

- I. Opening Prayer, Libby Messman, *Pasquerilla West Hall Senator*
- II. Roll Call
- III. Approval of Minutes
 - A. We had diversity training with Paige Jackson, the Assistant Director of Diversity Education, Outreach and Assessment for Multicultural Student Programs and Services (MSPS), The nomination of Devin Diggs as President of the Shirt Committee was approved. SO 2021-10, An Order Amending the Constitution to Prohibit Student Union Investments in and Consumption of Forced Labor, was tabled.
 1. Minutes are approved
- IV. Executive Announcements
 - A. Ad Hoc Committee on Title IX Policies and Procedures Update
 1. Director of University Policy Abby Wolfe and Vice President Sarah Galbenski will be meeting ninety minutes each week through the end of the semester to discuss new Title IX Policies and further adjustments to them.
 - B. COVID-19 Off-Campus Student Advisory Council Update
 - C. Student Advisory Group for Campus Reopening Update
 1. Additional cold weather spaces have been put into use to allow for more community spaces. The outdoor tents are going to be heated soon, indoor dining with the dining halls begins on Monday with student centers doing the same at a later date. Guests living in the same hall may be in one another's room with masks worn and doors open. Testing before going home is a conversation we are still having.

2. The University is looking to implement career development and learning opportunities over the Winter break. The Dean of the College of Arts and Letters has already sent out an email gauging interest. University administrators are recognizing the burnout students are experiencing with no Fall break, seeing how they can talk to Deans and Professors about the rhythm of their courses.
3. Rachel, Sarah, and Aaron will be talking to the Board of Trustees on behalf of the University about the University opening in the middle of the pandemic and how that has gone.
4. Rachel, Sarah, and Aaron will be meeting with the investment office next week about investment in private prisons, and, because it is a big concern and the topic of SO2021-10, so we are looking forward to the conversation that comes from that.

D. [Relationship Violence Awareness Month and LGBTQ History Month Events](#)

E. [White Allyship Panel by MSPS, Cavanaugh Hall, and Howard Hall](#)

1. Tonight! Check it out, will be a great and valuable conversation

V. General Orders

A. [SO 2021-10 An Order Amending the Constitution to Prohibit Student Union](#)

[Investments in and Consumption of Forced Labor](#) - overviewed by Ricardo Pozas Garza, a co-signer

1. Ricardo Pozas Garza: Thomas Davis and the Committee on the Constitution have been a lot of help surprisingly. Thomas Davis is a funny guy is what I have to say. I motion to refer SO2021-10 to the Committee on the Constitution

- a) Madison Nemeth seconds
2. Vote passes to table the order to the CoC.
- B. [1 Senator Appointment to the Campus Life Council](#)
 1. Isabella Garcia expresses interest out of liking for her fellow peers and for advocating for what her peers express.
 2. Vote using attached Google Form
 - a) Vote passes for Isabella Garcia, the newest member of the CLC.
- C. [SS 2021-17: A Resolution to Educate COVID-19 Positive Students Upon Release from Isolation and Provide Post-Discharge Testing](#) - read by Grace Franco
 1. Questions:
 - a) Lainey Teeters: The script above, would that be the whereas clauses?
 - b) Grace Franco: Basically contact tracers have been telling students different things, so just making what they tell them standardized.
 2. Debate:
 - a) Movement out of debate and into a vote passes
 3. Vote on resolution passes.
- D. Report on the Committee on the Constitution's Suggestions for SO 2021-09
 1. Thomas Davis: Thank you so much for referring this to our Committee, which allowed us to look at a substantial piece to kick us off. We were able to discuss this both in subcommittee and committee, and we were able to formulate these ideas last night. I'll be very frank, the structure of this amendment through our committee changed quite a bit from what you saw a few weeks ago. Article five was unanimously agreed upon to be struck. The role of the Chief of Staff is repeated a couple of times. We chose to try to

minimize the number of members necessary for the group, by being respectful of people's schedules and relation to programming. We decided this group should be focused on policy, so we struck the President and Vice President of the Student Body, FMB Chair, Judicial Council members. Co-directors of programming, social chairs of HPC, and CCC members will now be included, along with the class presidents. There are eight programming branches, but they are not used year round, so we do not want to make them constitutionally bound to go to each meeting, They will be welcome to come in times relevant to their programming events, allowing them to present their agenda and ideas. Another change was to ensure the Committee does follow parliamentary procedure because it does not make sense from a jurisprudence perspective. These are just our suggestions, but they do not have to be accepted. I am going to write up a formal order to be brought to the Senate next week in which you will have the chance to voice your opinion. If you have any questions, please email me or talk to me after and I would be happy to help.

E. Motion to cap meeting time at 90 minutes

1. Seconded and vote passes

F. [SS 2021-18: A Resolution in Support of Upholding the Preponderance of Evidence Standard in Title IX and Other Sex-Based Misconduct Cases](#)

1. Patrick Lee: In this, you supported a lot of statistics about students reporting incidents. Is that the goal, that you would like to get to one hundred percent of reporting?

