively making changes across the state. I have a lobby core training from 6-8 COB 114 for those of you who want to learn how to advocate for students the second half we'll be talking about the dynamics between local government and on campus. We want to rebuild that sustainable relationship. I would definitely recommend to tell people. I am reaching out to those who I know might be interested. In this political climate lobbying is the most active tool we have to fight against this fascist regime.

f. Senator Juarez –

1. Hi everyone it's been awhile since I've given any updates that have been regarding the student services staff. Bobcat radio and prodigy. One of them is that I will be meeting with both of the projects to begin and finish writing the student services bylaws. Please keep an eye out on the ASUCM facebook page, when the meeting is and what/who you should bring. Now on the bylaws themselves, I wanted to give you a tease of what it would consist of. It's going to be explained in three parts. The first part will be the guidelines for present and future student services. Say another form of media wants access to ASUCM funds and information. The next set of bylaws will be for the prodigy, and the last for bobcat radio. In 2 weeks there will be a joint meeting between bobcat radio and prodigy. Everyone here is invited for both sets of meetings. I will be giving a formal presentation on the bylaws next week. Any questions?

g. Senator Suma –

1. I do want to address that last week I was pretty aggressive, I stand by my statements. I could've come about it in a different way, I deeply do apologize I released negative energy into the space. So I hope to not release those negative energies in the future. It does not negate the fact that I am disappointed in this organization. I know that ASUCM doesn't do that great of a job of serving its students. I hope that we can better serve our students, I can't say that I've served my students and I don't think we've all served them properly. Maybe with the permissions of my housemates we can get together and talk about what we want to do as senators for the next 2 months. We can meet after with a Senate meeting. If ya'll don't want to meet it's all cool.

1. Senator Perez – I live with Vlora and we can have a party and figure out what we want to do.

2. No so forreal, I'm wondering if y'all are down. It's okay if you all don't want to do it.

1. Senator Diep – I’m down. If anything you can perhaps make the event and whoever shows is whoever shows.
2. Senator Juarez – I also support and whoever shows is whoever shows.
3. Senator Vu – Maybe we can do a doodle to say which day works best.
  1. Doodles are pretty cool, some people answer them some people don’t.
3. I think we’ll have it on the Friday or the weekend.
  1. Senator Fuentes – I love the idea, lately I’ve been doing a bit more. I would highly encourage it doing it on the weekend. A certain committee is very hard to get together on the weekday.
4. I can totally facilitate or I can totally not. We can figure that out in the Senate group chat.

VIII. Officer Reports

a. Senate Pro-Tempore- *Benjamin Juarez*

1. Once again I do appreciate Vlora for speaking her mind it takes a lot to say what she did say last week and come again this week to voice her concerns. I highly encourage Senators to do the same. It’s very relieving and I think it builds morale as well to speak your mind whether it’s harsh or not harsh. Secondly I’ve been reviewing more of Robert’s Rules in case Gabe is not here. I will be able to do my job properly I assure you.

b. Sergeant at Arms- *John Fuentes*

1. Hello everyone I hope you’re all having a good night. I just want to say I’ve been loving the dialogue on the table tonight and for the past 2 weeks. I know last week I had to stop some very wonderful dialogue I apologize if anyone felt silenced. it’s really for the efficiency of the meeting, with that in mind I hope we can finish this meeting up and be as efficient as possible. I want to possibly propose a time to aim for, maybe 11:00-11:30. Maybe we can keep that in mind. Other than that I did go to some meetings this

week particularly CAB I also did go to ICC I don't know if the Liaison wants me to speak on their behalf.

1. IVP Gabriel - Point of information you are free to send a proxy but the absence does still count against you. We've had this issue previous years.

2. With that and ICC I have nothing left to report.

c. Secretary- *Levi Martin*

1. *ABSENT*

d. ICC Liaison- *Juan Gomez*

1. I wasn't able to attend so I'll swap it over to John.

2. John Fuentes - They had a very good amount of budget hearings they met at their usual time Tuesday at 7:30PM. And they were voted on and results. Nothing else to report.

e. Court Liaison- *Anh Diep*

1. Court met in the chancellor's meeting room last Thursday at 7:30PM we went over ethics, bylaws, codes and such. Shoutout to Senator Perez to wipe this off the table to get a clean slate. Again to remind the Senators again and fun facts for the members of public we don't have a code of ethics no document to guide the way we behave. What court justice akhila yechuri is trying to do is write an ethics code so we know how to guide ourselves. I highly recommend everyone to give their input. So that way we can figure out what behavior stature and dress codes and such. Give me your input and I can go to the meetings or you can send them directly to Justice Yechuri. I don't know if you all know this but Court has a small funding allocation to hold an event. They usually collaborate an event in Democratic and Republican clubs. We want to get the ball rolling on this event. That's it from my updates.

1. Senator Perez - I just wanted to address that the code of ethics is super important I'm not sure if you've looked at the current code of ethics these codes say we can be

in review of our position for carrying yourself in an unprofessional manner in our public and private life. Please look at that bill and review it.

IX. Committee Reports

a. Budget and Finance- *Edmundo Martinez*

1. Senator Gonzalez - Budget and Finance met on Monday at 2:30 in the ASUCM office. We discussed the bills and Christian gave updates on the budget calls.

