

Complaint Form
IUSG Election Commission

Date Complaint Submitted: Saturday April 18, 2020

Complaint Submitted By: Defy

Complaint Submitted Against: Inspire

Date & Time of Violation: Friday April 17, 12 AM

Hello,

This complaint contains a few parts pertaining to a **new allegation**. A student, who wishes to remain anonymous to protect their personal relationship with a student from the Inspire campaign, has come forward about a conversation they had with Daniel Pickard-Carlisle regarding an **allegation that Adam Ratzman had gotten access to all undergraduate students' emails to send campaign material**. We are asking an investigation as to how these emails were collected. If they were collected in a mass list (outside mutually-accepted relationships or personal business), how was this mass list accessed and retrieved?

We had originally not submitted a complaint at the time of the original email being sent, as we were under the impression that Inspire had only used students' contact information from mutually shared friends, classmates, or personal student activity lists. This assumption was alluded by Andrew Ireland in a text to Madeline Garcia, and a "campaign staffer" replying to texts sent to the listed phone number on the email (Photos 1 & 2).

Regardless of the election outcome, we believe it is our responsibility to hold people accountable for this type of action. **Collecting student emails nonconsensually and sending them to a third party service without approval of an IU Data Steward is UNACCEPTABLE**. In our third complaint and in their reply brief, Inspire did not answer precisely how they obtained these emails and completely avoided the fact that they obtained them without student's permission, which goes directly against DirectIQ's rules. We ask that the Election Commission look thoroughly into this matter and put **students' data privacy rights first**, and not overlook this extremely important issue. Thank you!

I. The Defy campaign would like to open an investigation led by the Election Commission to investigate the Inspire Campaign's collection of Indiana University student emails.

A. An anonymous student (See photo 1) reported that Daniel Pickard-Carlisle spoke with them over the phone and reported that Pickard-Carlisle believed that Adam Ratzman had somehow gotten access to every university undergraduate email address.

1. We are requesting **specific descriptions of how student emails were collected**, whether by copy and paste from different lists with specific lists

cited (ex. From student groups, different Canvas sources from what semesters, etc.), or from a search function on a server, etc.

- B. Confirmed by Inspire that there are The Intermediate Financial Statements produced by the Inspire campaign states that \$250 was spent towards an online company called “DirectIQ” that allows clients to “send email campaigns in minutes”¹¹. Under the assumption that Inspire chose to purchase a “Contact List Sized Based Plan” at a monthly fee of \$250, Defy has reason to believe that Inspire has an email list with a maximum of 50,000 contacts.²²
- C. When questions have been asked to members of the Inspire campaign as to how thousands of student emails had been collected, **the team members have responded that they were “sourced organically.”**
- D. Defy asked the Election Commission to investigate Inspire’s collection of Indiana University emails. The mass emails sent to students were used for the promotion of campaign materials through mass marketing emails. **Did Inspire seek advice of a Data Steward or Office of the VP and General Counsel before sending these emails out, as lack of this outreach violates DM-02 Disclosing Institutional Data (even for data classified as public)?**

II. Description of Violation:

Background: A mass email was sent to many students at Indiana University on April 1, 2020 from Andrew Ireland, the campaign manager for Inspire. The email had the subject line “COVID-19 Digital Town-Hall” and announced a campus-wide town-hall the Inspire for IUSG campaign hosted on April 2 via Zoom. Additionally, a flyer with information about their campaign and a call for support was also relayed in the message from Ireland. In alliance with Indiana University policy violations, several students have contacted both the Election Commission and Inspire with grievances concerning their placement on a marketing list without their consent. On April 6, 2020, a mass email from Ruhan Syed was sent to advertise Syed and Rachel Aranyi’s 25% tuition and mandatory fee refund, with a link to sign their petition. When asked later, he said he “did not run that part,” so he did not know how emails were collected.

Violation of Section 508: Violations of University Policies.

Any ticket, candidate, or any person acting on behalf of any ticket or candidate found to have violated a publicly disseminated university policy, including the policies of the Student Life and Learning Office, University Information Technology Services (UITS), and those found in the Code of Student Rights, Responsibilities, and Conduct, for the purpose of promoting a candidate or ticket shall constitute a violation of this Code.

We believe members of the Inspire campaign have violated DM-01, DM-02, IT-21, IT-01, IU Acceptable Use Agreement, University Advice on sending mailing lists, and the policies of DirectIQ. They have potentially extracted a mass list of undergraduate emails.

