

Ex-athletic director Marie Tuite resigns

By Madilynne Medina
NEWS EDITOR

Former San Jose State athletic director Marie Tuite announced her resignation from her position as special director of external relations and capital project development in a Twitter statement Sunday.

After congratulating the SJSU football team on its Saturday win against Southern Utah, Tuite said she is “turning her time and energy to exploring future opportunities.”

Tuite announced her resignation to some athletic department personnel in a Friday email, according to a Tuesday Mercury News article.

Tuite’s decision to step down from her prior position as athletic director was announced in a May 21 campuswide email by SJSU President Mary Papazian shortly after Sage Hopkins, swimming and diving head coach, filed a lawsuit in March against California State University

and SJSU administrators, including Tuite.

The lawsuit alleges Tuite and other administrators retaliated against whistleblowers and ignored reports of sexual assault by former director of sports medicine Scott Shaw, according to the 93-page court documents obtained by the Spartan Daily.

Several students and faculty members expressed disappointment with Tuite and her role in Shaw’s 12-year-long sexual misconduct cases.

Shaw was the director of sports medicine from 2008 up until his resignation in August 2020, where he was accused by female swimming and diving student athletes of sexual assault during physical therapy sessions.

Taylor Lehr, former SJSU swimming and diving captain and alumna, said while she was on the swim team, Tuite “didn’t really care” about its success because of animosity toward the coach.

Lehr said she believes Tuite’s actions were always “very calculated” and only

to benefit her position as athletic director.

Hopkins circulated a 300-page dossier to university, Mountain West Conference and NCAA officials in 2019 alleging Shaw sexually assaulted 17 swim and diving athletes, according to an April 17, 2020 USA Today article.

“I feel like she knew what her fate was going to be, so that was kind of a way of just taking it upon herself to just leave.”

Taylor Lehr
former swimming and diving captain, alumna

Hopkins detailed claims of retaliation by Tuite against him and other faculty members for reporting the misconduct, according

to the same article.

The 300-page packet prompted Papazian to request an external Title IX investigation because of concerns about the original 2009-10 investigation, according to the SJSU For Your Information (FYI) webpage.

The FYI webpage details the university’s statements regarding Shaw’s reinvestigation.

The original 2009 investigation by the university determined the sexual assault claims to be unsubstantiated because his method, pressure point therapy, was a “bona fide means of treating muscle injury,” according to the university’s summary of the investigation.

It was determined in the 2020 reinvestigation the sexual misconduct allegations were substantiated, according to the same summary.

Ten additional claims of sexual misconduct also surfaced in the reinvestigation, according to the same SJSU Athletics Department and

IN BRIEF

■ Marie Tuite announced her resignation from her position as special director of external relations and capital project development on Sunday.

■ She was reassigned from athletic director to her recent position in May following lawsuits filed against CSU and SJSU administrators, including Tuite.

■ Tuite worked at the university since 2010.

Investigations For Your Information (FYI) webpage.

After Tuite’s reassignment in May, she said her objective was to let the community heal, according to the same May 21 campuswide email from Papazian.

“As a leader, I am deeply sorry our student-athletes were impacted by Scott Shaw,” Tuite said in the email. “I will continue to fully cooperate with any and all investigations.”

Lehr said Tuite’s final decision to leave the

university seemed like she was trying to “get out” because of the continued accusations regarding her mishandling of the investigation.

“I feel like she knew that [more details about the investigation were] going to come out and that she was in the wrong,” Lehr said. “I feel like she knew what her fate was going to be, so that was kind of a way of just taking it upon herself to just leave.”

Follow Madilynne on Twitter @madilynnee

Breakthrough cases threaten SJSU campus

By Evan Reinhardt
STAFF WRITER

Some fully vaccinated students at San Jose State are contracting “breakthrough” infections of the coronavirus.

Vaccine breakthrough infections are defined by the Centers for Disease Control and Prevention (CDC) as the presence of COVID-19 RNA in the respiratory system of individuals who’ve been vaccinated for 14 or more days, according to the CDC website.