Unfortunately for this year the budget call will be 3 weeks, it's not finalized but in a couple more days. That's all I have to report.

b. Academic Affairs- *John Fuentes*

1. Academic Affairs met at 5PM, we typically meet at 4:30PM in the ASUCM office. It was a quick meeting it was valentine's day meeting we all were loving one another. We went over our updates Levi was digging around for information and emailing the dean of SSHA for the addition of advisors. The plan got forwarded to nies. I also wanted information on class pass rates. Also we were doing research on journalism programs on campus and general posters for particular majors. Ann was digging around for in terms of RCO and asking for the current elections and how members are holding up. Also she has tabled to promote academic resources in spaces particularly in quiet designated spaces on the 4<sup>th</sup> floor. I believe they are allocating some spaces more updates to come. I know Andre is working on some of that as well. Andre is similar to his report in terms of FURS we did get our first application and we will get the rest by weeks end and hopefully academic affairs will review them. Also his collaboration with SNS about scantrons and the vending machines for the scantrons as well. That's pretty much it. I myself have been looking into the websites and finding internships and educational programs particularly in SSHA but I'm hoping to work with Levi where we can get a list. I did have a site called [uc.merced.simplicity.gov](http://uc.merced.simplicity.gov) it's a weird site maybe I can transcribe

some info and post it onto a site. The committee went over the bill and that was pretty much it.

1. Senator Parra – Whatever happened to dead week?

1. I believe Andre addressed it.

1. Andre - It's the same thing we're modeling it off the UCB review week. It's still happening. We're putting forth a meeting on the 27<sup>th</sup>.

2. Academic affairs is meeting with Liz meeting in the ASUCM office. If you want to come in and speak with the library representative. The meeting was adjourned at 5:36PM.

c. Student Activities- *Yosief Ghebresalasia*

1. Student activities committee met today at 4PM. And we initially discussed with bills and then talked about plans with semester. We met a conflict that there's no sculpture class being held this semester. If you guys have any ideas or input welcome.

2. Senator Parra – For those of you who don't know we are trying to collaborate with CAB and providing something for their chowchilla initially we wanted a sculpture that could be put out for cowchella since we wanted to incorporate the arts program and give the money to the students but we don't have a sculpting class during the spring so instead of a sculpture providing free food or waters.

d. Student Advocacy- *Vlora Suma*

1. We talked about what we came in for and why we came in and how we want to finish this semester off. Should I go through those or leave those out. I encourage you all to do within your own committees. The other thing is that we're spread thin in terms of

representation on the table. Also talking about what we want to leave behind for the next Senate. I encourage you all to do the same.

X. Advisor's Report- *Steve Lerer*

- a. I appreciate the conversations about figuring out what is the legacy you want to leave behind, the folks I've talked to is really encouragement of picking one thing that will set the groundwork for next semester. If you check something off completely check something else. Something else to consider is that you've all agreed to serve the student body in this role, you will all graduate at some point so start thinking about how you are going to share this experience. That's an important piece of the experience and the leadership opportunity you've been provided by the students on this campus. I encourage you to sit down and talk down to the center for career professional advancement and talk about how do you really articulate the work you've done at this table. it's important that you have things to talk about. what are those things that we're going to do moving forward. The other pieces iw how are you going to communicate with future Senators and Future executives what is it like for them what should they be prepared for so we encourage future leaders to take your seats if you are graduating or not planning to rerun. That's that piece. I think that's it. I will probably be out of the office tomorrow, hopefully back on Friday.

XI. President's Report- *Katelyn Fitzgerald*

- a. *ABSENT, could not find report on Facebook or in ASUCM Intern Email.*

XII. Treasurer's Report- *Christian Rivera*

- a. *ABSENT Report Sent to Intern Email*
  1. Updated Budget on Google Drive.
  2. Finalized Budget Call hearings.
  3. Delta Sigma Pi to host Tim Augustine: Bill #40 - \$5,000; Budget Update:
    1. No line item in the budget.

2. Received funding through Bill #7 for “LEAD Conference” of: \$5,212.31
3. Received funding through Bill #24 for “Leadership & Excellence Academies” of: \$5,587.40
4. With the approval of bill #40, they will have received a total of: \$18,842.36 from ASUCM this fiscal year. 11.43% of the senate bill line item.
4. Phi Alpha Delta, Pre-Law Chapter DC: Bill #42 - \$6,500; Budget Update:
  1. Received funding through on campus event line item, “Law Day” of: \$1,500
  2. Received funding through travel line item, “Leadership Conference” of: \$3,960
  3. With the approval of bill #42, they will have received a total of: \$11,960 from ASUCM this fiscal year. 5.98% of the senate bill line item.
5. Total Senate Bill Allocations Approved to Date: \$ 179,728.75; 89.91% Used
6. Remaining Senate Bill Allocations Balance: \$ 20,149.25 10.09% Remaining
7. Remaining Unallocated Funds: \$26,214.26

