

Brandeis University Student Union Judiciary

February 3, 1999

We the members of the Union Judiciary, in the case Bryan Rudnick & Freedom Magazine Vs. the Student Senate (represented by Student Union President Adam Ezring, Student Senate Secretary Ellie Levine & their Student Advocate Jon Zimmerman) find unanimously in favor of the accused, the Student Union Senate.

In the case, the accuser (Bryan Rudnick) claimed that "the senate has violated Article 8, Section 7, subsection B [of the Student Union Constitution]." That section, discussing the procedure by which the Senate holds referendums to alter the Student Activities Fee, reads:

"At least eight academic days prior to the vote, written notice must be given to each student, and to all university news media."

Rudnick alleged, in his official request for adjudication, that the "senate did not contact several students, myself included with written notification..." He also went on to charge that "Freedom Magazine was not notified in accordance with the aforementioned section."

With regards to the first claim, we did not find grounds for a hearing.

While Brandeis students may choose not to have an email account, or to get an email account that is not on the University network system (UNET), as students, we are guaranteed a UNET account. The University, for important university functions, has created certain ways in which to easily communicate announcements to entire segments of the community--for example the all-student email. The Student Senate sent out an all-student email notifying students of the upcoming referendum.

We deemed that this was a good faith effort on behalf of the Student Senate and did qualify as adequate written notification as proscribed by the Constitution. For a student to claim that he or she only checks an off-campus mailbox, for example, would not be grounds for having missed any official university deadline which was publicized by stuffing all student mailboxes in the Usdan Student Center. Similarly, while it might be arguable that the Student Senate could go to further ends trying to publicize this referendum, we find that they are not required to do so by the constitution.

At the beginning of the case, Mr. Rudnick, questioning this judgment, put forward the claim that email is a mode of electronic communication, and not written notification. To this we thoroughly disagree.

If email were not seen as written notification then, indeed, this entire case would be deemed unconstitutional. The Constitution, in Article V, Section 6, clearly states, with regards to the procedure requesting a judicial hearing, that, "a written complaint which levies specific charges against an individual, the Senate, or a club or organization must be presented to the Chief Justice in order for the case to be heard." Being that the official complaint was filed via email, we have clearly stated our belief that email is a valid form of written communication, and he has accepted that definition.

We did, however, find grounds to hear the case based on Mr. Rudnick's second claim, namely that Freedom Magazine was not sufficiently notified as a self-defined university news media source.

The term "university news media" is an ambiguous one. Both parties defined it differently. After establishing, however, that no written notification had been sent out to any student news media under either definition, beyond the all student email, which the senate used as a means to fulfill this requirement as well, defining this term became irrelevant.

Mr. Rudnick does, however, put forward an important point. The term "university news media" is in need of further clarification. Due to the ambiguity of the term we think that there may be need for legislation clarifying its meaning with regards to the holding of SAF referenda.

Furthermore, to avoid any confusion concerning future referenda, it might be helpful if the senate attempts to provide all clubs with printed notification regarding the upcoming vote.

Due to the above stated position, we find that the Senate has fully complied with the terms set forth in the constitution, and that the referendum may go forward as scheduled.

We thank both sides for their time, commitment and patience in this matter.

Chief Justice Adam Barbanel-Fried

Justice Josh Israel Justice Alex Lerner Justice Adam Lieb Justice Jeff Sussman