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# ASUO senators under fire for possible misconduct

■ The Constitution Court must decide whether summer senators abused office hours and misused finances

By **Jeremy Lang**  
Oregon Daily Emerald

The ASUO Constitution Court held a rare public hearing Friday to finally settle a three-month-old grievance against four of the ASUO's most prominent student senators.

Senate President Jessica Timpany and Sens. Spencer Hamlin, Jereme Grzybowski and C.J. Gabbe went before the court to answer charges that they did not hold office hours and misappropriated funds as members of last year's summer senate.

According to a grievance filed by senior political science major Scott Austin, the senators never held posted office hours and attempted to allocate \$400 to Family Housing, a non-ASUO recognized group and therefore are not eligible to receive incidental fee money.

Austin is asking the senators be forced to return their \$75 stipends and be removed from the senate for nonfulfillment of duties.

Austin also accused former

senator Andrew Schneider in his grievance, but Schneider did not attend the hearing. He resigned from senate at the end of fall term.

Austin's case centered around a myriad of ASUO Constitution and Student Senate rules. Many times, justices had to ask Austin to slow down and cite page numbers as he referenced rules that applied to other rules or even their court cases.

Austin argued his case mainly on two ASUO rules: Senators need to hold office hours to receive their stipends, and one unfulfilled duty is grounds for a nonfulfillment of duties charge.

To prove his case, Austin called on many current and former members of student government. Former ombudsman — the enforcer and interpreter of senate rule — Eric Pfeiffer testified that Gabbe said office hours were not important.

Current ombudswoman Jennifer Greenough testified that Gabbe told her the same thing.

"He said he was aware of the

rule but that it was OK to let it slide," Greenough said.

The senators called fewer witnesses, pleading their case instead by describing their personal opinion of the case. In his statement to the court, Hamlin openly admitted he didn't hold posted office hours, but he spent time in the ASUO executive office and the EMU.

"We all openly admit we didn't post. [But] we did our job. We were accessible to students," Hamlin said.

The other senators made similar claims that they felt they could do their jobs better if they were in a more visible area than the senate's third-floor office.

In regards to the \$400 for University housing, Timpany said the court should disregard the claim because the senate handled the problem on its own and the money was never actually allocated.

A decision is expected today and many different rulings could occur. The senators could be removed from senate, pay back their stipends, or both. The court could also rule in their favor, and they would receive no reprimand.

## C.J. & Peter

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happen if the court rules to remove Gabbe and Larson from the ballot and if the election results are in favor of them.

Only three of the five justices heard the case. Chief Justice Jeremy Gibbons removed himself from the ruling because he is a close friend of executive candidate Autumn DePoe. Justice Elliot Dale was also removed from the case because he lives in the same fraternity house as Gabbe. Justice Daniel Vergamini acted as chief justice for the case.

While several technicalities within the election rules were discussed, two were highlighted through the course of the hearing. The first was determining what was a "thing of value" as stated in election rule 2.4. The second issue concentrated on whether the ASUO Elections Board followed proper procedure when conducting an investigation and arranging a hearing for the grievance.

In reference to election rule 2.4., the discrepancies arose when deciding which part of the rule to focus on. Greenough claimed that the imperative phrase was offering "a thing of value" with the intent of promoting their campaign. At the coffee hour, the refreshments were placed on a table close to another table holding campaign paraphernalia for Gabbe and Larson. This proximity created a connection between the food and Gabbe and Larson, which could mean that they were offering the electors something to promote

their campaign.

"Money purchases things of value," Greenough said. "I really do not see how it could be argued not a thing of value."

For the most part, Larson provided his and Gabbe's case to the court. He claimed that the election board misinterpreted rule 2.4. They shifted the emphasis to a later part of the rule, and he pointed out that the "thing of value" was illegal only if it was offered "in return for compliance." In order to hold themselves accountable for violating this rule, Gabbe and Larson said, the election board must prove that someone voted for them because of the food they provided.

As they have asserted throughout, Gabbe and Larson said their intent at the coffee hour was to encourage students to vote but not specifically to vote for them. They presented their platform and then encouraged people to look at the other candidates. The students were at no point told to vote for Gabbe and Larson.

"In no way were we forcing compliance in any of the electors by providing coffee," Larson said. "The Elections Board and Ms. Greenough did not show any elector voted for us because they ate a chocolate chip cookie at coffee hour."

But Gabbe and Larson also accused the elections board of mishandling the case. ASUO rules state a hearing must be held within 72 hours after a grievance has been filed. According to Gabbe and Larson, the elections board hearing was held 73 hours after Greenough filed her grievance. As a result, the two claimed that public perception

had a chance to affect the outcome of the case.

"That delay, in fact, opened up the process of being tainted by outside sources, such as public opinion," Larson said.

Greenough saw the difference of an hour as inconsequential, and she asserted that if Gabbe and Larson had a problem with the day and time, they should have brought it up earlier.

She added that the Elections Board chose a hearing date that would accommodate everyone's schedules, but neither Gabbe nor Larson actually attended the Elections Board hearing. Their campaign manager, Melissa Unger, spoke instead.

The court didn't question Elections Coordinator Ken Best or any other member of the ASUO Elections Board.

Defining her position in filing the grievance in the first place, Greenough said that she was acting as a concerned student and not as a senator with some type of political bias.

"I believe the elections program needs to be held to a high level of integrity on this campus," she said. "I would think [that in] offering electors something of value ... [Gabbe and Larson] had an unfair advantage over other candidates."

Defending their action, Gabbe and Larson said that they did not even see the situation as an issue when they initially decided to do it.

"Our intent was to let people know what our issues were and to tell them to vote for a candidate," Larson said.

"We saw it as a creative forum," Gabbe concluded.

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