Summary of Student Government of Loyola Chicago Judicial Proceedings

12.09.2015

- Censure Complaint 010..............................................................2
  - SGLC v. President Fasullo
  - Vote to deliver three (3) censures by a vote of 4-0-1
This represents the official Judicial Board opinion in the matter of SGLC v. Fasullo.

A complaint was publically filed and brought before the Judicial Board at the SGLC Senate meeting on Tuesday, December 1, 2015 charging President Fasullo, at large, with failing to uphold the Oath he took when entering office. According to the openly-read charge, it is in direct response to the demonstration held on Friday, November 20, 2015 “in coordination between the Student Government of Loyola Chicago (SGLC) and the union of Aramark workers at Loyola.”

After conducting an investigation and gathering evidence, Attorney General Brueck presented the previously listed charge along with the following to the Judicial Board on December 9, 2015:

- Commitment to the oath of office is in question
- Willingly and knowingly expressing assent to violate the Articles of Governance as well as university policy, thereby jeopardizing the commitment to the body served
- Failing to serve the organization as spokesperson in pursuing action that jeopardizes the integrity of the entire body without consideration of those parties

During this hearing, President Fasullo and Attorney General Brueck delivered their presentations of the case in regards to the accusations brought before the Judicial Board. After the hearing was held, the Judicial Board decided to reconvene on Friday, December 11, at 4:05PM for the following reason:

- After spending over two hours listening to the presentation of the case, we recognized that with final exams, we needed more time to deliberate among each other with the substantial evidence that was presented before us in order to give this case the thorough attention that it deserves.

While Associate Justice Sandoval could not attend our deliberation in person, he was present via Skype before going to work, and as a result, decided to abstain from the formal vote.

During our deliberation, we found President Fasullo’s actions in regards to the November 20th demonstration to be in direct violation of the Articles of Governance. Specifically, we found him guilty for willing and knowingly expressing assent to violate the Articles of Governance as well as university policy, thereby jeopardizing the commitment to the body served.

As stated in the 2015-2016 Community Standards of Loyola University Chicago, Section 507, Demonstration and Fixed Exhibit Policy:

“Demonstrations are permitted on campus so long as they are…congruent with the Community Standards. Regardless of specific location, no on-campus demonstration may use amplified sound…or disrupt the operations of the University.”

After reviewing the evidence presented before us, we as a Judicial Board are aware that a meeting was held between President Fasullo and SGLC advisors Shannon Howes and Kimberly Moore on Wednesday, November 18, 2015. According to an email from Kimberly Moore formally used as evidence, this meeting was held after Moore received a message from a colleague, notifying her that “SGLC members had made public statements articulating their intent to circumvent the Community Standards as part of their Demonstration scheduled for 11-20.” During this meeting, Moore “explained that if policy was
circumvented at the 11-20 planned demonstration, SGLC would be referred through the conduct system.” At this point, given that President Fasullo was put on specific notice from an advisor, it is the Judicial Board’s opinion that with the well-being of the entire SGLC organization in mind, any thought of even violating university policy should have immediately been dismissed.

However, according to an email from SGLC Vice President Chavez, the two met the next day, Thursday, November 19, 2015 when President Fasullo brought to her attention that “there were talks around SGLC breaking the demonstration policy in regard to amplified sound at the Students for Worker Justice Rally hosted the next day.” As further stated by Vice President Chavez, “Michael then asked me for my view on that action and I expressed great disagreement with the idea of even considering that idea...I made it very clear to him that I did not agree that SGLC should break the policy at all.”

Chapter (1), Article (3), Section (5), subsection (A) of the Articles of Governance requires that each elected and appointed member of SGLC uphold the mission and Articles of Governance of the Student Government of Loyola Chicago.

(A). The Oath of Office shall be:

“I, [state first and last name], do solemnly swear to serve the students of Loyola University Chicago, and to the best of my ability, uphold the mission and Articles of Governance of the Student Government of Loyola Chicago. I hereby take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.”

