

NOTRE DAME STUDENT SENATE

Executive Summary

Thursday, March 3, 2011

Notre Dame Room, LaFortune

I. Opening Business

- a. Andrew called the meeting to order at 9:34 p.m.
- b. Andrew led the invocation.
- c. Andrew appointed Catherine to preside as Chair *pro tempore*.
- d. Conor, Dan, Jack, ~~Kaitlin~~, Kevin, Michael Ferguson, and Tegan were absent.
- e. The approval of the minutes was postponed.

II. Officer Reports

- a. No officer reports were given.

III. Committee Reports

- a. No committee reports were given.

IV. General Orders

- a. Election Appeal Acceptance
 - i. Ben explained the process of an entire election appeal: the Senate must accept the election appeal and if accepted, will hear the entire appeal.
 1. Paige reminded senators of the recusal process that should be utilized if necessary and relevant.
 - ii. Matt moved to close the meeting to the public; Alex seconded. By a hand vote of 23-0-0, the meeting was closed.
 - iii. Michael Thomas, Judicial Council Vice President of Elections, addressed the ladies and gentlemen of the Senate in a proper manner.
 1. He discussed the allegations filed against the King ticket, of which one was carried forward – an e-mail sent out as a listserv.
 - a. In response to this allegation, the Election Committee decided to dock the King ticket 8 votes, based on 10% of the Knott Hall juniors that received the message.
 - iv. Parker King then responded.
 1. He mentioned that what he defines a listserv is not what was used by a supporter of his ticket; instead, he thinks of it as an e-mail that goes through some approval process, unlike the e-mail sent out by his friend, Jordan.
 - v. Alex moved to vote on whether to hear the complete appeal or not; Tierney seconded. By a hand vote of 20-2-1, the Senate agreed to hear the appeal.

b. Election Appeal

- i. Alex moved to give 7.5 minutes to each side for debating the appeal, for a total of 15 minutes; Erinn seconded. By a hand vote of 17-5-1, the totals were accepted.
- ii. Michael Thomas/Judicial Council
 1. Michael mentioned that he is not trying to convince anyone of a certain position but is relaying information from the Election Committee meeting.
 - a. The Election Committee decided that Jordan acquired a list of e-mails through the listserv e-mails and therefore constituted the e-mail as one sent out through a listserv.
 2. Erinn mentioned that a vote change of 8 votes may not be relevant since not all 80 electorate members in Knott probably voted.
 3. Mark asked how the 8 vote deduction affected the results.
 - a. Michael mentioned that no one knows the results, so there is no way to say.
 4. Jess asked how 10% was decided on.
 - a. Michael responded that the Committee only thought a minor percentage of the vote should be affected of the population that received the e-mail.
 5. John asked what other sanctions were considered.
 - a. Michael responded that the Committee had to decide this based on the runoff, since this is the end of the election itself. There was a hesitancy to touch the results but they were restricted in options.
 6. Ryan asked if the person who sent the e-mail, Jordan, was called in to speak.
 - a. Michael responded that he was not.
 - i. Marina asked why he was not called in.
 1. Michael said that the Committee decided it was not necessary since he was already implicated in the allegation.
 - ii. Paige also mentioned that the accused are allowed to call in their own witnesses.
 7. Marina asked when the e-mail was sent out in relation to the election timing.
 - a. Michael mentioned that the e-mail was sent out at 2:05pm on the day of the election.
 - b. Michael also proceeded to read the e-mail that was sent out.
- iii. Parker King/Accused
 1. Parker read through all of the rules and thinks of the list as a simple list of e-mails, not a listserv.