¹ <https://www.directiq.com/>

² <https://www.directiq.com/pricing/#list-based>

A. Use of Electronic Mail IT-21³

The Indiana University policy “Use of Electronic Mail IT-21” explicitly states

1. Electronic mail will not be sent by members of the University community to persons with whom the sender does not have an established **mutually-accepted personal, business, or academic relationship.**
 - a. Although it can be argued that academic relationships can encompass the entirety of the student body, several students who are not currently enrolled at Indiana University Bloomington received Ireland’s email. These students include both graduated and transfer students who have no academic relationship to the Inspire campaign because they cannot vote in the election (Photos 3 & 4). For further emphasis, the violation lies in the fact that Inspire had access to emails from individuals who are NO LONGER attending IU and therefore have no academic relationship with the campaign.
 - b. An overwhelming majority of students receiving the emails did not previously consent to receive campaign advertisements, nor did most students have any tie to the campaign that would have warranted receiving an email. Many also asked why they received email when they did not know the candidates or name that emails were sent from, Ruhan Syed and Andrew Ireland.
 - i. This also violates the policy of DirectIQ, the third party site. Recipients must voluntarily consent to receive the emails from a sender who uses DirectIQ.
2. Sensitive institutional and personal information will not be sent via email, unless specific steps are taken to confirm that the transmission is secure.
 - a. Note of Clarification: As previously stated, DirectIQ is a third party service that was utilized to send the mass emails as individual emails to students. We are currently unaware of steps taken to ensure the transmission was secure. Steps to approval include to “Seek advice from the appropriate Data Steward(s) and, as appropriate, the Office of the VP and General Counsel,” as referred to in Part E Disclosing Institutional Information to Third Parties DM-02.
3. University electronic mail will not be used for **personal commercial purposes** or for personal financial or other gain.
 - a. It can be inferred that based upon their use of emails and the preliminary win that Inspire had on April 16th that the team used mass communication with clear bias towards their campaign with the intent of personal gain. This directly violates the university’s electronic mail policy.
4. “Mailing lists will be moderated so that inappropriate postings are intercepted and rejected, and electronic mailing lists will be protected as far as technically possible from

³ <https://policies.iu.edu/policies/it-21-use-email/index.html>

commercial exploitation.”

- b. Note of Clarification: Only **approved** mailing lists will be moderated. Moreover, using public email addresses found on IU Directory and BeInvolved explicitly prohibit mass mailings as stated in the IU Acceptable Use Agreements.
 - i. Refer to Part E for clarification of Appropriate Use of Technology Resources IT-01

Additionally, the policy states:

“University electronic mail will not be used for personal commercial purposes or for personal financial or other gain.”

Ireland’s email clearly showed support and bias for the Inspire campaign. The mass emails, while sent individually via the DirectIQ service, were sent with the sole purpose of personal gain in the form of voter support as stated in the original email from Ireland, “All students will receive an email for online voting April 15 and I hope Rachel and Ruhan can count on your support,” Ireland said, along with the previously aforementioned flyers and campaign materials.

Indiana University’s reason for the ‘Use of Electronic Mail’ policy is stated as:

“Mailings from marketers and anonymous sources on the Internet are increasing - users are being placed on marketing lists **without their consent**, and often if the user responds to ask to be removed, the volume of unsolicited e-mail simply increases because the validity of their email address is confirmed. Unfortunately at this time there is no real technical way to stop this unsolicited e-mail, and as of December 2001 there are no Indiana State or Federal statutory limits on these mailings.”

Lastly, the policy outlines consequences for violation:

“Complaints concerning violations of this or other technology policies should be reported to UIPO Incident Response. After technical verification is complete using system or other logs, and in accordance with other applicable policies and procedures, the incident will be reported to the appropriate University judicial officer for review and possible action.”

B. IU Acceptable Use Agreements- Access to Information and Information Technology Resource⁴
Indiana University's Acceptable Use Agreement outlines the acceptable usage standards students agree to when accessing institutional data and information from technology resources. All IU

⁴ <https://one.iu.edu/task/iu/acceptable-use-agreement>⁴ (Must log into One.iu.edu to access)

Acceptable Use Agreements policies stated below were violated by Inspire:

Ethical Usage

1. **Access institutional information only in the conduct of university business** and in ways consistent with furthering the university's mission of education, research, and public service.
2. Use only the information needed **to perform assigned or authorized university duties.**
3. Never access any institutional information **to satisfy your personal curiosity.**
4. Never access or use institutional information (including public directory information) for your own personal gain or profit, or **the personal gain or profit of others**, without appropriate authorization.
 - i. Note of Clarification: This policy is vague with identifying “public directory information”. Defy believes this statement includes: IU Directory, Global Address List, Contact Centers, beINvolved and UITS staff list.⁵
 - ii. **To further clarify, Inspire DID NOT get proper authorization for the access or use of ANY institutional information they used through the Office of the VP and General Counsel.** This authorization was required due to the personal gain they received by winning the preliminary voting, largely given due to the wide audience they had with their unconsented emails. **They did not give the students of the emails they took any option to CONSENT BEFORE** they used their email, and offered an opt out button, but only after they had sent their IU email to a third party site. **Any export of data must go through the approval of a Data Steward or Office of the VP and General Counsel, even if the data is classified as public.** (see screenshot of DM-02 policy below)
5. **Never disclose University-internal, Restricted, or Critical data (as defined by policy; see above) or distribute such data to a third party in any medium**

⁵ <https://kb.iu.edu/d/alvn>

(including oral, paper, or electronic) without proper approval, and in the case of Restricted or Critical data, without a contract processed through or waived by the IU Purchasing Department.

- a. Note of clarification: Inspire disclosed all IU email contacts with DirectIQ.com, a third party medium for sending mass campaign emails.
6. Never send mass email (i.e. unsolicited bulk email or spam) without appropriate approval.
- a. Note of clarification: Inspire has not provided approval from an IU official office to send mass emails.

Additionally, the IU Acceptable Use Agreement states examples of relevant federal laws that may apply if violated:

Family Educational Rights and Privacy Act (FERPA) Provides students' rights of access to their education records and generally prohibits the disclosure of student education records without the prior written consent of the student.

State of Indiana Access to Public Records Act With some exceptions, provides for public access to government records, including records of public universities like IU. All requests for records under the Indiana Access to Public Records Act must be forwarded immediately to the IU Office of the Vice President and General Counsel.

C. Management of Institutional Data DM-0⁶

The Management of Institutional Data policy statement is read as the following:

“The value of data as an institutional resource is increased through its widespread and appropriate use; its value is diminished through misuse, misinterpretation, or unnecessary restrictions to its access.