The COVID-19 delta variant, which is twice as transmissible as the strain that originated in Wuhan, China, is the predominant strain of the COVID-19 virus circulating in the U.S., according to the CDC Delta Variant webpage.

As of Thursday, Santa Clara County has 1,333 known cases of the delta variant, according to its COVID-19 Variant Dashboard.

International business senior Ken Ueda-Martinez contracted the COVID-19 virus in May after being fully vaccinated in March.

“I found out one night when my mason jar of pot had no smell to it. Next morning I went to get checked and I had [COVID-19],” Ueda-Martinez said in an Instagram message.

Ueda-Martinez said his only symptom was a loss of smell, one of the identifying symptoms of COVID-19, according to the CDC symptoms of COVID-19 webpage.

Kenneth Mashinchi, senior director of strategic communications and media relations, said SJSU isn’t tracking breakthrough cases.

“Since the guidance and recommendations for COVID-19 cases are the same for vaccinated and unvaccinated individuals, these cases are not counted separately,” Mashinchi said.

SJSU has reported five confirmed cases of COVID-19 in the last 14 days, according to its COVID-19 Dashboard, which provides up-to-date statistics of infected students, faculty and staff.

President Mary Papazian stated in an Aug. 2 campuswide email that students and faculty should use the Report a Case Portal if individuals test positive or are exposed to someone who’s infected with the virus, regardless of vaccination status.

While the university isn’t tracking breakthrough infections, a Kaiser Family Foundation study found 0.1% of vaccinated Californians have been infected with COVID-19 as of July 30.



PHOTO ILLUSTRATION BY NICK YBARRA

The Kaiser Family Foundation is an American nonprofit organization based in San Francisco.

Given there’s 39,613,493 people in California in 2021, according to the World Health Organization, about 4 million of vaccinated Californians have been infected with the virus.

Although vaccines mitigate the severe effects of the virus including death and hospitalization, the vaccines aren’t 100% effective in preventing illness, according to the CDC Vaccine and Immunizations webpage.

While some vaccinated individuals will get sick, and in rare cases get hospitalized, there’s evidence vaccinations reduce the severity of the illness, according to the same CDC webpage.

However, evidence also shows the vaccines’ effectiveness decreases over time, according to the CDC’s Morbidity and Mortality Weekly Report.

The CDC and the U.S. Department of Health and Human Services announced in an Aug. 18 joint statement vaccine boosters may be vital for the Pfizer and Moderna vaccines to provide “long lasting protection.”

Booster shots are additional doses of a vaccine that are meant to “boost” the immune system and better protect against

illness, according to the same statement.

Following the California State University policy announced on July 27, SJSU is requiring all students, faculty and staff to be vaccinated by Sept. 30, according to its COVID-19 Vaccine Requirements webpage.

“I found out one night when my mason jar of pot had no smell to it. Next morning I went to get checked and I had [COVID-19].”

Ken Ueda-Martinez
International business senior

SJSU will require students, faculty and staff to certify their vaccination status by the same date, according to the same webpage.

SJSU physician Dr. Barbara Fu said 90% of the students have attested to being vaccinated and 76% of students have verified their vaccination status with the university as of Friday.

“Along with following state and county public health guidelines, SJSU continues to monitor and assess the campus repopulation plan and will make adjustments as needed,” Fu said in an email.

The university allows requests for medical or religious vaccination exemptions, but some students are still worried about the possibility of contracting the virus from unvaccinated individuals.

SJSU history senior Nhut Nguyen said the campus would be safer if more students got vaccinated because unvaccinated students are “holding us back.”

“If you want to take in person classes, you should have to get vaccinated,” Nguyen said. “It’s our duty.”

He said those hesitant to receive the vaccine should find other ways to take classes.

“There’s a lot of online options. So if you don’t want to get vaccinated . . . you can do that,” Nguyen said. “And with the new variants coming out, it’s pushing even more [students] to get [vaccinated].”

Mashinchi said SJSU is prepared to notify students if the university has to switch to online classes in the event of increasing COVID-19 cases on campus.

