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To: Brandi Zehr

Subject: Re:

Sure thing...

First, I'm happy to provide whatever information you folks need/want in regards to framers' intent.

Let's get this out of the way first: In my opinion, the Constitution does not explicitly grant graduate students the right to vote for Senators. Rather, it provides substantial leeway for the grad council to choose senators however it sees fit. It does, however, allow for the Graduate Council to choose popular election as a method of selecting graduate senators.

Generally speaking, the intent of the language in the Constitution was to allow Grad schools to determine the best way to select senators. The Constitution implicitly acknowledges the existence of graduate school governments -- the SBA for example -- and includes them under the jurisdiction of the Assembly. However, it affords them significant leeway in how they operate. In order to gain grad school support for the new constitution, we had to ensure that they would have some level of autonomy to manage their representation and internal workings with independence. Basically, the grad school govts are treated like states (Figure your shit out and send us reps) while the undergrads are treated like DC (we will babysit you).

In any number of areas, the constitution is explicit for elections for undergrad senators but vague when it comes to graduate senators. Furthermore, there are a number of areas where graduate bodies are allowed flexibility, often by omission from requirements, which undergrad bodies are not. This was an important tenet of the original intent of the CRC and a theme seen throughout the SA Constitution.

the only textual leg they have to stand on is 1.1.2: "The Senate shall be composed of members chosen in election every year by the students of the College. There shall be sixteen Undergraduate Senators. Chosen, four per Class, by the members of that Social Class. There shall be six Senators from the Graduate Schools, apportioned among the Schools as the Graduate Council shall designate, provided every School is represented by at least one Senator."

The text they are likely relying on for grad elections is the first sentence, "...composed of members chosen in election every year by the students..." However, this is the only sentence in the entire document which even *implicitly* grants graduate students the right to vote for a Senator. It is a general requirement that Senators be elected. However, later text provides an explicit exception. Importantly, the next sentence in this section gives explicit rules about Undergrad senators -- 4 per class chosen by the members of the social class -- but it does not do the same for the grad senators. It just defines how the senators must be apportioned among the schools, *providing flexibility to the Grad Council about senate representation of grad students*. Across the entire document, the requirements for undergrads are consistently more clearly defined.

Key point: In 5.3.4, the requirement for election in 1.1.2 explicitly excepted for graduate senators.

5.3.1 lays out the general requirements for selecting senators - they are to be elected in the general election - in the same language as 1.1.2. Immediately after, however, Sections 5.3.2 - 5.3.4 then lay out *specific exceptions and clarifications* to the requirements in 5.3.1. Note the wording difference between 5.3.1's "shall be elected" and 5.3.4 's "Graduate Senators **shall be sent**, and Graduate School Officers chosen, **as the Graduate Council shall designate**, provided that Senators and Officers are **selected** no later than the last Tuesday of the following September."

The word choice of 5.3.4 is quite explicit when you remove the subordinate clause and irrelevant text: "Graduate Senators shall be sent [...] as the Graduate Council shall designate, provided that Senators [...] are selected no later than the last Tuesday of the following September."

As an exception and clarification of the 5.3.1 requirement for elections, 5.3.4 clearly provides leeway for the grad council to determine how to send Senators to the Senate. The only requirement is that they send Senators before the last Tuesday of the September after the general election.

Even within 5.3, there are other implications for this. 5.3.3 specifies that "Undergraduate Senatorial Elections shall be by plurality," explicitly excepting the grad schools from the plurality requirement and at least implying appointment flexibility. Not explicitly telling the grads how to select their senators was clearly intentional here.

Other areas of flexibility given to the grad schools:

1.5.2: Each Graduate School shall elect a President, Vice President, Treasurer, Secretary and other such representatives and council members as they see fit. (*In other words, the existing school governments, SBA, for example, are free to work however they want to work and elect their own internal people however they want to. and spend their money internally, etc. They just have to play nice and be somewhat democratic. Other than that, they can manage their internal stuff however they want.*) These School Officers, when in meeting, shall be known as the Graduate Council. This Council shall have legislative authority only on matters that are internal to the Graduate Schools. Legislation from the Graduate Council may not be inconsistent with that passed by the Senate. Subsequent legislation passed by the Senate may supercede that of the Graduate Council. (*Graduate schools are subordinate to the Senate's legislative powers. Again, they're like states.*)

5.2.4. Vacancies on the Graduate Council may be filled as that Council shall determine. (*Replacement processes for all other vacancies are explicitly spelled out.*)

Importantly, there is absolutely no provision for the replacement of a vacant Graduate Senator seat . The constitution assumes grad senators will be provided by the

Grad Council -- period. Why would the constitution be so specific about elections for undergrad senators and processes for vacancies but not do so for grads if there wasn't an intent to allow flexibility?

Those are my 2 cents. I did a cursory search of the DSJ and Flat Hat stories regarding the new constitution. they discuss senate size a lot, but not the appointment/election process. I will look at what documents I have available on my computer at home to see if there's anything else available. But if you want me to write up an amicus brief (LOL!) laying out these points more formally, I'd be happy to do so. Call me if you or anyone else has questions.

-Dave

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