SGA Meeting  
April 12, 2015

I. Attendance

    All members present.

II. Acceptance of Minutes

    Senator Berlowitz: Motion to accept the minutes.  
    Senator de Toledo: Seconded.  
    All aye.  
    Minutes accepted.

III. Announcements

President Custer: For my first announcement, I will yield to Senator Gerstenschlager.

Senator Gerstenschlager: I will yield my time to Director of Membership Warren.

Director Warren: No, Senator Gerstenschlager, we’ll yield to each other.

President Custer: That’s it, that’s all the announcements.

    Senator de Toledo: Motion to adjourn right now on account of the weather and in honor  
    of Speaker Brady’s birthday.  
    Not seconded.  

    Senator Fisher: Motion to sing “Happy Birthday” to Speaker Brady.  
    Senator Toy: Seconded.  
    All aye.  
    Motion passes.

    HAPPY BIRTHDAY SPEAKER BRADY!

Senator Jahan: We should start an a cappella group.

IV. Committee Reports

a) Community Council Update (Co-Chair Bogin)

Co-Chair Bogin: We talked about what I said we would talk about which was surveillance cameras and Anna’s proposal about alternative sanctions. The proposal was for some sort of work program at Middlebury instead of fines. Those are both things that we needed more information on and we will be talking about it tomorrow or next week.

b) Finance Committee Bi-Weekly Report (Treasurer Gratch)
President Custer: Treasurer Gratch sent this to me and I failed to send it out to you, sorry.

Treasurer Gratch: This is from the last few weeks and it includes before break. The most notable is Middle-Endian, a new computer science club. They have a budget now which is exciting. Everything else is pretty standard. Like I mentioned last week, Crew had an extenuating circumstance so we funded them $14,000. We had originally declined to fund a request from them for new crew shells and we encouraged them to fundraise. They put down a $14,000 deposit for crew shells and the donor who was going to provide the rest decided to back out at the last minute. They would have lost their $14,000 if we didn’t fund them the rest. We had enough money to do it and it was a unanimous decision. We are done accepting New Money Requests and we started Spring Budgeting yesterday. Spread the word that if people haven’t signed up yet, they should sign up now.

Senator Jahan: You mentioned it last time, but is there talk about us not paying for Crew anymore?

Treasurer Gratch: The meeting to talk about that has been scheduled for three separate dates and all three have been cancelled. We are trying to get traction but it’s hard. This won’t be happening again before we have a conversation with Derek Doucet, JJ Boggs, and Katy Smith-Abbott.

Senator Berlowitz: How do we spread the word about budgeting?

Treasurer Gratch: They have already been told what they have to do. If you’re talking to your friends and you know one of them is a leader of a student org, ask them if they’ve signed up for a budget meeting yet. They’ve gotten all the information on how to do it in their emails already, we just need to push people to sign up.

Senator Toy: Can we get this sent to us?

President Custer: Yes, this will be sent to you.

Senator Toy: So about the Aviation Club, I know they don’t fly, so what do they do?

Treasurer Gratch: They don’t fly but they train people so that they can get licensed. Their budget was a one-time cost to get endless access to an online portal with the materials they need to learn how to fly.

V. Old Business

a) Bylaws Amendment: Accessible Elections Act (S2015-SB12) (Director of Membership Warren and President Custer)

Director Warren: Thank you. Before I jump in again, I just want to comment on the fact that this is the first meeting that every Senator is present since the beginning of this year. I don’t know if that’s important or not. Ok, so a couple changes from last week. Senator Edwards approached me about having public voting stations. Elections Council is currently discussing that and it’s something we are definitely considering. We want to include in the bylaws that it’s allowed. The
option should be there for Elections Council to write Guidelines on how public voting stations would work modeled after the Finance Committee guidelines. I would like to Friendly Amend my own bill to insert “and referendums” after elections in “The Elections Council may adopt and publish guidelines for conducting elections.”

Senator de Toledo: I would like to propose a Friendly Amendment to make it part of the bylaws that the Elections Council should have public voting stations. We need to increase voter turnout and to do that we need to make it as easy as possible to vote.