The permission to access institutional data should be granted to all **eligible employees** and designated appointees of the university for all legitimate university purposes.”

⁶ <https://policies.iu.edu/policies/dm-01-management-institutional-data/index.html>

The violations made by Inspire in the Management of Institutional Data policy are similar to the IU Acceptable Use Agreement stating:

Users of institutional data must:

- **Access data only in their conduct of university business**, and in ways consistent with furthering the university's mission of education, research, and public service.
- **Respect the confidentiality and privacy of individuals** whose records they may access.
- Observe any **ethical restrictions** that apply to the data to which they have access.
- Abide by applicable laws, regulations, standards, and **policies** with respect to access, use, disclosure, retention, and/or disposal of information.

Users of institutional data must not:

- **Disclose data to others** except as required by their job responsibilities.
- Use data for their own or others' **personal gain** or profit.
- Access data **to satisfy personal curiosity.**"

"Institutional Data falls into four classifications (Critical, Restricted, University-Internal & Public). In the absence of being formally classified, institutional data should be treated as **University-Internal** by default."

Additionally, the Management of Institutional Data policy states consequences for violation:

"Failure to comply with Indiana University information technology policies may result in sanctions relating to the individual's use of **information technology resources** (such as suspension or termination of access, or removal of online material); the individual's **employment** (up to and including immediate termination of employment in accordance with applicable university policy); the **individual's studies** within the university (such as student discipline in accordance with applicable university policy); **civil or criminal liability**; or any combination of these."

D. Appropriate Use of Technology Resources IT-01⁷

“Unless otherwise specified in this policy or other university policies, use of Indiana University information technology resources is restricted to purposes related to the university's mission of research and creative activity, teaching and learning, and civic engagement. Eligible individuals are provided access in order to support their studies, instruction, duties as employees, official business with the university, and other university-sanctioned activities. **Individuals may not share with or transfer to others their university accounts including network IDs**, passwords, or other access codes that allow them to gain access to university information technology resources.”

“Indiana University technology resources may not be used in a manner that violates the law, for private commercial activities (defined below) that are not approved by the university, for personal private gain, or for political campaigning and similar activities that are inconsistent with the university's tax-exempt status.”

Through our interpretation of this policy, paired with many students coming forward to ask how their email had been placed on a mailing list, we understand that Inspire did not receive consent to share these students' emails, and therefore their network IDs, to a third party corporation, DirectIQ.

E. Disclosing Institutional Information to Third Parties DM-02 ⁸

Indiana University's 'Disclosing Institutional Information to Third Parties' policy describes the procedures agents of the university must abide by when disclosing university institutional information to a third party. This party must be “aware of and take proactive steps to reduce the

⁷ <https://policies.iu.edu/policies/it-01-appropriate-use-it-resources/index.html>

⁸ <https://policies.iu.edu/policies/dm-02-disclosing-institutional-information/index.html>

risks associated with the sharing of information.” To our knowledge, Inspire has not produced any evidence of following university procedural code.

1. Additionally, the policy states:

“The university also recognizes the need to share institutional information with partners to accomplish its mission and that, when disclosing this information, the university must exercise due care. Furthermore, to ensure compliance with applicable federal and state laws, regulations, and university policies, **it is vital to evaluate and approve the ability of third parties to appropriately handle and protect information before information is shared.**”

2. Under the definition of Disclosing Information, the policy also reads:

“Maintenance of information: examples include warehousing paper or electronic records at a third party site; **using a hosted platform provider to store institutional information; email outsourcing;**”

3. Furthermore, procedures in place moving forward with approving of third-party disclosures include:

Prior to disclosing institutional information, the agent is responsible for initiating and managing the process below to ensure that:

- There is an adequate understanding of the third party’s security environment;
- Business needs, risks, and mitigating safeguards are analyzed and documented; and
- Institutional information is adequately protected.

4. Additionally, in inputting these emails into the DirectIQ system, Inspire directly violated the terms and conditions present within the DirectIQ system.

“DirectIQ **expressly forbids** SPAM (the sending of **unsolicited** e-mail to parties unknown to the sender). DirectIQ has a zero tolerance SPAM policy. Any user found to be using DirectIQ for SPAM will have their account subject to immediate termination.”

- a. As shown in photo 3 and 4, Inspire had no personal connection to those students, as those students no longer attend IU and therefore are not connected. These students are entirely unknown to Inspire and therefore their account was and should be subject to **immediate termination**.
5. Furthermore, Inspire failed to account for the detail that each email had to be voluntarily registered. In failing to do that, they have violated DirectIQs Terms of Use.

“DirectIQ may only be used in connection with email lists for which recipients have **voluntarily registered**. Using DirectIQ to send email to an address you obtain without the consent of such addressee is a **violation** of the DirectIQ Terms of Use.”

- a. Directly violating their Terms of Use is an egregious act that cannot be overlooked. Using this third party service and violating both its terms and various IU policies is a huge issue and needs to be addressed. The collection and usage of students emails without their consent is simply unacceptable.

III. Personal Comment/Inquiry about IU’s Policy on Mass Email⁹

The IU policy on mass emails states, “The University Information Policy Office (UIPO)¹⁰ at Indiana University distinguishes between mass mailings (typically used for administrative purposes) and the use of email for interpersonal communication.”

