



Allegation 2122-01

January 28, 2022, 12:00 AM

RULING OF THE COMMISSION

In this case, the Student Union Ethics Commission identified one (1) legal question before it relating to the *Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac*. The question is as follows:

1. Does a Senator reposting a campaign account's post along with the caption "Elect tha Kid" constitute an endorsement by a member of the Senate in violation of Article XV, Section 1(g)?

The answer to this question is yes. Pursuant to Article XV, Section 1(g)(1), an endorsement is a "public, formal, or organized communication or appearance indicating support for a candidate/ticket." The alleged party conceded that they made an endorsement. They posted the message to their personal Instagram account's story, which can be seen by hundreds of people. Therefore, the communication was public. And the message "Elect tha Kid" clearly indicates support for a candidacy. Furthermore, the alleged party conceded that this endorsement was prohibited due to their role as a Hall Senator. Therefore, there is no question that a constitutional violation occurred.

Having found a violation, the Commission then moved on to decide which of the permissible sanctions would be imposed: a notice to the alleged party that they violated the Constitution, a public censure, or a bill of impeachment. The Commission decided that the evidence showed the alleged party was made aware of the fact that their Instagram story was unconstitutional and immediately removed it. This indicated that the alleged party would not have posted the story if they were aware of the election regulations. The fact that the Senator was not elected in March during a typical election season—but rather took office halfway through the term in September—corroborated the notion that the constitutional violation occurred due to negligence, not malice. In summary, the Commission held that the evidence indicated the alleged party was not aware of the endorsement regulations, that they expressed appropriate remorse for their ignorance, and that they swiftly moved to correct their actions even before any allegation was brought. As a result, the Commission felt no need to impose punitive sanctioning, instead opting to simply notify the parties that a violation had occurred. This Ruling of the Commission therefore serves as such notice and brings to bear the sanction that was imposed.

It is so ordered.