Kinesiology junior Eme Espinoza said she’s prepared to go online again if her health and safety are at risk.

“I’ve done online classes before,” Espinoza said. “It may be difficult at first, but it’s not something nobody can handle.”

Other SJSU students believe returning to online classes would be detrimental.

Vazquez Lozada, child adolescent and development sophomore, said vaccinations shouldn’t be required for students because “people should have the freedom to decide for their own bodies.”

“I think that requiring any vaccine in order to have access to campus is unconstitutional,” Lozada said. “It goes against our human rights and it’s causing discrimination and segregation among the students.”

Espinoza said individuals should try to protect themselves and those around them by wearing masks and sanitizing when possible to prevent an increase in COVID-19 cases.

“I think as human beings we should try to support each other, regardless of any political views regarding [COVID-19],” Espinoza said.

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FIRST PERSON



AMANI HAMED | SPARTAN DAILY

A potted, green and patterned Alocasia plant soaks in some rays of sunshine in the early afternoon from its place in a glass curio cabinet.

Plants bring growth and hope

By Amani Hamed
STAFF WRITER

My father died on Thursday, Aug. 6 at 1:15 a.m. and because Muslim funeral rites are supposed to be quick and simple to swiftly lay the dead to rest, he was buried by the following afternoon.

The drive to the Islamic graveyard in Livermore felt longer than an hour and a half. It was a winding sojourn past bleached hillsides and dead chaparral. The smoke from fires up north grew thicker as I approached and blanketed the area in a foul miasma.

A sign on the cemetery gate warns mourners to watch out for rattlesnakes. Nothing grows. There are no rolling lawns, watered and manicured. There are only the rows and rows of the departed with their flat, barren plots, absent even headstones. Surely, other Muslim burial sites are beautiful places

to remember and reflect, but not this one.

When I returned home I was desperate to see something vibrant, something green. I shut all the windows and doors against the smoke and turned on the air purifier. Over the next two days, I spent a good deal of time and money surrounding myself with new little house plants. Their names sound like Harry Potter spells: Peperomia, Alocasia and Pothos.

After bringing them home, I lovingly tucked my plants into their pots, surrounding them with rich soil.

Coming home every day to examine the satiny green leaves, watch the roots burst from the node of a vine stuck into water, see them twist and bend in the light, gave me a bit of serenity I had not found in the three months I spent in the ICU with my dad.

I wondered why several

little vines and leaves could have such an impact on my emotional wellbeing.

“
I feel like when you look at living things, you just sometimes appreciate life.”

Thy Do
alumna

Thy Do, a San Jose State alumna who graduated in 2020, has always had plants in her life.

“My grandma is an outdoor plant person, so [we] had fruits in the backyard: apples, oranges, plums and whatnot,” Do said.

Do said she began propagating and selling house plants during the beginning of quarantine and noticed a connection between her buyers and their newfound plant habits.

“People wanted to do things that they had never done to keep them in a positive-thinking way, holding on to hope, like all things will get better,” Do said.

SJSU anthropology professor Jan English-Lueck said evidence of plants’ aid in therapeutic recovery is growing.

English-Lueck said in addition to most modern and traditional medicines being derived from plants, having plants in one’s environment can be conducive to healing.

Therapeutic gardens create natural intentional spaces devoted to healing and therapy, according to a 2012 American Horticultural Therapy Association article.

The American Horticultural Therapy Association is a non-profit organization that seeks to promote horticultural

therapy as a way to help rehabilitate patients.

The role of plants in those spaces is to engage the senses and promote sensory stimulation through all five senses while encouraging the exploration of memory. Therapeutic gardens are designed to serve all ages and to be accessible to people with varying levels of ability.

English-Lueck said while gardens in many cultures have historically been created as intentional spaces to enjoy nature and to find peace, the European model of gardening was often about asserting dominance and control over plant life.

“The philosophy of gardening in Europe has been traditionally to make the plant do what you want,” English-Lueck said.

However, she said since the American transcendental movement arose in the 1830s, there has been a shift toward simply allowing nature to be.

