



Senate Minutes

February 12, 2018

Opening

Speaker Peterson: Call to Order

Director Sarich: Prayer

Pledge of Allegiance

Roll Call and Establish Quorum

Speaker Peterson: Approval of Minutes **MOTION TO APPROVE MINUTES AS AMENDED (SENATOR PYROS)**

Communications

1. Guest Speakers: *Dr. Frederking, Sarah Meiser, Fr. John Donato*
2. Dr. Frederking, Title IX Coordinator
 - a. Title IX at UP has three arenas:
 - i. Prevention Education
 1. Dr. Frederking meets with all faculty members and residence halls
 - a. Shared responsibilities, mandatory reporters to Dr. Frederking
 2. Tiger Simpson
 - ii. Investigation
 - iii. Adjudication
 1. Sarah Meiser's arena
 - b. Title IX Coordinator ensures:
 - i. Title IX process is fair
 - ii. Title IX process is complaint
 - iii. Title IX pursues its goal of equal access to education
 1. Gender equity
 2. Post 2011, includes harassment, sexual assault, gender discrimination
 - c. Coordinator gets involved after an incident is alleged
 - i. Responds to an alleged report within 24 hours via email
 1. May include reporting party
 - ii. Student can choose to meet or not meet with Title IX coordinator
 - iii. If no responding party and few
 - iv. Beginning middle and end is the dignity and autonomy of a student
 - v. If a student chooses to meet following Dr. Frederking's initial email, a male and a female team meet the student
 1. Coordinators describe Title IX overview
 - a. No surprises over shared information

- xviii. Following the questioning, both parties are given the opportunity to present relevant information not included in questions.
 - d. Post-Hearing
 - xix. Hearing panel deliberates over facts gathered
 - xx. Hearing panel decides if the responding party was “responsible” or “not responsible” by a preponderance of the evidence
 - xxi. If responding party is found responsible, sanctions are also decided by the hearing panel
 - xxii. Sarah Meiser then issues a verdict to both parties
 - e. Case Review
 - xxiii. Both parties have the right to a case review.
 - xxiv. Two reasons for review:
 - 1. New evidence becomes available
 - 2. Procedural error
 - xxv. Case review is due in three business days following decision
 - xxvi. If submitted, the case review heads to Fr. John Donato
- 4. Are the reporting and responding parties ever given an opportunity to review one another’s statements prior to the hearing? (Senator Pyros)
 - f. Parties are not given physical hard copies, but they can review the case report as many times as they desire prior to the hearing (Meiser)
- 5. Are parties given screenshots provided by another witness or party prior to the hearing? (Senator Greisen)
 - g. Both parties have a right to review their entire case file prior to a hearing (Meiser)
- 6. Once a hearing is initiated, does it always end with a trial? (Senator Pyros)
 - h. Once a formal student conduct hearing has begun, it usually concludes formally (Meiser)
 - i. There is no trial process (Meiser)
- 7. In Life on the Bluff, it says that if a witness does not attend the hearing, neither party can question them as to the truthfulness, bias, motive, or prejudice in making their statement. Let’s say that a reporting party does not show up, does that mean that an accused party can’t question them on anything? (Senator Greisen)
 - j. No one has to participate in any of our hearings. We can still hold someone accountable, regardless of their participation in a hearing. At no point in our student conduct process is there a direct cross-examination by a party to another party. All that questioning happens through public safety investigators. A party can communicate a desire to ask a question through a third party. (Meiser)
- 8. Does public safety have the final decision in asking those questions? (Senator Greisen)

