

STUDENT SENATE
Executive Summary
Wednesday November 17, 2015

- I. Invocation
 - A. meeting was called to order at 6:00 PM
 - B. Kevin Coleman led invocation
- II. Roll Call
 - A. four were absent; 0 were tardy
- III. Approval of Minutes
 - A. Reynaldo Lopez moved to approve the minutes
 1. Kevin Coleman seconded
- IV. Officer Announcements
 - A. Mr. Bryan Ricketts, Study Body President
 1. Highly encourage you to pick up The Observer and read the viewpoint in there called "We are Seeds"
 - B. Ms. Nidia Ruelas, Student Body Vice President
 1. SG is hosting a refugee dinner 6:30 on December 1st at the Morris Inn
 - a) RSVP is binding
 - b) look for the email from SGI, please RSVP by this weekend
 2. No Senate next week for Thanksgiving break
 3. If anyone will be here over Thanksgiving weekend, Nidia will be here too and she will be decorating the SG office. Feel free to come join!
- V. General Orders
 - A. Resolution SS 1516-12
 1. *Department of Internal Affairs*
 - a) *Rebecca Blais, Director of Internal Affairs*
 - b) *Abraham Jensen, Fisher Hall Senator*
 - c) *Wilson Barrett, Keenan Hall Senator*
 - d) *Kate Hardiman, Member*
 2. Dealing with Social Media and elections
 3. Constitution currently says that a candidate's' account/page must be approved and every single post they want to have on their page must also be approved by judicial council
 4. Current suggestion: "Candidates may create a social media account or page for campaigning. The account or page must be approved by the Election committee before use and be made accessible to Judicial Council. All activity on a social media account or page.. must adhere to ethical guidelines detailed in 17.1(i)"
 5. Con argument
 - a) could potentially lead to more allegations and more conflicts since students can virtually post whatever they want
 - b) Makes the approval process inconsistent because social media will not have to be pre approve.

(1) However, you'll now have a more fluid ability to respond

6. Pro argument
 - a) Social media is very different, this makes it easier for candidates to communicate with their voters, allows you to reach more people
 - b) Example: last year, candidates couldn't live tweet the debate unless they prepared a bunch of potential posts before hand. This would take care of that
 - c) Puts the responsibility on the candidates to point out any violations
 - d) the post approval process is a very cumbersome process
7. Jack Kill moved to consider this resolution
 - a) Kelly Smith seconded
8. Kevin Coleman: Zach, what do you think of these resolutions?
 - a) Zach: J Council has been working on this with Internal Affairs, they brought up some great pros and cons. The social media policy is old, but the language is new (added last year). Most of the post denied by the Judicial Council are not deliberately unethical, but they are unintentionally unethical or break some other rule (such as posting the link to the ballot), and so part of the hope behind approving these posts is screening out anything that could lead to an allegation. The candidates will still be able to check with Judicial Council to see if their post is unethical or not. The question is whether you think that the conversation aspect is worth the risk of possibly having unethical posts on social media
9. Kathleen Rocks: If there was a problematic post, what would Judicial Council's response be?
 - a) Zach Waterson: Judicial Council doesn't introduce allegations towards one candidate. Typically, another candidate or a concerned student will bring an allegation and then JC discusses the response ranging from an apology to termination of running, etc.
10. Louis Bertolotti: As someone who ran for office, this would be an amazing policy. If we want to elect smart leaders, we don't need to baby them and approve all of their posts ahead of the time.
11. Alex Fincher: How long does it take to approve posts?
 - a) Zach: During election season, J Council will have office hours. Posts just needs to be approved during office hours before they are posted
 - b) Becca: Those hours a lot of times don't match up with people's schedules
12. Michael Finan: Would you say that it's common for someone to post a link to the ballot? What's the typical response for that?
 - a) Zach Waterson: hasn't happened in this last year. Happened once two years ago in a hall election, once maybe the year before.

