

- I. Opening Prayer
- II. Roll Call
- III. Approval of Minutes
- IV. Executive Announcements
 - a. **Sibonay Shewit:** Did everyone get the documents on housing and task forces?
 - i. Next week we will get an update on where we are with the housing policy projects. I want something really productive and impactful to come from this.
 - b. **Sibonay Shewit:** It's "Cost of Silence Week" this week with MSPS, Diversity Council, and Diversity and Inclusion Department in Student Government
 - i. There are a bunch of t-shirts in the office, please take one!
 - ii. Cost of Silence events
 1. Faculty and Staff Speaker Series (on Notre Dame topics of importance)
 - a. Thursday night @ Jordan Hall of Science from 5pm-9pm
 2. Coffee and Convo
 - a. Thursday afternoon @ LaFortune Ballroom from 3pm-5pm
 3. Building a Culture of Encounter at ND- And Beyond with Father Joe Corpora C.S.C.
 - a. Friday afternoon @ Coleman Morse Lounge from 12:00pm-1:30pm
 4. Walk of Solidarity
 - a. Friday night @ the Grotto at 6:00pm
 - iii. **Prathm Juneja:** Discriminatory Harassment Speakout is canceled for tonight.
- V. General Orders
 - a. Presentation Re: Dining Services and changes to North Dining Hall
 - i. Chris Abayasinghe, *Senior Director of Campus Dining*
 - ii. Chris will be coming after Thanksgiving
 - b. SO1718-03: Article III Formatting Changes
 - i. *Constitutional Review Committee*
 - ii. **Colin Brankin:** This brings about no content changing→ just changes in format.
 1. We are consolidating voting composition, powers and duties, election appeals, etc. for the sake of ease of looking at it and reading it.
 2. Questions:
 - a. **Chris Scott:** So this is mainly just formatting changes?
 - i. Colin: Strictly formatting changes so that we can work with a template

- b. **Sebastian Lopez** moved to end discussion and move to a vote
 - i. **Morgan Peck** seconded this movement
- c. Voting
 - i. Unanimous vote in approval
- c. SS1718-06: Resolution Supporting the Stand 4 IX Campaign
 - i. Morgan Williams, *McGlenn Hall Senator*
 - ii. Steven Higgins, *Duncan Hall Senator*
 - iii. **Morgan Williams:** Elizabeth Boyle and Isabel Rooper started a campaign called “Stand 4 IX” about 4 specific aspects of Title IX that they want to remain in effect.
 - 1. **Steven Higgins:** This is in response of the repeal of the “Dear Colleague Letter.”
 - iv. **Morgan Williams:** Four points
 - 1. The preponderance of evidence standard in cases of sexual misconduct means that a case is more likely to happen than not.
 - 2. Uphold a 60 day timeline in cases of sexual misconduct.
 - 3. Clarify new alternative resolutions policy and disallow mediation in cases of sexual misconduct.
 - 4. Create and publicize waivers for the new housing requirement for survivors of sexual misconduct, violence, and any form of discrimination.
 - v. **Steven Higgins:** Father Jenkins said that he thinks preponderance of evidence will happen.
 - 1. **Sibonay Shewit:** He confirmed there won’t be a change there→ the hesitation concerns the housing waivers
 - vi. **William Huffman:** What was his concern about waivers?
 - 1. **Sibonay Shewit:** The waivers potentially put survivors of sexual misconduct in an uncomfortable position. There will be a waiver policy, but it hasn’t taken form yet. There’s no clarity on what it’s going to look like.
 - vii. **Dillon Wintz:** Why was the “Dear Colleague Letter” rescinded?
 - 1. **Steven Higgins:** They said that this wasn’t the correct way to go about this. I don’t know the specifics on why the Department of Education rescinded it.
 - 2. **Morgan Williams:** Universities are allowed to pick the standard of evidence they prefer- either the preponderance evidence standard or clear and convincing. We are trying to establish these four things preemptively.
 - viii. **Chris Scott:** Could you flush out preponderance of evidence? There isn’t 100% certainty?
 - 1. **Steven Higgins:** Since cases of sexual misconduct are civil rights cases, they are civil cases. Preponderance of evidence is the standard for civil cases, so it should be upheld in Title IX cases.