The American transcendental movement was a religious, political and philosophical shift led by writers, abolitionists and nature lovers such as Ralph Waldo Emerson and Henry David Thoreau.

Transcendentalists like Emerson and Thoreau believed human beings and society would benefit from seeking solitude and a connection with the divine through nature.

This shift in gardening philosophies has also been influenced by gardening philosophies in places including China and Japan. Other cultures also embrace gardening philosophies that don’t put plants in rows or “impose order” upon them.

She said Shinto religion, which originated in Japan, deeply respects plants, streams and rocks which are believed to contain spirits and to be animated, sacred beings.

“There is a huge tradition among many cultures of recognizing the sacredness of plants,” English-Lueck said.

English-Lueck said American garden spaces are moving toward having a relationship with plants that isn’t based on dominance or control but is, in fact, a relationship.

Thy Do’s sales have dropped sharply as quarantine has slowly, but surely, lifted.

She said people are going back to the office, back to work and have less time to spend caring for their plants.

Still surrounded by her personal collection of plants, Do dreams of one day buying an Albo Monstera. She said the plant is hard to care for but it rewards its steward with its enormous, waxy fan-like leaves.

“
There is a huge tradition among many cultures of recognizing the sacredness of plants.”

Jan English-Lueck
anthropology professor

“I feel like when you look at living things, you just sometimes appreciate life,” Do said.

For Do, simply being near a plant as it grows gives her a sense of calm. Just bearing witness to a small thing, quietly growing, unaware of the struggles that exist outside of its stems and leaves, can be healing.



PHOTO COURTESY OF THY DO

Thy Do smiles and holds a Mican Pothos (left) and a Satin Pothos (right).

Follow Amani on Twitter |
@Amani_Marie_

OPINION

Mental health issues take gold medal

By Estevan Lopez
STAFF WRITER

U.S. gymnast Simone Biles shocked the world when she stepped down from competing in the 2020 Tokyo Olympic Games because of mental health issues, but the intense pressure athletes face to constantly perform well is rarely talked about.

When the Olympic season started to approach, all eyes were on Biles who's arguably the greatest gymnast ever.

Biles has 32 medals from competing in the Olympics and different world championships, making her the most decorated gymnast in her generation, according to an Aug. 7 article from the New York Times.

Despite all her global success as a gymnast, Biles and other Olympic athletes are still human and have felt the negative effects the coronavirus pandemic has had on people's mental health.

These negative effects on mental health were exacerbated by constant isolation, multiple lockdowns and strict health restrictions.

Biles told ESPN Monday while the games were postponed by a year, her training was extended and that took a heavy toll on her mental health.

"[I'm] still very much undecided [about returning to full-time training] . . . because coming off of not only [an] Olympic year but an extra year because we had to train for five years, which was totally unplanned, your body takes a beating," Biles told ESPN in the same article.

Biles arrived eight days before the games began, which was July 23-Aug. 8. with the rest of the U.S. gymnastics team.