Chapter (7), Article (21), Section (6), subsection (D) of the Articles of Governance states that:

“Each member of the SGLC shall uphold all local, state, and federal laws, and Loyola University Chicago policies, including but not limited to those enumerated within the Student Code of Conduct. Behavior that violates the aforementioned laws or policies shall for the purposes of this section be considered illegal. No member of the SGLC shall display or demonstrate assent of illegal conduct on the part of any member of the undergraduate body.”

As stated by Vice President Chavez during her email, President Fasullo pursued the idea of violating the University’s demonstration policy in regards to amplified sound even after meeting with advisors Shannon Howes and Kimberly Moore. During the Judicial hearing, President Fasullo confirmed this by openly admitting to having complete intention of using amplified sound up until a last-minute decision was made towards the beginning of the demonstration. Whereas “assent” is defined as “the expression of approval or agreement,” it is clear that President Fasullo intended to amplify the sound at the rally which would have been a violation of University policy. Since this action was not formally carried out, we as a Judicial Board find that President Fasullo’s actions in regards to amplified sound are worthy of receiving one censure.

During the presentation of his case, President Fasullo repeatedly stated that he did not make the decision for the November 20th demonstration to enter the Damen Student Center. However, we as a Judicial Board find that regardless of whether or not President Fasullo personally made the decision for the demonstration to be brought indoors, there is no substantial evidence that he made any effort to seize the group from violating University policy. As the chief sponsoring organization of the demonstration, President Fasullo knew very well that it would put SGLC in direct risk of facing judicial action through the University conduct system, as previously explained to him in his meeting with Shannon Howes and Kimberly Moore. By entering the Damen Student Center, the demonstration held on November 20th directly violated the University’s Community Standards by disrupting the operations of the University. When asked what would
be the motive of entering the Damen Student Center to meet with Aramark operations manager, Bill Langlois, as opposed to going through our previously established Residents, Commuters, and Dining Committee within the Senate, President Fasullo responded: “I think that speaks to my philosophy of how change should occur.” Therefore, it is clear that President Fasullo directly assented to the group of students entering the Damen Student Center in violation of the University’s Demonstration policy. In this case, it is our inherent belief that complacency equates to “assent,” and since this action was carried out, we as a Judicial Board find President Fasullo’s actions are worthy of a second and third censure.

To clarify, as the Judicial Board has routinely delivered one censure for arguably more trivial matters (Ex: an SGLC member failing to submit a committee report on time, or having an unexcused absence at a Senate meeting), we believe President Fasullo’s actions are much more detrimental to the organization, and thus worthy of two additional censures. Separate from President Fasullo’s assent to using amplified sound, it is our opinion that two censures is appropriate for this specific matter as the demonstration was, in fact, brought indoors to the Damen Student Center before confronting a University staff member.

The Judicial Board therefore votes to issue three censures, in total, to President Fasullo by a vote of 4-0-1.

Finally, after reviewing all of the evidence presented before us and reaching this decision, the Judicial Board finds great concern with the manner by which the SGLC Executive Committee in its current term is working with the Senate body and members outside of SGLC. This is an organization of over fifty members, and with the current state of affairs, it is not acting like one, nor is it being given the opportunity to do so. It is evident that the actions which took place at the November 20th demonstration directly stem from two groups established by the Executive Committee, under President Fasullo – USpeak and Students for Worker Justice. As stated in the Articles of Governance, each standing, special, and Ad-Hoc committee must establish bylaws declaring its purpose and routinely deliver reports notifying the greater SGLC body of its actions. We as a Judicial Board, therefore, recommend that so long as these two groups are primarily supported by SGLC, they begin to establish a set of their own bylaws and routinely submit a report to the Secretary (unique from the Executive Report) in order to promote greater transparency and cooperation across the organization.

Respectfully submitted,

Flavio Bravo, Chief Justice