

***Tuesday, October 9th, 2012***

***NINETH MEETING OF THE 2012-2013 SENATE***

**Roll Call** (0:00:00) 7:00pm

Finance- Senator Sinkula excused, Senator Guerrera unexcused, Senator McDonald excused

Public Relations- All present

Student Activities- All present

COLA- All present

Academic Affairs- All present

Student Action- Senator Accardo excused

CODEEE- Senator Ghazey excused

--Approval of the Minutes from September 25, 2012-- Approved

--Approval of the Minutes from October 2, 2012-- Approved

**Public Forum**

Senator Lott- Good evening senators, this time I wrote a speech so, it won't seem like I'm rambling. Speaker Ducharme had previously informed me that if I were to say my piece during the actual bill, I could only ask questions. So, I chose public forum in order to express my defense of the Cycling Team. I hope that by the end of this speech you all will be in support of my defense of the Cycling club, and they will not be sanctioned. From my understanding, after returning the SGA van from a club trip, the Cycling club was caught with one empty beer bottle in the van. This incident has been reported to the Center for Student Ethics and Standards and now the Cycling club jeopardizes the funding that the Cycling needs for nationals this year. The entire team will suffer from one empty beer bottle in a van. Putting all else aside in this very moment, very little can actually be proven by one empty beer bottle, and the fact that we can not 100% prove that the contents of the beer bottle were consumed by a member of the cycling team or during a Cycling club trip. At some point, somebody, who we can't prove, drank the beer, and then somehow the bottle ended up in the van. Alcohol was not found to be consumed by the Cycling club driver, or any of the members of the Cycling club team. If Cycling club has been deemed in some way in violation of the student-alcohol policy, then they shouldn't be sanctioned in the first place. Although it has not been 100% proven to me, my following argument assumes that one Cycling club member (who we don't know the age of) at some point before the van was returned, said member drank one beer by him or herself, and that beer bottle was left inside the SGA van. The argument I will attempt to evaluate is that this one empty beer bottle was a grievous breach of the student policies and conduct, more specifically, the student alcohol and drug policy outlined in this handbook. I don't want to delve into an extensive theory of law discussion, but I will prove that the Cycling club's incident did not conflict with any of the reasons behind the policy, and therefore they should not be penalized. Let me begin, the very first line of the policy: "The University of Vermont is committed to sustaining an academic environment that both respects individual freedom and promotes the health, safety, and wellbeing

of all members of our community. Sanctioning the cycling club for having alcohol (allegedly) is the exact opposite of individual freedom. The cycling club did not hurt anyone, or endanger anyone's life or become hopelessly addicted to alcohol (that we know of). This was ultimately a harmless expression of individual freedom, for they should not be penalized for it. This brings me to my second point, the University wishes to promote the health, safety, and wellbeing of its community members. Since nobody was harmed in any way, this does not jeopardize the safety of anybody, The health and wellbeing of the members will actually suffer as a result of not having funds to go to nationals, they will work less hard, compared to if they were promised national funds. With a sanction their motivation will drop. Therefore, their health and wellbeing actually increase of them not being sanctioned. Thus, I have dismantled the very first line of the policy code. Within the policy there is a sentence that goes as follows: "The University seeks to provide an environment free from the adverse effects of alcohol. Since nobody was harmed there were no adverse effects from the alcohol. The only consequence is that now they might lose funding for a harmless act. There is a difference between substance use and substance abuse. It was just one empty beer bottle, not a keg, handle, etc. Further more, few clubs or organizations are blameless for similar violations or crimes. Without naming names, I've heard plenty of stories of drunken nights, nothing less than what Cycling club has been accused of doing, but do they have sanctions for every bottle drank? No. The Cycling club has done no wrong, other than break the actual law itself. And the reasons behind these laws do not apply to the specifics of this case. Let the CSES arrive at their own conclusion. We represent the students, and students shouldn't suffer. Please vote against sanctioning the Cycling club tonight.

Senator Edelman- How old are you?

Senator Lott-20

Senator Edelman- Have you ever tasted alcohol?

Senator Lott- Of course. Although, I would like to add that this is actually a root beer bottle that I purchased at Brennan's.

Chair Conlon- Are you familiar with the part of the bill regarding the CSES's ultimate decision and how do you feel about that?

Senator Lott- I read that in Chair Keyes' e-mail. I don't particularly like it. I think since we are representing the students, we should enforce our own decision on them, regardless of the CSES decision.

Chair Keyes- So do you feel as though the senate should be an investigative body when sanctioning clubs?

Senator Lott- Sometimes, sometime not. As you can see, I have taken it into my own hands to protect the Cycling club from this unjust accusation.

Senator Heffrin- Are you familiar with the open container policy, and the alcohol policy of the State of Vermont?

Senator Lott- I don't think I've read it. I understand the gist of it.

### **Old Business** (00:10:31)

Bill Recognizing Sanctioning of UVM Cycling Club

-Senator Edelman- When are your nationals?

-Cycling Club- In a week and a half.

-Senator Edelman- Would you be able to go to nationals without SGA funding?