2. **Morgan Williams:** Sexual misconduct cases have a low reporting rate. On average, it takes survivors 11 months to report if they choose to report, so there is little evidence available.
 3. **Steven Higgins:** 90% of survivors don't report on our campus.
 4. **Sibonay Shewit:** Sexual assault is one of the lowest falsely accused crimes (2-10% falsely accused).
- ix. **Jim Deitsch:** How will disallowing mediation affect cases?
1. **Morgan Williams:** Either party can opt out, but the reason that we don't want it to be the standard is because it sets a precedent.
 2. **Sibonay Shewit:** Refer to Heather Ryan's handout from her presentation of Title IX.
 3. **Morgan Williams:** The administration wouldn't be focusing on discipline if mediation is an option.
 4. **Steven Higgins:** There aren't a lot of professionals trained for mediation in cases of sexual misconduct.
 - a. Mediation in cases of sexual misconduct was illegal under the Bush and Obama administrations
- x. **Linde Hoffman:** Mediation wouldn't be an option?
1. **Morgan Williams:** There wouldn't be a blanket ban of communication between the two parties, but it wouldn't be a part of the case.
- xi. **William Huffman:** What is the most common disciplinary option?
1. **Steven Higgins:** It varies from case to case. I know there have been people kicked off campus, suspensions from school, etc.
- xii. **Chris Scott:** What is the reasoning behind the 60 day timeline? Why not 30 or 90 days?
1. **Morgan Williams:** That was the policy prior to this because this process can be retraumatizing, but it's long enough for cases to go through.
 2. **Sibonay Shewit:** The 60 days timeline would shorten the time span as to not retraumatize victims.
- xiii. **Matthew Gartenhaus:** What exactly are the other forms of discrimination?
1. **Steven Higgins:** Like we discussed last senate, socioeconomic, LGBTQ, racial, and ethnic minorities, and any other marginalized groups
- xiv. **Esther Lee:** You all mentioned that these are preemptive changes. Are these the only four things that need to be addressed?
1. **Steven Higgins:** With the removal of "The Dear Colleague Letter," these are the aspects that have the potential to be the most problematic if we don't act preemptively.
- xv. **Chris Scott:** I know we talked a lot about the waivers and different forms of discriminations. Do you all have any facts and figures?

1. **Morgan Williams:** You can always refer to the climate survey. It's not the number that matters, it's the fact that some survivors will feel trapped on campus because of the new policy.
- xvi. Discussion
1. **Ellison Rooney:** I'm concerned about the no mediation. Will there be another option?
 - a. **Steven Higgins yields time to Isabel Rooper:** Mediation is what we object to. Other alternative resolutions are great because the survivor can pick the best option for them.
 2. **Matthew Gartenhaus:** One of the criticisms behind the preponderance of evidence standard is that this presumes guilt among the accused. This doesn't really give due process. How do you ensure that the accused isn't presumed guilty?
 - a. **Steven Higgins:** Are people in other types of civil cases presumed guilty? This would put both people on a similar footing.
 - b. **Morgan Williams:** The low false reporting rate along with the 11 months it takes to report on average and the lack of witnesses are all reasons why preponderance of evidence should be the standard for cases of sexual misconduct.
 - c. **Matthew Gartenhaus:** The lack of evidence could inhibit due process.
 - i. **Isabel Rooper:** One thing that's really important to recognize is that 50% evidence isn't a conviction. Schools don't have the power to subpoena, so it's a lot harder for schools to go about the beyond reasonable doubt standard. You aren't going to be marked as a sex offender or go to jail because all discipline is in house.
 - d. **Matthew Gartenhaus:** But everyone knows that someone can be kicked out of a school for sexual assault. You get branded.
 - i. **Morgan Williams yields her time to Isabel Rooper:** The preponderance of evidence standard is widely recognized because Title IX is a civil law so this makes it a civil case.
 - ii. **Sibonay Shewit:** Can you clarify the different standards of evidence for everyone?
 1. **Isabel Rooper:** Preponderance of evidence is more likely than not. Betsy Devos recommended clear and convincing, which is 75%. Beyond a reasonable doubt is used in criminal cases.
 3. **Morgan Peck:** I would be wary of voting against this because something potentially could go wrong with any resolution. It is so

difficult to bring up a case and even harder to reach a decision. You can see that in the statistics.

