

October 31st, 2021

Boston University Student Government Judicial Commission

Questrom Senator Recruitment Ruling

Senate Chair Shashwat Shah v. Questrom Executive Board



Justices:

Samantha Casas

Daniel Daponte

Declan Donahue

Ilana Keusch

Ethan Wong



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On October 2nd, 2021 Senate Chair Shashwat Shah submitted a complaint to the Judicial Commission asking the Justices to investigate Questrom (QST) Student Government's recruitment process for the four Student Government Senators allotted to represent the Questrom School of Business. By October 2nd, the Questrom delegation to the BU Student Government Senate only had two of its four seats filled, and Senate Chair Shah expressed concerns about the efficacy of Questrom's Senator recruitment process.

Chief Justice Daniel Daponte was already involved in this process serving as an intermediary between Questrom Executive Board and bodies of Boston University Student Government (BUSG) including the Department of Recruitment and the Student Elections Commission. Chief Justice Daponte's correspondence and meeting with Questrom Executive Board did not discuss constitutional matters, rather served as an opportunity to connect Questrom Student Government with BUSG's recruitment and advertising resources as well as opening a dialogue about improvements for next year's recruitment cycle.

In accordance with the Judicial Branch By-Laws, Chief Justice Daponte made the other Justices aware of Senate Chair Shah's complaint. The Justices voted to move forward with the complaint on October 3rd, 2021 on the grounds that the persistent vacancies could constitute a violation of BUSG governing documents, namely BU Student Government Constitution Section I, Article 4a. The Justices also endeavored to investigate Senate Chair Shah's complaint that Questrom's recruitment process violated the Students' Bill of Rights Amendment Three: "All appointed positions in BU Student Government must be made accessible and available to all students." The Justices determined that Senate Chair Shah had grounds to file this complaint based on the Senate By-Laws Section I, Article 1, clause 8: "The Senate Chair is empowered to work with organizations represented in Senate to ensure the election of all senators is efficient and fair."

Our inquiry into this matter has revealed inconsistencies in Questrom's recruitment process as well as additional failures that can be attributed to Boston University Student Government with regards to the recruitment process and timeline. This ruling will examine the extent to which BUSG maintains authority over the selection of Senators in coordination with College Governments and outline how both organizations will adapt their practices to ensure all students possess equal representation within the Senate at all times.

In a 5-0 decision the Justices hold:

- BUSG has a compelling interest in ensuring the recruitment process of College Senators, including the timeline and application process, align with the Constitution and By-Laws of BUSG.



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- QST Student Government is obligated to make their BUSG Senator application process more accessible and available to all QST students. They have indicated that they are willing to work with BUSG to do so.
- The Student Body President will make the contact information of the College Government Presidents' Council available to the Senate Chair as soon as they receive the information.
- The Senate Chair will adequately train all Senators, no matter the circumstances or timing of their recruitment.

I. Authority to Hear this Complaint

Central to the Justices' deliberations on whether or not to hear this complaint was the issue of jurisdiction, as the recruitment process for Senators has been a responsibility delegated to college governments (BUSG Constitution Article I, Section I, clause 4a & Senate By-Laws Article III, Section I, clause 1). However, given that Senators serve as officers of BUSG we hold that BUSG exerts a degree of authority over the recruitment processes for Senators because Senators' authorities, responsibilities, limitations on their conduct, and removal processes are all outlined in the BUSG Constitution and By-Laws. Furthermore, Section III of the Questrom Constitution ([Evidence Article 17](#)) states that "A more detailed description of the Student Union [Predecessor Organization to BUSG] Representative's duties can be found in the Boston University Student Union's governing documents," which suggests that BUSG's governing documents provide the basis for the Senator position and the description for that position can be changed by BUSG, including the recruitment criteria.

On a substantive basis, the Justices and other BUSG members have a duty to uphold the Constitution, which stipulates that all students in all colleges be afforded fair representation. This is an important matter as when colleges are lacking senators, it calls into question the legitimacy of BUSG as a representative institution. In a more practical sense, Senators are responsible for allocating approximately \$50,000 a year in funds from the Community Service Fee paid by every undergraduate student as a part of their tuition. The composition of the Senate reflects the population of each college, and therefore the proportion the student body of each college pays into the Community Service Fee. When Questrom students do not have the votes proportionate to their population, they have less of a say in how their own money is spent.

Therefore, the recruitment process of Senators is a responsibility essential to the proper functioning of BUSG and ensures decisions on the disbursement of our funds are made fairly.



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BUSG has entrusted College Governments with the responsibility to elect Senators that represent their students, however, BUSG retains a compelling interest in ensuring the recruitment process, including the timeline and application process, align with the Constitution and By-Laws of BUSG so that students are adequately represented.