The policy gives advice to students in this policy labeled as “Important”. This guidance states students should consider using Salesforce to send communications for communications sent to more than 30,000.¹¹

Important:

As a guideline, IU List mailing lists should have no more than 30,000 subscribers; also, the more

⁹ <https://kb.iu.edu/d/acnt>

¹⁰ <https://kb.iu.edu/d/akbg>
<https://www.directiq.com/terms-of-use/>

¹¹ <https://kb.iu.edu/d/alqn>
<https://www.directiq.com/terms-of-use/>

active the list, the lower the number of subscribers should be. To ensure mail delivery, the IU List system administrator may throttle any list that causes excessive load on the mail relays. If you need to send communications to more than 30,000 people, you may want to consider using [Salesforce](#) instead.

It has been clearly communicated to candidates, not through formal guidance in the Election Code, but through verbal direction of Commissioner Quinn Gordon, that tickets must use an IU-approved vendor when available with a quote if the ticket is to receive reimbursement of their expenditures through the public funding. Acknowledging the resources of IU List and Salesforce listed on IU Knowledge Base webpages, it appears that DirectIQ is not one of these vendors. *We further reiterate that this is an outside, unsecured, and third party outsourcing site for emails.* Not only did this jeopardize student email information, but it also violated recommendations for sending mass emails that are explicitly stated on the IU Knowledge Base.

Definitions all provided by cited sources:

Access to institutional data refers to the permission to view or query institutional data; permission does not necessarily imply delivery or support of specific methods or technologies of information access.

Commercial activities are defined as economic activities geared toward a mass or specialized market and ordinarily intended to result in a profit, and that are not part of one's university responsibilities. Commercial activities do not include the use of information technology resources for one-time, minimal transactions, such as students using their Indiana University

email accounts to communicate with potential buyers for used textbooks or with potential sub-lessees. This type of transaction is considered incidental personal use.

Eligible employees are faculty and staff holding full-time appointments at Indiana University, or other employees specifically designated as eligible to access institutional data by the head of their department, division, school or campus.

Information technology resources includes all university-owned computers, peripherals, and related equipment and software; voice communications infrastructure, peripherals, and related equipment and software; data communications infrastructure, peripherals, and related equipment and software; all other associated tools, instruments, and facilities; and the services that make use of any of these technology resources. The components may be individually controlled (i.e., assigned to an employee) or shared in a single-user or multi-user manner; they may be stand-alone or networked; and they may be stationary or mobile.

Mass Email: Any unsolicited email, or group of emails, sent to a significant fraction of any of the communities – faculty, students, or staff – of the IUB campus.

Mutually-accepted personal, business, or academic relationship is an association between two individuals established as a result of a job function, a business function, or an academic activity. Examples: a person sending an invitation to a party to a friend; a Human Resources employee sending an email to employees enrolled in a specific benefits plan; a professor sending class information to students in the class; a student asking another student in class a question about an assignment.

Personal private gain is defined as securing profit or reward for an individual in his or her personal capacity, that is not otherwise permitted by this policy.

Political campaigning and similar activities that are inconsistent with the university's tax-exempt status include campaign purposes that would further the interests of the candidate or candidates of any one political party.

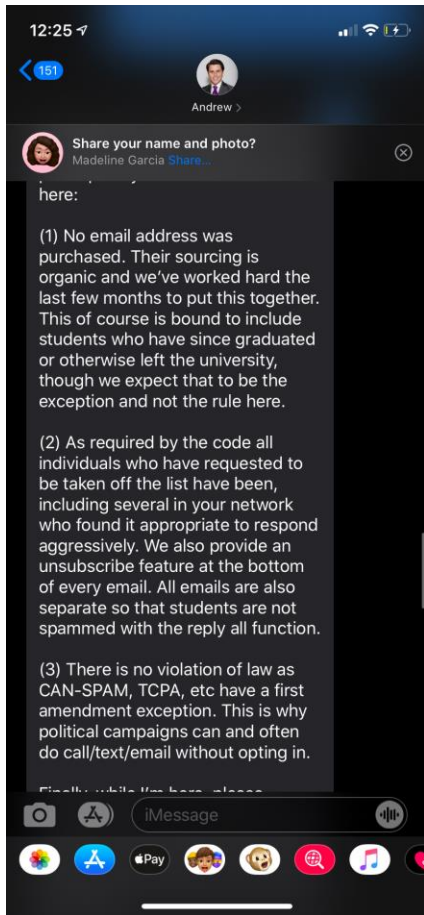
Third party -- A separate legal entity that has a business, contractual, legal or other relationship

with the university, approved external agencies, and affiliated organizations.

University-internal - May be accessed by eligible employees and designated appointees of the university in the conduct of university business; access restrictions should be applied accordingly.

Photos:

Photo 1: This text, exchanged between Andrew Ireland and Madeline Garcia, clarifies Madeline's question previously asked whether a large quantity of emails was potentially



purchased.

She asked, “Hey, I am reaching out because I know there was a mass email sent around, but unless your team paid for this list, I was wondering where you found some of these emails, since they are not all accessible via the IU directory nor are all current IU students.”

Again, the response is that “[The emails’] sourcing is organic...” yet there are no specifics as to where specifically emails were obtained from. Was it Canvas? IU Directory? Student Organizations’ email lists? What organic collection could lead to the gathering of between 40,000 to 50,000 unique contacts?

Also, Ireland cites that “This is why political campaigns can and often do call/text/email without opting in.” Yet, the Inspire campaign directly violated DirectIQ’s Anti-SPAM Policy (screenshotted below): “DirectIQ may only be used in connection with e-mail lists for which recipients have voluntarily registered. Using DirectIQ to send e-mail to an address you obtain without the consent of such addressee is a violation of the DirectIQ Terms of Use.” I never signed up or was made aware that my email would be used to receive

advertisement emails from Inspire, nor did I consent or voluntarily register at any time to receive them. I am not alone in this, and many students are still asking for answers.