Director Warren: I disagree that it should be mandatory. It is very easy for people to vote already. It’s online and doesn’t really get easier than that. There are good reasons to have something like this which is why I’m putting it in here. In the bylaws, it says that you cannot provide a device to another student for them to vote on. This inserts a loophole which allows the Elections Council to do that. It shouldn’t be mandatory, it should be at the discretion of the Elections Council. It’s already really easy to vote and I don’t think that shoving it down people’s throats, so to speak, will make for more informed voters. You will just have more apathetic voters.

President Custer: In deference to Director of Membership Warren, I will reject that.

President Custer does not accept Senator de Toledo’s Friendly Amendment.

Senator de Toledo: We don’t have great turn out. This is a perfectly legitimate thing that we do in real elections for the President of the United States and Congress. Getting out to vote is really important. Although it is really easy to vote and you can do it on your phone, people just keep saying, “Oh yeah, I’ll vote,” and don’t end up doing it. If you have a station, the option to go and do it seems like a no brainer.

Senator de Toledo: I would like to make a Formal Amendment to say that the Elections Council will have public voting stations.

Senator Allis: Seconded.

Co-Chair Bogin: What would be the language for that change?

Chief of Staff Zhang: It would change the word “may” to “shall” in “the Elections Council may offer public voting stations.”

Senator Berlowitz: We’re just voting on the amendment and not on the whole bill right?

Speaker Brady: Correct.

Vote on Senator de Toledo’s Formal Amendment.


Nays: Senator Berlowitz, Senator Toy, Senator Vaughan, Senator Hussein, Co-Chair Bogin, Speaker Brady
Abstentions: Senator Sohn, Senator Brook
9-6-2
Senator de Toledo’s Formal Amendment passes.

Senator Berlowitz: Going back to the petitions, I know we discussed this a lot last week but since there are 5 classes if you include Febs and there are 5 commons and someone running for Commons Senator needs to get 25 signatures, it would be reasonable for someone who is representing the entire student body to have to get 5 times that many. I think it should be 125 instead of 100.

Speaker Brady: I think that is a valid point. I can’t remember which Senator spoke to it last week, but if we want it to be accessible to run, 100 is a suitable number and I’m not in favor of raising it higher.

Senator de Toledo: I think for President, they currently need 200 signatures, right?

President Custer: Yes.

Senator de Toledo: I think we should make the other elections accessible, but I think if a President can run with only 1/24th of the student body’s signatures, that creates more voter apathy. The SGA President is in a unique position. I don’t know about SCOCC, so maybe Ben could weigh in on that. I’ll make a Friendly Amendment to strike the line that changes the President’s requirement from 200 to 100.

Director Warren does not accept Senator de Toledo’s Friendly Amendment.

Director Warren: I like the numbers how they are now. This was what most people found acceptable.

Senator de Toledo: Formal Amendment to strike the line that changes the President’s requirement from 200 to 100.
Senator Berlowitz: Seconded.
Ayes: President Custer, Senator Jahan, Senator Gogineni, Senator Berlowitz, Senator Sohn, Senator Brook, Senator Edwards, Senator de Toledo
Nays: Senator Gerstenschlager, Senator Toy, Senator Medina, Senator Allis, Senator Fisher, Co-Chair Bogin, Speaker Brady
Abstentions: Senator Vaughan, Senator Hussein
8-7-2
Senator de Toledo’s Formal Amendment passes.

Senator Gogineni: I think that the different parts of the bill target different agendas. Accessibility to running is different than accessibility to voting. I don’t think that fewer signatures means laziness. Would you be open to splitting the bill?

Director Warren: I’m fine with that.

Senator Gogineni: Motion to split the bill so that part B is separate from the rest.
Senator Gerstenschlager: Seconded.

Ayes: President Custer, Senator Jahan, Senator Gerstenschlager, Senator Gogineni, Senator Toy, Senator Medina, Senator Allis, Senator Sohn, Senator Brook, Senator Vaughan, Senator Hussein, Senator Edwards, Senator Fisher, Senator de Toledo, Co-Chair Bogin, Speaker Brady

Nays: None

Abstentions: Senator Berlowitz

16-0-1

Motion passes.

