

SUNY BUFFALO STATE

**The United Students Government**

**Judicial Council**

*Chief Justice Yaniris Ramos Presiding*

**Case #: 008-2016-S**

**Date: 3/30/2016**

***Brandon VanEvery v. Derek Jorden***

***Plaintiff- Brandon VanEvery, Student***

 ***V.***

***Defendant- Derek Jorden, President of United Student Government***

On Wednesday March 30th, 2016 the council discussed a grievance filed by Brandon VanEvery against Derek Jorden. The grievance was filed as a concern that President Jorden was not fulfilling his duties as a USG official. Mr. VanEvery represented himself as a Buffalo State student during the hearing. Mr. Derek also represented himself, however Vice President Leminger, Rules and Regulations Chair Abass and two other USG Administrative Vice President’s were in attendance but did not speak. Vice President Leminger did however speak to clarify questions that were asked by the Council.

Mr.VanEvery presented several issues to the council spanning from improper sign-in and sign-out procedures to missing office hours, and refraining from meeting with Mr.VanEvery. The plaintiff, Mr.VanEvery accused the defendant, Mr. Jorden, of not being in his office hours during his scheduled office hour times, of refraining from meeting with him to follow up for the President’s meeting which Mr.VanEvery was absent and of not obtaining or documenting meeting minutes.

Mr. VanEvery submission of proof showed that on February 9th, 2016 he emailed Mr. Jorden notifying him that he would not be able to attend the President’s meeting on February 19th, 2016 and asked to set up a time to meet with him and would be waiting for an email in response. Mr. Jorden then responded with his thanks for the notification, and asked Mr. VanEvery to send the Vice President in his place, and if not to stop by and set up a meeting time after the 19th of February.

Mr.VanEvery, as evidence, submitted a follow up email. The email showed that on February 26th, 2013 Mr. VanEvery emailed Mr. Jorden saying “Just letting you know that I will be meeting with you to talk about the president’s meeting that my organization missed. I’ll be there by 4pm.” Mr. Jorden responded by asking Mr.VanEvery if there was a meeting in place or was he just informing him that he was going at 4pm.” Mr.VanEvery reply was that he was informing Mr. Jorden he was going to be there at 4 pm, and that he had asked Cindy, the USG business staff secretary to plan a meeting, and she had told him to email Mr. Jorden. Mr. Jorden then responded by saying, “Okay that is not planning a meeting. She told you to email me to plan a meeting not to tell me when you were coming by. I’m not available at that time. So are you asking me when I’m available so that we can make a meeting.” Mr. VanEvery replied, “It will only take 15 mins. I’ve been waiting since your original office hours from 12pm-5pm. You already told me to set a meeting up with Cindy after our org hearing with the Judicial Council. I will not be available again for another couple weeks. This email was sent at 3:36 pm. At 3:40 pm, Mr. Jorden replied and said “I am not available at that time. So now lets set up a time that week in my calendar”. Mr. VanEvery responded and said, “I will be there at 4pm to discuss a time. As I said I won’t be available for he next couple weeks” After this email Mr. Jorden never responded and at 4:34 pm, Mr. VanEvery emailed Mr. Jorden again and said “My and another student are waiting outside of your office.” The third evidence submitted by Mr.VanEvery was an email Mr. Jorden sent to Cindy notifying her that because he had a doctors appointment he would be at his office hours at 3 pm. A second email was submitted which was a second email Mr. Jorden sent to Cindy notifying her that he would complete his office hours from 3 pm to 8 pm as oppose to his normal office hours which was from 12 pm to 5 pm on Fridays. Mr. Jorden’s stated in his defense that he was in a doctor’s appointment and unfortunately had been in the doctors for the time his office hours were scheduled. He also stated that Mr.VanEvery came to his office 10 minutes prior to a scheduled meeting with BSC TV, hence why the meeting could not occur at that time. However, Mr. VanEvery submitted additional evidence showing that Mr. Jorden never clocked in or out for the date of February 26, 2016.

In addition to the time card for the pay period of February 22nd to February 26th, Mr.VanEvery submitted the time sheets from the dates of 1/25/16-1/29/16, 2/15/16-2/19/16, 2/29/16-3/4/16. The time sheets showed that Mr. Jorden had completed less than his minimum mandated 10 office hours for every week a time sheet was submitted.

The other issue Mr. VanEvery mentioned was the submission of Mr. Jorden’s standards of excellence. Mr.VanEvery submitted the standards of Excellence signed by Vice President Emily Leminger and Treasurer Richards, both of which were stamped RECEIVED by USG on September 29, 2016. Mr. Jorden’s standard of excellence was unobtainable. Mr. Jorden stated he couldn’t sign one because he couldn’t sign his own, but did not understand that he like every other USG official needed to sign a standards of excellence.

