

Complaint Form #6
IUSG Election Commission

Date Complaint Submitted: Saturday April 18, 2020

Complaint Submitted By: Defy

Complaint Submitted Against: Inspire

Date & Time of Violation: Saturday April 18, 12 PM noon

Hello,

We are bringing forward a new issue pertaining to the Inspire campaign's use of email marketing through its campaign period. A student came forward to tell us that a high school senior, who has not yet been an IU student or taken IU classes, had received Inspire emails to their IU email address. After receiving one report of this, we asked other high schoolers we knew or were mutually connected with about receiving the email(s) from Inspire for IUSG, Andrew Ireland, or Ruhan Syed.

Upon connecting with these other high school students, we found three disturbing results: 1) many of their names and email addresses were not publicly available on the IU directory, 2) some potentially were minors under the age of 18, whose parents may not have been given the to opt-out of FERPA-protected directory information release, and 3) all of the students we asked had NO personal connection with any Inspire campaign, Andrew Ireland, Ruhan Syed, or IUSG. This leads to questions about how the IU emails of these high school seniors were accessed, seeing as they were not public in the directory or Zoom company contacts, and the second question: if they had no mutually-accepted personal, business, or academic relationship, does this not violate University Policy IT-21?¹

IT-21 Reads: *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.*

This complaint reveals yet another allegation into the emailing that Inspire has done over the course of their campaign. Defy will introduce evidence showing how Inspire emailed high school seniors, individuals who are not even students of IU yet, and attempted to garner their support.

With these incoming freshmen not having shared any classes or student organizations with the Inspire campaign as these individuals are not official IU students, we want to make it known again that there is no mutually accepted relationship between these individuals and the Inspire campaign.

¹ <https://policies.iu.edu/policies/it-21-use-email/index.html>

<https://policies.iu.edu/policies/usss-05-release-student-information/index.html>

<https://www.directiq.com/terms-of-use/>

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

- A. In photos 2-8, it shows several different high school students who received an email from Andrew Ireland, Inspire's campaign manager, on April 1st. Defy believes this is an extremely ALARMING issue because these individuals, who are not even students at IU, received an email pertaining to this election in an attempt to garner their support.
- B. This raises many concerns due to the fact that these students do not show up on the public IU student directory, and are currently not involved in any student organization. Before receiving this email from Ireland, the students likely would not have interacted with an Inspire webpage, landing page, or other Inspire resource previously. Inspire claims to have sourced these emails "organically," yet has provided no specific details into how these students' emails were retrieved. In light of this new evidence, Defy asks for a THOROUGH investigation into the collection and selling of all emails for their campaign.

II. As stated in IU's Student Information policy, it outlines the FERPA requirements for the usage of student data.

- A. "FERPA authorizes the university to disclose education records or identifiable information to third parties (i.e., anyone not a "school official") without the student's consent under the following circumstances:"
 - 1. "Information that the university has designated as "directory information," so long as the student has not filed a FERPA restriction. Indiana University limits "Directory information" to: (*Student's name and University e-mail address included for reference, FERPA states other exceptions to lack of consent for disclosing information)
 - a) Student's name;
 - b) University e-mail address;
- B. As shown by the IU policy, FERPA allows for the disclosing of identifiable information without consent as long as it falls under "Directory information." **However, these individuals are not yet students and therefore some of their emails are not located in the directory. Therefore, their emails are NOT able to be disclosed to third party services and REQUIRE consent from those individuals before their information, such as their email, is disclosed.**
- C. Additionally, being that they are not students of IU, they are unable to sign the campus specific FERPA restriction form that allows their information not to be disclosed to the public. If the student is yet under age 18, this would be the responsibility of the parent to sign this. Since the students have not matriculated at IU yet, they have not yet been given a chance to opt-out. **This inability to withdraw consent from having their email sent to DirectIQ, a third-party**

service, and Inspire's clear disregard for their data privacy is **IRRESPONSIBLE, NEGLIGENT, and an extreme MISUSE of power**. This seems to violate the Inspire campaign's own commitment to data privacy on their policy platform.

1. As stated in our Complaint #5, the non consensual use of emails is against DirectIQ's Terms of Use and calls for immediate termination of their account, as DirectIQ has a **ZERO TOLERANCE** policy for SPAM.
 - a) "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."
 - b) The DirectIQ services were not used just once, but at least two times to send emails to a large number of student email addresses.