### XIII. Public Forum

- a. Hi everyone my name is Kevin and I’m here on behalf of PAD, we’re the pre-law organization on campus. I currently serve on the exec board, I’m here today to talk to you about PAD’s bill. I would like to make some important points to the Senate when deciding

for this bill. The organization standing with UC Merced, organizations increase in members, and benefits to our campus and student success. So in terms of our organization academic standing we receive the second highest GPA of all fraternity and sorority. PAD has made a major member increase our last two member classes have consisted of 16 and 19 and we have a total of 44 active members. PAD's members pertain to our active org, we are involved in merced pre-law, SALE and law clinic. Not only will our members come back to share our experience and share the information with our students. This also benefits our campus our members will share their experiences during law week which will be april 17<sup>th</sup> to the 21<sup>st</sup> all of you are more than welcome to attend. This will be an event with a bunch of law related information. This is a good PR information our University will be represented professionally by all of our members. I want to talk about student success, some of our students are looking to apply to Georgetown University this will give them better insight and seal the deal for them. Some of our members wouldn't be able to afford a trip to Washington but this is also inline with our fraternal goals which is to increase the number of UC Merced students in law school. And we're willing to pay for our own transportation costs in DC.

b. Hi everybody my name is Kia I'm a current external vice president for PAD Kevin covered all the points but our dedicated members have put a lot of time and effort working on the bill. We have multiple members interested in working or going to school there. This is also a great way for UC Merced to be representative and recognized by the Ivy League School there. They will also be required to make a newsletter to hand out during law week and law day.

c. Hello my name is Jessica and I'm here for PAD I think that going to DC would be a really great opportunity just being able to see everything there would be a really good experience to go there with fellow members and students that are interested in law would be a really good experience.

d. Hello everyone I'm a PAD member Gloria, I'm trying to be here as much as I can. I do want to add that some of us are first generation students so an opportunity like this is one we really want to get involved in and some of us are not able to afford to go to DC to see these law schools.

e. Hi everyone I'm a current active member of PAD. I feel like passing this bill and allowing us to go to Washington DC will not only benefit us but also benefit all pre-law students.

f. Hi everyone I'm supporting PAD it's a really good opportunity to go.

g. Hello everyone my name is Seth Craig I'm humbly addressing this board on behalf of PAD for this night's meeting passing bill 42, last semester I interned. Learning office skills such as cordiality is just as important as drafting legal documents. The students that are being chosen will be hand picked by the executive board to represent PAD to the best extent. They will also be responsible for holding information sessions and making the newsletter. It is my honor to support this bill as the members have worked really hard to secure your confidence as well your vote.

h. Hello everyone, good evening. My name is Stephanie Maldonado I used to be a Senator now I am part of the public. I came to talk to you guys about the experience attending the trip to DC. My time in DC gave me a greater understanding of the legal profession it also allowed me the opportunity to apply for the UCDC program. The first time we visited was American law school, who explained the process of applying to the years in law school by the time I went back to DC I was still able to connect with them and have a better relationship with them. During the same time we visited Georgetown law school and saw the competition between law schools and how to apply to those competitive law schools we also had an opportunity to go to the supreme court. We took part of a protest however, and we were able to share our experiences with others. Tonight I just want to show my support and encourage you to support this bill as well. It's not just for our fraternity but once we have UC Merced

students out there we'll have large amounts of connections. Our network in DC was really small so having more connections would benefit not only pre-law students but other students in the future.

i. Hi everyone I'm the IVP of PAD, last semester I attended the pre law conference that PAD held. We had a lot of connections on the east coast and we learned a lot. This trip benefitted us to see, not only getting accepted and having more resources to learn about the school. I'm here to support the bill and answer question.

j. Hi everyone I'm the secretary for the PAD exec board. I wanted to emphasize the importance of where we're trying to go; DC. Not all organizations have the ability to network in such an ideal place for our profession. It's a key place for us to go and it's great that we're in a fraternity that has chapters out there that we can network with thoroughly.

k. Hi my name is Jocelyn I'm a current member of PAD and want to encourage you to support this bill. A lot of people have been looking forward to this bill. A lot of people don't have the opportunity to go out to DC. I just really want to go to DC, I want to bond with other members and see the capital. See the supreme court that motivates me.

l. I'm representing SALES I wanted to return to Alex point. I want to give a third perspective on what Alex talked about. I know there was a comment made that the students in the article were being threatened. That might have come up because with the mention of the widespread... from the outreach of other individuals. We are trying to be very cautious of how we reach out to them and how we contact them. Mentioning what we're trying to do as a community. We're trying to get the request online for the cultural space, and create some type of community for undocumented first years.

m. We really just wanted to because these folks that they play key roles should be here to speak to the representative body. Maybe looking forward to the next year talk to these people who hold our campus together is really important. He is in charge of so many students and makes a point of knowing their name and where their from and family history. I don't think

Alex would say he's tired but we're seeing every single meeting how they are not being supportive. What can we do to help them from a student perspective I know students are going to be pushing other things to fix what we are missing. Building a living learning community in housing so we can mentor, usually the most radical of our community aren't working with housing how can institutions like ASUCM provide that money. We're also continuing to push for an undocumented resource center, push for an LBTQ center, grad of color resource center. What can ASUCM do to help that. We really have to be questioning the narratives that are coming out of admin and I'll be addressing that continuously. We wouldn't be advocating to students if we were to talk back and forth between admin. One of the gaps where students were trained, trained by the comms department but it wasn't tailored to undocumented students and what can ASUCM do to push for that. I think inviting student speakers are big too. Alex directly countered one of her points, maybe have one admin spot and then maybe one student or person who works with students. How can we really think about this space in a different way I really want to remind you that I appreciate you all amending the agenda to have Alex here. After we invited him yourself that'd be really awesome.