-Cycling Club- Not with the team size that we'd like to send.

-Senator Mathews- What's the reason for creating this sanction right now and not waiting until CSES decides. Why are we presuming that their guilty and we don't we wait for CSES to make a decision.

-Chair Keyes- Because the CSES decision won't come back for awhile, we want to make sure that we hold the team responsible, and not act upon the outdoor street cycling portion of the club.

-Senator Kazinski- How many student do you hope to send to nationals?

-Cycling club- Around 6

-Chair Redell- Can you please explain the process for club recognition and what clubs agree to once they are recognized.

-Chair Keyes- When recognized, clubs agree to follow the University's alcohol and drug policies.

-Senator Mathews- I lost my house, I'm in Sig Ep, UVM and the whole public decided that we were guilty. I lost my brothers, I lost my friends, all under the presumption they we were guilty, until proven innocent. Holy shit, we were found innocent. Surprise surprise. We lost everything that we had all because the University did not have a presumption of innocence, which is built into the United States constitution. I don't see why the hell we are going to presume them to be guilty without any evidence. Let's wait until CSES decides, then let's make our decision.

-Chair Redell- Point of information: did the University of Vermont shut your fraternity down, or did the national chapter shut down your fraternity?

-Senator Edelman- Because this team cannot go to nationals without funds from SGA. I have zero confidence that CSES will return a verdict to us in a timely manner. We all know there are clubs that have alcohol at their events. We all know that there are clubs that have alcohol at their events. Period. So, if we're going to tell this team that they can't send people who are qualified to represent the University at a national competition that they don't have the ability to go because of one beer bottle that was found in van that they had borrowed from the University, then we should be ashamed. Because we call know what happens at this University in terms of what clubs do. We should be careful and wait for CSES to make a decision.

-Chair AlNamee- What happens if we do pass this, and they are found not-guilty?

-Chair Keyes- The national funding is a separate bill, if that money is awarded, that money will be held until a decision is made. Only if they are found not guilty will they be given the amount in full that Chair Dougherty has decided on.

-Chair Conlon- What would happen if the bill were voted down tonight, and they were found responsible by CSES?

-Chair Keyes- In that case we would have to talk about sanctioning again.

-Senator Edelman- Would you gentlemen like to speak?

- Cycling Club- We have tried to get to the bottom of this internally. We've found nothing, which ultimately means that we can confess our guilt, or deny it, given the evidence that has been presented to us. I would like to say that it seems to me that the senate is not in charge of handing out verdicts. Is it fair to punish the members who have been training since May from competing?

-Senator Mathews- Why did you choose this sanction and not one that was less severe?

-Chair Keyes- Because it would not affect the entire cycling club, just the mountain biking portion. Affecting just the nationals funding, not across the board, given that there is a separate division that competes in the Spring.

-Senator Mathews- Why are we deciding beforehand and not after?

-Chair Keyes- Because CSES isn't going to come back with a decision for some time. If we were to then go back and decide, those responsible would not be the ones being punished.

-Cycling Club- We have two sections of the club: mountain biking in the Fall, and road biking in the Spring. Almost an entirely separate group of people.

-Chair Kaufman- Do you feel that this reaction is appropriate given the circumstances?

-Cycling Club- I would rather see the verdict of the standards committee first, because that would make sense. It is a little unusual.

-Chair Kaufman- Given that you do not see this as a fair sanction, what would you find appropriate?

-Cycling Club- We don't expect to be found guilty. Drinking is not a part of our club culture. Members of our team simply don't drink. It's truly an anomaly for us. It has been a shock to us.

-Senator Edelman- The question is: is it right not to send them to nationals because we presume that CSES will find them guilty? Or should we let CSES do their job and follow up retro-actively.

-Chair Keyes- I know it's rough timing.. We haven't sanctioned a club in over two years. We have worked a way that the club can be reimbursed funds. I am trying to keep this to the only group of the Cycling club.

Senator Edelman- Is it possible to remove partial funding for next fall's cycling team?

Chair Keyes- Yes, my worry there would be that you'd be holding people responsible for something that happened as a result from people who have graduated.

**--Bill is called to question--** Bill does not pass

### **Emergency Business** (00:32:25)

Bill allocating funds to Cycling Club-- Bill passes

## **New Business**

None

## **Executive Reports**

Speaker Ducharme-I now have access to the list-serve, please expect an e-mail from me regarding Constitution Committee. Passing around brownies.

VP Holland- We're holding our last round of appointments. We have three applications right now- almost at a full body. I will make sure name cards will be made this weekend. If anyone's having trouble with the list-serve, please e-mail. Last week I talked about give-aways. An idea was to make lacrosse pinnies. I haven't been asked to get students to join many advisory boards. Faculty senate had asked, but they had their own students in mind.

