

## University of Notre Dame Student Senate

February 11th, 2019

### Meeting Agenda

- I. Opening Prayer
- II. Roll Call
- III. Approval of Minutes
  - A. Motion to Approve: Zach Spitzer
    1. Second: Elisabeth Lasecki
      - a) Vote: All approved
- IV. Executive Announcements
  - A. Gates McGavick: This letter is part of our push to work on dorm maintenance. We created a Google Drive with a section for each dorm that says what we're looking for, which is anecdotal evidence about the condition in your dorm. We will collect this into one master report which we will send to the administration. This is how we're starting our big push. Any questions you can send to me, Corey, or Bri.
  - B. Bri Tucker: I will send you just the link for your dorm so you don't have access to everyone else's. I would like you to maintain some sort of structure, so if you see that there's a lot of certain types of issues, please lump them together so that we're not all over the place. Get as specific as possible with room numbers because that will help when we meet with administrators.
    1. Erin Hiestand: When do you want this information?
    2. Bri Tucker: Probably by the next Senate meeting. We will also be sending it to the Student Body so they can hold you guys accountable.
  - C. Gates McGavick: I will send this to Joe so that they can disseminate it through the HPC.
- V. General Orders
  - A. Presentation: Title IX at Notre Dame - Elizabeth Boyle, Student Government Director of Gender Relations
    1. Elizabeth Boyle: Title IX bars discrimination based on sex in any educational program. It applies to sexual violence. Someone who is being harmed is having their access to education infringed. Any institution who receives federal funding must follow Title IX. You can't have a class that's only for male students because that would bar students based on

their sexual orientation. There's a Title IX office on campus -- the Office of Civil Rights. If you feel that Notre Dame isn't following Title IX, you can file a complaint to Title IX and you could sue the school. Here is Notre Dame's Title IX Process: You can choose an administrative resolution or an alternative resolution. You can go to a confidential or non-confidential resource. If they're non-confidential, you'll be forwarded to the Deputy Title IX Coordinator. The other person won't be able to contact you at all. It's more or less a protective order but in a university-centric way. If you go to a confidential resource, no process begins. The administrative resolution involves an investigation in which both parties would present evidence and provide witnesses and statements, and the board would come up with a decision about resources and whether the person is guilty or not. Both parties can review and appeal if they would like. NOtre Dame just began the alternative resolution--there would be no hearing, but it's a process of voluntary participation. This is great for processes of sexual violence. It's not great for sexual assault because they would be sitting right near you and it would be about talking out the issue. Betsy DeVos revoked Bush and Obama's guidance on Title IX. The Department of Education is in the notice and comment period so the public can make changes if they would like. There were thousands of people who submitted comments, so it would take them a long time to read through it. Some of the scary changes include: schools would be able to ignore assault that occurs off campus. Even if it's student-on-student, they don't have to investigate it anymore. It's going to require direct cross-examination from a representative of the other party. This is really traumatizing because people aren't trauma informed. It would also allow mediation, being put in the room with your perpetrator and talking it out. This was illegal under Bush and Obama because it's a horrible process. Notre Dame is already practicing this mediation process and was doing that before these changes happened. Last, they could choose a different evidentiary standard for rape cases. They want to change it to "clear and convincing," which is used in criminal cases. Title IX should be kept civil, and changing it would require survivors to bring in evidence that they normally wouldn't have. Mediation does not equate restorative justice, taking equitable responsibility for the violence that has been done. In mediation, both parties shouldn't be held responsible. Any school can be exempt from Title IX on a religious basis, and under the new guidance, the waiver policy would be gotten rid of and schools would be exempt based on religious narratives without checking, meaning Notre Dame could just

stop following Title IX. It would ban perpetrators from being removed from classrooms. Notre Dame's public comment to the Department of Education supported the section that provides detailed written notices to both parties. They supported the inspection and review of evidence. They supported the appeal offered to both parties. It becomes problematic when they supported the process of unregulated mediation, which is really dangerous. They are also supportive of altering the standard for administrative liability--the only people that would be held liable for incidences on campus are top administrators and the Title IX office--other staff wouldn't have to do anything and Notre Dame wouldn't be held liable for the violence done to you. They also supported that perpetrators can be removed from campus, because they should not be allowed on campus. They opposed the requirement for live cross-examination, the section that requires schools to provide an advisor (lawyer) to the student who doesn't have one, placing the burden on institutions of gathering evidence sufficient to reach a determination regarding responsibility.

