ASUPS Formal Senate  
Murray BoardRoom  
Thursday, September 3rd, 2015

- Call to order
  - Excused: Senator Queirolo, Faculty Representative Morris
- Approval of Minutes:
  - Tabled because last minutes were not received during the summer
- Open Forum
  - motion to suspend normal order
  - Honor Court Chair Tim Pogar read a letter from the honor court about the special elections. (attached at the end)
  - It was determined that Gwen Bartholomay and Kyle Chong were the ones who should have been seated, and now the question remains about what to do with three Senator-at-Larges?? Because Senator Evans was already sworn in.
  - Discussion followed
  - VP Hartnig asks what the next steps are in regards to this verdict. Tim Pogar says that it is in the hands of honor court. VP would like it stated in the minutes that by ASUPS Senate doing anything about this decision is not being apathetic but waiting for Honor Courts decision by Sept. 17
  - Senator Evans said that she felt uncomfortable with not being sure whether she was able to vote and volunteered to abstain from all votes.
  - Tim Pogar says that we are still allowed to remain in session and proceed with business until told otherwise.

- Executive Reports
- President Report
  - Sent a summer recap email about what ASUPS accomplished over the summer, Will have posted office hours by next week, planning “TownHall Tuesdays” for September 22nd in the Piano Lounge. Logjam is Friday!
  - Working on the presidential search committee, and student appointments
- Vice-President Report
  - Last semester Senate broke the financial code by allotting too much money to clubs during the budget season, and it couldn’t be approved by
the office of finance. VP Hartnig decided to transfer money from the Senate budget to give to clubs. Capital allotments from last semester were already taken out of the capital budget for this academic year as of July 1st
- Finance account is at $17,599, Capital is $94,631
- Club orientation and LogJam this week. ASUPS is still up and functioning, even if the Senate is a little murky right now there are a lot of cool functions going on in ASUPS right now. Thanks to everyone for putting up with the transition into this academic year!
- EVENTI is launching tomorrow – September 4. It’s an app that can be downloaded iOS or Android phones and see different campus events

• Faculty Representative Report
  - No report

• Dean of Representative Report
  - Opening of school year went well. Res. Life orientation graded self at around a B. SHOUTOUT to ALL Orientation student leaders and coordinators specifically, Lindsey Long, Ian Latimer, Carson Lyness, and Gracie Webber. Added joint training for CICE and Info Center staff. Great to combine Res Life and Orientation to welcome students to campus
  - New sexual assault advocacy cards in all bathrooms around campus. Sexual assault reporting cards will be distributed to faculty, staff later on.

• Senate Reports

• Chair Report
  - Writing a document about how to operate as a Senate Chair
  - Robert’s rules are going to be practiced more

• Club Liaison Director Report
  - No report

• Club Sports Liaison Director Report
  - No report

• Committee Reports
  - No reports

• Unfinished Business

• New Business
  - **16-001: Confirmation of Honor Court and Honor Court Alternatives**
    The ASUPS Senate hereby confirms the students appointed by President Jones as Honor Court: Aubrey Lawrence, Sheri-Ann Nishiyama, Greg Shipman and Tim Pogar, and Honor Court Alternates: Irema Halilovic, Neha Ketkar, Jared Honda
    • Vote was approved by 9
    • 1 abstain
    • Honor Court Chair Tim Pogar swore in the six other members present
    • Normal order was resumed after Tim swore in the representatives
  - **16-002: Selection of a Process to Fill Current Senate Vacancies**
The ASUPS Senate hereby chooses one of the following methods to fill the On-Campus Housing Senator and the Off-Campus Housing Senator positions:

1. Presidential Appointment
2. Selection by Committee
   - Vote was approved by 9
3. Special Election

- Announcements
  - LogJam tomorrow!
- Adjournment

Supporting Documents:

**Honor Court Decision re: Senators and Validity of the Special Election**

To whom it may concern:

A question was brought before Honor Court regarding which senators are the validly elected and seated individuals for the Senator-at-large positions for Spring 2015 elections. The primary question that Honor Court was tasked with was: Who is supposed to be seated in these positions?

After consulting with the Constitution and Bylaws, it was determined that this question is under the jurisdiction of Honor Court per the provisions of Article V, Section III, iii. This is an interpretation of the actions of ASUPS Senate, ASUPS Senate Election Committee, ASUPS Honor Court during the course of the 2015 Spring Elections and Special Election.

It was determined that the original winners of the Spring 2015 election should have been seated and are the proper Senators-at-large. This overturns the Spring 2015 Honor Court’s opinion of no opinion on the matter of whether Kyle Chong’s disqualification of election was valid. His disqualification was invalid and thus he should be seated. In addition, Gwen Bartholomay should be seated as well. This also necessarily invalidates the special election as it was unconstitutional to hold it.

**Rationale:**

Due to an overall failure of due process across nearly all aspects of ASUPS, did this problem arise. From the start of this issue, Elections Committee overstepped its bounds because it can only impose sanctions on publicity which we uphold the previous Honor Court’s decision that was stated in the April 7th letter regarding sanction. The previous Honor Court did not go far enough and fully execute their role as the final interpreters of actions of ASUPS bodies.

One, Senate did not have the power to hold a special election given that Honor Court was not consulted. Two, Elections Committee did not have the power to disqualify an individual from the ballot nor striking them from the ability to have most votes. Three, Honor Court should have fully convened to discuss the issue of invalidation as per ASUPS Bylaws Article IV, Section 4.E.12:

“After an election, the ASUPS Honor Court is empowered, and is the only body empowered, to invalidate a candidate’s election after receiving a complaint or after being requested to do so by the Elections Committee and after due process. These invalidation proceedings must be commenced within three weeks after the election in question.”
As it was Honor Court’s jurisdiction to determine such things, Honor Court should have made a decision and reconvened the Court. It is thus understandable that Senate chose to proceed with a special election but it was not constitutional. A special election can only be held if there are vacancies or other misconduct with an election and Honor Court must be consulted prior to the start of a special election. The 2014-2015 Honor Court failed to provide approval or consent for the most recent special election, thus they failed to uphold their duty and now we revisited it as a review of our own actions but also in response to a request to determine who was seated.

Although we have made a determination on who should be seated, we still are going to have to convene regarding the issue of how to remove individuals from office. Then the original winners can be instated as the proper Senators.

In order to establish some means of due process, Honor Court will accept complaints regarding this decision letter up to September 17th. At Honor Court’s second convening we will discuss any complaints and further questions regarding this issue, sent in writing or email to tpogar@gmail.com or to CMB #2060.

On behalf of the Honor Court,

Tim Pogar
Honor Court Chair 2015-2016