

Date: 22 March 2016

Time: 10PM - 11 PM

Venue: Classroom 14

Note-Taker: Gin **Presiding Officer:** Patrick

Attendance: Patrick, Adam, Shreyasa, Elson, Joey, Gin, Glen (late)

Absent: Sharlene (ill), Erika

Agenda:

- Discuss pending case w/anonymous individual
- Discuss Council’s proposal to provide financial stipend for financially needy Council members
 - Provide advisory opinion
- Discuss changing meeting time to Wednesday, 9 PM (best time according to sent calendars)
- Discuss Judiciary website section
- Any other matters raised during the session

Summary:

In this meeting, the Judiciary discussed a complaint filed by an anonymous student. The Judiciary decided that the case cannot proceed without knowing the identity of the plaintiff, and will attempt to identify the anonymous complainant in order to proceed with the case. The Judiciary also discussed a proposal by the Council to provide a stipend to financially needy Council members in the future.

Agenda	Discussion Points	Action
Discuss pending case w/anonymous individual	<ul style="list-style-type: none">● Patrick: Should students be able to file anonymous suits?<ul style="list-style-type: none">○ Elson: If we disallow students to file suits anonymously, it goes against the nature of our form.■ Shreyasa: The constitution does not constitutionally disallow	

	<p>anonymous suits. However, the form does state that the student’s name is required, but it is beyond our control if the student decides to write “Anonymous”.</p> <ul style="list-style-type: none"> ■ Patrick: It seems unreasonable for a judiciary to initiate its own suit, follow through with it and take action. Most judiciaries do not have such plenary authority to intercede. ■ Shreyasa: I think we can launch an investigation on this anonymous case, but this will set a precedent for future anonymous cases. ■ Patrick: The judiciary has the authority to disregard cases that we view has no merit. I propose to ask the anonymous individual to come forward, before launching an investigation. ■ Adam: We could publicly ask for the anonymized individual to reveal his/her/their identity (through Facebook? Social media?). <ul style="list-style-type: none"> ● Patrick: Should we give some details about the case (to make it known to the anonymized individual that we are referring to him/her/them)? ● Elson/Gin/Shreyasa: It is problematic to publicize the case, and make the details known to the student body, especially when we have not made a decision on whether we would take up a case. ● Patrick: It is not up to us to shield the details of the case from the student body. ● Elson: Even if it is about transparency and accountability, we need to consider <i>when</i> we release the details. It is not fair to the defendant: he/she/they is innocent until proven guilty (even if we have no obligation to protect his/her/their image). ● Patrick: We could (1) anonymize the details of the case such that the student body is not aware of the identity of 	
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	<p>the defendant (but the anonymized individual filing the suit might not realize that it is his/her/their case); or (2) include legal reminders in our notice to remind the student body that it is merely an allegation.</p> <ul style="list-style-type: none"> ● Motion to redact the following part of the meeting on the basis that it involves substantive discussion of the case pending the court. (All in favor, motion passes.) ● <i>Glen arrives at the meeting.</i> <p><i>Discussion of the Case</i></p> <ul style="list-style-type: none"> ● Patrick: Should we publicize details of the case such that students are aware of them? (This would resolve the anonymity issue for us; but if we agree that this is not our responsibility, then we will not.) <ul style="list-style-type: none"> ○ Shreyasa: It is in the constitution that we need to declare a conflict of interest before we take up a case. (To our understanding, the defendant has not declared the conflict of interest.) <p>(Question) How is it the “conflict of interest” in this specific case unconstitutional? Where does the conflict of interest lie?</p> <ul style="list-style-type: none"> ■ Adam: The burden of proof is on the prosecution to prove that there is a conflict of interest because of the roles the defendant holds. ■ Shreyasa: At what point do we decide not to take a case? (Patrick: If all justices feel that there is no merit to taking a case) ■ Motion to include the identity/details specific to the defendant in our publicity of a case. (6/7 not in favor, motion does not pass.) ● Adam: We should make it clear that we strongly discourage filing of suits anonymously. We cannot take up suits with anonymous plaintiffs. We will protect the identity of plaintiff if they so request. 	<p>Shrey will write a document to be released to the student body.</p> <p>Patrick will publicise it.</p>
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<p>Discuss Council's proposal to provide financial stipend for financially needy Council members</p>	<ul style="list-style-type: none"> ● Patrick: Implementation might be a problem, but we should focus on the motivation rather than the implementation first. The transparency of the student government comes into consideration: should it be able to reward members of the government itself? <ul style="list-style-type: none"> ○ Patrick: Other student organizations are not allowed to pay members of the organization using DOS funds. ○ Shreyasa: How is the student government different from other student organizations? <ul style="list-style-type: none"> ■ Patrick: It represents the student body and not specific interests, and its decisions can affect the entire student body. The student government is also unable to engage in fundraising. ● Patrick: We need to decide if there is a constitutional problem with such a policy. <ul style="list-style-type: none"> ○ Patrick: Is there a constitutional basis for the student government to break the transparency requirements? 	
<p>Discuss changing meeting time to Wednesday, 9 PM (best time according to sent calendars)</p>	<ul style="list-style-type: none"> ● Not the best time as some people cannot make it. ● For now, meeting time will be Tuesday 10 PM. 	<p>Patrick will look through the calendar again and find a time.</p>
<p>Discuss Judiciary website section</p>	<ul style="list-style-type: none"> ● Postponed to next meeting 	<p>Adam to draft a proposal and present at the next meeting.</p>
<p>Any other matters raised during the session</p>	<ul style="list-style-type: none"> ● Adam: Student Council meeting for this week has been postponed to next Monday because of Good Friday public holiday. 	

Agenda for our next meeting:

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Reminders/ Updates:

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