2. Mark Spretnjak: What's the difference between cross-examination and live cross-examination?
3. Elizabeth Boyle: That just means you would be sitting in the room with the lawyer of the other party.
4. Katie Gabanic: What's the difference between unregulated mediation and mediation?
5. Elizabeth Boyle: There's nothing that regulates what trauma-informed practices you should have.
6. Andrew Seketa: What is the process in terms of asking questions of survivors?
7. Elizabeth Boyle: It's just the advisor of the other party submitting questions that can be asked at a time or place best for the survivor.
8. Erin Hiestand: What's the process for handling things off campus?
9. Elizabeth Boyle: Notre DAME supported not supporting off-campus pieces. I didn't put that up because they wrote it in a very confusing way. When meeting with them, they said they would continue to look at off-campus assault because I want to get you all the right facts.
10. Jack Usher: You said that it places the burden on the individual, and it would be up to the survivor to gather evidence, so it would be a joint effort?
11. Elizabeth Boyle: The way the comment was written is that they are afraid of the institution having to go out and get the evidence.

12. Andrew Seketa: Where does the responsibility fall in what they're required to investigate?
13. Elizabeth Boyle: Anyone can submit evidence at any time and it's up to the school to reach out to both parties.
14. Lindsay McCray: Has they said they would change the standard for liability?
15. Elizabeth Boyle: We haven't received a response on that.
16. Matthew Ritty: How does a more serious allegation transfer from civil to criminal and does it switch to reasonable doubt?
17. Elizabeth Boyle: in the school confines, It's civil, unless you choose to go to a criminal court. If you don't want it to be, it won't be. The new guidance would halt current Title IX investigations, so if you were off campus and needed to start an investigation with the police and the university, you would have to choose.
18. Zach Spitzer: Can you go into detail about the unregulated mediation; would the university just pick someone that would lead the mediation?
19. Elizabeth Boyle: Some of the top administrators are doing that right now. The best way I think would be to have outside people trained in trauma-informed practices do the mediations.
20. Andrew Seketa: Is there an area someone can go to understand this?
21. Elizabeth Boyle: Notre Dame has a Title IX website, and an organization called End Rape on Campus and Know Your IX break this down and make it easier to understand.
22. Elizabeth Boyle: Only 10% of survivors choose to report. They find the UCC not to be helpful, and we have no SANE nurses to administer rape kits. The only hospital that does is St. Joe's, not memorial. Notre Dame is currently under 8 Title IX investigations.
23. Katie Gabanic: Which parties can request the alternative approach?
24. Andrew Seketa: What's Notre Dame's stand on the preponderance of evidence?
25. Elizabeth Boyle: We believe they will still continue with this.
26. Shady Girgis: Do they ever talk about the investigations?
27. Elizabeth Boyle: I just went online to the Department of Education, where they have it all listed. If you watched the Hunting Ground, it's about sexual assault on college campuses. Take a look at that and Notre Dame's history with Title IX and how it's been covered up in the past.
28. Weston Dell: The downside to having things off campus not be covered is that students won't have the resources to help them?