After all the issues above were discussed, Mr.VanEvery stated that he had asked President Jorden for minutes. Mr. Jorden’s response was that he did not have to show any proof of minutes. Shortly after, Assistant Chief Justice proceeded to ask Mr. Jorden if he could provide the Council with minutes of any meetings he had attended. The Council then proceeded to a five minute recess in order to allow Mr. Jorden to submit any minutes he had as evidence. After the five-minute recess, Mr. Jorden submitted documents to the council but no document were admissible as minutes.

As per the evidence submitted by Mr.VanEvery, Mr. Jorden has been found in violation of the sections in the constitution stated below:

## **ARTICLE IV – EXECUTIVE BRANCH**

### Section I – Executive Officers

#### The President

1. Shall compile and send to print the legislation and minutes passed by the USG Senate, along with all Judicial Council cases in accordance with USG’s document retention policy.
2. Shall keep a minimum of ten in-office hours per week***.***
	* 1. Half shall be held during business hours.
		2. Business hours being defined as 8:30 am – 5:00 pm Monday through Friday.

**ARTICLE XIII – PARLIAMENTARY AUTHORITY**

**The USG Document Retention Policy**

1. All minutes of Senate, standing and ad-hoc committee meetings, minutes of organizations' meetings when available, Officer Reports, Coordinator Reports, student bills and student resolutions shall be forwarded to the Executive Vice President for filing according to the USG document retention procedures which are as follows:
2. All minutes of the Senate and all student bills and resolutions shall be forwarded to the Record and USG’s Webmaster for publication.
3. Each document shall be attached to a USG Document Retention form which shall contain the following information:
4. The type of document (bill, resolution, minutes and reports) and its legislative number.

To address the issues at trial, we will attend to them separately.

1. Professionalism

Based on the email on February 9th, 2016 where Mr.VanEvery and Mr. Jorden spoke about a meeting time, it is evident that the basis of conversation was handled in an unprofessional matter. The email that was sent by Mr. Jorden in response to Mr.VanEvery trying to meet with him showed that Mr. Jorden did not intend to follow up with Mr.VanEvery. Meeting with USG Organizations is vital to an organization’s success and failed to fulfill his duties as presiding chair of all USG organizations

**II. Office Hours**

Mr.VanEvery’s submission of evidence was very concrete and proved that Mr. Jorden was in violation of his office hours policy. According to the United Student Government Service Group, INC. STUDENT EMPLOYMENT HANDBOOK, Mr. Jorden was in violation of the below:

**Recording your time**

Accurately recording all of your time is required in order to be sure that you are paid for all hours worked. You are expected to follow the established procedures in keeping an accurate record of your hours worked. Time must be recorded as follows:

* Immediately before starting your shift
* Immediately after finishing wok before your meal period
* Immediately before resuming work after your meal period
* Immediately after finishing work
* Immediately before and after any other time away from work

**Office Hours Obligation**

1. Officials must be present for all publicly stated office hours

1. Any official who fails to be present and signed in for a publicly stated office hour shall be charged a quarter (0.25) absence

**III. Minutes**

Minutes are the legal record of all meetings conducted by USG Officials. Minutes are not a suggestion but a necessity for all meetings. They are to be filed and accurate allowing for transparency in the company. Failure to turn over public records can lead a recommendation for impeachment. Mr. Jorden did not have any minutes of meetings he had attended since the beginning of the semester. As President Mr. Jorden is supposed to keep minutes and all records of meetings and must have them signed by Vice President Leminger. Not having any minutes showed that Mr. Jorden was once again not fulfilling his duties.

**Verdict:**

The council has decided that the evidence that Mr.VanEvery presented to the council was enough to grant Mr. Jorden to be placed under review, thus the Council has decided that Mr. Jorden will be placed under Review for the remaining time as President of United Students Government. Mr. VanEvery’s sought to have Mr. Jorden placed under Review but not limited to impeachment and has been granted by the council therefore Mr. Jorden must comply with all the below sanctions and if found in violation will be up for recommendation of impeachment.

1. Minutes are to be typed, dated and signed by Vice President Leminger for all meetings, including ad-hoc committee meetings.
2. Shall be physically in office and present for scheduled office hours and must attend to any student who has concerns during office hours with the exception of a scheduled meeting already in place.
3. Standards of Excellence must be signed by Tuesday April 12th, 2016 at 3 PM and handed to Chief Justice Ramos
4. A weekly schedule with all set meetings for the upcoming week must be sent to Cindy and CC’d to Chief Justice Ramos by the Friday before the beginning of each week beginning April 8th, 2016 at 3 PM
5. In the case of any inconveniences, time change of meetings or office hours, notice shall be handed in writing or via email to Cindy 24 hours in advance with the exception of an emergency.

The dates for the above sanction will be recorded and the defendant must adhere to them in an efficient and timely manner. Please keep in mind that the review process will be handled by Chief Justice Ramos and any violations or incompletion of the above sanctions will result in recommendation for impeachment.

**SO ORDERED.**

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Ms. Yaniris Ramos Ms. Kathryn Harvey

Chief Justice Assistant Chief Justice

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Mr. Daequan Shane Mr. Jack Nossavage

Justice Justice

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Mr. Mohamet Mbaye

Justice