

University of Notre Dame Student Senate

March 4th, 2019

Meeting Agenda

- I. Opening Prayer
- II. Roll Call
- III. Approval of Minutes
 - A. Motion: Zach Spitzer
 - B. Second: Patrick Paulsen
 1. Vote: All approved
- IV. Executive Announcements
 - A. Corey Gayheart: If you haven't seen already, Father Jenkins released a statement on the church abuse crisis. I would encourage you to go read it, it was well written, and it touches on the intersectionality of the issues of the crisis in the church right now.
 - B. Corey Gayheart: If you haven't been to the dining halls recently, we're doing Meatless Mondays. Kevin Gallagher has been working on getting this going from a nutrition and sustainability standpoint. The hall with the most pledges for going meatless will get a catered Einstein's breakfast.
 - C. Gates McGavick: We've completed the form for the dorm maintenance reports. We sent it to Res Life last Friday. They got back to us saying they would meet again in the next few days and when it is ready, we will send it to you.
- V. General Orders
 - A. Presentation on Title IX and CSAP from Dr. Bill Stackman, Dr. Christine Caron-Gebhart, and Amber Monroe
 1. Amber Monroe: Our procedures are known as the Gold Book. You all had the opportunity to pick one up as well as a flow chart. We have a prompt, fair, and impartial investigation with regard to Title IX matters. Before resolution processes, we do an initial assessment looking at information that allows us to respond and what is the most appropriate response. If the person is told to us that there is harm committed and that person is a student, our process would apply, but if a student comes forward and the harm was from a faculty member, that process doesn't apply. We would do an initial assessment to see if applies here but the care for the student is of the utmost important. The complaint has a lot of agency in what they

want to see done. We also have to consider if there's a timely warning: we are obligated to let them know if we've seen the report. We do let them know location, whether or not it's a male/female, if it's associated with Notre Dame, etc. If we receive a report and it's not the complainant who does so, you give us information and we reach out to see the options. We have a three outreach system. If they don't respond, we reach out to them three times and after that, it's an open invitation to come speak to us. Reporting is not an automatic initiation of anything. Even if someone doesn't want to do a resolution process, they can look at interim measures such as no-contact orders. We don't need a lot of information to help them. The person that's doing no-contact is mutually issued. In order for someone to have no-contact with a person doesn't affect their educational process. We circle back with complainant. They have six months to decide if our process is helpful for them. We want to emphasize confidential and non-confidential resources. Non-confidential resources aren't federally obligated to give us this information. The available options are: administrative resolution process (formulaic investigative process, gathering information to learn if a behavior needs the preponderance of the information and standard) and the alternative resolution process (students wanted another option besides administrative evidence). A student can choose administrative, alternative, or to close for six months. The major difference between the resolutions: administrative is a fact-finding process while alternative is finding harm. We're assigning responsibility based on evidence in administrative, while alternative involves the opportunity to take responsibility for what happens. An administrative process has disciplinary outcomes, which are things that are reportable from the institution (dismissal). The administrative process is formulaic and the procedures are spelled out. Alternative involves individualized responses, and with the administrative process, it's facilitated by our office while the alternative process is collaborative. Restorative justice has a philosophy and tools: the philosophy is a way of identifying harm and how we want to address them--how does the person who has experienced the harm feel as if they have been restored? We're committed to asking what are these harms. This doesn't mean we don't use this lens in the administrative process. Our practices are a wide variety, and they're based on the needs of the student, even if cases are very similar. These look like: face-to-face meetings (mediation--not used in sexual assault violations), circle process (accountability circles--person who takes responsibility, people in the community who have been

impacted by their harm, perpetrator can be educated about how not to do that in the future), writing exchange, and shuttle conferencing (form of conversation where you speak to one person as an intermediary).

Alternative resolution is by choice. We have organized lists of questions for restorative justice for the people who have caused harm and for the people who have been harmed. We have created cards that you carry with you that you can use if you are stuck in conversations. We're trying to get conversations started regarding restorative practices and how we talk about these issues in a way that creates space for people to heal.

Again, there are a lot of misconceptions and barriers to reporting.