Photos:

***To clarify, these are just a few of MANY students who are incoming freshmen who have received this email. With the limited time, we were unable to reach out to every incoming student who potentially could have received this email. Defy calls for a thorough**

<https://policies.iu.edu/policies/uss-05-release-student-information/index.html>
<https://www.directiq.com/terms-of-use/>

investigation of how they received these emails and how many incoming students were affected by this issue.

Photo 1: False information said by “a comms team volunteer”

Photo 1: This text screenshot is an exchange between an anonymous student and the Inspire campaign via the phone number sent in the initial mass email by Andrew Ireland.

When inquired about how they were sent the email when they never signed up to receive email, a communications team volunteer responded that emails were “sourced organically by student contacts. In other words, you likely either are or were in a course or student organization with one of our team members or volunteers.” High school seniors who expressly said they had NO connections to anyone in Inspire or IUSG, and didn’t know Andrew Ireland or Ruhan Syed, obviously did not have their email addresses sourced “organically” from a course or student organization list.

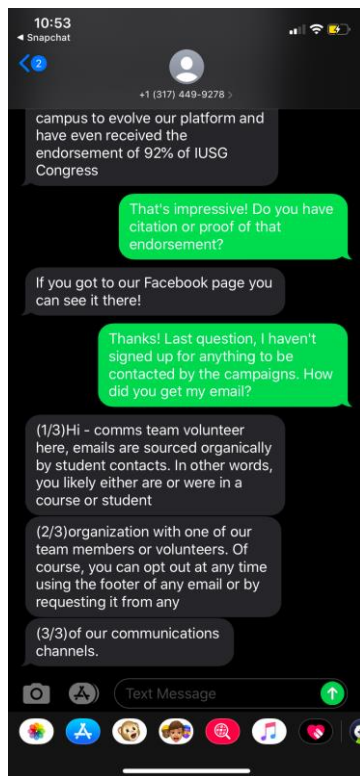
Reply Brief to Complaint 4: Contact information is and was collected from a variety of sources including from volunteers who provided personal contacts, opt-ins from digital marketing, opt-ins from our website, opt-ins from other landing pages, and the use of publicly available data.⁷ Notably, all non-opt-in data was collected before the campaign began, before our candidates had decided to run, or before a leadership team was created. Moreover, the Inspire campaign, along with Defy, could easily access most full-time student emails through Zoom today, for example, using the company contacts section. ⁸ We have not purchased email contacts from a vendor and do not have access to Salesforce or other university data which would allow organizations like IUSG or campaigns to generate an all encompassing, clean, targeted campus email list. For all contacts (emails, SMS, Messenger) we have used segmented lists of approximately 45,000 – 50,000 unique students, faculty, media, and other parties.

7 = 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.

Even if high school seniors’ emails were not pulled from the Directory or another source explained in Ireland’s reply to Complaint Four, it is highly unlikely that these students would have previously interacted with an Inspire landing page, visited a website for an election they could not even vote in, or volunteer their information through another method that Ireland explains in this brief. If the recipients had not yet matriculated as students at Indiana University, the question remains as to how the recipients could have consented to having their names and emails released to a third party company without their consent. FERPA, a federal law dealing with student data disclosure, cites that parents must be given the opportunity to sign away the school’s right to disclose their student’s information. The responsibility moves to the student to sign that waiver if the student had matriculated or turned 18 years of age. **However, since these high school students were not yet university students, and there is great potential that some recipients were not yet 18 years of age, were their parents given time to opt-out of this disclosure, and how were the recipients’ emails even accessed in the first place if they are**

not available on the IU Directory or Zoom company contacts?²

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. Some high schoolers' emails were not even in the Directory, or the Zoom company contacts feature as Andrew had suggested in his reply brief from Complaint 4. 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.