- k. Public Safety is looking to answer fundamental questions and not re-traumatizing anyone of their experiences. (Fr. John)
 - l. Public Safety officers can take initial statements, clarify who was or wasn't there, interview witnesses, and re-interview parties. (Fr. John)
9. It says that a hearing panel will make a decision based off the preponderance of the evidence. What are your thoughts on moving to a clear and concise burden, especially for cases that deal with harsher punishments, as they are harsher violations of Title IX policies? (Senator Greisen)
- m. The Department of Education has been clear for University campuses to pause until the DOE has completed their rule-making procedure (Dr. Frederking)
 - n. UP is compliant with the measures set by DOE (Dr. Frederking)
 - o. We will wait before making any changes to be compliant with DOE
 - p. Preponderance of the Evidence burden is used in all student conduct hearings (Meiser)
10. Why is three days the standard for case review (Senator Greisen)
- q. Three days is the standard used in all student conduct hearings (Meiser)
 - r. If you let someone hang around for two weeks, you are exposing the community to potential harm (Fr. John)
 - s. We are trying to do the best for the reporting parties, responding parties, and larger community (Fr. John)
11. It's my understanding that a student can submit a question to be asked during a hearing. Is that correct? (Senator Pyros)
- t. No. Parties can submit questions to public safety ahead of time (Meiser)
12. During the hearing process, because there is no way to know what might exactly be said, is there a way for a reporting or responding parties to ask an official to ask certain questions? (Senator Pyros)
- u. A student has an opportunity at the end of the hearing to add any relevant information that may not have arisen through the hearing or investigation at the end of the hearing (Meiser)
13. Say a reporting party submits a report with law enforcement and through Title IX. Will a conclusion by law enforcement effect a Title IX hearing (Senator Pyros)
- v. No, they are separate processes. (Meiser)
 - w. In most situations, our on campus adjudication process is much faster than a court process. (Meiser)
14. In Life on the Bluff, it says that both a reporting and responding parties may identify witnesses who have relevant information. What is the definition of "relevant information"? (Senator Greisen)
- x. We have not defined "relevant" in Life on the Bluff, but we trust our Title IX investigators. (Meiser)

- y. We ask what makes sense from a reasonable perspective. (Fr. John)
 - z. Usually, Title IX cases revolve around consent (Fr. John).
15. In Life on the Bluff, it says that the severity of sanction is not a legitimate ground for case review. Do you have any thoughts on that? (Senator Greisen)
- aa. No, the severity of sanction is not grounds for case review. . (Meiser)
16. In Life on the Bluff, it says that if a case is reviewed, the reviewer has three decisions to make. Who is the current case review and what are their qualifications? (Senator Greisen)
- bb. Fr. John or his designee (Meiser)
17. There have been rumblings of dissatisfaction about Title IX on this campus. I'm wondering if there are in measures at this point to discuss student satisfaction about the involved process of Title IX (Senator Starkey)
- cc. Fr. Poorman initiated the review to find out (Dr. Frederking)
 - dd. The Title IX Report sums up specific perspectives (Fr. John)
18. If Public Safety finds something not under Community Guidelines when conducting a Title IX investigation, like hard liquor, is it correct to say that Public Safety does not bring that into the Title IX report? (Senator Lemus)
- ee. We have an amnesty policy in Life on the Bluff that lessens lesser charges in situations involving interpersonal violence (Meiser)
19. How do you handle a student from another school threatening a UP student? (Senator Dekker)
- ff. We can put in place a no trespassing order (Dr. Frederking)
20. How does the new Title IX Coordinator fit into this process? (Senator Pyros)
- gg. A new position is being created as someone who reports to the Title IX Coordinator. The position will be full-time, and the details are still TBD. (Dr. Frederking)
21. In the event that the Department of Education starts rolling back Title IX policies, is it possible that UP will have a policy that is stricter than the DOE? (Senator Pyros)
- hh. We will always have to be compliant with federal standards, because UP receives federal funding. The current UP policies are above and beyond current federal standards. (Dr. Frederking)
22. What are your opinions on the timed guidelines? How can we best protect victims in this wait period? (Director Nelson)
- ii. We immediately put into place intricate no contact orders (Dr. Frederking)
 - jj. In terms of feeling safe, we make ourselves and public safety accessible (Dr. Frederking)
 - kk. Once a no contact order is put into place, a violation of that order would be categorized as a separate student conduct violation (Dr. Frederking)

23. What happens if new evidence is introduced outside the three-day case review? (Senator Taylor)
- ll. We want to do the right thing. We want to look what's there. Once my decision is done, then it's done. (Fr. John)
24. What's the reasoning behind not giving a physical copy of the other parties' statements to the opposing party? (Senator Greisen)
- mm. The case file contains student information (Meiser)
 - nn. You only have the right to access your own student records (Meiser)
 - oo. The case file would have to be thoroughly redacted of student information if the file was given to a student (Fr. John)
25. Is equal access to education the main goal of Title IX? If so, why might a student choose the Title IX route to pursue justice? (Director Sarich)
- pp. All the care that is taken, like the no contact orders, is in order for a student to continue on their student path. (Fr. John).

