Audit Meeting

Jessie Masek, Laurie Liao, Robert Tarsia

Tarsia: We were requested by Marisela and AS to investigate the election. We addressed one of the allegations that bribery was involved. There was the issue of alleged bribery, whether the grant was unlawfully motivated (did it violate campus code), and if the IFC campus grant resulted in serious voting irregularity. We concluded no evidence of bribery related, no violations of elections code or campus regulation code and no evidence of serious voting irregularity.

Brock: From my understanding, there was a grant offered. Is it offered every year? Or is offered certain years?

Tarsia: That is a question you should ask Miles.

Brock: I'm going to assume the question of which fraternity received this grant is also a Miles question?

Tarsia: Yes. That is a question for Miles.

Brock: Were any regular members interviews?

Masek: We interviewed 3 people not in leadership position in addition to those in leadership positions.

Stump: Did these regular members vote? Were any of them involved in the election?

Tarsia: On page 2, you can see the people we interviewed which include IFC members not in leadership position in IFC or AS.

Vierra: is there any evidence showing that the IFC grants come from membership fees?

Tarsia: There was no grant given out at the time of our investigation. The grant comes from IFC membership fees, not general student fees.

Villarreal: Is that from Miles?

Tarsia: From both Miles and Brandon.

Brock: I understand that "undue influence" was discussed in the investigation. What does that mean in this regard?

Masek: In the last page of our report, the paragraph describes the definition of undue influence we used. This includes the persuasion power of influence as used in Black's law dictionary, "…pressure short of actual force stronger than advice. Acts in the will of the dominating party. "

Brock: Who were involved in the rest of the interviews?

Tarsia: It is listed in the report. Some people from both IFC and AS.

Brock: there were few people who weren't mentioned. Are there other people interviewed because only certain number of people listed.

Tarsia: It does add up.

Dagnachew: Are the grants derived from student fees?

Tarsia: no, grants are from IFC membership fees.

Stump: Do you know if whoever received the grants, would that save that fraternity any money from events.

Tarsia: You may want to ask Miles that question. Especially for individual chapters. Awards not intended for any individuals which we thought was important. Office of Student life keeps the books on those funds.

Dagnachew: Are there any suggestions or recommendations you have for us?

Tarsia: We do not want to tell any organization what to do with their funds. Based on the concerns raised, requiring anyone to actually vote seemed quite "un-American". That's the only thing that really concerned people which I thought was valid.

Vierra: It was mentioned that there was some evidence of "recommending to vote for Campus united." if you know specifically they were encouraged to vote in certain way, isn't that considered influence?

Masek: Given who the meetings were with and who was affiliated, there was an understanding of who to vote for. But they did predicate in their meetings that these grants were not de pending who members voted for. It was made quite clear that there was no requirement to vote a certain way. We asked this for all those were interviewed.

Dagnachew: so it would be "vote for who you believe has your best interest" not forcing anyone.

Tarsia: Each person we interviewed seemed incredibly honest. Made it clear that they were not forced to vote for a certain candidate.

Marquez: Would you mind sharing what your general service is? That way the students can understand the job your office does for the university.

Tarsia I report to three different branches. The chancellor, the ethics committee which reports directly to the regents and the VP of administrative services. This was a really interesting experience because it gave us a chance to familiarize ourselves with different campus regulations and codes.

Discussion

Stump: I feel like some of our questions were not answered very well. For example the answer to the legal definition of "undue influence." I feel like that they were just reading the report.

Dagnachew: I think they were emphasizing that there was definitely influence but not evidence for undue influence.

Brock: the newspapers were invited so they should be here at 5 pm.

Marquez: Great.

Brock: For the 19 interviewers, I did not want specific names but more understanding of who these students are and what their roles are. Also would have wanted more details on how they interviewed these people. Did they interview them in groups? Or individually?

Marquez: We can call them now and asked our compiled questions. I just sent an email to Miles to see if he would be available by phone.

Stump: I think that would be great because in the moment its hard to think of follow up questions.

Stump: I thought that it might be more useful to interview regular fraternity members because it would have been nice perspective to see someone who was not directly affiliated with campus members or parties. Can we ask the investigators about this?

Brock: "why did they not pick average fraternity members to interview?"

Stump: yeah.

Villarreal: They did mention that they reached out to a lot of people but some did not respond since it was during final weeks. Any additional questions?

Vierra: I added mine to the drive.