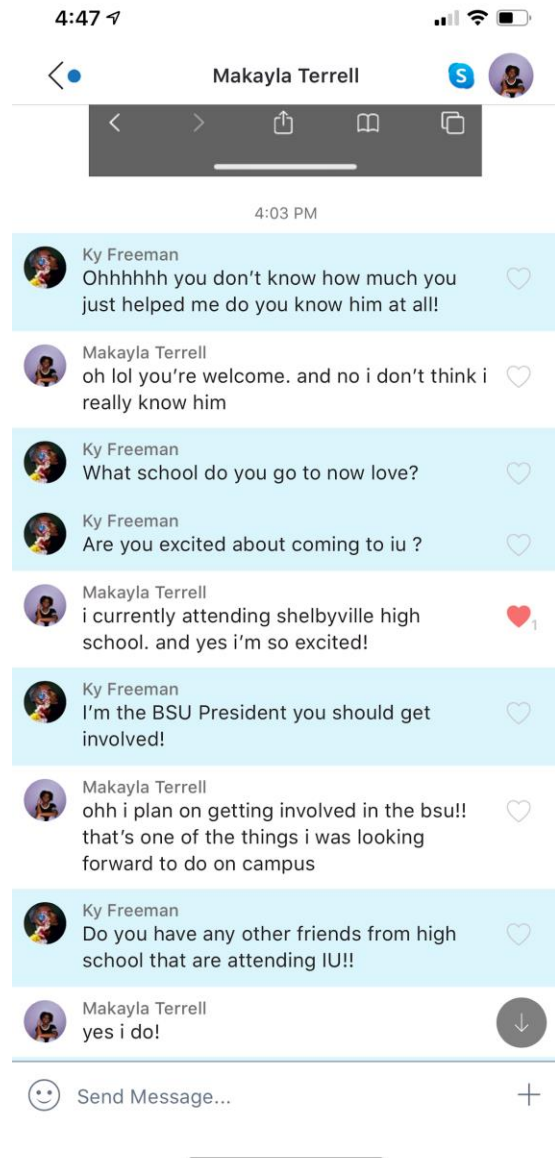
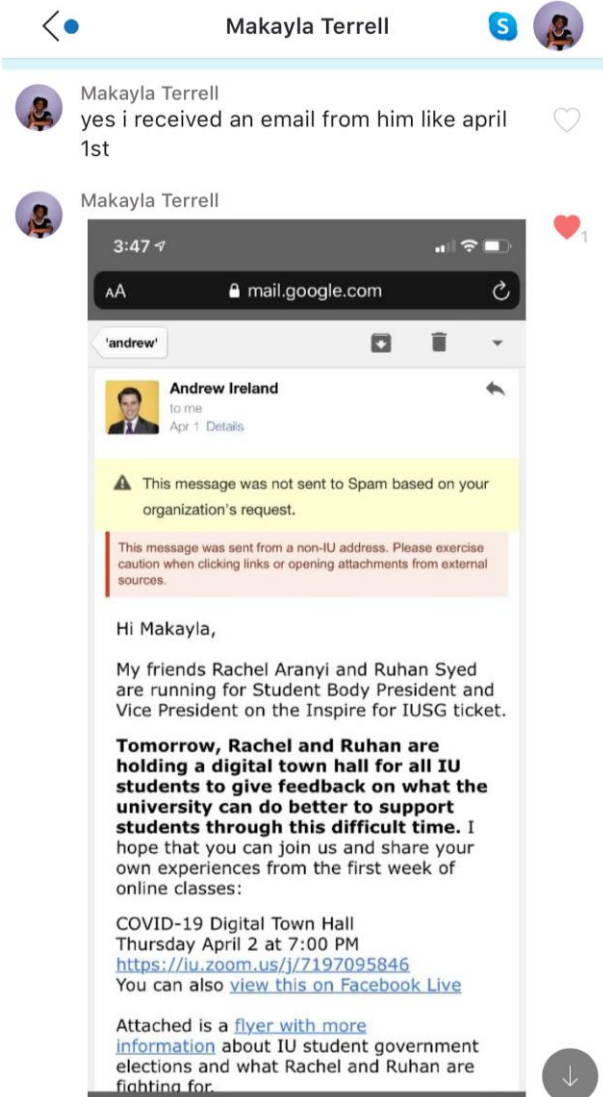


Photos 2, 3, and 4: Makayla is a high school senior and received this email from Andrew Ireland about the COVID-19 Town Hall as well as supporting Rachel and Ruhan. This was received by Ky Freeman via GroupMe. These messages show the email she received, as well as the fact that Makayla did not know anyone from the Inspire campaign or IU Student Government.

² <https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html>

<https://policies.iu.edu/policies/usss-05-release-student-information/index.html>

<https://www.directiq.com/terms-of-use/>



6:27



Makayla Terrell



Ky Freeman

Yeah you know that's always amazing



6:02 PM



Ky Freeman

Do you know Andrew personally?