2. Abby Wolfe: The issue is, and it is hard to tell in the resolution because there is so much going on, but Notre Dame has actually been using preponderance and our statistics are still not great. Now that the University has to choose between the two options, we are recommending that they stick with how it is. Otherwise, we feel students would be even more hesitant to report.
3. Sarah Galbenski: For clarification on the background, preponderance of evidence is what is used now for students, while clear and convincing is the method used in severe faculty cases. With the Department of Education's new regulations for Title IX, Universities must choose one method to be used solely. We are advocating to stick with preponderance of evidence because it is what is most frequently used and most benefits students, but there are some faculty who are concerned about what this could mean for their tenure for the very few cases and low risk of being in this position.
4. Neils Casperson: This is just formulating it as this is the only process moving forward, right? Since there have been 0 severe faculty cases in the last five years, so the clear and convincing method has not even been used.
5. Abby Wolfe: Yes, changing it to preponderance of evidence would affect very few cases, and it is more of a concern for future faculty that may be put in this situation.
6. Sarah Galbenski: The difference in the last five years is that we now have the new Department of Education regulations, so we have to pick one of the methods. We are just asking the university to stick with what has been used.
7. Connor Delaney: Any notion that it is in favor of one side is a misinterpretation.

8. Abby Wolfe: We believe that the clear and convincing method values both sides equally, which would make it much more difficult for a victim to get justice and feel heard, also diminishing their hope in the outcome of reporting. We need to continue to work through the barriers to reporting, but it is a really difficult process.
9. Sarah Galbenski: With the new regulations, there are other added barriers, like cross examination which is already going to reduce victims' inclination to report. This is really to just eliminate one of those many barriers that are going into action by keeping it as preponderance of evidence.
10. Madison Nemeth: It is just confusing to me why the University is still considering which process if all of the statistics point in favor of choosing preponderance of evidence.
11. Abby Wolfe: We have seen a lot of support from Administration, particularly Erin Hoffman Harding and Erin Oliver. Faculty are just worried about protection in their cases, because obviously it is a very important matter, but there are other ways to protect faculty in the case of necessary situations.
12. Sarah Galbenski: Abby and I gave a presentation at the first Faculty Senate meeting that included many of the statistics present in this resolution, and the vote among Faculty senate members was about 58 percent in support and 42 against, with a big concern being protection for faculty members and fear of loss of tenure.
13. Debate:
 - a) Benjamin Erhardt: I want to express my support of this as a member of the University Policy Department. There are only two more

meetings of the Faculty Senate since they only meet once a month, so time is of the essence. It is a general consensus amongst students that Preponderance of Evidence is what best supports students, and even among faculty despite some being hesitant due to the risk it puts faculty members in.

- b) Jordan Lydon: I am also in the University Policy Department with Ben and want to second what he said. I think making Preponderance of Evidence the standard would be best and would allow for students to feel more comfortable to speak out when experiencing sexual assault.
- c) Ricardo Pozas Garza: Again seconding what has already been said, I move to take this to a vote.
- d) Seconded and movement out of debate

14. Vote passes

G. [A Discussion Regarding a Petition Calling for the Resignation of President John](#)

[Jenkins, C.S.C. Due to His Failed Leadership Amid the COVID-19 Crisis](#) - read by

David Haungs

1. Questions:

- a) Neils Casperson: Are we just discussing this?
- b) Libby Messman: How many people have signed this petition?
- c) Sarah Galbenski: I believe the number is 213.
- d) Ashton Weber: That is correct.
- e) Neils Casperson: How much power does the Student Senate hold?
- f) David Haungs: It is a recommendation, but it has no binding power.

- g) Connor Delaney: Is there another order regarding the actions of Father Jenkins and his consequent apology that calls for less severe measures, while still calling for action from him?
- h) Sarah Galbenski: There is, actually. Under New Business for next week you will find another resolution related to Father Jenkins actions. It was just submitted after this one, so we are unable to get to it today.
- i) Dan Baudendistel: I think Father Jenkins was pretty clear in apologizing for his actions and recognizing his wrongdoings. I find it inappropriate for the Student Senate or student body at all to call for the President of our University to resign when he is already voluntarily quarantining himself. I think this is a low blow and shot at Father Jenkins that is just unwarranted.
- j) David Haungs: I yield my time to the cosigners of the resolution.
- k) Patrick Kelly Datile: We understand that this resolution has no formal power, which is why we find it necessary to take such extreme measures. I think it is necessary for us to express our discontent that Father Jenkins was in direct violation of covid-19 protocols and hypocrisy itself. It is inappropriate to subject students to one standard and then subject one's self to another.
- l) Ashton Weber: We believe that Father Jenkins can no longer in good conscience lead the student body when he himself has not followed the rules. It has completely tainted his role of authority.