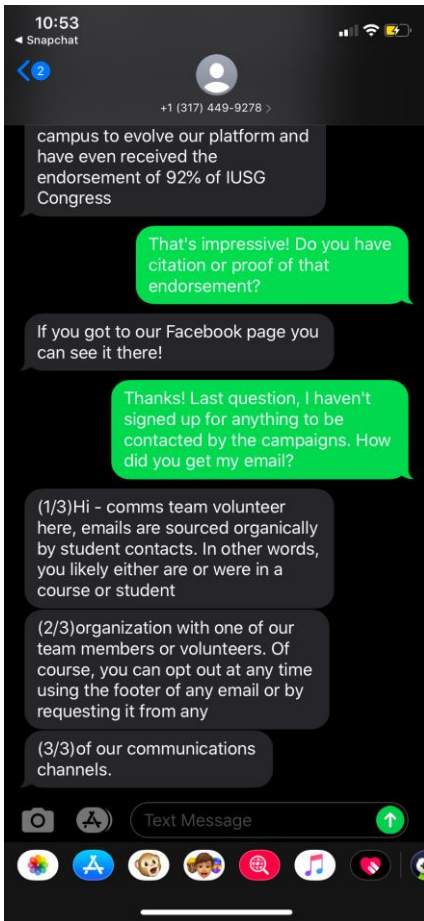


Photo 2: This text screenshot is an exchange between an anonymous student and the Inspire campaign via the phone number sent in the initial mass email.

When inquired about how they were sent the email when they never signed up to receive email, a comms team volunteer responded that emails were “sourced organically by student contacts.”

This action violates the IU Acceptable Use Agreements- Access to Information and Information Technology Resource where abuse of the IU Directory and Canvas resources is prohibited. Emails provided through different IU resources are available for the sole resource of contacting peers for academics, student organizations or IU employment. There was no “mutually accepted relationship” that these email recipients consented to to receive emails.

Photo 3: Email sent to Aaric Hoyer, a transferred student. Although Aaric’s email address is not visible in this screenshot, when searching ‘Aaric Hoyer’ in the IU Directory, the search result DOES NOT return his name or email address. Therefore, there is reason to believe that the Inspire campaign did not collect email addresses via IU Directory. He has not affiliated with the Inspire ticket or consented to receive messages from this campaign, nor was he aware of ever forming a mutually-accepted personal, business, or academic relationship with Andrew Ireland, the sender, or either affiliated candidate.

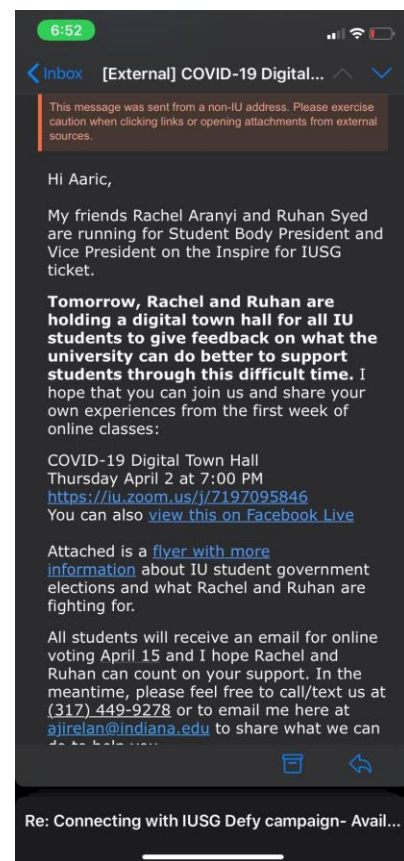


Photo 4: Maci Pickering is a graduated student from Indiana University Bloomington, although her username does still appear on the IU Directory.

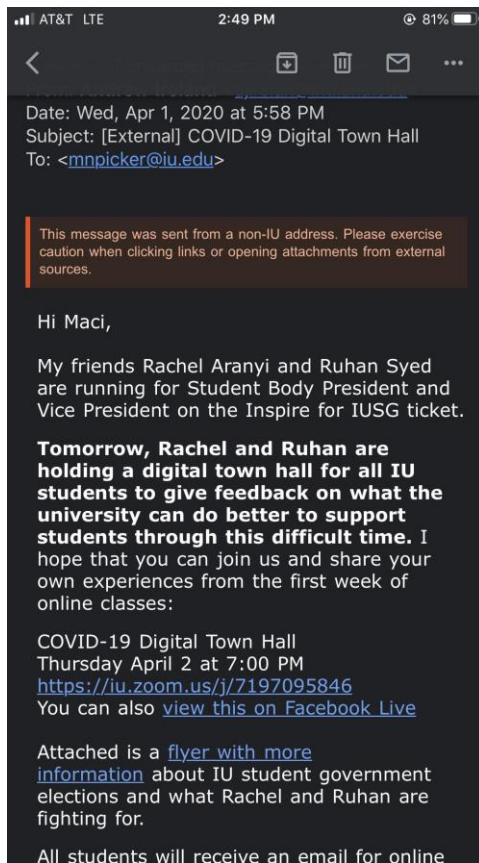


Photo 5 and 6: A student coming forward to Madeline Garcia on early Friday (April 17) morning about 12:05 AM about a concern they heard from Daniel Pickard-Carlisle over the phone on a phone call between Waterman and Pickard-Carlisle on Sunday, April 12. They requested to stay anonymous to protect from retaliation for bringing this forward.