Stump: I like to take a more legal approach. Although I feel like incentivizing people with grants is not the best way. I don't think it had any bearing on the voting. Personally do not feel like it was "illegal." Just considering that no one individual was benefitted from it.

Vierra: in my opinion, I just think that there are so many holes in the election process. For example, the difference of "influence." That's technically not in the legislation. I think what matters is setting a precedent for future elections. Because in my opinion there was influence since many campus united members are in the elections.

Villarreal Commission Agenda 8.8.16

Call to order at 4:58 pm by Villarreal

Members: Jimmy Villerral, Marisela Marquez, Elizabeth Brock (Secretary) - Present, Courtney Stump (Vice Chair) – Present, Jacqueline Vierra – Present, Menelik Dagnachew (Treasurer) – Present, Cindy Lam- present

Call to Order
A) Meeting Business
    A-1) Roll Call
    A-2) Excused Absences

B) Reports
    C-1) Executive Director
    C-2) Chair

C) Acceptance of Agenda
D) Recess
E) Minutes and Allocations:
    E-1) Commission Minutes
    E-3) Pardall Center Allocations
    E-4) Unit Minutes
    E-5) Standing Committee Minutes
    E-6)CAB Appointments
F) Action Items
    F-1) Immediate Consideration
        -- Audit and Advisory Report and 2016 Elections
    F-2) Old Business
    F
G) Discussion Items
H) Adjournment

- Report from Marisela

  Marquez: I am reporting to both Jimmy and to the exec elected student leadership: president, Internal VP, and the student advocate general. I met with the elected execs last week and I am going to have another meeting with them this week. The main topic of conversation is how to conduct orientation .We also discussed the purpose of this commission. So the execs may send you some questions. They were wondering whether the report was going to be distributed. Third main topic is the process of the auditory services. They conducted a regular audit on how AS processes internal control. The main question was whether we has the authority to "buy things" which is called procurement. I am going to visit the vice chancellor of student affairs on Thursday and I will update you guys. They suggest that the way we process payments should be more like the way other departments do it. Our system is parallel to how the rest of the campus processes funds. This is because in our legal code, AS is "independent' from rest of campus. Robert suggests that we should not do it that way. We will be discussing this issue more in our next meeting.

Dagnachew: In saying we should operate how the rest of campus does, are they questioning our independence?

Marquez: Precisely. If we change to how they are suggesting, I would only report to the Vice Chancellor of student affairs which would not include reporting to AS and the students. I am comfortable reporting to two supervisors. This is where we are at odds.

Dagnachew: Is it because of the way we spend money? According to the audit, is the way AS procures items inefficient? Even if we are still on the same system as the rest of campus, can we still be independent?

Marquez: That's what they expected to be occurring but that is not the case. For example, students have the right to choose to boycott a vendor for various reasons. If students vote to buy from another vendor, I have to go by what the senate passes. However, the university has to answer to unions and preferred vendors. Students have right to voice their disagreement with the university which we cannot do if we are binded to a vendor because the university says so.

Villarreal: Absolutely! It would also not let us move as quickly

Dagnachew: Is this only happening on our campus?

Marquez: Each Associated students campus does it differently. The only truly independent campuses have been Berkeley and our campus. We will try to create a compromise or keep things the way they are.

- Report from chair:

  Villarreal: My report is similar to Marisela's. I have spoken to Austin on what we are trying to do. Hopefully we can get all this election stuff resolved today as many people have been contacting me about what is going on. Orientation is also a big issue. To clarify, this is orientation for AS not all incoming students.

- Acceptance of Agenda

  Villarreal: is there anything anyone wants to add. E4 and E5 , there really isn't anything there for unit min and standing committee minutes. Discussion items would be our recommendations for what to do in the future elections.

  Marquez: Define action items vs discussion items.

  Villarreal: Action items which will have a result or action. Discussion items which would be for remarks, recommendations, and comments. Is there anything anyone wants to add to agenda?

MOTION/SECOND: Vierra/Stump
Motion Language: Motion to add CAB appointments to the agenda

ACTION: Vote: Approve

5-0-0
Vote Taken: 5:14 pm

MOTION/SECOND: Vierra/Stump
Motion Language: Motion to accept the agenda

ACTION: Vote: Approve
5-0-0
Vote Taken: 5:15 pm

- Minutes and Allocations:

Brock: There are edits in the google drive highlighted in yellow and blue.