Reporting is not punitive, and that is a big barrier to reporting. Reporting is a response and it doesn't automatically institute an investigation. It's just an invitation to come talk to us. Complainants have great input in what they want to do. The Campus Climate Survey had students talk about what other people might think about reporting, and those are the points that have kept students from reporting. The new proposed federal regulations aren't mandates. We're given ability and time to figure out what things look like for Notre Dame. We will always care for our students and we're not going to do things differently for Title IX that we don't do for other procedures, such as holding people accountable for things that happen off campus. We're going to take time, attention, concern, and committee to figure out what this means for us. We want to maintain the integrity of our process and our institution, and that's not an easy dance to do. We always review our policies and procedures annually with student input, and we're working on the Climate Survey results now to come out at the end of April. Alternative resolution exists now because of the student voice. We have greater resolution between alternative resolution and restorative justice practices. The other piece is that there is a podcast that talks about two students that had a sexual interaction freshman year and they experienced it differently. The male went through GreeNDot training and started to question whether it was consensual. He went to a day-long training, and started to understand that what happened was not right and he did something wrong. He became an advocate. They were both hired as student orientation mentors after not speaking. She confronted him, and he self-said that it might have been rape, and this began a conversation between the two of them and they began a restorative process. They were at Take Back the Night as well. It is a very interesting podcast to listen to because we forget that human emotion and behavior can metastasize. We want to provide flexibility and agency in our

policies. Thank you for allowing me to be here. CSAP is a tri-campus committee for faculty and students on sexual assault and prevention. There won't be as many reports that we have to address later. I hope you're aware of resources and support. I sit on the Sexual Assault Response Team for St. Joseph County, and St. Joseph Regional Hospital has 17 SANE nurses, and so we collaborate with them on our policy. We have a newly created Family Resource Center as well.

2. Katie Gabanic: When you release reports of sexual assault on campus, you just say what quad it is, why not the hall?
 - a) Amber Monroe: I'm not deciding if it's sent out, I'm federally responsible to do so. At the risk of answering for them, we want to provide information but not make it identifiable and we don't want students to say "that's me" or to say they know who people are. They're trying to get balance greater safety but not provide so much information that someone could be identified from it.
3. Alyssa Ngo: In response to that, something that we saw from the survey is that people are concerned with privacy, especially because sexual assault occurs among friends or partners. When a report is made, is there a non-disclosure clause that goes into it about social media or reporting?
 - a) Amber Monroe: When we have conversations, we're participants and witnesses, and we are very clear about the privacy of information to make sure that people are respecting privacy and that care for all students. We can't tell someone that they can or can't say something and if something were to happen that were egregious enough, we would address it as well, but we put the agency on them and assume goodwill to help them understand that this isn't where you want to test the waters and understand the importance of the issue. People usually don't want to create greater harm.
4. Lindsay McCray: You said that mediation is an alternative resolution and you don't use it for sexual assault, but do you use alternative resolution for sexual assault? Once you're in alternative resolution can it become disciplinary?
 - a) Amber Monroe: If both people agree on alternative resolution, a disciplinary outcome will not be available there. That's not part of that process and when both people in good faith enter an agreement, we can't honor that request. If they wanted to withdraw that request, they could then consider an administrative process.

- b) Lindsay McCray: If there's debate about most campus sexual offenders being repeat offenders, in alternative resolution occurring in sexual assault cases, how does that protect the student body at all?
 - c) Amber Monroe: We consider whether or not we can do one process or another, or if it's somebody that we're aware of. It can be an egregious situation where there are pieces that can play into a story that informs whether a particular process is appropriate.
 - d) Zachary Spitzer: If they decide they want an administrative process, how long does that take?
 - e) Amber Monroe: It depends on the number of participants. We want to complete them within 60 days.
5. Alyssa Ngo: Elizabeth mentioned that Notre Dame nurses don't have rape kits. If you were a victim you would have to go far to a hospital. Why is that the case?
- a) Amber Monroe: St. Joseph County has a lot of resources and the money that we would spend on creating a program that already exists that we could use in other ways to support our students. We do have an extensive program in our county and that may not be the best use of our resources.
6. Katie Gabanic: How does Notre Dame being a private institution impact the processes for reporting?
- a) Amber Monroe: I report everything and somebody else decides about timely warnings, but I haven't experienced that in my role.
- B. Resolution SS1819-04: A Resolution Endorsing a New Drunk Driving Prevention Initiative
1. Corey Gayheart: Erin Hiestand is one of the co-authors on this resolution.
 2. Erin Hiestand: *(reads resolution)*
 3. Corey Gayheart: This was brought to our attention by some off-campus seniors this year. Some of their friends had had a beer or two or were more drunk and had driven to their other friends houses or parties. This obviously presented a direct danger to the community and presents a major safety issue that we want to address. To start our conversation on drunk driving, we wanted to start a resolution. We plan on meeting with different administrative divisions to discuss what we can do to grow this every year. We want to do a pledge card and whiteboard campaign. Future initiatives could look like a mock car crash and other awareness initiatives because this is a very serious topic and we want to keep it on the eyes of students.