6:21 PM



Makayla Terrell

nope not at all



Ky Freeman

Do you know anyone affiliated with the iu student government or the inspire campaign



Read - 6:21 PM



Makayla Terrell

no



Photo 5: Jadon is a high school senior and received this email from Andrew Ireland about the Tuition Refund petition as well as supporting Rachel and Ruhan.

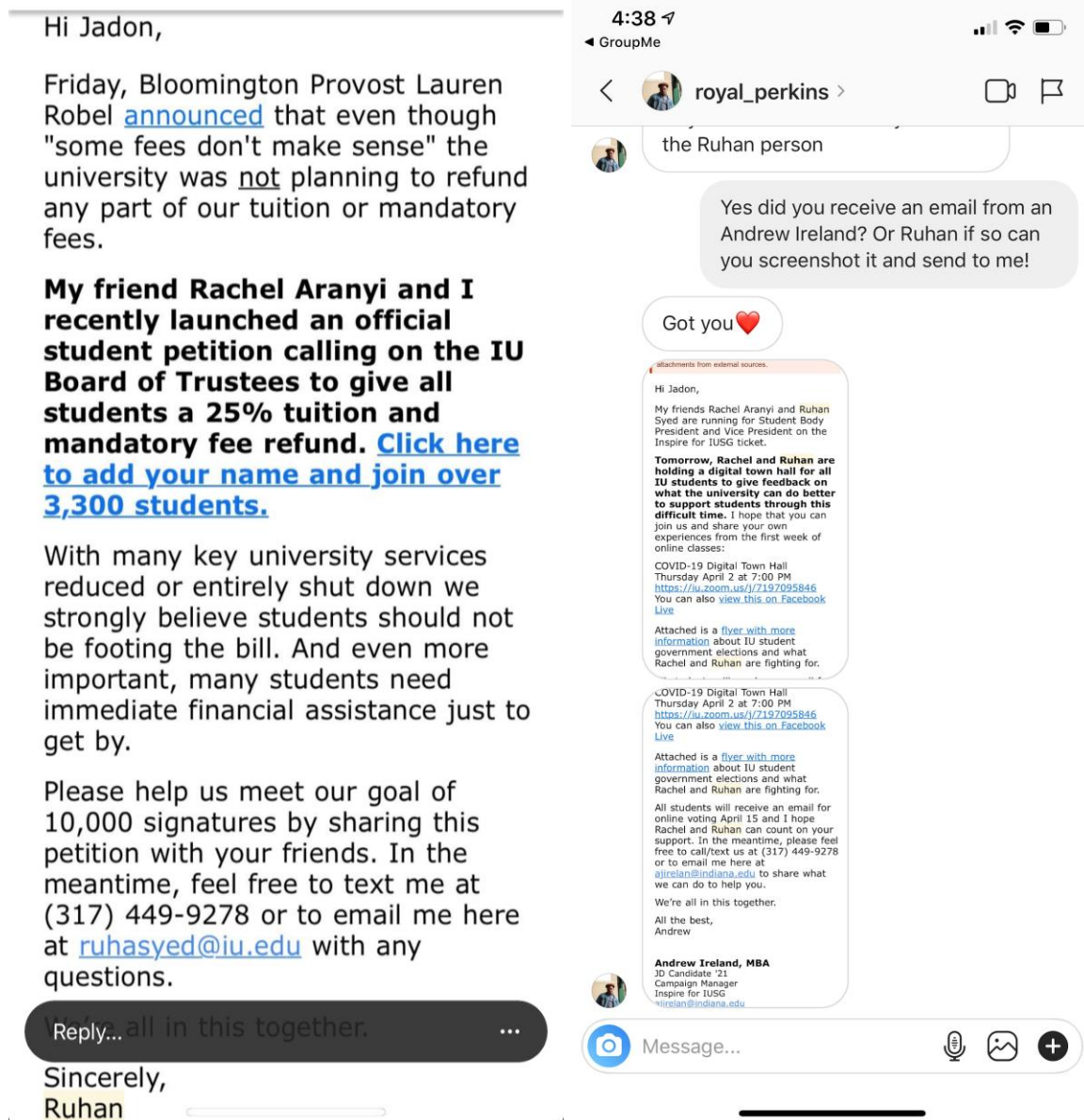


Photo 6: Marsha Koda is a high school senior and received this email from Andrew Ireland about the COVID-19 Town Hall as well as supporting Rachel and Ruhan. This was received by

<https://policies.iu.edu/policies/usss-05-release-student-information/index.html>
<https://www.directiq.com/terms-of-use/>

Ky Freeman via GroupMe. Please pay **SPECIAL** attention to the last message that indicates that Marsha does not know **ANYONE** on the Inspire campaign or IU Student Government.