Senator Fisher. Wow, we are getting deep here. We settled the question I was going to speak on, but I will just say that it should be, within reason, as easy for anyone to run as possible. I don’t think that the people who are running for President become popular because they go out and get signatures. The position attracts charismatic people and maybe they become popular because they want to win. I want to keep the number as low as possible but we just voted on it, so that’s that.

Co-Chair Bogin: I would like to make a Friendly Amendment since President is back up to 200 to increase SCOCC to 200 as well.

Senator Jahan: Seconded. Oh, wait. Well, when it comes I will second it.

Director Warren: I think 200 is too high for the President as well but since y’all don’t like that, I will defer to my President.

President Custer accepts Co-Chair Bogin’s Friendly Amendment.

Senator Jahan: I still second that.

Senator Berlowitz: Why are you adding part E about the guidelines for conducting elections and referendums?

Director Warren: There is nothing written on how to conduct referendums except that we are to do that. There are detailed guidelines about elections like when the email is sent out. I’m not trying to make it so that there is less flexibility, but I want to open the door so that there is the option to have more specific rules to be laid out. This allows for that. This is like the best practices. We don’t have anything like that formalizing this.

Senator Berlowitz: Where would they go?

Director Warren: They would go in published Election Council guidelines like the Finance Committee has.

Senator Berlowitz: Thank you for clarifying.

Senator Hussein: Motion to vote on both sections of the bill, separately and sequentially. Senator Berlowitz: Seconded.
Speaker Brady: In what order do you want to vote?

Senator Hussein: I’m indifferent.

Speaker Brady: Director of Membership Warren?

Director Warren: Let’s vote on the big section first and then the smaller section

Vote on Senator Hussein’s motion to end discussion and vote on both parts of S2015-SB12, separately and sequentially, starting with the big section of S2015-SB12 and then the smaller section of S2015-SB12 (Section B).

All aye.

Motion passes.

Vote on the big section of S2015-SB12.

Ayes: President Custer, Senator Jahan, Senator Gerstenschlager, Senator Gogineni, Senator Berlowitz, Senator Toy, Senator Medina, Senator Allis, Senator Sohn, Senator Brook, Senator Vaughan, Senator Hussein, Senator Edwards, Senator Fisher, Senator de Toledo, Co-Chair Bogin, Speaker Brady

Nays: None

Abstentions: None

17-0-0

The big section of S2015-SB12 passes.

Vote on the small section of S2015-SB12.

Ayes: President Custer, Senator Jahan, Senator Berlowitz, Senator Allis, Senator Sohn, Senator Brook, Senator Vaughan, Senator Hussein, Senator Edwards, Senator Fisher, Senator de Toledo, Co-Chair Bogin, Speaker Brady

Nays: Senator Gerstenschlager, Senator Gogineni, Senator Medina,

Abstentions: Senator Toy

13-3-1

The small section of S2015-SB12 passes.

b) Bylaws Amendment: Finance Committee Reform Act (S2015-SB11) (President Custer)

President Custer: I hope you all got the email sent out earlier. I added a section that collapses the Finance Committee Chair and Treasurer into one roll. When I became Chair, it was broken up so that Pete, who was the Chair before, became the Treasurer and I became the Chair. When we made this change, we did it so we could see how it would go. This year, Treasurer Gratch and Chair Aborn kept up the same model. While it is a bit of work for one person, it’s not enough of a job for two people. There is not a clear delineation of who should do what. It makes sense to combine the two positions. I also added in new language that changes it so that Senators cannot also be Finance Committee Members which was Senator Berlowitz’s concern.

Senator Berlowitz: Could you scroll down to the new language?
President Custer: Before we start, can I add in that the Finance Committee Chair would be a voting member? It seemed a bit off that the Chair couldn’t vote so I wanted to discuss that with the Senate and get everyone’s thoughts.

Senator Gerstenschlager: How is the treasurer chosen now? Does it have to be a member of the Finance Committee? Will that change?

President Custer: That wouldn’t change. Under the old system, the President would choose a Treasurer with Finance Committee experience who would be willing to make the commitment. It would be the same process but now the Treasurer would also serve as the Chair of the Finance Committee.