Before deciding to step down,

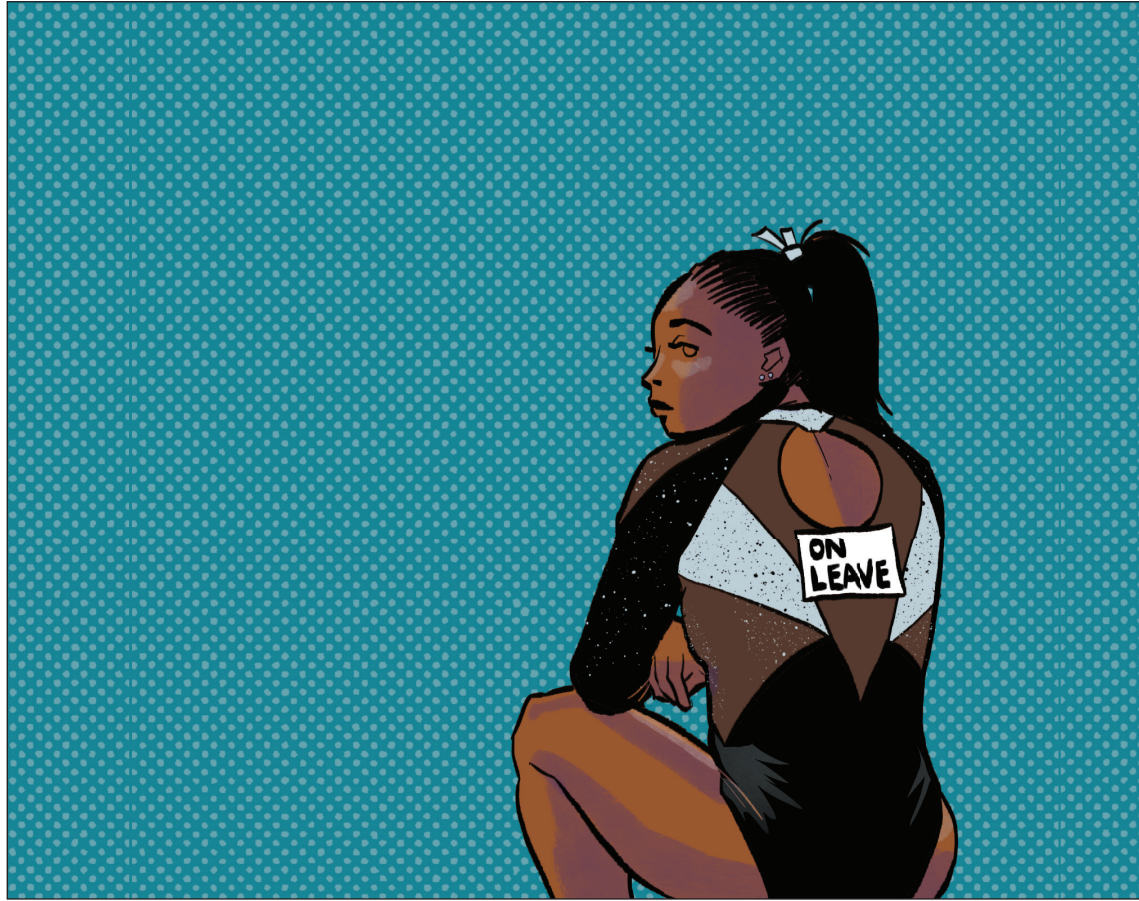


ILLUSTRATION BY AUDREY TSENG

Biles won gold in the balance beam and silver in the artistic team all-around, according to the Olympic schedule and results webpage.

The anticipation for the postponed Tokyo Olympics captivated people around the world and it's no surprise athletes are experiencing higher levels of scrutiny as fans sit on their couches and dish out opinions online.

In a July 26 Instagram post, Biles said, "It wasn't an easy day or my best but I got through it. I truly do feel like I have the weight of the world on my shoulders at times."

Biles not only did the heroic thing by showing true sportsmanship, but she showed tremendous courage by openly

prioritizing her mental health.

Her decision came as a shock to supporters worldwide and to her peers, but her teammates spoke out soon after to show their support.

Despite all her global success as a gymnast, Biles and other Olympic athletes are still human and have felt the negative effects the coronavirus pandemic has had on people's mental health.

USA Gymnastics' statement said, "We wholeheartedly support Simone's decision and applaud her bravery in prioritizing her

well-being," according to a July 27 ESPN article.

Many media personnel have criticized her decision such as outspoken journalist Piers Morgan who wrote, "Simone Biles let her country down," according to a July 28 Yahoo News article.

In response to her critics, Biles said stepping away gave her team the best chance of winning.

"Once I came out here, I felt, no, the mental is not there. I need to let the girls do it and focus on myself," Biles told Times Magazine in a July 27 article.

The scrutiny is unfair to Biles and to those who experience mental health issues.

Instead of being disappointed with the world's most talented athletes for not performing, we should be motivating and

commending athletes like Biles for the courage it took to express her decision.

Earlier this year, professional Japanese tennis player Naomi Osaka refused to speak at the French Open's press conferences because of her own struggles with her mental health.