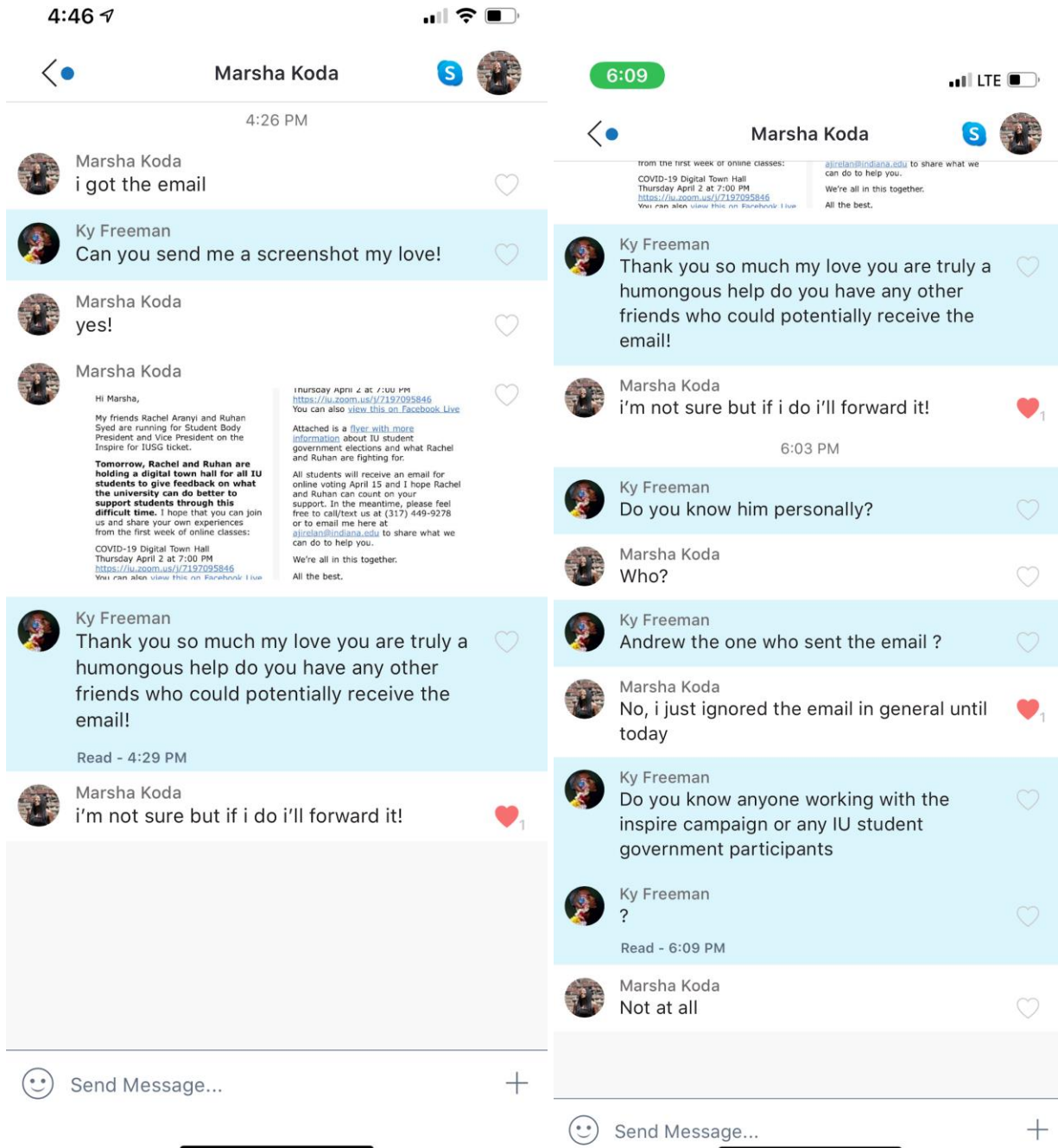


Photo 7 and 8: Kyerre Hudson is a high school senior and received this email from Andrew Ireland about the COVID-19 Town Hall as well as supporting Rachel and Ruhan. This was received by Ky Freeman via GroupMe.