29. Elizabeth Boyle: None of the resources would stand because the University wouldn't get involved in the process.
- B. SS1819-02: A Statement Resolution Calling on the University of Notre Dame to Rescind Archbishop Theodore McCarrick's Honorary Degree
1. Katie Gabanic: (*reads resolution*)
  2. Zach Spitzer: It says that Father Jenkins find the actions reprehensible. It seems he's already addressed this issue, so why is there a delay in rescinding the degree?
  3. Aaron Benavides: The precedent was set with the case of Bill Cosby. The Senate passed a resolution to rescind his degree after over 50 allegations had been made against him. Notre Dame decided to wait until the civil court found Cosby guilty, and that's difficult in a way because he appealed the decision, but Notre Dame immediately revoked the degree after the court's first decision. The archbishop was closely tied to the university, and he himself doesn't question the findings of the review board, and there really is no question in the allegations against McCarrick.
  4. Erin Hlestand: Where do you plan on sending this after?
  5. Gates McGavick: We would send this through CLC and then send this to Father Jenkins's office.
  6. Zach Pearson: Archbishop McCarrick is guaranteed to be taken out of the clerical service, which is the most severe penalty they can put down on somebody. I just wanted to add that to the list, if that adds anything to the gravity of the situation.
  7. Motion to end discussion: Zach Pearson
    - a) Second: Zach Spitzer
    - b) Vote: All approved
  8. Motion to end debate: Zach Pearson
    - a) Second: Patrick Paulsen
    - b) Vote: All approved

(1) Vote on resolution: All approved, resolution passes
- C. SO1819-06: A Resolution Proposing an Amendment to the Constitution of the Undergraduate Student Body to Correct the Language of Article XVIII Section 3(a)(1)
1. Halena Hadi: I would like to apologize because we will have to amend each motion because I numbered them wrong, as number 6 last week failed, just so that we refer to them correctly.
  2. Patrick Paulsen: This is just a standard correction, that's all it is.
  3. Motion to end discussion: Patrick Paulsen
    - a) Second: Mark Spretnjak

- b) Vote: All approved
- 4. Patrick Paulsen: Motion to amend to be named motion number seven
  - a) Second: Zach Spitzer
  - b) Vote: All approved
- 5. Motion to end debate: Mark Spretnjak
  - a) Second: Patrick Paulsen
  - b) Vote: All approved

(1) Vote on resolution: All approved, resolution ALL  
APPROVED

D. SO1819-07: A Resolution Proposing an Amendment to the Constitution of the Undergraduate Student Body to Allow Speaking Privileges of All Non-Voting Members of the Student Senate

- 1. Halena Hadi: This is sub-clause 2(g), so what I would be changing is that after the intro in g, and added the phrase “while retaining speaking privileges,” and remove the phrase under 10a. I thought this would make Senate more efficient because it provides obstacles in yielding time, and the opinions of the non-voting members have been valuable in discussion.
- 2. Mark Spretnjak: The front on the top right has the wrong number?
- 3. Halena Hadi: There are a few typos but we don’t need to amend them because they aren’t substantial.
- 4. Corey Gayheart: Is there any opposition to the proposed changes regarding punctuation?
  - a) *None*
- 5. Motion to end discussion: Mark Spretnjak
  - a) Second: Zach Spitzer
  - b) Vote: All approved
- 6. Motion to amend the resolution to become resolution number eight
  - a) Second:
  - b) Vote: All approved
- 7. Motion to end debate: Mark Spretnjak
  - a) Second: Steven Frick
  - b) Vote: All approved

(1) Vote on resolution: One Opposed, None Abstaining,  
Resolution PASSES

E. SO1819-08: A Resolution Proposing an Amendment to the Constitution of the Undergraduate Student Body Regarding Endorsements

- 1. Motion to formally withdraw this resolution: Corey Gayheart
- 2. Corey Gayheart: This will be coming back next week. The reason it was on this week’s agenda was so that you can start thinking about it. In

discussions with a few people, there was some confusion regarding why most members are not allowed to endorse but Executive Cabinet was, and part of the confusion fell on people not understanding how student government was structured. The authors of this feel that to promote impartiality in the process, we feel this is a friendly amendment to the constitution to eliminate confusion. There are downsides to this, being that Executive Cabinet does put a lot of time in and are aware of their jobs, and when they lend their votes towards one side or another, that might be valuable information. I encourage you to speak with your constituents and get valuable information.