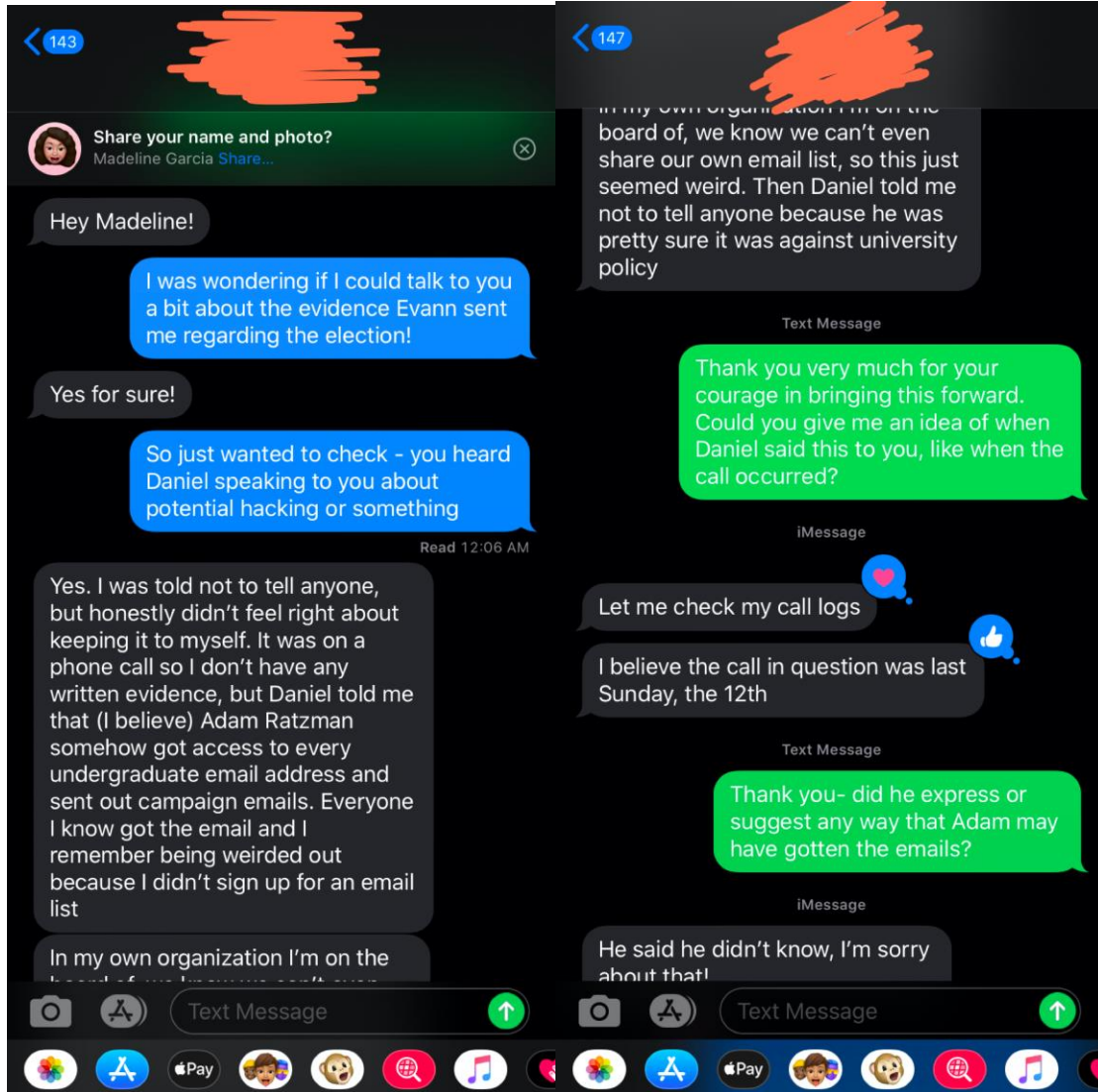
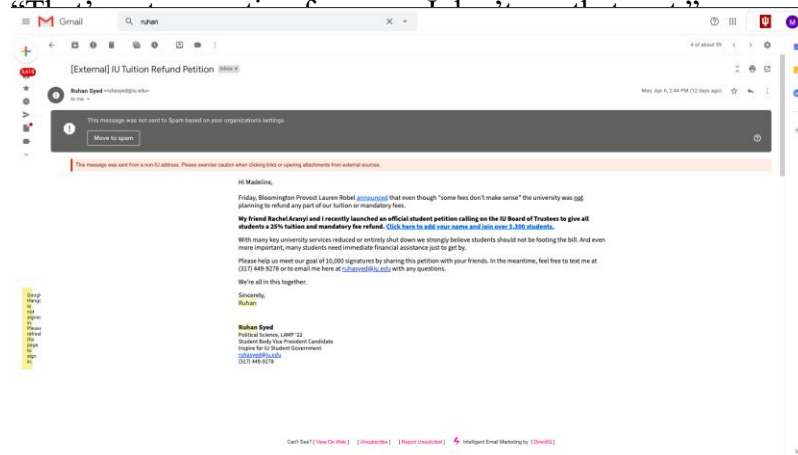
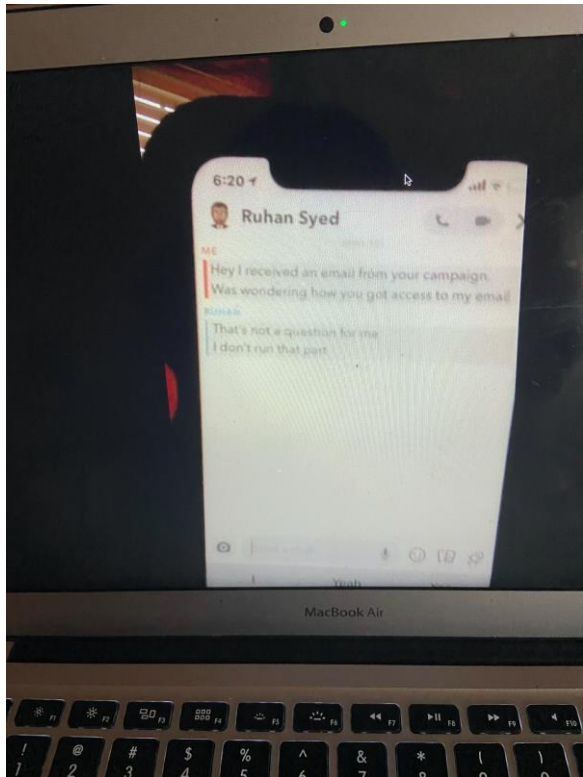