#### XIV. Old Business

##### a. Bill #42 Funding for the Phi Alpha Delta, Pre Pre-Law Chapter at UC Merced-*Introduced by Senator Fuentes*

1. Motion to approve – Senator Fuentes
  1. Senator Gonzalez – Seconded.
2. Budget and Finance – Passed
3. Academic Affairs – Passed with some clarifications.
4. Student activities – Passed.
5. Student advocacy – Passed
6. Introduction -

1. Senator Fuentes - Hello everyone hope we're having a good night so far. I will briefly go over the background of this bill, so I am presenting on behalf of PAD. This trip is happening during spring break, I will briefly go over the background of PAD, it was created in Chicago. PAD is created to provide a strong relationship with people in the law profession and to promote personal integrity and professional enterprise. Meant to honor the lifetime of service. it was established in the 24th of april 2013 over 56 members are active and participate in events such as LSAT review, law school tours, community events and fundraisers all to further their careers. This will serve as a catalyst for both the members and for UC Merced community. Will allow members to build connections between our nations capital and UC merced. Aside from building leadership qualities the trip will also provide leaders the xperience needed to function and be active iwthin thef raternity. Also to encourage students to take an active role in the fraternity. The trip will, the members of the trip will go to present informational sessions you heard their law week and presenting their exepreinces there. The trip is aimed to grant them an opportunity to do research. I believe there was amendments and I sent them out to the intern, Gabe it was generally a bit of a budget change and a tiny schedule change.

1. Gabe - That can happen in discussion and for transparency sake have to be said at the table.

7. Discussion –

1. Senator Fuentes – I want to make a general friendly amendment to:

1. 1. Whereas: Friendly amendment to add Whereas 8 stating: “Phi Alpha Delta will prioritize members who have not been to DC on a trip before during the selection process”.

2. 2. Purpose: Friendly amendment in the total of “\$6,500.00” to “\$7,000.00” and Friendly amendment from “General fund” to “Senate Bill Funds”.

3. 3. Appendix A Budget Breakdown: Friendly Amendment in the flight cost from “\$3,970.00” to “\$4,950.00”. Friendly amendment in the buffer from “\$1154.00” to “\$647.00”. Friendly amendment in the total from “\$6,500.00” to “\$7,000.00”.

4. 4. Appendix B: Itinerary: Friendly amendments, mainly the swapping of events from Wednesday March 29th, and Thursday March 30th, as well as the addition of the Supreme Court House Hearings

1. *This copy was sent to the interns via email.*

2. Senator Fuentes - With that I’m open to any discussion to this bill.

8. Senator Diep - In regards to the 10 students that are going I remember the member of public said that the eboard will be selecting and interviewing those members. Are you prioritizing new members? What’s the ratio look like?

1. They are prioritizing members who haven’t gone, and they are sending one member with them who has gone before so we have someone that has went before.

9. Senator Gomez - Do you need me to yield the floor to ya’ll?

1. Nah it's fine.

10. Senator Diep - My question regarding the itinerary the new one that you sent us. Of how to read it. For example, let's use Wednesday. 8AM you visit Supreme Court House, between 8 and 2 you're spending the entire time there?

1. There are three court cases they want to hear, but yeah it takes a while to get into the courthouse they want to attend all three.

11. Senator Gomez - So I read the purpose of the bill is it to visit law school or is it to visit DC and the law schools are part of that.

1. So essentially it is to revisit the law schools and there are active members of the fraternity there and as well as to for the networking opportunities the DC relations... the events are actually to help enrich the students as well so they can have that experience. The main experience is to visit the law schools.

12. Senator Gomez - So I just want to like tell the rest of the Senators I'm personally torn on one end it sounds like using undergrad money to send a select group of students to visit campuses... But providing this opportunity to students who wouldn't otherwise be able to do it is great... I'm torn ya'll.

13. Senator Perez - I actually benefitted from this bill a year ago, I went to Washington DC and went to a Supreme Court Case hearing and there was a protest outside it was very life changing to me and very emotional. It set my goals for the future I want to go to UCDC in the future and go to law school on the east coast just being in the environment of UCDC has driven me so much. It would be a great opportunity for these students. I know this trip will benefit whoever goes.

14. Senator Diep - I just wanted to confirm how set the networking opportunities are. So for example did Jason Kalafat get contacted and know the students will be arriving? For the Thursday March 30th at 4PM the special interest networking meeting with the Department of Justice, who in the Department will you be meeting?

1. So I know the event times and in terms of the visits and the networking with particular individuals have been set. If the fraternity would like to speak more on the Department of Justice.

15. Senator Diep - I yield the floor to the public. To anyone who can answer this question: In regards to the special interest networking, DoJ and DoE can you give more information on who you're meeting and details?