Stump: I think that was a question I was asking.

Marquez: Add in that we are editing minutes. Add in under my name something in last week's minutes sounded awkward". Knock out first statement. 'go back and edit last week's minutes."

MOTION/SECOND: Stump/Vierra
Motion Language: Motion to accept minutes from last week

ACTION: Vote: Approve
5-0-0
Vote Taken: 5:20 PM

- Pardall Center Allocation

Stump: A lot of these changes also apply to the Legal Resource Center so if you have any questions I can clarify them.

Villarreal: Fantastic

Stump: There are a couple of security measures that the LRC, Pardall Center, and IVTU want to bring up. Some safety issues for each different office. We think we can benefit from having security camera of a livestream of who is coming to the office. Also having a panic button would be useful if there is someone we have been having issues with constantly coming to the pardall center. There would be panic buttons upstairs and downstairs as well. I hear there are issues with people getting drunk and using drugs in the back of the pardall center. We have issues with people hanging out back of the pardall center who should not be there which would be were the fencing comes in. I am not sure about the additional storage.

Villarreal: Marisela, do you know where these additional storage spaces would be?

Marquez: They would be in the back area. There is space from between the back doors and freebirds. That area is also be where some homeless people take residence. Putting a storage shed in that area. The pardall center has a lock in fee. The idea is that there

should be a student board to make these decisions but it has not been appointed yet. Normally students and staff would bring these issues to the senate. There is a parking area where we would want to put a fencing area so could limit flow.

Hector: I am the news editor for the bottom line.

Marquez: Essentially the requests is just managing the space.

Stump: The back space of the pardall center could really use these resources.

Villarreal: I do want to thank you for reminding us of those lock in fees.

MOTION/SECOND: Dagnachew/ Brock
Motion Language: Motion to approve the improvements for the Pardall center

ACTION: Vote: Approve
5-0-0
Vote Taken: 5:29 PM

Marquez: I will also bring back the invoices on how much all the improvements end up costing.

Action Items:

- Immediate consideration
    - CAB Appointments

MOTION/SECOND: Stump/Law
Motion Language: Motion to approve CAB appointments for the upcmong year

ACTION: Vote: Approve
4-1-0
Vote Taken: 5:33 PM

- Audit and Advisory Report and 2016 elections Committee

Brock: I really appreciated Courtney's sentiment that those regular frat members were not interviewed. I think that it's important to remember that as members of AS we do represent student voices. Therefore I am disappointed they didn't chose to interview regular students.

Stump: I agree. I also just want to make note that although we might wish things have been done differently., we cannot change how things happened. Although I do think that what happened does set a bad precedent, I don't think that anything was done technically wrong.

Vierra: I think it is a matter of figuring out how to set a precedent and making sure that nothing like this happens next year.

Maquez: Do candidates have a regulation of how much they spend campaign money?

Villarreal: Yes, that is included in the elections code. On page 31, there are rules about financial funding. There are financial statements that the candidates have to fill out which includes who their treasurer is. This is recorded for the board to see. On Page 42, no party should exceed budget of $6000. No independent office can exceed 600. No independent candidate for senate can exceed 400. The elections board is in contact with the campaign members to keep track of those budgets.

Marquez: How do fines work?

Villarreal: On page 47, it states that candidates are billed through their barc accounts. During the declaration of advocacy, fine and regulations are gone over. The disclaimer also shows that anyone can submit a complaint for any offenses. When is active campaigning and when is not active campaigning is also defined.

Stump: Do we have the authority to make recommendation to elections board to add some things to the elections code?

Villarreal: it's under discussion right now, but we can make recommendations.

Dagnachew: I feel like the audit was satisfactory. I am not satisfied with how IFC dealt with the grants, but there was no undue influence. But obviously this shows the need for change.

Vierra: What would be our options to solve this? I have heard some crazy solutions from around campus. There is the option of giving recommendations to the election board but are there any options you have thought of?

Villarreal: The one we have discussed is having a revote in the fall quarter. That would be tough but there is an option to have a special election.

Stump: Also if there was a revote, would it just be for candidates or also for the fees?

Marquez: It depends on what this commission decides. However, we could include that in the recommendations.

Vierra: If students did not want to vote, would that change things?

Brock: If this grant was offered every year then I would feel better about the outcome of the election. I feel strange that it was only offered this year.

Stump: I have heard that this is not a new thing in the fraternities. Not official information but just something I heard.