Photo 7 and 8: This photo shows a Snapchat exchange between an anonymous student and Vice President Candidate Ruhan Syed. He claims to not know how emails were sourced, yet his email (ruhasyed@iu.edu) was used and his name was directly on some of those emails, specifically sent on April 6. When asked, “Was wondering how you got access to my email,” Syed replies,





[Back to top](#)

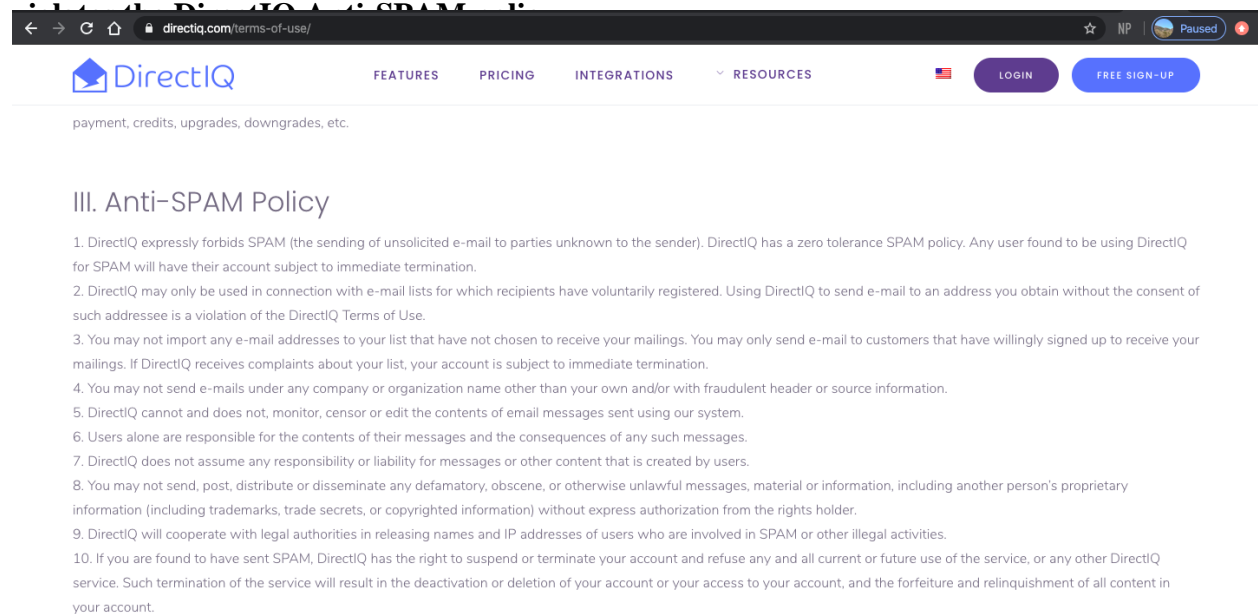
Procedures

Prior to disclosing institutional information, the agent is responsible for initiating and managing the process below to ensure that:

- there is an adequate understanding of the third party's security environment;
 - business needs, risks, and mitigating safeguards are analyzed and documented; and
 - institutional information is adequately protected.
1. If the information to be shared with, or added to or collected by the third party is classified as **public**, the agent must:
 1. For situations involving the purchase or acquisition of goods and services, seek advice from the appropriate Data Steward(s) and the Purchasing Department on relevant procedures.
 2. If the request is made pursuant to the Indiana open records statute, or for other situations, contact the Office of the VP and General Counsel.
 2. If the information to be shared with, or added to or collected by the third party is classified as **university-internal** or **restricted**, the agent must:
 1. Seek advice from the appropriate Data Steward(s) and, as appropriate, the Office of the VP and General Counsel: there may be a need for an agreement, memo of understanding, or other documentation in disclosing information with third parties.
 2. For situations involving the purchase or acquisition of goods and services, consult with the Purchasing Department to ensure that an appropriate agreement (i.e. contract, memo of understanding, etc.) with the third party is in place and that it contains the appropriate data security protection language.

Photo 9: This policy (DM-02 Disclosing Institutional Data) shows how all information that interacts with a third-party must go through a Data Steward or Office of the VP and General Counsel before being exported to the third party. This would have been the responsibility of the Inspire campaign to seek this approval before sending emails.