President Daley- Last week VP Holland and I met with the Living Well center in the Davis Center. They have nap times as well as a massage chair. I met with Brian Reed, the associate Provost. Friday I participated in the installation ceremony for Thomas Sullivan, which was great. Board of trustees has two student positions. I would like to thank everyone for the conversation about the past two bills. I am very pleased that the decision that was made regarding the UVM Cycling club. Senator of the Week is Senator Jonathan Lott. \$20 Taxi punch cards are on sale right now in the UVM Bookstore. Students can receive free one-time rides at the SGA main desk from Sara. Tips are up in the air- they will be able to tip, but they will have to do so with cash.

## **Committee Reports**

Finance- Thanks for passing the emergency bill regarding Cycling Club. We had a full night of supplementals.

Public Relations- This week we sent out our e-mail on Monday and not Tuesday, discussing the new taxi program. UVM Voice is coming along, we will be working more with student action with this. Working on getting the SGA newsletter that we would hopefully send out twice a semester. Senator Foley is working on making more posters. VSOP is going to be about advising. AA also has a VSOP in mind regarding career services. We're going to do one each semester.

Student Activities- Thanks to everyone who did take the time to go through the policies. We have been getting on top of liaison program. Chemistry Club will be coming up for recognition in the next coming weeks. We have a couple clubs in mind for de-recognition. For those who did not

attend the club workshops are mandated to sign off on the hazing policy, which is done through a test. These need to be all completed by this Friday.

COLA- We're doing a lot of wrap-up things we had started last week. I'll be passing around the sign up sheet again for neighborhood cleanups. I'm working with Gail and Oscar talking to Lowe's about window alarms and welcome bags. I went to the Ward 6 meeting with President Daley and VP Holland. Gail has contacts of folks in the community who like to help with the community clean up. It is possible to change the time of the clean up, so long as it happens.

Academic Affairs- Bridget will be meeting with Dean Prelock, in the interim she will be working on complaint systems with Senator Wooley. I have a meeting with Brian Reed to discuss academic planning, and with Dean Sapiemento. Federico will be meeting the History chair about diversity requirements. We welcome Isabelle, she'll be working on international education. Jeffords center has been moved to a full functioning building that is externally funded. Library has formed an advisory committee. Provost Knodell created a 'Envisioning the Environment' here at UVM chaired by Stephanie Cozol from the Reubenstein School and Beverly Whimple from CIS. President Sullivan spoke about the Shumlin report, and stressed the importance of STEMS. Canadian Studies program will be terminated. Women and Gender Studies will be changed to Gender Sexuality and Women's Studies.

Student Action- Julie had her trashcan meeting, started out negatively. Julie convinced him into at least a few new trashcans. Mural still chugging along. UVM Voice, we're working with Chair Kaufman on a logo, some like it, some don't. Sam is meeting with the new Jay Taylor, she's a woman. The Hot-bar is coming the RedStone Market. Microwave has been placed in Davis Center.

CODEEE- Amazing week for CODEEE- working on planning our annual ALANA breakfast. Date and time will be coming soon. Senator Crane is planning on meeting with Barbara Johnson- the person responsible for proposing a smoke-free campus. Possibly making a VSOP question regarding the smoke-free campus? Clean energy fund is still taking proposals. We're working on Earth day festivities, welcoming ideas and suggestions. Environmental Leadership conference at the Echo Center on October 20th 8am-6pm, contact Chair Alnamee if interested.

### **Senatorial Forum** (01:17:36)

Chair Pasterkiewicz- Studio art classes will be offered for non-majors will be offered next semester.

Senator Crane- I wanted to announce that I will be meeting with Barbara Johnson, I'd like to extend an invitation to whom ever would like to speak with her.

Chair Keyes- I would like to address the point that was brought up that most clubs drink on club trips regardless. I would like to note that it is in the code of conduct for clubs to

follow alcohol policies. When clubs borrow a van they promise not to use drugs or alcohol while operating the van.

Senator Edelman- That wasn't the type of argument I was trying to make. We, as senators, do not fulfill requirements of us to bring those violations to you.

Chair Dougherty- Great job of drafting the resolution. Due to the discussion I changed my vote.

Senator Cantell- I am meeting with the new Jay Taylor regarding current meal plans for students living on campus.

### **Senatorial Comments and Announcements**

Senator Lott- Table cloth is still dirty.

Senator Martinez- I'm wondering if there were a way that we could have away to inform students of what is currently going on with the SGA.

Chair Kaufman- We do send out the e-mail, and technically the minutes are public. We also have the whiteboard down in the tunnel that is updated each week. Presumably if they have any questions they will come find us in the office or send me an e-mail. We could also utilize our social media resources more so.

Senator Mathews- I know (PR) loves that tunnel, but the board by the fishbowl would reach many more students.

Chair Kaufman- I will work on getting that up.

Chair Pasterkiewicz- I encourage you all to read a recent article in the New York Times regarding a case coming to the Supreme Court regarding admissions policy.

### **Final Roll Call (01:24:30)**

Finance- Senator Sinkula excused, Senator Guerrera unexcused

Public Relations- All present

Student Activities- Senator Heffrin excused.

COLA- All present

Academic Affairs- All present

Student Action- Senator Accardo excused

CODEEEE- Senator Ghazey excused.

Motion to Adjourn -- 8:24:55 pm