## VI. New Business

- A. Alyssa Ngo: This isn't an actionable item for now because I don't know how to move forward, but I would like to take some action in introducing multicultural art in our chapels and faith lives. We don't worship in Anglo-Saxon faith communities. I didn't know whether to propose a resolution so I emailed Father Pete McCormick, who is also the director of Campus Ministry, and we have been discussion this. I CC'd Aaron and Corey on that, so I wanted to let you be aware of that.
- B. Alyssa Ngo: On that note, in terms of creating a more welcoming Catholic Community, looking into the kinds of teaching masses on campus, which is like mass in slow-motion, where the priests explain everything that happens. This is nice for Catholics and non-Catholics. I don't know of any regularly scheduled ones.
  1. Zach Pearson: We had one in Keenan last year. They are liturgically inappropriate because the rubrics are in the ministry. You can talk to the priest about doing something where they don't consecrate the Eucharist, like a practice mass. The one in Keenan was technically a valid mass but because of all the stopping and starting, was extremely illicit and inappropriate to the sacred liturgy. A dry mass would be an idea.
- C. Alyssa Ngo: I also brought it up to Father Pete, but do you think there would be interested in monthly "dry" masses, and it could be in different chapels? I asked him if he had more information, so I will update you when I get a response.
  1. Meghan Howat: I think that advertising ones we have already more would be better than adding more of them, even if it's once or twice a semester. I don't think the same people that would benefit from it would go more than once.
  2. Alyssa Ngo: Do other dorms have them?

3. Caila Lindsay: I just think that it would be an interesting idea for people that are not Catholic, because people still have to take Theology.

## VII. Announcements

- A. Sam Cannova: SCC is having Bingo tonight in the LaFortune Ballroom with food and prizes.
- B. Bethany Boggess: The movie this week is The Immortal Life of Henrietta Lacks. The Music of Love Acoustic Cafe is this Thursday. If you know anyone who wants to sign up, they can email [sub@nd.edu](mailto:sub@nd.edu) or [esoller@nd.edu](mailto:esoller@nd.edu). Eric Dittelman is coming on the 16th at 10 pm in Haggerty Family Cafe, and JPW families and come. He's a mind reader. Save the Date for the Spring Concert on February 22nd. Next week is also CJF and we will have beignets. Last but not least, if you want to be in my role, I sent out the Executive Director applications, and I just learned there's a typo in it. Those applications are due Friday the 15th at 11:59 pm. If you have questions about the position, you can email me.
- C. Karen Kennedy: This Friday, we have Second City coming to Washington Hall on Friday night at 9pm. It is JPW and you can bring your parents, but it's primarily intended for students who don't have things to do.
- D. Shady Girgis: Class Council campaigning begins this Wednesday, so please don't endorse those candidates. Hall elections will begin in two weeks. There will be info sessions in your dorms, and if you can show up and explain what being a Senator means, that would be great.
- E. Alyssa Ngo: Today the Housing Contract Renewal Form went out, and last Friday we had a meeting for Erin Hoffman Harding's Committee for Race and Ethnicity, and they have the resources available to talk about issues within your dorm, and the hall transfer process is a lot easier now, and by putting these two together, they'll mitigate the need for people to move off campus. The exemption form is live if you would like to move off campus. The second announcement I have is for a speaker that MSPS is putting on...on Monday, February of 25th, they're bringing the founder of the #MeToo movement in DeBart 101. The moderator of that Q & A is Dr. McKenna. Before the Q & A, there's a professional development session, so you can RSVP for that.
- F. Caila Lindsay: The Huddle and restaurants in LaFun raised their pay to \$10 an hour, and there's an art panel this week. From the Heart is this Thursday in the Snite Museum. I will be passing out cards and chocolates outside the Snite. Professors Picks is Friday with free lunch.
- G. Zach Spitzer: Two months until the Dunne Dance Film Festival, so if you have film ideas to submit to us, we will take all types of submissions.

H. Corey Gayheart: Obviously Senate elections are coming up, but that mindset is pretty toxic to getting things done, so please make sure you're dialed in and focused for the remainder of our term.

VIII. Adjournment

A. Motion to adjourn: Zach Spitzer

B. Second: Dana Plagenz

1. Vote: All approved