<https://policies.iu.edu/policies/usss-05-release-student-information/index.html>
<https://www.directiq.com/terms-of-use/>

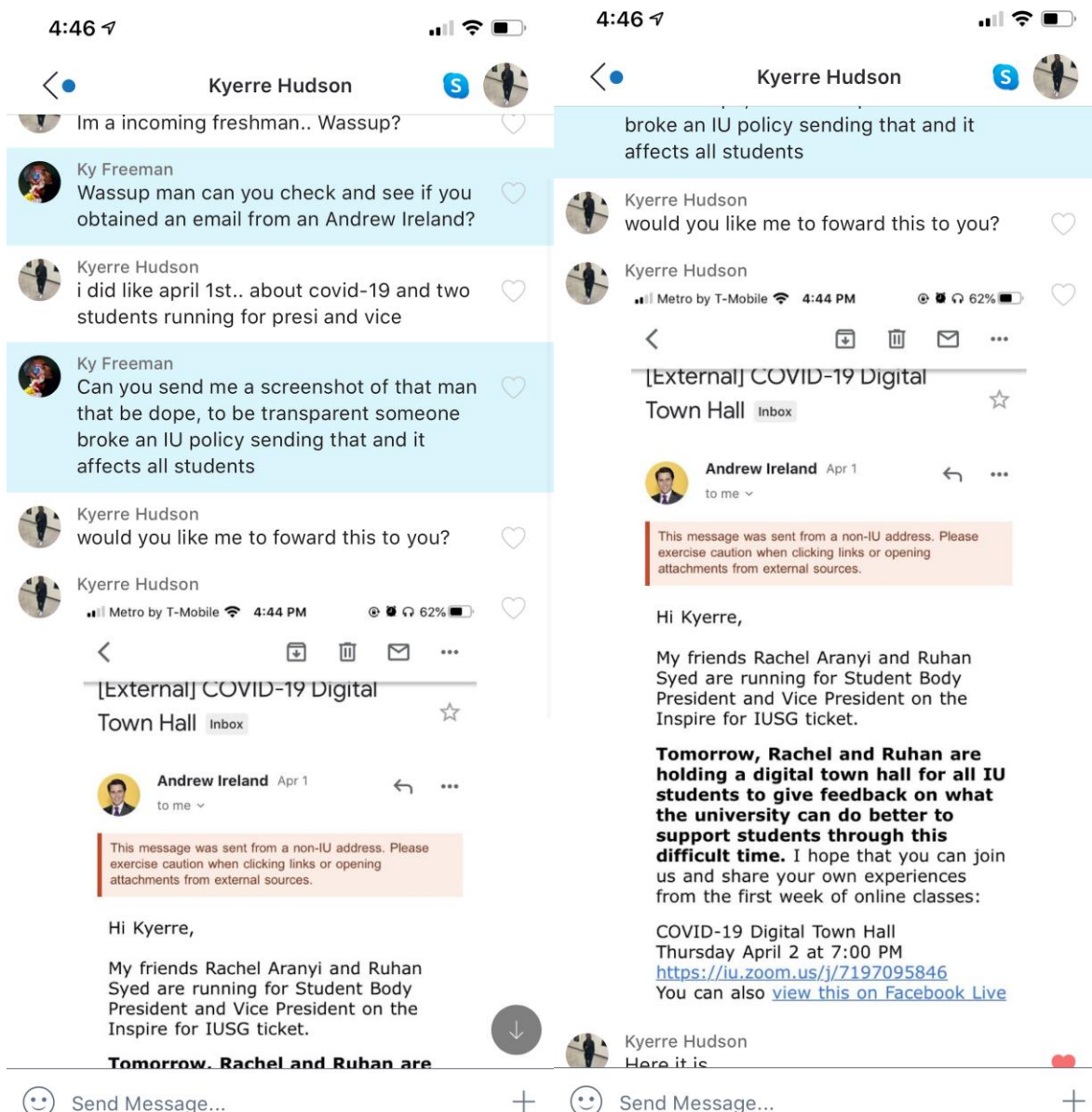


Photo 9 and 10: Photos pertaining to Zoom client contacts that show that at least two of these contacted high school students do not show up on this list. This shows yet another site that lacks these individuals' information and an inconsistency in the narrative told by Andrew Ireland.

<https://policies.iu.edu/policies/usss-05-release-student-information/index.html>
<https://www.directiq.com/terms-of-use/>