Brock: Can we ask Miles this? "Is this grant offered every year? "

Marquez: It could be a question to ask Brendan as well.

Brock: I would like to.

Marquez: (to stump) As Vice chair, do you want to email him?
Stump: Ok.

Dagnachew: We know that this grant has happened in the past but we are unsure if it has been given in convective years. Would knowing this information change our view?

Stump: it doesn't change mine

Daganachew: if it doesn't change our view, then I do not think we should hold off on voting on this.

Brock: it would change my view because there are candidates from certain parties that are in these fraternities.

Dagnachew: Brock, can you elaborate your concern?

Brock: I don't find it ok that grant may have not been offered consecutive years.

Dagnachew: I think our problem is the actual grant itself and that it was used this year. But I do not think it changes the fact that the grant was offered in general. Technically the IFC did not do anything wrong. Our problem is with the grant and should be included in our recommendations.

Brock: I am uncomfortable to certify this election.

Vierra: Not every campaign party has those kind of resources. It defeats the purpose of having an election. I share the same feelings as Brock. There is the option to have a revote which would seem so chaotic.

Brock: I feel the question of incentive is so strange during these elections.

Stump: I do think it's important to keep in mind that the grant did not go towards any individual. It was for charity. A tshirt and pens and even those items sometimes are given to certain people. The grant in this case was not given to a certain person.

Lam: Has the grant been given out yet?

Dagnachew: no

Lam: I know it seems unfair but the IFC did not do anything technically wrong in this situation.

Stump: Brock, is your discomfort based on figuring out whether the grant is given out every year or are there other concerns we should discuss?

Brock: At the moment that is the sole thing I am focused on.

Stump: I do want to reiterate that we can make recommendations to elections board to tweak the elections code. I do not personally agree with having a complete reelection since there wasn't anything in the elections code that said IFC could not have their grant program.

Villarreal: I think Courtney makes a good point. What is our next move then? It's also important to figure out what's the next step if this election is not certified.

Dagnachew: Would we be able to make recommendations to the elections board to recommend to IFC? And would IFC have to adhere those recommendations?

Villarreal: Not necessarily, but since we have a good relations ship with OSL we can make those recommendations.

Stump: However can we make these recommendations in the legislative code?

Marquez: The way the process works, the new elections committee isn't created yet so you can't really give them recommendations but you can give your recommendations to the senate and they would ask the elections committee to implement these changes.

Stump: That's what I was thinking.

Villarreal: That can be what we send out in our report.

Stump: how long should we wait for Brendan's response?

Marquez: It might be necessary to hold a meeting with him in between now and the next meeting.

Stump: I think those answers can be emailed, not necessary for a meeting. Personally, his answer will not affect my view.

Villarreal: I think the recommendations are going to take longer than we think. Maybe we can craft some recommendations soon.

Vierra: I think something that should be added is that there shouldn't be a way to validate votes.

Stump: I would be interested in recommending that no one gives an incentive in giving grant exceeding more than ten dollars. I just do not see the point in incentivizing people that much money. Eliminating any sort of lump sum of money given to anyone.

Brock: Maybe we can word that differently. Not necessarily a "grant" but anything that is of great value such as a car.

Lam: Can we just recommend not giving out this grant?

Villarreal: That is something I was considering as well. If we feel this strongly about this issue, maybe we should have no grants.

Stump: I just do not want there to be particular people to afford to give bigger incentives like this compared to parties that do not have the luxury to do these things.

Dagnachew: Also keep in mind the separation between what IFC gives to frats and what candidates can spend. What we should focus on is whether the grant should be there. It is not necessarily an issue with the parties.

Stump: When its stuff like a pen, literally anyone can ask for a t-shirt. No one can stop someone from getting merchandise from party A and then voting for party B.

Villarreal: The issue is that fraternities are the only group who can afford this luxury.

Dagnachew: Maybe we can focus on eliminating reward for voting.

Lam: Are they still giving out grants for this year's elections?

Villarreal: No

Lam: there isn't really a good way to verify who voted.

Villarreal: We can focus on the election side of this. Maybe we can go through the elections code to make the language stronger. With these recommendations we are sending this to the senate and they are ultimately the ones who will put this in writing in the legal code.

Brock: if we do put in a recommendation that no grants or rewards can be given for a group, can IFC still give their own grants since they are not in AS?

Villarreal: not sure.