4. Zach Pearson: Is there already an initiative going on?
 - a) Corey Gayheart: No. We want to make a more prevalent and widely-sponsored program.
5. Alyssa Ngo: The intention is to start the conversation about designing an initiative?
 - a) Corey Gayheart: The design has already been made, but we felt this would hold weight when talking to administrators.
6. Michael Conlon: I think this would be a good idea because a lot of kids who live off campus think it's fine to drive a few feet while drinking. It's one thing to tell your friends not to drink and drive, but this is another good idea.
7. Erin Hiestand: Motion to end discussion and move to debate
 - a) Zach Pearson: Second
 - b) Vote: All approved
8. Zach Spitzer: Motion to end debate and move to a vote
 - a) Elisabeth Lasecki: Second
 - b) Vote: All approved

(1) Vote on resolution: All approved, RESOLUTION PASSES

- C. Resolution SS1819-05: A Resolution Encouraging Land Acknowledgement for the Pokagon Band of the Potawatomi Tribe (w/accompanying presentation)
 1. Marcus Winchester-Jones: Before we begin, we would like to acknowledge the presence of the people who have been here before us. *(reads statement)*. Just a little context, we worked with Prof. Brian Collier to talk about the relationship between the native people in South Bend and Notre Dame. Throughout the years, there hasn't been an existent relationship, but it has been improving. They receive Christmas gifts from Notre Dame just to acknowledge that we're still in relationship with the University. In addition to the relocations of Native Americans, this was relatively pleasant. We would like to see this type of relationship continue to grow, and little things like the land acknowledgement would help us. This just kind of shows that the people who are Native descendants that we respect them and makes a more welcoming community for everybody. *(shows video)*. How are we planning on doing this? The main focus would be a website acknowledging the land and for University sponsored events. Northwestern University has land acknowledgement already, as does the University of Minnesota and Michigan State University. We recommend Notre Dame's land acknowledgement is as listed on the resolution sheet.
 2. Evan Nunez: *(reads resolution)*

3. Corey Gayheart: I would like to make a friendly amendment to also add Student Senate to this list. We are now in discussion.
4. Elisabeth Lasecki: In Farley, our rector is of Native American descent, and on all of our hall emails we have this statement.
5. Alyssa Ngo: We talked about how other institutions have this statement already. For these, these are all statements at events. Are we going to add something to a website?
 - a) Evan Nunez: We can have another friendly amendment to add a fifth bullet point on the University website.
6. Elisabeth Lasecki: Motion to end debate and move to a vote
 - a) Zach Spitzer: Second
 - b) Vote: All approved

(1) Vote on resolution: One abstaining, RESOLUTION
PASSES

D. Resolution SS1819-06: A Resolution Calling for the Creation of a Native Studies Minor

1. Evan Nunez: (*reads resolution*)
2. Alan-Mychal Boyd: In the past there have been movements by Notre Dame in the Student Senate that found that students mostly were interested in a minor in Native studies, and Student Government voted to move into a program. In 2019, if you're looking for a Native Studies class, there are only four classes. There are very few, and we were looking into what a Native Studies program might look like, and their extensive program expands through anthropology, psychology, and political science. Movements on campus to bring Native faculty and Native academic resources to Notre Dame include the Native American Initiatives Committee, but it doesn't have much power, but one idea put forward would be the Elder in Residence program.
3. Erin Hiestand: Did you have an idea of which department you would want the minor to be housed in?
 - a) Evan Nunez: Not really, but this is the first step in many steps, and we just wanted to get a general resolution going.
 - b) Alan-Mychal Boyd: Brian Collier suggested it could be a minor under American Studies.
 - c) Corey Gayheart: Any time the University considers adding a new major or minor, there will be committee review and that process would determine the details.
4. Alyssa Ngo: It seems like this resolution was tried 13 years ago and nothing happened with that. Do you know why that would have failed?