Response depends on how long the post is up and how many people have seen it. We've never had to make anyone drop out of the election

13. Eva Niklinska: This is a great resolution. Zach and the rest of Judicial Council explain the social media rules before candidates begin their campaign, so they should have to carry the burden if they violate the rules.
14. Seamus Quilty: If this was approved, would it be possible to create a document with guidelines of what would be considered ethical and what would not so candidates would always know?
 - a) Zach Waterson: The only things that regulate social media for elections is in the Constitution under section 17
15. Shannon Montague: This is also helpful for run offs and crunch time, because it's hard to run to Judicial Council and get a bunch of social media posts approve. Judicial Council doesn't really police the accounts, but students are pretty good at policing each other's accounts. This resolution would make the job easier and give ownership to the candidates.
16. Morgan Dunn: Move to close discussion and move to a vote
 - a) Michael Finan seconded
17. Resolution passes

B. Resolution SS 1516-13

1. *Department of Internal Affairs*
 - a) *Rebecca Blais, Director of Internal Affairs*
 - b) *Abraham Jensen, Fisher Hall Senator*
 - c) *Wilson Barrett, Keenan Hall Senator*
 - d) *Kate Hardiman, Member*
2. Currently: "(h) Candidates shall be held responsible for the behavior of their supporters and anyone in their campaign organization"
 - a) campaign organization is never defined in the Constitution
3. change: "Candidates may not be involved in or instruct others to engage in any unethical behavior as detailed in 17.1(i)"
 - a) still achieves the spirit of the original clause, but it gets rid of the unnecessary catch all of "every supporter"
4. Cons:
 - a) legislation deals with complicated issues (whether someone knows or doesn't know about something, etc.) so this doesn't simplify the complexity of social media as a tool for elections
 - b) Doesn't scare the candidates enough to really get on the case if they know something unethical is going on with one of their supporters.
5. Pros:

- a) "Rogue Supporter": When Zahm used to run a ticket, this was a strategy that they would employ often. This resolution would protect against a situations like this
 - b) There is no feasible way for a candidate to police all of their supporters.
6. Reynaldo Lopez moved to consider this resolution
- a) Jack Kill seconded
7. Jack: Let's say we tell someone to behave unethically via social media, how would ethics commission go about figuring out if the candidate was involved in this unethical act?
- a) Zach Waterson: We've worked hard with internal affairs to craft language that is in spirit of the original message without being too broad. The process of an election allegation would be that someone would bring forth the post and there would have to be some sort of connection between the poster and the candidate. We don't want to go too far with the resolution that we can point to a section in the Constitution to show the violation, but using the word "involved" allows for interpretation within Judicial Council. The idea behind the language is to show candidates that they should be taking steps to stop unethical behavior and that they should be taking responsibility for their actions
 - b) Dan Sehlhorst: People can always lie. We have to trust that they will either not lie or that JC will be able to determine whether or not they're telling the truth
8. Kathleen Rocks: What if the actions of the rogue supporter affects the outcome of the election
- a) Zach Waterson: In the current language, we could take action. In a situation like that, Judicial Council would probably put out a statement acknowledging the situation.
9. Rohan Andresen: I ran two years ago, one of our supports wrote a parody rap where they called our other ticket "lame." We didn't know she did this and it tied up four hours of our run off election. This resolution allows for less micromanaging and more campaigning
- a) Zach Waterson: Now the candidate is aware that if they don't take action to remove the post, an allegation can be brought to that candidate
10. Kathleen Rocks: Where is that in the constitution?
- a) Zach Waterson: We didn't want to add anything "upon knowledge" because it's so easily deniable. Though we can clarify that point in our meetings, we would like somewhere we could point in the Constitution. Now it's a two step process, the initial complaint followed by Judicial Council warning the people running that if they

don't take action about the complaint they would be violating section 17

11. Marissa Thompson: How often do rogue supporters happen that have been addressed by Judicial Council?

a) Zach: Almost always. Most of the time it doesn't come to an allegation.

12. Reynaldo Lopez: motion to close discussion and move into voting

a) Katelyn markley seconded

b) Resolution passed

C. Resolution SS 1516-14

1. *Department of Internal Affairs*

a) *Rebecca Blais, Director of Internal Affairs*

b) *Abraham Jensen, Fisher Hall Senator*

c) *Wilson Barrett, Keenan Hall Senator*

d) *Kate Hardiman, Member*

2. Currently: "(g) Endorsements: (1) Candidates/tickets may solicit and campaign on endorsements from student groups."

3. Change: "(g) Endorsements: (1) Candidates/tickets may solicit and campaign on endorsements from individual students and student groups. Endorsements may not be construed to represent that of Residence Halls, Student Union Organizations, University departments, offices, or officials, and are subject to all relevant University and external policies. (2) No person holding a position enumerated in this Constitution may endorse a candidate for a student office."