1. So for the DoJ we are planning on touring it I have contacted them and I'm waiting for a response back.

16. Senator Vu - I just wanted to add a comment I think that it is a really good opportunity even if they're in the process of making these plans I don't think we should discourage them in any way by not passing this bill we're on the west coast and we don't have the opportunity what DC does and providing these opportunities will allow them to further pursue their dreams or careers. DC is much different than California it's on a whole new level.

17. Senator Gomez - Feel free to call me out, AF. I don't know if I'm allowed to say this, a lot of Senators on this table are apart of Frat life. I'm not sure how this is influencing votes... The frat life representation is really prominent on this table.

18. IVP Gabriel - Point of information, I haven't enforced this on previous bill but if you are a member of the organization a lot of times it's more or a less a gentlemen's

agreement that you abstain from the vote. It's not frat's generally, it's if you're a member of the organization who's bill it is. There's nothing that says you can't vote on it but you should abstain if you have a conflict of interest.

19. Senator Parra - I think it's really dishonest of you to say it now. When we should have started this agreement when we took office on the table. Going on the idea of sorority or fraternity life. You can't really discourage someone to not be involved on campus, just because myself and Eva are in fraternities and sororities it's not really like our place to say it. It doesn't mean that we're going to go it's the opportunity for them to go.

20. Senator Vu - I just want to add onto that, yes we're in greek life at the end of the day we're voting on this because of a bill. I'm just saying it, it's my morals. In the past bills all the ones that did have my conflict of interest I would have abstained from it.

21. IVP Gabriel - This is not appropriate conversation we have to be talking about the substance in the bill. And not whether or not it's greek life or not. Greek life is completely irrelevant. In our bylaws fraternity and sorority life is eligible.

22. Senator Perez - Bringing the attention back to the bill just when I went to wait in line for the Supreme court hearing I was able to network with lead organizers for different organizations and met up with them later and talk about how I could get involved with them and I could bring back some of those ideas to the campus it was really helpful. Just being in DC there's important people walking down the street everywhere you can get coffee get their phone number I really want this for the students of UC merced not just PAD.

23. Senator Parra - I feel like UC Merced does not have or encourage programs for law school or med school but this is a way for the organization itself to encourage members to go. We've seen this with other med programs as well. I yield the floor to the public.

1. I just wanted to address one of your concerns you didn't know, you were torn between other students and us. Going to DC helped me network with UCDC students that helped me work with the UCDC program applications. Now I'm back here and helping students apply for the UCDC program who aren't affiliated at all. It's anyone who has come up to me and ask them for help. I'm not going to deny and answer their questions. I'm going to encourage people to apply to law schools in DC whether they are affiliated or not.

24. Senator Diep - So to round out conversation on table, I'm an explicit type of gal that the students who haven't gone yet will be prioritized?

1. I'm more than happy to do that. Where should I do that?

1. Wherever you see fit.

2. We'll add an 8th Whereas - Whereas the executive board members will prioritize those who have not attended this opportunity before.

25. Vote -

1. Senator Fuentes, Manon ,Perez, Massey, Parra, Vu, Gonzalez, Juarez

2. Abstentions – Senator Gomez, Diep.

1. Bill #42 has been approved.

XV. New Business

a. Bill #43 2017 UCSF National Open Chess Tournament- *Introduced by Senator Fuentes*

1. Motion to send to all committees –

1. Senator Diep – seconded.

2. Vote –

1. Sent to committee.

b. Bill #44 Funding for Bobcat Model United Nations to attend the Model Arab League-  
*Introduced by Senator Perez*

1. Senator Perez – Motion to send to all committees.

1. Senator Massey – Seconded.

1. Sent to all committees.

c. Bill #45 Bill to Nullify Ethics Code - *Introduced by Senator Perez*

1. Motion to send to all committees.

1. Senator Gonzalez – Seconded.

d. Presidential Appointment: Andre Frise to Undergraduate Council Faculty Award for  
Distinguished Undergraduate Teaching

1. Motion to approve – Senator Gomez

1. Senator Diep – Seconded.

2. Senator Diep – I yield the floor

1. So I had the privilege of being in this position last year it's basically the best teacher award. It's a packet of 3 faculty students write their stories and how working with them is great in their research or involved in organizations. It's a rewarding experience for myself and opinions to recognize them for the work that they are doing for us. Any questions?

2. Vote –

1. Appointment has been unanimously approved.

e. Presidential Appointment: Ann Diep to Undergraduate Council Lecturer Award for Distinguished Undergraduate Teaching

1. Senator Gomez – Motion to approve.
  1. Senator Fuentes – Seconded.
2. Senator Diep – Exactly what Andre said but sub out faculty for lecturer.
3. Vote –
  1. Presidential appointment has been approved.

XVI. Announcements

- a. Senator Gomez – Senator Suma brought up the idea that the Suma waited till the end to eat. That was operating that the Senators didn't need food. That's my opinion I want to eat alongside them.
- b. Senator Gonzalez – I think Steve missed it, leadership awards nominations are open.
- c. IVP Gabe – All of you look on the Facebook group page Katelyn posted the flier that our director of comm made. Share the hell out of it.
- d. Senator Perez – The reason I didn't push to committee as a whole it's really important to read bylaws. Really please read that bill.
- e. Senator Fuentes – Would it be too much to ask if you can resend the ethics bylaws, I know they were sent a semester ago.
  1. Senator Perez - I'll do it for you guys.
- f. Chad – Please send me the itinerary revisions, please don't forget. Ann approached me with a project, please the project list is still empty. We're here to help.