II. Ruling for Questrom Student Government Executive Board

The Justices would first like to acknowledge the considerable efforts made in good faith by President Lauren Joo and Vice President Boyuan (Daniel) Zhang in working with the Justices, the Student Elections Commission, and the Department of Recruitment. For instance, in a separate meeting with the Judicial Branch on October 8th, 2021, Questrom agreed to participate in the Unified Ballot with the Student Elections Commission beginning in the Spring 2022 elections. President Joo mentioned this in the hearing as one way Questrom will avoid vacancies in the future by electing 3 out of Questrom's 4 senators in the spring so Senators are decided before the fall semester when their term begins. In order to reduce the chances of vacancies interfering with Senate meetings, we recommend that Senator recruitment take place in the spring whenever possible.

Regarding Article 3 of the Student Bill of Rights: "All appointed positions in BU Student Government must be made accessible and available to all students." The Justices found that the QST Senator Recruitment process did not uphold this article of the Constitution. During the hearing, President Joo referenced that the first step of the QST Recruitment process was to invite returning Senators to regain their previous positions without application. This year, previous QST Senators did not choose to return, which can account for some of the delay in the recruitment process. This does not give students the opportunity to apply for positions that were already filled by returning Senators. For reference, CAS Student Government has many returning senators, but they are required to reapply and interview each year. Since QST Senators are officers of BUSG, the application process must be open to all eligible students in accordance with this provision in the Student Bill of Rights. It is in the best interest of the Justices and BUSG as a whole to ensure fair and equitable applications for fair and equitable representation of the student body. Going forward, Questrom Student Government is obligated to make applications for all BUSG positions available to all students in QST regardless of previous BUSG experience.

Additionally, the application created by Questrom Student Government ([Article 13](#)) only advertised the Lead Senator position. When asked about this in the hearing, President Joo acknowledged this as a shortcoming, but also insisted that this was kept even once the Lead Senator position was filled because QST did not want multiple links from multiple applications, and that President Joo instructed applicants to apply as a senator once QST filled the Lead



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Senator position. In line with Students' Bill of Rights Amendment 3, "**All appointed positions** in BU Student Government must be made accessible and available to all students [emphasis added]," all positions or the number of open positions should be listed as a part of the application for the sake of transparency and to not deter any potential applicants.

Following the discovery period, a review of QST's Student Government's constitution was conducted to obtain an understanding of QST's established procedures and rules with regards to the election process of their Senators and their specific timeline when multiple discrepancies were noticed within their constitution. Based on the specific reference to BUSG as "Student Union" within the QST's Constitution, it seems likely that their constitution has not been properly updated or maintained in recent years, and the justices would recommend that QST's Student Government undergo a review pertaining to QST's Constitution.

III. Ruling for Boston University Student Government

We can confirm from documents provided by Student Body President Nyah Jordan that the June 13th College Government Presidents Council included mention that College Presidents needed to submit Senator contact information to Senate Chair Shah, however there was no written evidence that would indicate the existence of the September 15th deadline set by Senate Chair Shah ([Article 11](#)). We also know from the version history of the contact information Google Spreadsheet that was shared at the June 13th CGPC meeting that $\frac{2}{3}$ of the College Presidents listed their emails, including QST President Joo ([Article 11 & 18](#)). However, when asked by Deputy Chief Justice Samantha Casas about why Senate Chair Shah only reached out to colleges about seat apportionment and sending names on September 2nd, 2021, only 13 days before the deadline, Senate Chair Shah informed the Court that this was when the emails were first made available to him ([Article 6](#)). Therefore, moving forward it is imperative that the Student Body President makes available to the Senate Chair the contact information of all college presidents as soon as they receive the information. This ensures prompt communication between the Senate Chair and college governments concerning the recruitment of Senators and will mitigate the time pressures that exacerbated the recruitment of Questrom Senators in Fall of 2021. Furthermore, we would like to recommend that during the first CGPC meeting, that the College Presidents be informed both verbally and in writing of the Senator recruitment deadline set by the Senate Chair to ensure timely communication and acknowledgement of the expected recruitment process.

The Justices would also like to recognize that QST Student Government was not the only college government that had issues with regards to their Senator recruitment timeline and process. Other colleges including CFA, WED as well as At-Large Parties, such as Terriers



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United, also had issues that arose during this time period which were discovered and discussed during deliberation. The following ruling will apply for all occurrences in which the Senator recruitment timeline is disrupted, including those that are not specifically discussed within this hearing.

Lastly, in order to provide every opportunity for fair representation, it is the responsibility of the Senate Chair to accommodate all senators no matter when they were recruited. Just as important to the recruitment process of finding students to serve as senators is BUSG's role in training students to not only be senators, but be leaders in Student Government. In the hearing, Senate Chair Shah committed to holding an additional training for Questrom Senators who were not appointed before Student Government training on September 18th, 2021. This obligation will be met by Senate Chair Shah and future Senate Chairs.