4. Cons:

a) Student Athletes: students have influence on elections because they are "campus celebrities", but there are a lot of students on this campus who are also "popular." You can't take away someone's influence because they are "popular" and you can't sort for popularity by sport.

b) Student Leaders: Leaders are the most knowledgeable about the candidates and would know best who would be the best candidates. Student Leaders may not endorse the best candidates, but those who they know best. Students would take an endorsement from the Student Body president very seriously

5. Pros:

a) clarifies and adds a lot of details that were left up to interpretation for Judicial Council

b) A good example we used if you put Henry Long in a tutu that would have more sway than someone unknown on the swim team. We want to avoid the idea of creating a dynasty

- c) By being able to have endorsements by student leaders, it creates a barrier of entry for people who weren't previously involved in Student Government.
- 6. Sarah Kim moved to consider this resolution
 - a) Ryan Heard seconded
- 7. Zach Waterson: Last spring, there was an exciting Senate where it was brought to intention that the current section is being interpreted in a way that wasn't very clear. The original idea was to keep both student leaders or student athletes from endorsing because by nature, their position have an undue influence. That's not necessarily true for all athletes, and we don't want to create a dynasty for athletes. No one is precluded from bringing their own opinion if someone asks. An endorsement would be a poster or social media post where you formally declare your support for a candidate. The way the language is phrased would allow student athletes to endorse as long as they are not being construed to represent their entire team or club. We aren't able to make claims upon whether or not this is enough to reduce their undue influence, we'll have to see.
- 8. Shannon Montague: My understanding of the second part of this is that by virtue of their position in Student Government, SG leaders shouldn't be able to endorse. Why wouldn't that apply for someone such as the captain of the football team?
 - a) Zach Waterson: That's why in the past it's been understood in the same way. This proposed legislation would draw a line between those two groups.
- 9. Marissa: Just to clarify, what is considered an endorsement
 - a) Zach Waterson: Communication released by the campaign that shows support by a third party for their campaign. They are not conversation, they are official and done through a medium (speech, post, etc.). The language we draw for this part of the resolution comes from enumerated positions in the Constitution, including all individuals involved in student government, fuel, SUB, prog board, etc. Department members are able to endorse candidates.
- 10. Dan Sehlhorst: What are we defining as conversation? How are we clarifying this?
 - a) Zach Waterson: The language is left a little broad so the election committee can determine what constitutes as a conversation versus a formal statement
- 11. J.P Bruno: You definitely don't want headhunting to happen, but the number of athletes that this influences is very small. The number of athletes that would get that facial recognition without saying "hey I play football" is so small.

- a) Becca Blais: To clarify as far as “headhunting”, we took that into consideration and that is why nowhere we specifically state “student athlete” because we don’t want to suggest that people should be looking for student athletes.
- 12. Eva Niklinska: I’m a student athlete, but it also wouldn’t be fair to take away the student part of a student athlete. Student athletes have a lot of student athlete friends, so the current wording bars a lot of student athletes from running.
- 13. Rohan Andresen: I agree with Eva’s point. Though athletes may have a lot of twitter followers, you have to think about how many of those followers are Notre Dame students who can vote.
- 14. Kathleen Rocks: As it stands right now in the Constitution, athletes can’t endorse right now but now athletes can as long as they’re not being portrayed to represent their team?
 - a) Zach Waterson: Correct
 - b) Kathleen Rocks: In the case could Corey Robinson endorse someone if he wasn’t wearing a ND football t shirt?
 - (1) Zach Waterson: It could be brought for examination to Judicial Council, but if he’s not on a practice field or with his team it should be fine
- 15. Taylor Still: Say come election time in the hall and a friend is run for Student Senate, if we’re liking their posts or favoriting one of their tweets, would that be considered an endorsement?
 - a) Zach Waterson: no that’s fine
- 16. Jack Kill: Come election time, as a person who holds a position, I don’t get the right to endorse a candidate? It seems like a free speech issue, which is not fair
 - a) Becca Blais: Your job in your position as Senator is to represent St. Eds Hall, which is why you can’t have that right. You still have a right to free speech to voice your opinion, but you can’t appear in an endorsement.
 - b) Zach: All the regulations impose on free speech in some way in order to have fairer, more regulated elections. This is considered a worthy trade off to have impartial elections
- 17. Reynaldo Lopez: If Malik Zaire, etc. can endorse anyone as anyone as long as they’re not in their environment, how is that different from a senator making an endorsement outside of their dorm gear
 - a) Rohan Andresen: One of the greatest things that differentiate the student athletes from us is the dynasty argument. Athletes aren’t trying to fill any position that they once held, which is the issue with having Senators or other student leaders making an endorsement