2. Alex asked how Jordan was involved with the ticket.
 - a. Parker responded that Jordan was a friend and supporter of his.
3. Leslie asked if he asked Jordan to send the e-mail.
 - a. Parker responded that he did not; Jordan sent out the e-mail to support him.
4. Erinn asked if any other e-mails were sent out from other members of his team.
 - a. Parker said there were no other messages sent out since Jordan decided to send out the e-mail on his own.
5. Alex asked if Parker distributed campaign rules to his team.
 - a. Parker mentioned that he was clear in making sure everyone on his team knew that listservs could not be used and the link to the ballot site could not be sent out.
6. John asked about Jordan's involvement in the dorm and whether he sent out a lot of e-mails in general.
 - a. Parker responded that Jordan had no position in hall council and was not heavily involved in the dorm.
7. Kristoff asked if Jordan was affiliated with Hall Council.
 - a. Parker responded that to best of his knowledge, he is not.

iv. Debate

1. Alex mentioned that he got the e-mail since he is in Knott and mentioned that the person sending out the e-mail, Jordan, is not influential and widely known in the dorm necessarily.
 - a. He thinks there is a clear violation but thinks the 10% sanction is too steep.
2. Tom thinks that the reasoning in not being able to use a listserv is that it is a restricted resource only available to some; since the list was available to all, it does not constitute as a listserv.
3. Pat did not think that his position in the dorm was relevant and that looking at whether or not the list was actually a listserv is the only relevant point.
4. Ryan asked if there was any specific definition of a listserv.
 - a. Paige mentioned there is no set definition of this.
5. Matt thinks the debate partially comes down to the spirit and letter of the law and thinks that Parker and Jordan both thought and made strides to follow the rules, which is extremely important to keep in mind.
6. Tierney thought that the list was not restricted to a certain amount of people is important.
7. Erin thinks the list is not a listserv.
 - a. Michael Ryan did not agree and thought that the e-mails served as a listserv function.

- i. Mark mentioned that there is not a set way that e-mails, which are allowed by the Constitution, are defined.
 - b. Jess did not think of the list as a listserv but the fact that there were other grade levels included on the list leads her to think of it as a listserv type of resource.
 - i. Julie agreed and said the inclusion of all students seems to suggest that it was a listserv being used.
 - c. Tom reiterated that Jordan's access to this list was not restrictive because of any position and the list was available to all in Knott.
 - i. Ryan agreed and thought this did not make it as big of a constitutional issue.
 8. Alex asked what the actual intent of the listserv/e-mail clause in the Constitution was when it was passed.
 - a. Brian Coughlin mentioned that one of the things brought up in the debate is to not allow University resources to be used, in that these resources would be only available to some.
 - b. The other aspect of this issue is spam-type unwanted e-mail, which if listservs were allowed would lead to an obnoxious amount of e-mails.
 9. Luke thought that listservs are a special privilege and this list did not seem to be a special one.
 10. Mark mentioned that this situation might present an opportunity to look at striking e-mails in general.
 11. Ellen mentioned that the access to listservs is varied across dorms, per the discussion at the previous Senate; in this case, it does not seem to be a listserv.
 12. Erin suggested that Parker should not be punished because there is gray area of the Constitution; Ryan and Erin agreed.
 13. John moved to end debate and proceed to voting on the question of whether to accept the Election Committee's sanction or not; Alex seconded.
 - a. By a hand vote of 20-1-2, the Election Committee's sanction of 10% of Knott Hall's junior votes was rejected.
- v. Recommendations
1. Tom thought the Senate should first figure out whether or not a sanction should be given.
 2. Erin mentioned that looking at the past primary does not really have much impact or relevance for this run-off election since it is a different election.
 3. Ellen thought that the effect of the punishment was much more severe than the effect of the e-mail.

4. An informal vote of whether a sanction should be given or not was taken; by a hand vote, 12 senators thought there should be no sanction, 8 senators thought there should still be a sanction, and 3 senators abstained.
5. An informal vote of whether the sanction should affect the final vote tallies of the election was taken; by a hand vote, 16 senators thought they should not be touched, 5 senators thought they should be touched, and 2 senators abstained.

V. New Business

- a. There was no new business.

VI. Announcements

- a. There were no announcements.

VII. Adjournment

- a. Catherine entertained a motion to adjourn. Alex moved to adjourn. Kaitlin seconded. *The March 3, 2011 Senate meeting adjourned at 10:46 p.m.*

Respectfully submitted,

Kevin Kimberly
Student Body Secretary