She was then quickly removed from the competition and the media again was split, either commending or criticizing Osaka's decision.

When it came to critics' headlines, journalist Piers Morgan once again had spewed hate and negativity.

"Unfortunately, Ms. Osaka is also an arrogant spoiled brat whose fame and fortune appears to have inflated her ego to gigantic proportions," Morgan told the Washington Post in a June 1 article.

However, Biles received a "heartwarming" message from Osaka voicing her support.

"She's inspired me in so many more ways than just being dominant recently," Biles told ESPN in the same Monday article. "I know she knows exactly the feeling that I was going through, so it's nice to relate to somebody on that high level."

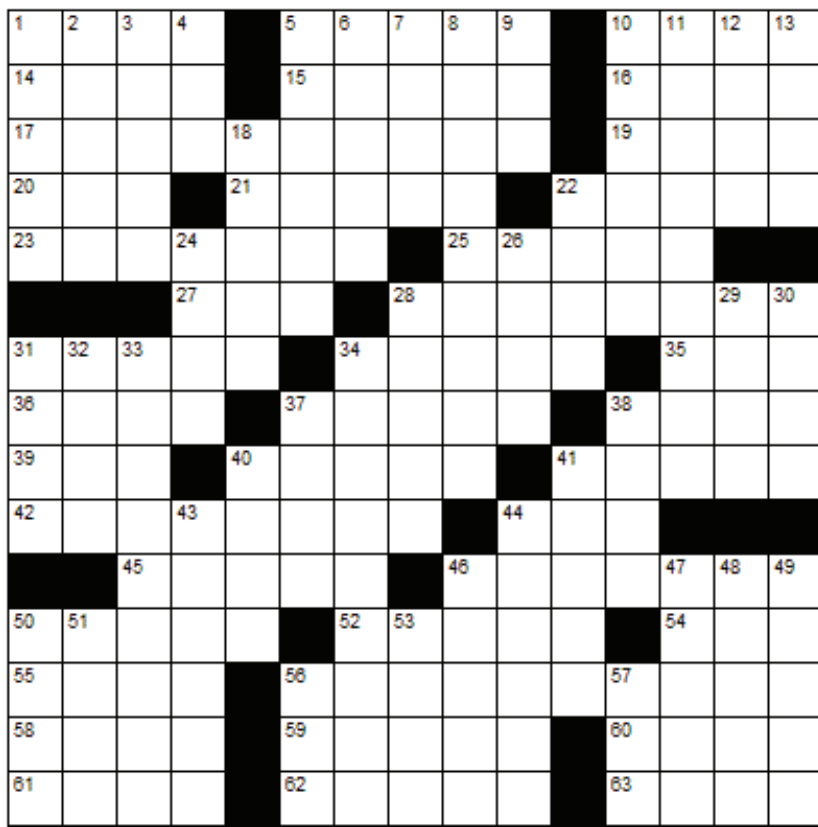
What Olympic fanatics are failing to see is there's such a thing as "too much" and athletes are in fact human too.

We should praise athletes such as Biles and Osaka for being vulnerable and sharing the stories of their experiences with mental health issues, which are undoubtedly challenging.

Follow Estevan on Twitter
@9estevan

CLASSIFIEDS

CROSSWORD PUZZLE



ACROSS

- 1. Insulation
- 5. Panorama
- 10. Wings
- 14. Portent
- 15. Hurt
- 16. A large amount
- 17. The coldest season of the year
- 19. Horse feed
- 20. Conceit
- 21. Chubby
- 22. An independent film company
- 23. Handcuffs
- 25. Hoses
- 27. Emote
- 28. Aesthetically pleasing
- 31. Breasts (slang)
- 34. Beg
- 35. Mineral rock
- 36. Covetousness
- 37. Offensively bold
- 38. Nameless
- 39. French for "Summer"
- 40. Voting groups
- 41. All tucked out
- 42. A certain lock of hair
- 44. Beer
- 45. Pamphlet
- 46. A fold