Photo 10: This shows the DirectIQ Terms and Conditions page, where it expressly shows that the DirectIQ service is only to be used to send emails to recipients who have consented to receive email from the sender. If it is unsolicited, which this was for many students, it



The screenshot shows a web browser window with the URL `directiq.com/terms-of-use/`. The page header includes the DirectIQ logo, navigation links for FEATURES, PRICING, INTEGRATIONS, and RESOURCES, and buttons for LOGIN and FREE SIGN-UP. Below the header, there is a paragraph of text starting with "payment, credits, upgrades, downgrades, etc." followed by a section titled "III. Anti-SPAM Policy". This section contains ten numbered points detailing the company's policy on unsolicited email, consent, and account termination for SPAM.

payment, credits, upgrades, downgrades, etc.

III. Anti-SPAM Policy

1. DirectIQ expressly forbids SPAM (the sending of unsolicited e-mail to parties unknown to the sender). DirectIQ has a zero tolerance SPAM policy. Any user found to be using DirectIQ for SPAM will have their account subject to immediate termination.
2. DirectIQ may only be used in connection with e-mail lists for which recipients have voluntarily registered. Using DirectIQ to send e-mail to an address you obtain without the consent of such addressee is a violation of the DirectIQ Terms of Use.
3. You may not import any e-mail addresses to your list that have not chosen to receive your mailings. You may only send e-mail to customers that have willingly signed up to receive your mailings. If DirectIQ receives complaints about your list, your account is subject to immediate termination.
4. You may not send e-mails under any company or organization name other than your own and/or with fraudulent header or source information.
5. DirectIQ cannot and does not, monitor, censor or edit the contents of email messages sent using our system.
6. Users alone are responsible for the contents of their messages and the consequences of any such messages.
7. DirectIQ does not assume any responsibility or liability for messages or other content that is created by users.
8. You may not send, post, distribute or disseminate any defamatory, obscene, or otherwise unlawful messages, material or information, including another person's proprietary information (including trademarks, trade secrets, or copyrighted information) without express authorization from the rights holder.
9. DirectIQ will cooperate with legal authorities in releasing names and IP addresses of users who are involved in SPAM or other illegal activities.
10. If you are found to have sent SPAM, DirectIQ has the right to suspend or terminate your account and refuse any and all current or future use of the service, or any other DirectIQ service. Such termination of the service will result in the deactivation or deletion of your account or your access to your account, and the forfeiture and relinquishment of all content in your account.

IV. Prohibited Behavior



Response to Previous Submission's Complaint Four Reply Brief

- Referring emails to offices on campus to ensure safety of emails before being given to third party source
- Conduct Hearing for the campaign held liable because due to the emails being sent through Rachel and Ruhan's emails, the campaign would have had to know about the email usage and how it was collected.
- ANDREW's RESPONSE (2A): The use of electronic mail for First Amendment protected purposes (i.e., political speech) is not a commercial activity and does not otherwise constitute personal or financial gain. COMPLAINANT fails to provide any reasoning, despite its burden in doing so, on how a violation has occurred
 - **If Inspire received a reimbursement from DirectIQ, this could constitute as financial gain and would therefore be commercial activity. Personal gain consisted of the advertisement of the senders' IUSG campaign. This advertisement is a personal gain.**
 - **Even if this is not a commercial activity, 1) no mutually accepted relationship was ever established between**
- ANDREW's RESPONSE (2A): COMPLAINANT too would almost certainly have violated university policy. See Exhibits 2-3. Even if COMPLAINANT has used a private email address in its own mailings it is certainly communicating about political purposes, as they would describe as for its own private gain, to university email addresses. RESPONDENT has not filed a complaint on this matter because we believe this is a dangerous and inaccurate account of university policy. University policy here is directed to stop the distribution of commercial spam not to suppress student expression.
 - **Defy has never ONCE used the email address to reach out to anyone about personal or private gain. Any emails we received were from interested students and not emails Defy sent first. Despite intentions to collect and message student email addresses, no emails were actually sent to any email addresses to market Defy. Besides sending two campaign staff members for proofreading, no new email threads were started to university affiliates regarding marketing or campaigning of the Defy campaign. Emails were collected on our eligibility to run ballot petition, but these emails were never actually used to send emails to. Some emails were sent from Madeline Garcia and Madeline Dederichs to student organizations or individuals simply to organize a time to talk about policy or gain different perspectives, but we were clear as to how the students' data or emails were accessed. (Ex. Emailing president of Luddy Student Government to ask how IUSG or our campaign policy could build a collaboration with Luddy students on projects**

in the year, and saying that I found their email on the Luddy website.) Our email defycampaign@gmail.com was used only to answer any questions, comments, or concerns that were sent to the email first.

- **ANDREW’S RESPONSE (2B4)- The use of university email services for promoting a student government election falls within this definition, just as the use and creation of university email addresses such as iudems@indiana.edu does. University resources are regularly used for political activities by students and can be done so long as the university itself or its representatives are not engaging in political speech. The university cannot bar the use of its resources for student expression— student expression and civic participation is, after all, part of the university’s core mission**
 - **Inspire DID NOT get proper authorization for the access or use of ANY institutional information for the personal gain they received through the win of their campaign through the preliminary voting. This is a direct violation due to the overwhelming fact that they used institutional information and sent it to a third party service WITHOUT authorization from the Office of the VP and General Counsel. They did not give the students of the emails they took any option to CONSENT BEFORE they used their email, and offered an opt out button, but only after they had sent their IU email to a third party site.**
- **ANDREW’S RESPONSE 2B6- COMPLAINANT does not send UBE, which applies to commercial speech, and does not need prior authorization for First Amendment protected speech—this would be an impermissible form of prior restraint and allow for content-based regulation of political speech.**
 - **No matter the content of the message, all disclosing of university data, whether public, university-internal, or restricted, must go through a process of approval before this is sent out through a Data Steward or Office of the VP and General Counsel.**