- m) Makira Walton: We did write this before his apology, but in his apology he never explicitly apologized for his actions. The Dean of the Law School was wearing a mask, but Father Jenkins made the choice not to abide by Covid-19 health guidelines. He did not have to do that, but he did.
- n) Alec Breiler: In O'Neill we actually had some guys go through the expulsion process for a first offense of having a gathering of more than twenty people with no masks, which resulted in suspension. This is Father Jenkin's second offense, so I find it unfair to let him get away with these actions without any sort of consequence.
- o) Charlie Lemkuil: The number of signees is only 2.5% of the student body, so I feel like there should be more to warrant the value of the petition and this extreme call. I definitely support people voicing their opinions, but I do not think this resolution speaks to the concerns and thoughts of the student body as a whole.
- p) Benjamin Erhardt: I want to thank you guys for being here and for how much thought was put into this. After talking with some constituents in Keough Hall, we did think the call for resignation was a bit extreme. Don't get me wrong, I was angry just like everyone else when I saw the photos from the Rose Garden. However, I feel like there are more constructive and realistic measures of addressing Father Jenkin's actions. If you will take a look at New Business, you will find SS2021-19, which takes a different approach to the actions of Father Jenkins. This is not to invalidate your efforts, and I think

you hit the nail on the head to create a conversation and express the frustrations of the student body with this double standard.

- q) Madison Nemeth: I do not think 213 people are representative of the student body. You guys mentioned inconsistency of actions, and I, and many members within my dorm, agree with this. Father Jenkins went to a Supreme Court Nomination, it was not a party or a bar, so I do not feel like this can be treated in the same way. If you look at the resolution in New Business Ben mentioned, it not only condemns Father Jenkin's actions but also addresses current Covid-19 protocols to be reconsidered.
- r) Lainey Teeters: I just want to second what everyone is saying; I think this resolution is way too extreme. I do not feel like what he did should be compared to students receiving conduct to students at a party.
- s) John Mansfield: I do not see how you can compare an O'neill Disorientation Party and a Supreme Court Nomination. I also do not know how you could ask him to resign after he made sure we got to campus and that we stayed here when so many schools sent their students home again.
- t) Isabella Garcia: I would like to turn the conversation back to the cosigners and ask them to tell us their thoughts right now and if they have any responses to points raised?
- u) David Haungs: I yield my time to the cosigners.

- v) Ashton Weber: We do not agree that Covid policies on campus should be lightened up, that is not what we are asking. In fact, we do not think they are strong enough. We are not condemning Father Jenkins for breaking his own rules while expecting us to follow them because the rules are unnecessary, but because of how necessary and important they are for *all* of us to follow.
- w) Makira Walton: We know that you are representing the entire student body and not just us and the 213 signees, which we full-heartedly respect and understand if you feel another resolution will better serve the student body. Even passing this, Father Jenkins will likely not resign. It will, however, get his attention and express the severity of student discontent. If college aged boys, whose prefrontal cortexes are still developing, are held to the same standards as everyone else with more success than Father Jenkins, then there is a problem.
- x) Thomas Davis: Passing this resolution will only hurt you in the eyes of administrators, it will get picked up by media outlets and faculty and staff. This will not be seen favorably and would more so result in our voices getting shut down, so please consider this and your opportunity to invoke change for the remainder of the term.
- y) Renee Pierson: I agree that this would be problematic for our relationship with administration, and I also think logistically the resignation of Father Jenkins would be problematic for the student body, especially given the times we are in due to the vacancy his spot would leave.

- z) Estefan Linares: Although I do agree this is a little much, we cannot forget this. The University is known for talking but not for doing. Take the case of racial justice for example... there was talk of things being done but not much action in the direction of tangible success. If we let this go, then there is unlikely to be a change in future actions on the part of administrators and it will pass without students having the opportunity to voice their discontent.
- aa) Motion is Movement into a vote
- (1) 36 nay 2 yay, does not pass

VI. New Business

- A. SO 2021-09 An Order Proposing an Amendment to the Constitution of the Undergraduate Student Body Replacing the Executive Programming Board with the Executive Committee
- B. SO 2021-11 An Order to Adjust the Spring Semester Schedule
- C. [SS 2021-19 A Resolution Formally Disapproving Rev. John Jenkins' Violations of University Health Policy and Encouraging Further Action](#)

VII. Announcements

- A. Sam Cannova: Senior Sundays- please come, we will have Rise 'n Roll
- B. Mairead Pfaff: Acousticafe tonight. *King of Staten Island* will be screened all weekend
- C. Albertina Estrada Martinez: Howards Totter for Water is tonight on South Quad!
- D. Charlie Lemkuil: Tomorrow by Fieldhouse Mall, JCC will have an event with donuts
- E. Karen Kennedy: HarvestFest this weekend with pumpkin patch and hay bale maze and fall food.

VIII. Adjournment