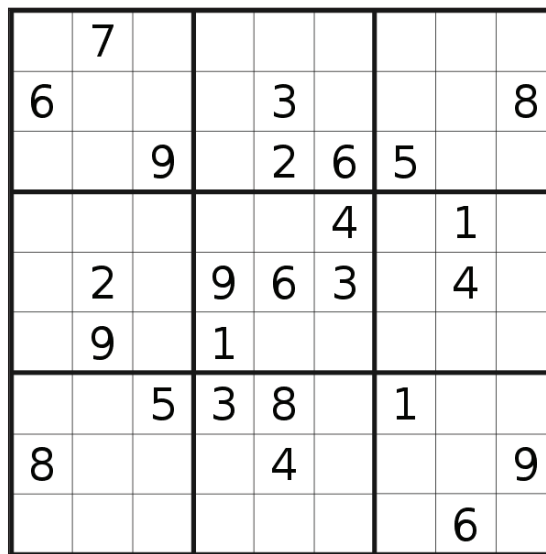
DOWN

- 1. Genuflected
- 2. Girlfriend (Spanish)
- 3. Adult male singing voice
- 4. Explosive
- 5. Rapsallion
- 6. Convulsion
- 7. Leveling wedge
- 8. Femme fatale
- 9. Citrus drink
- 10. Makes amends
- 11. A permanent magnet
- 12. Against
- 13. To be, in old Rome
- 18. Long stories
- 22. Footnote note

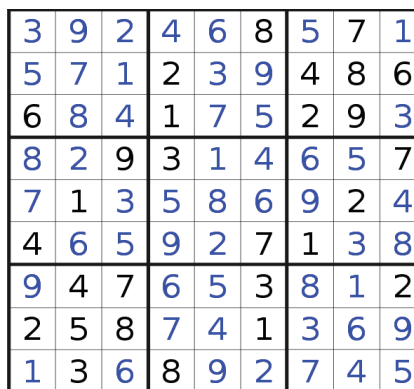
- 24. Child
- 26. Salt Lake state
- 28. Exclamation expressive of regret
- 29. Weightlifters pump this
- 30. 1/100th of a dollar
- 31. Meat from cows
- 32. Savvy about
- 33. Hints
- 34. Supervised an exam
- 37. Coalition
- 38. Pinnacle
- 40. Bleat
- 41. Mixture of rain and snow
- 43. Wears away
- 44. United
- 46. Soft creamy candy
- 47. Not rural
- 48. Museum piece
- 49. Swelling under the skin
- 50. Travelled through water
- 51. Fit
- 53. Calf's meat
- 56. Consumer Price Index
- 57. French for "Friend"

SUDOKU PUZZLE

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.



SOLUTIONS Aug. 31



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"What did Tennessee?"

"The same thing as Arkansas."

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THERE ARE TWO FORMS OF CONSERVATORSHIP



PREVENTING ABUSE IN CONSERVATORSHIP



PROBATE

-A court-appointed person to care for someone who is unable to care for themselves or their assets for reasons found sufficient by the courts.

-Sufficient evidence of the conservatee's inability to manage their affairs is required prior to the appointment of a conservator.

LANTERMAN PETRIS SHORT

-Gives individuals authority over a person with a verified mental disorder.

-Used for people who are incapacitated because of mental illness and require involuntary treatment or court-mandated placement into a healthcare facility.

Though many powers may be granted to a legal guardian or conservator, these positions do not give them full control.

There are numerous checks and balances to prevent or limit potential abuse.

Potential abuse can include violation of individual rights, appointments being made in an unwanted or arbitrary manner and/or embezzlement.

INFOGRAPHIC BY LINDSAY VILLAMOR; SOURCE: KINDLY CARE, A PLATFORM THAT PROVIDES TOOLS TO HELP CARE RECIPIENTS CONNECT ONLINE

Conservatorship abuse needs to cease



Christopher Nguyen
STAFF WRITER

When our loved ones can't look after themselves anymore, we try to provide for them. One of those ways is through conservatorship.

While the overall message of conservatorship comes with good intentions, abuse is prevalent and the system needs to be reformed.