XVII. Adjournment

- a. Meeting adjourned at 10:44 PM.

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Reset to default

## An Opportunity in Washington, D.C.

[Group Photos](#)
[Phi Alpha Delta](#)

**★ Event Time and Date**  
 Tuesday, March 29 2017, 10:00 AM to Saturday, April 1 2017, 9:00 PM  
 13 Days until this event

Members of Phi Alpha Delta have been given the opportunity to gain an experience in Washington, D.C. There will be 20 individuals who will represent Phi Alpha Delta and UC Merced. Students will have the opportunity to network with law schools, local attorneys, attend Supreme Court cases, bond with law students, and to much more in D.C. Student attending will have to create a mandatory newsletter along with a presentation that will be given during law week and law day when there returns. Law week is something new that Phi Alpha Delta, MFLS and Law Clubs are coordinating together, to give awareness to the UC Merced campus about the organizations and about the law. This will give UC Merced students an insight on what there is to offer in the east coast.

**Washington, DC**  
 1400 Pennsylvania Ave NW, Washington, DC 20500

Event Categories:  
 Educational, Leadership Development, Travel/Conference

**Other Upcoming Events By Phi Alpha Delta**

**21**  
 MAR  
[Krispy Kreme Fundraiser](#)  
 Tuesday, March 21 2017, 10:00 AM to 1:30 PM  
 Fundraising  
 Come stop by Phi Alpha Delta's Krispy Kreme Fundraiser and pre-order your donuts!

**22**  
[Krispy Kreme Fundraiser](#)  
 Wednesday, March 22 2017, 10:00 AM to 3:00 PM

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**Advisor**  
 MH [Mark Harsh](#)  
 On-Campus Advisor

**Officers**  
 TP [Brianna Zarossa](#) Vice President  
 TP [Kia Yane](#) Vice President

**Members** 40 Total Members (2 hidden)

First Name	Last Name	Member Since
MH	Matson	9/20/2016
MA	Matta	9/13/2016
MR	Marcel	2/22/2017
SP	Sabatino	9/19/2016
TP	Seth	2/7/2017
SC	Schultz	2/21/2017
SN	Stanzani	2/9/2017
YP	Yacubovic	9/20/2016

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**Appendix B: Itinerary**

Schedule	Times	Details
Tuesday, March 28th		Arrive & Check in.
Wednesday, March 29th	8:00am	Arrive at Supreme Court House *Argument starts at 10:00AM, 3 cases on this day.
	2:00pm	Visit Top D.C Law Firm <u>Covington and Burling</u> LLP.
	4:00pm	Meet and Greet with Lawyers from Alan <u>Lescht</u> & Associates, P.C.
	6:00pm	Network with Attorney Jason <u>Kalafat</u> .
Thursday, March 30th	9:30am	Visit Georgetown Law.
	10:30am	Meet with P.A.D. Georgetown Law Members.
	2:00pm	Visit George Washington University Law School.
	2:30pm	Meet with P.A.D. George Washington University Law School members.
	4:00pm	Special interest networking, meeting with Department of Justice & Department Of Education.

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Schedule	Times	Details
Friday, March 31st	10:00am	Visit American University Washington College of Law.

	11:00am	Meet P.A.D. members at American University of Washington College of Law.
	1:00pm	Campus tour and classroom visit at Howard University School of Law.
	3:00pm	Special Interest Networking, members meeting with National Organization for Women.
	5:00pm	Networking Opportunity with UCDC Students.
Saturday, April 1st		Depart.

Bill # 42 revised itinerary that was sent that evening to the Senators.

Old Business Senate Meeting Minutes Excerpts from February 15th 2017 - Discussion and Subsequent Voting on Bill #42 Funding for the Phi Alpha Delta, Pre Pre-Law Chapter at UCM -----

----- a.10. Senator Diep - My question regarding the itinerary the new one that you sent us. Of how to read it. For example, let's use Wednesday, 8 AM you visit the Supreme Court House, between 8 and 2 you're spending the entire time there? a.10.1 - There are three court cases they want to hear, but yeah it takes a while to get into the courthouse they want to attend all three.

----- a.14. Senator Diep - I just want to confirm how set the networking opportunities are. So for example did Jason Kalafat get contacted and know the students will be arriving? For the Thursday March 30th at 4 PM the special interest networking meeting with the Department of Justice, who in the Department will you be meeting? a.14.1. So I know the events and in terms of the visits and the networking with the particular individuals have been set. If the Fraternity would like to speak more on the Department of Justice.

a.15. Senator Diep - I yield the floor to the public. To anyone who can answer this question: In regards to the special interest networking, DoJ and DoE can you give more information on who you're meeting and details? a.15.1. So for the DoJ we are planning on touring it I have contacted them and I'm waiting for a response back.