New Business

- 1) Jacqueline Mills (Freshman), Terrence (Junior), Annie (Senior), Jacque Nelson (Senior), Harrison Pyros (Sophomore), Mario Sarich (Sophomore)
- a) Why do you want to join FMB? (VP Akers)
- i) As you're well aware, I'm involved in student government right now. I have no campaign of my own to run. I always enjoy a fair trial and a dramatic race; I want to ensure that this dramatic race is run fair (Senator Pyros)
 - ii) I think it would be a good way to get involved with UP, since I'm a freshman. I'm also interested in the election process in general. (Mills)
 - iii) I was on the elections committee last year and had a really good time doing that. I thought I'd come back and help Victoria one more time (Terrence)
 - iv) I was originally apart of ASUP, and I wanted to bring that knowledge and perspective and understanding
 - v) Those of you may know that CPB is collaborating with ASUP this year to create a more elaborate speech night, for I too have a flair for the dramatics. I will be on this committee to help coordination between CPB and ASUP. Victoria, who also works for CPB, will be leading this campaign and help lead Speech Night as well (Director Nelson).
 - vi) ASUP has built a lot of momentum these last two years. With a lot of us moving on, graduating, or returning to our little clubs in the bottom of Franz, as I will be doing next year, tomorrow's future of ASUP starts with this ballot. I think it is the duty of my position to get a full ballot, to help ensure that it's a competitive ballot, and to get people to turn out to the new campus tradition of speech night, and to the polls on election night. (Director Sarich)
- b) Mario, Jacque, Harrison. You are all friends with a lot of people in ASUP, presumably running for new positions next year. What are you going to do to create an unbiased election? (Senator Greisen)
- i) I think it's quite easy to put aside my biases to make sure that procedure and policy is run fairly and efficiently. I will not promote a singular campaigner, because I, simply, cannot (Senator Pyros)

- ii) I think last year we ran into a couple issues last year where we ran into vague policy and have since taken care of that policy. I trust for that policy to guide the decisions that this committee makes. At any point, if I become uncomfortable, I have no problems excusing myself. If that does occur, you will be the first to know. (Director Nelson)
- iii) I think this question reflects back on the future of ASUP, next year, and the years after that. Unfortunately for any friendship I have on ASUP, I hold the integrity of ASUP more dear to my heart than our friendship. (Director Sarich)
- c) What qualifications or strengths do you bring to this team? (VP Akers)
 - i) I think the greatest resource I have is Jeromy Koffler's access to current students in positions of campus leadership. I already reached out current students in those leadership positions to encourage them to put their foot in the ASUP ballot water and run for the Spring Ballot. I will continue reach out to campus leaders until we have a full ballot, and then again even after we have the completed ballot. (Director Sarich)
 - ii) My main purpose of joining this committee was really to handle the event logistics moving forward, so Victoria does not have to bear the weight of all the communication channels (Director Nelson)
 - iii) Last year with elections committee, I was a part of the process of making the election guidelines more clear
 - iv) When of my regular hobbies is receipt gathering; I am very detailed orientated (Terrance)
 - v) I will be completely unbiased, as I have no preconceived biases (Mills)
 - vi) I have experience working on the fall elections. I thought that was fun and I enjoy committing my time to something much bigger than myself (Senator Pyros)
- d) Elections involve both the people on the ballot and the people voting
 - i) I found that being in people's faces works best. In the fall, I walked around the Commons with an iPad and told people that you need to vote, right now. I am confident that we can reach out (Senator Pyros)
 - ii) We need to use word of mouth to tell students that their vote matters (Mills)
 - iii) 24 hour tabling, people expect to see you in the library, in the commons, but if I'm in your dorm and I see you have a computer, I'm going to tell you to log on and vote from the comfort of their dorms (Terrence)
 - iv) Letting people know that they can.
 - v) We, as CPB and ASUP, are coming together after experiencing political apathy on a national level.
 - vi) It's the candidates themselves that are the best reason to go to the polls, and that's the reason that Sage and Megan broke that election record this past fall. Another great motivator to go to the polls is a competitive ballot; tat's the number one priority that I have. (Director Sarich)
- e) How do you respond to the concern about having two E-Board members on the elections committee? Would that sway the balance of powers enumerated in the ASUP Constitution? (Speaker Peterson)
 - i) I cannot stress enough how much I want my role on this committee to be strictly Speech Night. I am still the CPB Director, and it is still my job that this

happens well. If any conversation needs to take place without me being present if that makes the committee more comfortable, I encourage it. I embrace it. (Director Nelson)