Senator Gerstenschlager: So they aren’t necessarily a current member?

President Custer: In all likelihood they are. Not many people leave the Finance Committee. In the past, the most senior member becomes the Treasurer and the President has the power to pick anyone on the Finance Committee that he thinks would do the best job.

Co-Chair Bogin: Last week I asked if this would take effect this year or next year. The answer was yes, but which parts of it?

President Custer: I should add in some text for that. The part reviewing allocations should take effect the second this is passed. All the other parts will take effect at the beginning of next year.

Co-Chair Bogin: I’d like to make a Friendly Amendment to add that in there somewhere.

President Custer accepts Co-Chair Bogin’s Friendly Amendment.

President Custer: Chief of Staff Zhang will work on the text for that.

Speaker Brady: So you’ve seen that the system is much more inefficient being split?

President Custer: The idea was that the Finance Committee Chair would handle the day-to-day stuff and the Treasurer would handle the big picture. It’s hard in practice because the person who knows the most about the budget is the Chair because they are doing the day-to-day stuff. I had to update Pete when he was Treasurer which is an extra unnecessary step and it can create an odd tension. The Chair has control over the committee but since the Treasurer is there also, who was the final say? It’s an odd dynamic and it makes a lot of sense to combine the positions. Chairwoman Aborn and Treasurer Gratch are of the same opinion.

Treasurer Gratch: I completely agree that it should be reunited. While I love serving as Treasurer, there is an additional barrier. Anytime that I want to figure out something specific that is necessary to prove a big picture idea, I need to talk to Olivia, and it would be easier if it were just one person. I do think that the combined Chair Treasurer position should have to come to the SGA meetings. I think that was a really positive change. I disagree that the Chair should be able to vote. If they don’t vote, they can act as someone who is really just facilitating and providing
information and that’s important. By virtue of the committee’s structure, everyone would also take their vote more seriously.

Senator de Toledo: I think that Treasurer Gratch put it very well. In terms of the selection process, I think that is very important. Last year, we had an election on a committee of 10 to 13 people which was not a great idea. I think it’s better to be appointed. In regards to whether the Chair should be able to vote, I will defer to what other Finance Committee members think.

President Custer: I agree with Treasurer Gratch. She makes a lot of good points with personal experience. I’m going to change my position to being behind not having that person be able to vote.

Senator Berlowitz: What needs to be in the bylaws and what doesn’t? Is the Bi-Weekly report in the bylaws?

President Custer: The intention is to not cut that out but I will have Danny double check. Just to clarify, we are just crushing the roles together and keeping everything they do the same. The Treasurer Chair will be in all the Senate meetings.

Senator Berlowitz: Is the work overburdening for one person? Is it too much?

President Custer: I have to do a lot more as President than as Chair of the Finance Committee. This job is manageable so that one is too. They would be the next busiest person in the SGA.

Senator Fisher: Thank you. This is a tough complicated thing and I’m torn right now between keeping this bill the way it is but at the same time consulting the user is important and we have two users right here. President Custer says that we should keep it the way it is and President Custer is an honorable man. I’m sympathetic to what Senator Berlowitz was saying; would it be too much? It was de-crushed into two positions and now we’re being asked to crush it back into one. I’m sure there were good reasons that it was made into two positions. I would rather see both positions get done well even if it ends up being less work instead of having one person overwhelmed. The reasons I’m hearing are not so much that the system is flawed but that we haven’t worked out the kinks or it’s hard to untangle. Is this a knot that is impossible to untangle or a not that would take a lot to detangle? We should see if we can untangle the knot before we go back to how it was before..

President Custer: I was intimately involved in writing the bill that split up the position and I don’t think it is necessary. It creates headaches and tensions about who answers what and there is double communication that you don’t need. These two positions should reunite and that person can delegate specific tasks if it becomes too burdensome. I know from personal experience that it is not unreasonable.

Co-Chair Bogin: Motion to end discussion and vote on S2015-SB11.
Senator Gerstenschlager: Seconded.

President Custer: First, I want to Friendly Amend my bill first so that the Finance Committee Chair cannot vote, which is how it works now.
Vote on Co-Chair Bogin’s motion to end discussion and vote on S2015-SB11. All aye. Motion passes.