- b) Zach Waterson: A student leader's fame is concentrated in their position. Their endorsement can have an influence on students who vote most frequently in elections
 - c) Kelly Smith: By running/applying to be student leaders, we put ourselves in this situation while Student Athletes aren't putting themselves in this position when they first commit to Notre Dame
18. Kathleen Rocks: Do we need to consider these two amendments together?
- a) Nidia Ruelas: You can make a motion to divide the resolution
 - b) Becca Blais: We considered these completely separately, but we put them together because they do address the same section and they address the same point of clarification
19. Sarah Kim: As it stands right now, no individual student can endorse?
- a) Becca Blais: Right now, it just doesn't say either way so it'd be up to Judicial Council. It has been interpreted in the past as individuals can endorse, but it needs to be addressed clearly in the Constitution because it's a huge point of contention
20. Dan Sehlhorst: If someone went up and endorsed a candidate, but the candidate didn't solicit or accept the endorsement, how would that be dealt with? What happens to the candidates?
- a) Zach: That would fall back on the language of the resolutions we just passed. It depends on the knowledge that the candidate had of this endorsement and what they tried to do to stop it
21. Isabel Fox: The second clause supersedes the first one right?
- a) Becca: Yes
22. Eva Niklinska: Can we clarify that in the future? I don't think a lot of people don't know who can/can't endorse.
23. John Julien: What if people don't know that you hold a leadership position?
- a) Zach: The ideology behind it as your position as the student leader is when you take your position you give up the right to endorse a student running for a position. The position of Senator and his/her prestige varies throughout the dorms, just because the situation varies between dorms you don't want to create a dynasty.
24. Kathleen Rocks moved to split the resolution by (g)(1) and (g)(2)
- a) Jack Kill seconded
 - b) motion fails
25. Wilson Barrett: Move to close discussion and vote
- a) Kevin Coleman seconded
 - b) resolution passes

VI. Announcements

- A. Zach Waterson: Tomorrow, Judicial Council will send emails out to rectors about hall elections. I encourage you guys to be aware of the fact that rectors will have

the option of having Judicial Council run the election within their dorm. If your rector brings it up or is otherwise confused, please help communicate the benefits of having Judicial Council involvement.

- B. J.P Bruno (for Louis Bertolotti): SUB announcements
 - 1. SUB Movie: American Ultra
 - 2. Acousticafe: Thursday November 19, 10:00 PM LaFun basement
 - 3. Saturday, SUB will host Shamrock Series game watch in LaFun ballroom
 - 4. Selling tickets on student shop website for the 8:00 and 9:00 showings of Mockingjay
- C. J.P. Bruno: SCC announcements
 - 1. Thank you display for Thanksgiving: Stop by tables outside of Dining Hall from 5:00-7:00
 - 2. Turkey Bowl (7-7 football): This Saturday 12:00-4:00 on Stepan field
- D. Eva Niklinska: In light of all the tragedy going on, it would be nice if we did some sort of demonstration on the quad. If you want to be involved in that, please let me know
 - 1. Nidia: Let's try to organize this sooner rather than later
- E. Ryan: Carroll Christmas December 4th
- F. Alex: Badin Art Show is today (November 19th) from 7:00-9:00 by the Pond
 - 1. Constituent Services: Trying to amp up publicity for Onward, please remind your hall council to contact Jack about onward presentation in the dorms
- G. Amy Smikle: Howard Holliday December 4th (before Carroll Christmas)

VII. Adjournment

- A. Kevin Coleman moved to adjourn
 - 1. Jack Kill seconded
 - 2. meeting adjourned at 7:37 PM