- ii) It will be my role to aid Jacque in preparing for her event and promoting the elections from inside ASUP. Certainly, if a situation arose where a current ASUP member was involved in some controversy, I wouldn't be afraid to be kicked out of the room and locked in my dorm, away from the action, because as Jacque said, we do have some bias. (Director Sarich)

Reports

- 1) President Rivera:
 - i) University for Portland still underway
 - ii) Headed off to California on Wednesday
- 2) VP Akers: *Services Report*
 - i) Espresso UP: featuring HerCampus, Senator Dhykizen, Global Engineering Initiative
 - ii) Success switching
 - (1) 250 people served last week
 - iii) Composing Program:
 - (1) No recruit trained this week
 - (2) Tuesday, Thursday, Saturday schedule
 - (3) 1,900 lbs of compost collected since last year
 - iv) ADvantage
 - (1) New logo discussions
 - (a) New styles
 - b) ASUP Films
 - i) Coco
 - (1) Thursday at 8:35
 - (2) Sunday 8PM
 - (a) featuring churros and tequitos
 - c) Pilots Express
 - i) Signups begin February 19 for Spring Break
 - d) Elections Applications
 - i) Live now
- 3) Director Baade, *Financial Report*
 - a) "Hi everyone, unfortunately I am not in senate due to a school conflict, but there is still some important business to attend to. This pasts weeks spending has totaled approximately 4000 dollars, with items including club memberships for Golf Club, Women's Lacrosse and Women's Ultimate. This week also included more supplies purchases for the Robotics club's progress on their mars robot and ingredients for the Vietnamese Student Associations' spring roll night. Over 25 clubs have begun utilizing their ASUP funding which is extremely exciting. The Social Work Club has revitalized under the New Club fund as well, and I look to welcome at least 4 new clubs into the Fall 2018 budgeting process as a result of their approval by Jeromy and CRAC."
- 4) Director Sarich, *Communications Report*

- a) I applaud you all for coming together in the times of some Beacon controversy. I was impressed with integrity
- b) Communications committee is drafting budgeting questions and answers to clear up some budgeting misconceptions
- c) ASUP Awards Nomination survey is in your inbox
 - i) Fill it out
- 5) Director Nelson, *CPB Report*
 - a) Dance of the Decades went really well (Senator Dekker)
 - b) Transportation was amazing, bathrooms were a mess (Senator Rausch)
 - c) Some people were shocked that there were metal detectors at the Crystal Ballroom (Senator Pyros)
 - d) Tickets were being scalped at prices over \$200
 - i) The Crystal Ballroom will be undergoing renovation this year
 - (1) Occupancy will be decreasing by over 400
 - ii) A replacement Dance of the Decades venue is in the works
- 6) Senate Standing Committees:
 - a) Student Affairs (Senator Nath)
 - i) Harrison rewrote Title IX policy this week
 - ii) Megan is using Senate Survey feedback regarding Green Fee
 - iii) Wyatt is continuing Engage training
 - (1) Wyatt corresponded with Joe to set up our tabling time last Wednesday at Espresso UP
 - (2) We tabled with laptops to gain newsletter subscribers
 - iv) Survey responses
 - (1) 162 responses last week
 - (2) 400 responses received now
 - v) Meeting with Yuri this week regarding Diversity and Inclusion Town Hall
 - b) Infrastructure (Senator Rausch)
 - i) Discussions of pool passes last week
 - ii) Meeting with Gerry Gregg this Wednesdays
 - c) Communications (Senator Adams)
 - i) 185 new newsletter subscribers in one week
 - ii) Next newsletter will be sent out tomorrow
 - (1) Draft is set, forward me information for future newsletters or formatting suggestions
 - d) Academic Affairs (Senator Dekker)
 - i) Committee is meeting with Dr. Green tomorrow
 - ii) Carrie is meeting with library on Wednesday
 - iii) Relay for Life (Senator Van Winckel)
 - (1) April 14 from noon to 8:00 in quad
 - (2) Spread the word, begin fundraising
 - (3) Website for event is nearly finished

Constituency Reports

- 1) New Beacon article has been released regarding a petition addressing the qualms of Bon App (Senator Pyros)