Brock: This stems from the 4 hour senate meeting. There was a student that came from the latinx community. And he did not seem to understand what was going on. He was ignorant on certain things but he was still voicing his concerns. And he was met with disrespectful behavior from senators. Is there a way we can make that not happen again? I was just appalled and disappointed to watch that.

Villarreal: I know what you are talking about. We have a code of conduct. Part of it was that the meeting was getting out of hand I do think the chair has to do a better job of handling the meetings. It's the chairs responsibility to manage both the speakers and senators since we do have community guidelines for the senate meetings.

Brock: If senators do behave disrespectfully, what happens to them?

Villarreal: They are sent to a meeting.

Stump: When we were talking with Robert, he mentioned that during fraternity meetings there are people endorsing certain candidates but saying vote for whoever you want. So if we were to recommend something, we could consider that.

Marquez: You could add financial stipulations as part of an endorsement from OSL groups to that part of the elections code.

Stump: Any word from Brendan?

Villarreal: We can table it, or set up a meeting time.

Stump: Maybe we can meet up with him before the 15th?

Villarreal: we can try to set that up.

Hector: what was the request?

Villarreal: Brendan wanted to meet with Marisela in terms or how to move forward.

(Miles calls Marisela)

Marquez: (puts miles on speaker phone)

Villarreal: We just had one question. We have been looking over the investigatory report.

Brock: Is the grant that was offered this past spring offered every year?

Miles: Unfortunately I do not have much personal knowledge of the history. I can't say with certainty whether or not it was done in the past.

Villarreal: Do you think Brendan would know any more knowledge?

Miles: I do not know for sure of what Brendan's knowledge is.

Villarreal: Is there anyone we could contact? Can we contact Kristen to see if she would know?

Miles: I am not in personal contact with her but you are welcome to.

(Phone conversation ends)

Stump: Hypothetically speaking, if this was the first year this grant was offered, I still come back to the fact that this was not technically wrong. As it pertains to this election, there wasn't anything in the elections code that said the IFC could not do that. Although it was unsettling, I still do not think it was wrong.

Vierra: I think it would be beneficial to gain more knowledge of the history of the grant to figure out how to prevent this from happening next year.

Villarreal: there is still time to discuss this issue.

Stump: I still think my opinion will not change but my recommendations but probably will. I do not see it being useful to put off voting.

MOTION/SECOND: stump/ dagnachew
Motion Language: Motion to vote to certify the 2016 election.

ACTION: Vote: Approve
5-0-0
Vote Taken: 6:44 pm

- Brendan's request:

Marquez: It goes back to the use of the term "bribery. " He and his family have been very uncomfortable with the use of that word associated with him. The elections board used that word. And it was reported that way. What I did apologize for was not calling him that night elections board met. In this case. It is really hurting him personally. He has requested a meeting with us and requesting something in writing. He wants a retraction and an apology from AS.

Villarreal: when the preliminary report came out he was hoping there would be clarification on the term of bribery.

Marquez: it wouldn't be appropriate for the executive director to issue a statement to correct what students say or do not say.

Stump: I don't think anyone should be speaking on behalf of any entity. I think if they wanted to retract or apologize a statement it is up to them, not our place. Just to clarify, I thought elections board did issue a statement correcting the use of the term bribery.

Villarreal: Yes

Stump: I understand why someone would be hurt but I do not think it is our place to correct anyone.

Villarreal: The timing is tricky also. Technically all the boards were done meeting when the report was out.

Stump: if elections board did want to issue another statement, it would be from a new board with some members who did not take part in the statement.

Vierra: it is not our place and it is unfortunate. I think our hands are tied. I am not sure what else to do.

Stump: Maybe honor his request to meet and hear him out. In regards to apologizing on behalf of certain people, it is inappropriate.

Villarreal: I agree.

Marquez: We will meet him and report back to you guys.

Discussion Items:

- Recommendation for future elections

  Villarreal: I am going to send out an update. Marisela, did you want to talk about Natalie's request.

  Marquez: You remember accepting resignation from Marjan? Natalie's request is that she wanted to see the results to see who would fill in Marjan's seat. I suggest that she write to you all. She also requested to know who you are all. Your names are published on the minutes.

MOTION/SECOND: Stump/Dagnachew
Motion Language: Motion to adjourn the meeting

ACTION: Vote: Approve
5-0-0
Vote Taken: 6:58 PM