Conservatorship is when a judge appoints a responsible person or organization, called the conservator, to care for another adult, or the conservatee, who cannot care for themselves or manage their own finances, according to the California Judicial Branch webpage.

Probate conservatorship, the most common type appointed by a judge, is when a person petitions and brings sufficient evidence that the yet-to-be conservatee cannot take care of themselves, according to the same webpage.

Another type of conservatorship is the rarer Lanterman Petris Short conservatorship. This can be granted if the person in question is diagnosed with a mental health disorder and the help of professionals is needed, according to Kindly Care webpage, a platform that provides tools to help care recipients connect online.

Although courts spend time and resources, such as hiring a third party investigator, to ease concerns, it's simply not

enough to ensure the safety of conservatees.

Many conservatorships potentially face: violation of individual rights, appointments being made in an arbitrary manner and embezzlement, according to the same webpage.

These are all reasons why conservatorships should be reformed to stop those in need from being exploited.

The combination of exploitation and human rights abuse that occurs in conservatorships is unacceptable, especially regarding stopping power-hungry people.

According to the book "Killers of the Flower Moon: Oil, Money, Murder and the Birth of the FBI," by David Grann, oil was found on Native American reservations around Osage County,

Oklahoma in the late 1890's and made the Osage one of the richest groups in the US.

With news of oil being discovered, the federal government appointed guardianship to Osage County, which led to financial exploitations and murders of the Native American people.

This is an example of conservatorship being exploited for personal gain. No one should be appointed a conservatorship unless there is a need for care.

Danny Reed, a San Jose local, was in a conservatorship after being in two different car accidents, leaving him brain-injured and partially paralyzed. His court-appointed conservator charged him \$108,771 for the conservator work done.

When Reed tried to challenge the bill, it resulted in the conservator charging him more, totaling the bill to \$261,878, according to a June 30, 2012 Mercury News article.

Even if there were good intentions to place someone in a conservatorship, why should anybody choose to be in one if it's ripe for exploitation from their conservator?

Reforming conservatorship is allowing conservatees to have a lenient way out if they feel they are able to care for themselves.

Looking at the more famous Britney Spears' conservatorship hearing, she revealed she had no say on when or where to perform. Spears also revealed she was forced to go on her 2018 tour and if she didn't, she would have to find an attorney, according to a June 24 NPR article.

Reforming conservatorship is allowing conservatees to have a lenient way out if they feel they are able to care for themselves.

Despite Spears being a well known and powerful woman in the music industry, she lost her freedom of will in front of the world because her conservatorship allowed for her rights to be taken away.

But, because she was finally granted the right to a lawyer, she's able to freely fight her conservator and finally fight to win back some of her freedom, according to an AP News July 14 article.

Compared to someone who might not be as well known as Spears, there's a high chance they would be in the same position of losing their free will, if not worse.

The combination of exploitation and human rights abuse that occurs in conservatorships is unacceptable, especially regarding stopping power-hungry people.

Also, the amount of time and resources needed to construct and obtain a conservatorship is costly. Paperworks, legal fees and payment are

long processes before a conservatorship can be granted.

The National Center for State Courts has estimated there are 1.3 million active adult guardianship or conservatorship cases, and courts oversee at least \$50 billion of assets under adult conservatorship nationally, according to its Mar. 22, 2018 report.

While there are over 1.3 million conservatorships and over \$50 billion of assets marked, there are many not tracked or updated to the courts.

Few states are able to track the total number of individuals subject to guardianship, let alone record demographic information, on the types of guardianship being utilized, or the extent of a guardian's authority, according to a Nov. 28, 2018 U.S. Senate Committee on Aging report.

The fact is, there's only a few states which can track the total number of people in guardianships, which means abuse under it may reach deeper.

Easier leniency is the best way to get out of a conservatorship and to keep our loved ones from being harmed.

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ABOUT

The Spartan Daily prides itself on being the San Jose State community's top news source. New issues are published every Tuesday, Wednesday and Thursday throughout the academic year and online content updated daily.

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