- 2) We need more parking spots (Senator Dekker)
- 3) Villa is still needing additional washers and dryers (Senator Greisen)
- 4) Senator Papoutsakis and I met with the Dean of Engineering about a possible buddy system, paring up a freshman with an upperclassmen (Senator Greisen)
- 5) Parking spots which say reserved are empty most of the day (Senator Adams)
- 6) Response to article is necessary, a lot of confusion regarding our role on campus. (Senator Starkey)
- 7) A constituent expressed that they would have liked to know about the pay raise before it happened (Senator Perez)

New Business

- 1) Pool Passes (Senator Papoutsakis)
 - a) 62 used in January
 - b) 47 used in February thus far
 - i) We need additional funding to fund these pool passes
 - ii) February may cost us \$635 for pool passes
 - c) Long term goals
 - i) Lower rate negotiation with Columbia Pool
 - ii) On campus partnerships
 - (1) Discussions with Beauchamp
 - d) Short term goals
 - i) Reallocate \$600 from opportunity grant to Senate Discretionary
 - (1) No opportunity grant submitted yet (Speaker Peterson)
 - (a) This may not apply as an opportunity (Speaker Peterson)
 - (i) The opportunity grant was written as intended to give opportunities that arise (Director Nelson)
 1. Not an opportunity to correct a budgeting mistake
 - e) I hesitate to reallocate the \$600 in full at this moment, as it is premature (Senator Pyros)
 - f) When is the invoice due? (Senator Starkey)
 - i) At the end of the month (Senator Papoutsakis)
 - g) Do you have enough time to figure out the finances if we tabled this until next week? (Senator Pyros)

MOTION TO TABLE POOL PASS FUNDING PASSES (SENATOR LACY)

- 2) New FMB applicant: Approval of Samantha Del Rosario
 - a) "I would like to join the Financial Management Board to contribute to ASUP and the greater University of Portland community through a financial lens. I want to have the ability to exercise my knowledge while still learning more about the financial field. This is a great opportunity to pursue a leadership position and to have a voice in critical fiscal policy decisions, and I would love to be a part of this team."
 - b) From Director Baade: "Samantha is incredibly well qualified, and was unable to join last semester because we had more students choose to remain on FMB than I imagined. She has held multiple internships in Accounting and Finance, experienced in Business management as well as fiscal decision-making."

Participated as an Ohana Program Leader from 2015-2017. Major in Finance, Minor in Communication. Minor in Communication key to being able to express oneself on FMB as well as communicate clearly to clubs”

MOTION TO APPROVE SAMANTHA DEL ROSARIO AS FMB MEMBER PASSES (SENATOR STARKEY)

3) Reallocation Requests:

a) UPOMA (Operations Management Association)

- i) From Club Treasurer Erin Lawyer: We have around \$800 allocated to cover a team travelling for the APICS competition to southern California but it turns out the Business school will be covering all of their expenses. Because of this we would like to spend the money on an alumni event we have done in the past. The event is called Helping Hands, students and alumni get together and build prosthetic hands for landmine victims. Each hand costs around \$150, and it takes about 3 individuals to build each hand. The money would be used to buy the prosthetic hand kits, and would help alumni and students network throughout the activity.
- ii) From Director Baade: UPOMA has a good spending history, I believe this alternative reallocation will be an effective use of funds if it is so granted. Their budget total is 1225, so $800/1225 = 65\%$ reallocation which requires senate approval

MOTION TO APPROVE REALLOCATION PASSES (SENATOR PYROS)

b) Ski & Snowboard Club

- i) Would like to move 1500 from Mt Hood Trips to Mt Bachelor Trips
- ii) From Club president Austin Gray: Snow is melting, afraid they will not be able to use all money allocated to Hood at Hood, and they want to take a trip of 10 people to Mt Bachelor for a 3-day ski trip.

MOTION TO APPROVE REALLOCATION PASSES (SENATOR PYROS)

Open Forum

- 1) Successful first tabling at Espresso UP (Senator Dhykizen)
 - a. Tabling will Continue this week and most weeks this semester
 - b. Focused on outreach
 - c. Free up your Wednesday Nights
 - i. ASUP kissing booth coming this Wednesday
- 2) Another meeting with Dr. Frederking coming on the February 20 (Senator Pyros)
- 3) I want 1,000 survey responses (Senator Starkey)
 - a. Strong push this Wednesday at Espresso UP
 - b. Ask UP event next Tuesday at noon
 - c. Survey ends next Thursday
- 4) Gay Straight Partnership Event (Senator Nath)
 - a. Event tomorrow in Mehling ballroom at 7PM

Adjournment