4. **Jackie O'Brien:** I think it's important to recognize that allowing the standards to be changed would discourage other survivors from reporting. It would harm them internally and give them no other avenues. We have to take that implication into account. The preponderance of evidence is the status quo currently and any change would be a deterrence.
5. **Sibonay Shewit:** This standard isn't changing.
6. **Jim Dietsch:** The statistic you mentioned earlier about the number of false accusations, how is that statistic proved?
 - a. **Morgan Williams:** They went through 10 years of sexual misconduct cases and figured out which ones were falsely reported.
 - i. <https://icdv.idaho.gov/conference/handouts/False-Allegations.pdf>
7. **Linde Hoffman:** I understand your concern Matthew, but because it's such a big deal, I find it very unlikely to accuse someone with no evidence. The benefits outweigh the risks. It seems like the preponderance of evidence standard wouldn't find someone guilty if it was a "he said, she said" kind of case.
 - a. **Morgann Williams:** If it becomes a problem we'll deal with it.
8. **Chris Scott:** Some people sometimes make false allegations, but in most cases, it's so unlikely. In this resolution, we need to give more rights to the victims. Sexual assault is one of the few crimes where the victim gets a lot of the criticism as opposed to the suspected criminal. How exactly does this resolution seek to give more rights to the victim and how does this resolution encourage people to report?
 - a. **Steven Higgins:** This isn't taking away rights of victims→ it's putting survivors at the center. The preponderance of evidence, 60 day timeline, no mediation, and new housing waivers.
 - b. **Steven Higgins yields time to Isabel Rooper:** Having fair safe survivor centered proceedings is the most important thing about Stand 4 IX.
 - c. **Sibonay Shewit:** Another way is to support survivors as student leaders. I want to ask to shift the terminology to survivor rather than victim.
9. **Christian Femrite:** Schools lack subpoena power, how does this affect schools and cases?
 - a. **Isabel Rooper:** The university does not have the same power as the state. There are a lot of factors that lead to a longer case.

10. **Esther Lee:** You said that all four of these were in place, but they seem like slaps on the wrist.
 - a. **Morgan Williams:** Once we have these assurances, we can start to take steps forward.
11. **Sebastian Lopez** moved to end discussion and move towards voting
 - a. **Eduardo Luna** seconded this motion
 - b. Motion failed, still in discussion
12. **Matthew Gartenhaus:** One thing I don't think I did a good job explaining is that one of the issues is that it's not just "he said, she said." There's still a gray area. Consent is good, but it can become a little more ambiguous. How does this policy make sure there is fairness on both sides?
 - a. **Steven Higgins:** There is a level of equality in all of these points. I'm not sure where it's ambiguous.
 - b. **Matthew Gartenhaus:** If anyone has had any alcohol, consent is something that neither party can do.
 - c. **Morgan Williams:** Either you have consent or you do not.
 - i. **Prathm Juneja:** I want to emphasize that there are centuries of theory on preponderance of evidence. This is well studied and well used. None of us are qualified to discuss the merit of any standard of evidence. Any standard of evidence that is used in any democracy is valid.
13. **William Huffman:** What if someone comes forward and doesn't have evidence beyond testimony? How does it work? Where is the threshold?
 - a. **Isabel Rooper:** It's very hard to find someone who's responsible in those cases. There is little that can be done.
 - b. **William Huffman:** Do people get convicted in those types of cases?
 - c. **Isabel Rooper:** No, because of the standard of evidence.
14. **Morgan Peck** moved to end discussion and move to a vote
 - a. **Linde Hoffman** seconded that motion
 - b. Discussion ended
15. Voting
 - a. Unanimous passing of resolution SS1718-06

- VI. New Business
 - a. No new business

- VII. Announcements
 - a. **Morgan Peck**
 - i. **Steven Higgins** and I have been working on student feedback on morning parietals→ that info will be sent in the groupme.

1. <https://goo.gl/forms/974shobzx468IGE12>
 - b. **Esther Lee**
 - i. Asian Allure from 7pm-9pm this Saturday, the 11th, @ Washington Hall
 - c. **Chris Scott:** Bridge ND is thinking about holding a debate on what the American flag actually represents. The professor wants to get a lot of people from all different sides to apply so that we can have a good debate, so keep your eyes open for those applications.
 - d. **Shane Johnson:** Yesterday the Campus Tech Department launched Onward ND. It's a direct line of communication between student body and student government. The admins on the page will reply to complaints and discussions.
 - i. **Sibonay Shewit:** Onward launched 2 years ago and it was well used but with the shift of power, momentum was lost. It's important to the idea to get out now, so get people excited about it!
 - e. **Jackson Herrfeldt**
 - i. Acousticafe at 10pm on Thursday in the LaFortune basement
 - ii. SUB Movie this week: Beatrice at Dinner
 1. Thursday and Friday @ 8:00pm and 10:30pm in Debart 101
 2. Saturday @ 10:30pm
 - f. **Prathm Juneja:** Cost of Silence event canceled tonight
 - g. **Morgan Williams:** Semifinals on Friday for Baraka Bouts
 - i. Rumor: you might be able to buy a \$7 one night ticket
 - h. **Christian Femrite:** Keep reminding people that students can apply to speak at TedX ND
 - i. The theme is "Dare to..."
- VIII. Adjournment
- a. **Sebastian Lopez** moved to adjourn this meeting
 - i. **Morgan Peck** seconded this motion