----- a.17. Senator Gomez - Feel free to call me out, AF. I don't know if I'm allowed to say this, a lot of Senators on this table are apart of Frat life. I'm not sure how this is influencing votes... The frat life representation is really prominent on this table.

a.18. IVP Gabriel - Point of information, I haven't enforced this on previous bill but if you are a member of the organization a lot of times it's more or a less gentlemen's agreement that you abstain from the vote. It's not frat's generally, it's if you're a member of the organization who's bill it is. There's nothing that says you can't vote on it but you should abstain if you have a conflict of interest.

a.19. Senator Parra - I think it's really dishonest of you to say it now. When we should have started this agreement when we took office on the table. Going on the idea of sorority or fraternity life. You can't really discourage someone to not be involved on campus, just because myself and Eva are in fraternities and sororities it's not really like our place to say it. It doesn't mean that we're going to go it's the opportunity for them to go.

a.23. Senator Parra - I feel like UC Merced does not have or encourage programs for law school or med school but this is a way for the organization itself to encourage members to go. We've seen this with other med programs as well.

-----  
 a.25. Vote - Senator Fuentes, Manon ,Perez, Massey, Parra, Vu, Gonzalez, Juarez Abstentions –  
 Senator Gomez, Diep. Bill #42 has been approved. -----  
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Respondent's Evidence:  
 n/a

Witness List

Number	Name	Affiliation
1	ASUCM Internal Vice President Gabe Hulbert	Respondent
2	ASUCM Senator Yosief Ghebresilasie.	Respondent
	N/A	
	N/A	

COURT OF THE ASSOCIATED STUDENTS OF  
THE UNIVERSITY OF CALIFORNIA, MERCED

No. 02-S17

Leiske v. Parra

March 16th, 2017

*Associate Justice Luna delivered the majority opinion of the Court.*

The Senate of the Associated Students at University of California, Merced (hereafter known as ASUCM) is one of the main organs of our student government. It is an elected body, and it is necessary to the foundation and integrity of our government that each of the individual senators remain accountable to his or her constituency. One of the main duties entrusted to the senate is the consideration of bills presented to the table on behalf of registered student organizations (hereafter known as RCOs) requesting funding. Senators are students and, in the absence of any rule keeping them from doing so, can join any number and whichever of the RCOs they want. This causes potential for a conflict of interest of the sort that we see in this case today.

Like all human institutions, the Senate has flaws, yet it can be seen that through diligence and pursuance of impartiality of its members and under scrutiny of a large public, a senate can function. The instant case presents the question of the impartiality of one Senator Parra, accused of violations of the constitution and ethics code, the former of which requires her to disclose her status as a member of organization Phi Alpha Delta to the Internal Vice President, the latter of which suggests that she should abstain from the vote when a bill for Phi Alpha Delta is in the table. **In both these charges, the court finds both of the charges laid on Senator Parra to be unjustified.**

In deliberating this case, the court decided that, based on the witness testimonial by Internal Vice President Gabe Hulbert, it was clear that Senator Parra was not guilty of the first charge, given that IVP Hulbert testified that he knew of Senator Parra's status, so far as classifying her status under the purview of "common knowledge." Though the court does not routinely take a witness's testimonial as fact at face value, in this case the court determined that because of the position that IVP Hulbert holds, in tandem with the totality of circumstances (i.e. the atmosphere of the courtroom, the Code of Ethics that Hulbert himself is under, and the level of familiarity Hulbert has with the respondent), it was determined that not only did Hulbert have no reason to lie to the court, and that he would face serious consequences if he did so, but also it was likely that Hulbert was telling the truth. In determining this, the court turned to the second charge. In deliberating the second charge, the court settled on two central questions. First, according to the *language* of the standing Code of Ethics, which Senator Parra was accused of violating, was Senator Parra required to abstain from the vote? And second, in choosing to *not* abstain from the vote, did Senator Parra ipso facto show unavoidable partiality unsuitable to her position and *in violation* of the Code of Ethics?

In turning to the first question, the court examined the language of Part I, Section 1, Subsection D of the ASUCM Code of Ethics, which reads "I abstain or recuse myself from the decision-making process in all situations in where I believe that I cannot exercise impartial judgement"

In examination of this part of the Code of Ethics, the court determined that the phrase “I believe” decided the question for us. The inclusion of the phrase “I believe,” in the opinion of the court, leaves it up to the discretion of the individual, in this case Senator Parra, to self-determine whether or not he or she can exercise impartial judgement in a situation that may call his or her impartiality into question. In this case, Senator Parra insisted that she believed that she could exercise impartial judgement, and the court found that Senator Parra is completely within her rights to decide whether she personally can be impartial.

In turning to the second question, the court found itself delving into the very nature of the bills that come onto, and pass, on the senate table. The main crux of the conflict of interest in the case of Senator Parra is that she may have had something to gain over the students that she was representing in the allocation of money towards her own fraternity, and that she was using student fees towards her own personal gain. The court found, short of a full confession from Senator Parra, there is no way to determine Parra’s personal motives or lack of partiality in the matter. In the absence of such a confession, the court found that Leiske did not, and in the court’s opinion, could not, prove Parra’s guilt beyond a reasonable doubt.

In essence, though the court finds the moral implications of Senator Parra’s actions to not be reflective of the values of the Associated Students and the integrity of student fees, the court could not, due to the language of the code of ethics, find Senator Parra guilty of any legal wrongdoing. The hands of the court, in effect, were tied by the letter of the law.