Vote on S2015-SB11.
Ayes: President Custer, Senator Jahan, Senator Gerstenschlager, Senator Gogineni, Senator Berlowitz, Senator Toy, Senator Medina, Senator Allis, Senator Sohn, Senator Brook, Senator Vaughan, Senator Hussein, Senator Edwards, Senator Fisher, Senator de Toledo, Co-Chair Bogin, Speaker Brady
Nays: None
Abstentions: None
17-0-0
S2015-SB11 passes.

VI. New Business

a) Resolution on Sexual Respect (S2015-SB13) (Maddie Orcutt, Katie Preston, Shariell Crosby, Senators Berlowitz and Edwards)

Senator Berlowitz: This has been updated slightly.

Maddie Orcutt: I’m a member of the It Happens Here project. A couple weeks ago, a few of us went to Amherst for a symposium with a number of stakeholders in the NESCAC about what to do to encourage sexual respect. What we found is that Middlebury is shockingly behind in terms of support from the administration and from the student body. Other SGAs have created a position to deal with sexual respect. We wanted to bring this bill before you to formally state the SGA’s role in dealing with this issue.

Co-Chair Bogin: I like the bill, I think this is a really important subject. However, “Director of Sexual Respect” is not the best title. I haven’t been able to think of a great title, so if anyone else has an idea? I was thinking maybe SGA Liaison to the SAOC, but I know it’s not specifically about that.

Senator Berlowitz: I agree that it’s not the best title in the world. I was hoping that someone would have a better idea than I did.

Senator Gogineni: In terms of the judicial process, those testifying on either side are not anonymous. I don’t know if it would become a better process if it weren’t anonymous but that is something to think about. Currently, testimonies are divulged and I don’t know if making them anonymous would make the process better or worse but it should be discussed.

Speaker Brady: I like the idea of taking a strong stance in favor of being proactive on this. Do you see this position in the President’s Cabinet as something that will be a long-lasting position? I’m wondering if it would be better to have a committee approach the issue. Perhaps Director of Membership Warren could comment on changing the bylaws. I always appreciate your opinion.
Senator Berlowitz: We are meeting with Barbara McCall on Tuesday or Wednesday to see if she has ideas about how to create a separate position from Health and Wellness if possible. Also, it would be great if that Cabinet member could tell us what she has been doing this semester. I don’t know if she did it in the Fall but the Director of Health and Wellness should come in and give a report next week. The idea is that we are separating the position so that we will have someone who is just focused on transforming the culture and that the SGA is taking a strong stance. This would be separate from mental and physical health issues. This is a bylaws amendment so there is time to meet with administrators and get it perfected by the time that we vote on it. That’s why this would be a position in the Cabinet.

Senator Hussein: I have a couple of quick questions. In the third clause under Judicial Process Demands, it says that the College “should develop partnerships for legal representation for both parties.” Could you talk about that?

Maddie Orcutt: It’s a recommendation. It is a complicated issue and the regulations are getting more complicated every day. Currently, lawyers are allowed to stand as support persons for either side. This can put people in a position where one person has quality representation and the other person doesn’t. We don’t anyone to fail to report because of financial restrictions and not being able to get legal representation.

Senator Berlowitz: We want to make it fair for both sides and this would ensure they had access to the same quality of representation. When we met with Sue Ritter, Katy Smith-Abbott, and Barbara McCall, they said that they overhaul policies over the summer. The idea is to take a strong stance on this and when they look at the policies over the summer they will have this resolution to look at on behalf of the students.

Senator Hussein: I have another question. About the SGA hosting a forum with Middlebury Unmasked with administrative representation, have you discussed that with them?

Maddie Orcutt: Yes. The reason we have that is because in the interim where we don’t have the position, we want to be able to foster the conversations before the overhaul of the system next year.

Senator Fisher: Thanks, I think this is a very timely and important bill to discuss. It is a critically important issue. As Co-Chair Bogin brought up, it’s not that the name makes me uncomfortable or rubs me in the wrong way, but I think that it would rub other people the wrong way. Is has a 'Orwell meets Huxley in the worst kind of way' ring to my ear. Now I think Middlebury’s website must somewhere have a well-stated definition of sexual respect.