- a) Corey Gayheart: If I were to be a betting person, right around 2006, that would have been the first year in Father Jenkins's term, and they undergo a strategic planning process every ten years, and that is when new programs such as digital marketing are put into a plan and the university is able to budget and research about how they plan to initiate these programs. This resolution would place a Native American studies minor on the next strategic plan. We would send it on the Office of the Provost, the College of Arts and Letters, and the research and planning office. Because we would be graduating, we would look to NASAND and Evan to take this conversation forwards.
 - b) Alyssa Ngo: What are your immediate next steps?
 - c) Evan Nunez: Corey and I have an action plan, but this is something that's going to require significant follow up, and the most recent plan was about 5 years ago, which means that this is going to happen in the next five years.
 - d) Corey Gayheart: It puts us in a better position to implement this.
 - e) Alyssa Ngo: I believe this can be done I was just wondering if there's anything we can do to further this more as Senate.
 - f) Marcus Winchester-Jones: A lot of work will be done in NASAND and we will stay in contact with Brian Collier.
- 5. Zach Spitzer: Motion to end discussion and move to debate
 - a) Second: Mark Spretnjak
 - b) Vote: All approved
 - 6. Mark Spretnjak: Motion to end debate and move to a vote
 - a) Second: Zach Spitzer
 - b) Vote: All approved

(1) Vote on resolution: All approved, RESOLUTION PASSES

E. Resolution SO1819-13: Temporarily Amending the Student Union Constitution regarding SUB Executive Appointments

- 1. Bethany Boggess: (*reads resolution*) I gave a little heads up about this because we were having challenges in scheduling our Executive Board interviews. This happened last year as well, but this year we wanted to pass a resolution about it. We have scheduled interviews for next Monday evening, but it's been complicated for everyone on the selection committee. We're just doing this temporarily for this election cycle.
- 2. Mark Spretnjak: Just out of curiosity, what happens if we say no?
 - a) Shady Girgis: We would just not be following the constitution. There isn't a consequence.

- b) Bethany Boggess: I just wanted to go through the official processes.
 - 3. Zach Spitzer: Do you think that we will be approving all the new SUB directors?
 - a) Bethany Boggess: It's unclear how many people are going to apply. There have to be interviews for 8 positions.
 - b) Alyssa Ngo: You choose the Executive Director first and then they choose their own board?
 - 4. Zach Pearson: Motion to end debate and move to a vote
 - a) Zach Spitzer: Second
 - b) Vote: All approved

(1) Vote on resolution: All approved, RESOLUTION PASSES
- F. Resolution SO1819-14: Amending the Name and Description of the Department of Health & Wellness
- 1. Erin Hiestand: *(reads resolution)*
 - 2. Corey Gayheart: We wanted to match what the University is currently using. The description of this department does not include the University Counseling Center, and so that's where those
 - 3. Patrick Paulsen: Motion to end discussion
 - a) Zach Spitzer: Second
 - b) Vote: All approved
 - 4. Patrick Paulsen: Motion to end debate
 - a) Mark Spretnjak: Second
 - b) Vote: All approved

(1) Vote on resolution: All approved, RESOLUTION PASSES
- G. Confirmation of Nominee, Halena Hadi, for President of Judicial Council
- 1. Shady Girgis: *(reads nomination letter)*
 - 2. Zach Pearson: I think she's going to do a great job.
 - 3. Zach Spitzer: Motion to end debate and move to a vote
 - a) Second: Mark Spretnjak
 - b) Vote: All approved

(1) Vote on nomination: All approved
- H. Confirmation of Nominee, Christine Arcoleo, for Student Union Treasurer
- 1. Jin Kim: *(reads nomination letter)*
 - 2. Zach Spitzer: Motion to end discussion and move to debate
 - a) Second: Mark Spretnjak
 - b) Vote: All approved
 - 3. Zach Spitzer: Motion to end debate and move to a vote
 - a) Second: Mark Spretnjak

- b) Vote: All approved
- (1) Vote on nomination: All approved

VI. New Business

VII. Announcements

- A. Bethany Boggess: We have Pure Barre Pop-up with Let's Spoon tomorrow at 5pm.
- B. Alyssa Ngo: This Friday is International Women's Day.
- C. Patrick Paulsen: Please only say things for this week.
- D. Corey Gayheart: Judicial Council sent out an email about the awards we give out annually. The nominations are due the Sunday before our last Senate meeting. You guys will have to read through those nominations and vote in our last Senate meeting.
- E. Mark Spretnjak: If you're 21, my band is playing Newfs on Saturday.
- F. Laksumi Sivanandan: The Class Councils will be collaborating on a Mardi Gras food celebration tomorrow.
- G. Shady Girgis: The Office of Student Enrichment is starting a lending library for students. There may be an email sent out soon.
- H. Steven Frick: Good luck on midterms!
- I. Corey Gayheart: I want to host a final Senate celebration with food where we can recap the year.

VIII. Adjournment

- A. Motion: Zach Pearson
- B. Second: Mark Spretnjak
 - 1. Vote: All approved