One of the things that this case illuminated to the court is the unaddressed problem of conflicts of interest that pervades the Senate. In striving to solve this problem, the court evaluated a number of options. The solution that the court settled on was having each of the senators involved in a registered campus organization, when a bill for that registered campus organization is being considered on the table, reveal their membership in the registered campus organization before any discussion takes place. The court believes that this would contribute to the transparency both on the senate table and also within ASUCM.

Upon further discussion, the court also proposes a more nuanced solution that the court believes will counteract conflicts of interest within senate more directly. For every four given senators within one registered campus organization, two senators must abstain from the vote. This means that if there are eight senators within one registered campus organization, four must abstain. If there are 12, six must abstain. If all sixteen senators are within one registered campus organization, eight must abstain and the internal vice president will break any tie. Voting in this case will be by roll call vote, so that abstentions, negative votes, and affirmative votes can be tracked as each is counted. The court believes that this, along with the increased transparency of the senate by the measures described above, will take necessary steps towards solving the issue.

### **DISSENTING OPINION**

*“With great power comes great responsibility”*, the power given to those who are in authority should never be taken for granted, and should always be treated with caution.

In the case *Leiske v Parra*, I am more particularly concerned with any official's "ability" to exercise impartial judgments in tempting situations than the disclosure of their involvement with an organization. The purpose of recusal doesn't necessarily mean the law is prohibiting ASUCM officials from actively participating in any organizations and clubs at UC Merced. The rationality behind this rule is that a "conflict of interest" could possibly corrupt and impair the decision-making process of the organization. I see one problem in regards to how the ASUCM Code of Ethics Section 1 Part D was written; it states that *"I abstain or recuse myself from the decision-making process in all situations in where I believe that I cannot exercise impartial judgment."* The context of "I believe" in this passage can be very misleading. A person's belief, no matter how carefully constructed is considerably subjective. The solution to this problem is prevention, the wording of this bylaw should be changed in a way that it will not put any ASUCM official in a position where his/her impartiality will be substantially tested. The bylaw must be amended because in this language, impartiality is purely unavoidable. Senator Parra was put in a situation where she was confronted with choosing between the duties and demands of her position as a senator and her own private interest as an active member of PAD.

Even though it is not explicitly stated that she "must" recuse herself from voting in matters where she cannot exercise impartial judgments, a senator OUGHT to follow the code of ethics simply because it is the right thing to do. As role models and law-abiding representatives of the whole student body; it is a rectitude, an expectation, and a duty to set aside personal interest in exchange of public trust, accountability, and effective leadership. It is reasonable to say that this was the intention of the law when it was passed. A textual interpretation is not always necessary when it comes to morality, we don't always need a set of "precise" instructions to know the difference between right and wrong. If we value the rule of law over expediency, we should act on stronger measures. The code of ethics serves as a guideline to every ASUCM officials and we expect them to abide by these rules for the common good. In passing Bill #42 Funding for PAD Washington DC Trip, I concluded that senator Parra did violate ASUCM Code of Ethics Section 1 Part D simply because evidence shows that she didn't recuse herself from voting even though she is an active member of PAD while fulfilling her duty as a senator. This, without a doubt, constitutes a conflict of interest.

Therefore, I suggest that senate amends the ASUCM Code of Ethics Section 1 Part C/D and Article 7 Sec. 3 of the ASUCM Legislative Bylaws such that;

- 1.) ASUCM senators are required to disclose the conflict/potential conflict before a senate agenda to the Internal Vice President.
- 2.) Prohibit ASUCM senators from voting on any matter in which the Internal Vice President confirms that there is a conflict.
- 3.) ASUCM senators “must” recuse themselves if they have ties to any organization or club that is involved in the bill.

Signed,

Associate Justice Maria Talania

### Conclusions and Decision of the Court

There shall be no doubt that the court is delivering this decision after deliberating all and every aspect of the case with reference to ASUCM’s governing Constitution and Bylaws. The court finds that Senator Yacqueline Parra is not at fault and shall face no punitive measures from her actions.

Be it enacted that:

1. Each of the senators involved in a registered campus organization, when a bill for that registered campus organization is on the table, announce his or her affiliation with said campus organization before any discussion or decision takes place.
2. For every four senators part of one registered campus organization, two must abstain from the final vote when a bill for that registered campus organization is on the table. In the event that all sixteen senators are part of one registered campus organization for which a bill is on the table, accordingly eight senators must abstain from the vote and the Internal Vice President will break all ties. Voting will be done by roll call vote.
3. No senator may present a bill for a registered campus organization with which they are affiliated.

Judicial Verdict Vote:

The court mandates the following judicial remedies with an official vote count of:

6-1.

Yea: Chief Justice Brandon Jones, Associate Justice Alison Luna,  
Associate Justice Isa Bey, Associate Justice Jake Totter, and  
Associate Justice Jasmine Johal

Nay: Associate Justice Maria Talania,

Signed,

Chief Justice:

Brandon Jones  
[bjones26@ucmerced.edu](mailto:bjones26@ucmerced.edu)

Associate Justices:

Alison Luna  
[aluna38@ucmerced.edu](mailto:aluna38@ucmerced.edu)

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