

Complaint Five: Defy vs. Inspire
Complaint Six: Defy vs. Inspire

Issued: April 18th, 2020

The Election Commission has not accepted these complaints and dismisses it from further adjudication by this body.

These complaints offer little, if no, new allegations to differentiate it from Complaint Four, which has already been ruled upon by the Commission. Complaint Five and Six have been packaged together because of the similar nature of the allegations, both surrounding the use of mass emails to IU students and non-students.

In these complaints, the Defy ticket has asked the Election Commission to open an investigation into the collection and use of student emails by the Inspire ticket. In the original acceptance of Complaint Four, the Election Commission announced it was doing just that:

“As this complaint surrounds a highly-technical matter, the tickets and public should be aware that the Election Commission has reached out to the University Information Privacy Office as an expert opinion in this matter. “

The University Information Privacy Office conducted an investigation of the events, having been given both the original complaint and the reply brief filed by the Inspire ticket and made the following decision:

“We have reviewed the information you forwarded to me. At this time, we do not have reason to believe there are IT policy violations ongoing. Per IT-01, students may email for non-commercial purposes and students may use email for the purposes of student government campaigns as they have in the past.

As far as institutional data, this is the definition found in DM-01:

Institutional data (or information) is data in any form, location, or unit that meets one or more of the following criteria:

- It is subject to a legal obligation requiring the University to responsibly manage the data;
- It is substantive and relevant to the planning, managing, operating, documenting, staffing or auditing of one or more major administrative functions or multiple organizational units of the university
- It is included in an official university report;

- It is clinical data or research data that meets the definition of ‘University Work’ under the Intellectual Property Policy UA-05; or
- It is used to derive any data element that meets the above criteria.

I do see in this documentation that the people sending these emails are honoring unsubscribes within the time frame required and that requests to unsubscribe have been limited. We encourage anyone using email to do this to continue to follow these guidelines and be responsive to the concerns of those on their mailing lists so they are in compliance with our policies and also CAN-SPAM.”¹

The actions of the Inspire campaign did not violate university policy.

This complaint also asks how these emails were collected, claiming that the reply brief to Complaint Four lacked detail on how the student emails were collected. This was addressed by the complainant in the reply brief in footnote 2, which has been reproduced here:

“This includes data from the IU Directory (which is publicly available), data obtained using web crawlers, and data pulled from campaign members’ personal email contacts and accounts. At no time were university resources breached, data given the campaign by outside parties, data purchased, or otherwise unethical acts taken to obtain data.”

The Election Commission has already invested considerable resources in determining the nature and validity of these allegations. Further adjudication of the use of emails by the Inspire ticket would likely lead to the same result as those previously discussed in Complaint Four, and now Five and Six.

Complaints Five and Six were filed well after the original emails in question and per the UIPO’s findings, the underlying actions did not violate university policy. These complaints are dismissed.

It is so ordered.

The Indiana University Student Government Election Commission
Quinn Gordon, Chair
Bethany Dillow
Lucy Newell
Runjin Li
Shems Al-Ubaidi
Rachell Pena

¹ Final Decision in IP Incident #4035266, Student Mass Email Policies.