Maddie Orcutt: It doesn’t.

Senator Fisher: Ok, it doesn’t. That’s a bit problematic. When someone asks “Do you support sexual respect?” the answer is yes. Who would say no to that? But I don’t think we can create a position called the Director of Sexual Respect without a clear definition of sexual respect. I’ll read a bit of it to show you what I mean. “The Director of Sexual Respect organizes initiatives and conversations on how to create a more sexually respectful campus. They will facilitate programming and policy on sexual respect and related issues, including but not limited to
bystander training. The Director of Sexual Respect serves as a liaison between student groups and administrators on issues of sexual respect.” You can get at what it means through other parts of the bill. But in that part, outside of “bystander training”, everything circularly relates back to sexual respect. I don’t substantively disagree but I think it will make it more effective when it’s passed if we have a clear definition.

Co-Chair Bogin: I have some nitpicky things because I don’t know enough about the bigger things. About the Sexual Respect Educator, do you not think that Barbara McCall can do that?

Katie Preston: Barbara McCall has a variety of responsibilities and she has many things on her plate. It would be great if we could have someone in the administration who could devote more time and resources to issues around sexual respect. That way, Barbara McCall could keep doing what she’s been doing with mental and physical wellbeing. Those are very important things and we think that we would be better served if she could keep doing those things and we could have someone else to handle the issues of sexual respect.

Maddie Orcutt: Both MiddSafe and Green Dot have gone into effect and the job that she signed up for is very different than what she is doing now with these things. There aren’t enough man hours, or woman hours in this case, to get all of that done. I think she would not disagree with that.

Co-Chair Bogin: You wrote support for WomenSafe. Did you mean to say MiddSafe or is WomenSafe something else?

Maddie Orcutt: We have a support group WomenSafe that’s currently operating on a DOJ grant but that money is going to run out eventually. We want to make it a more permanent thing.

Speaker Brady: In regards to that, I like this bill, but for someone like me who is not versed in this language, I don’t understand some parts of this like the clause about not asking “why” questions. I don’t know what a “why” question is.

Maddie Orcutt: Part of what we are doing is having more transparency of who we’re hiring in terms of investigators and what training they are getting. Some classic “why” questions are “Why did it take you this long to report it?” and “Why didn’t you fight back?” Those questions don’t change the facts of the case. An investigator actually asked someone whether or not her attacker came into her mouth, in those words. We just want to know what qualifications these people have.

Katie Preston: It leads to a different attitude when questions come up like “Why were you drinking?” and “Why did you go into the room?” which is questioning where fault lies, which isn’t the point.

Speaker Brady: My piece of advice would be to explicitly state what WomenSafe is and why it should be supported and also to give some examples of what a “why” question is.

Senator Toy: Off of Co-Chair Bogin’s question about Barbara McCall and the new Director of Sexual Respect. Is there a reason why you want a student position and not to hire someone new?
Maddie Orcutt: We are making both requests. After coming back from the symposium, we saw that it will only really work if both students and the administration show support for this.

Speaker Brady: Did Barbara McCall say that she would appreciate adding a new position to relieve her of the duties she currently has with MiddSafe and Green Dot?

Maddie Orcutt: We have had casual conversations but not since we formalized this. I can talk to her this week.

Speaker Brady: I think that would be a good idea, but I think that this is a good and important bill.

Senator Vaughan: This is super awesome. I have a suggestion for the name. What about “Director of Inter-relational Respect?” Is that too vague?

Maddie Orcutt: Amherst uses Sexual Respect. The word “assault” turns people off and we want it to be sex positive. We want to acknowledge that most people don’t do bad things so we should all stand as advocates together for respect. It’s just a naming deal and it can really be named whatever. The ideas behind the position are what is most important.

Speaker Brady: I would encourage you all to reach out to Senators Edwards and Berlowitz and the individuals in the back of the room to discuss this bill before next week.

VII. Adjournment

    Senator Berlowitz: Motion to end discussion, table S2015-SB13, and adjourn.
    Senator Gerstenschlager: Seconded.
    All aye.
    Meeting adjourned.