



Precedent of the Election Committee

Allegation 1920-01

Relevant Constitutional Sections:

Article XV, Section 1(g)(4): Individuals holding the following offices enumerated in this Constitution may not endorse any candidate or ticket: (L): Hall Presidents and Vice-Presidents.

Article XV, Section 1(g)(6): Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall, Student Union Organization, University department, office, or official.

Article XV, Section 1(g)(7): No student group may use funds of any type (allocated or unallocated) to support a candidate for a student office.

Relevant Facts:

As part of their campaign effort, the alleged party attended a Residence Hall's scheduled Hall Council meeting. During the meeting, the alleged party was coincidentally invited to partake in a traditional Hall Council event during the meeting to which other candidates were not privy. The event was funded with Hall funds.

The event, including the participation of the alleged party, was posted by the Residence Hall through the Hall's Instagram page. Further, the alleged party reposted the video to their personal Instagram account.

Holdings:

1. The coincidental participation of a candidate in a traditional Hall Council event does not violate Article 15.1(g)(4)(L).
 - a. Article 15.1(g)(4)(L) prohibits a Hall President from endorsing a candidate or ticket. Though the alleged party was privy to a unique, one-time opportunity to participate in a traditional Hall Council event, testimony from the alleged parties and the coincidental circumstances indicated that the invitation, and subsequent participation, occurred

by virtue of happenstance. Given the lack of intention, it is clear that a violation has not occurred.

2. An endorsement made by a Residence Hall does not violate Article 15.1(g)(6).
 - a. Article 15.1(g)(6) states that “Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall.” In this situation, the alleged party undeniably received endorsements from two (2) Residence Halls. However, the Election Committee notes that a Residence Hall does not fall under jurisdiction of the Committee. Given that no evidence was produced that indicated that the alleged party directed these endorsements, the alleged party is not in violation of Article 15.1(g)(6).
3. Reposting an endorsement made by a Residence Hall to a candidate’s personal Instagram account constitutes a violation of Article 15.1(g)(6).
 - a. Article 15.1(g)(6) states that “Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall.” The reposting of an endorsement from a Residence Hall on the alleged party’s private Instagram page represents public communication, communication on the part of the Residence Hall, and formal communication, each of which is a component of the definition of an endorsement. The Committee thus held that the alleged party's reposting of the video constitutes the communication of an endorsement, as outlined by Article 15.1(g)(6). By reposting a video (1) from the official Instagram page of a residence hall which (2) shows an official hall event that (3) features only the alleged party in their role as candidate alongside the (4) Hall President, the alleged party has indeed "communicate[d] an endorsement such that it can be construed to represent that of a Residence Hall..."
4. The coincidental use of hall funds intended for a traditional event during the regular course of Hall Council, absent a showing of unethical intent, does not constitute a violation of Article 15.1(g)(7).
 - a. Article 15.1(g)(7) states that “no student group may use funds of any type (allocated or unallocated) to support a candidate for a student office.” As was indicated previously, for this finding pertains to the considerations of the Hall President above, the participation in the traditional element of the regular Hall Council meeting was coincidental. As a continuation of that logic, the benefit gained from Hall funds tied to that event are also unintentional and are not unethically motivated. The intent of the use of hall funds when

originally spent was not tied to the participation of the alleged party in the regular event. Therefore, a violation has not occurred.

Sanctioning

1. The Committee imposed the sanction of a 24 hour social media ban.
 - a. The Committee based their sanctioning decision on the duration of a typical Instagram story post, as this was the method of reposting used by the alleged party in this scenario. Because the post was available for a 24-hour period, the Committee agreed that the ban duration should match this timeframe. To prevent circumvention of the ban on different media platforms, the ban was extended to the cessation of “all electronic activity.” The ban was implemented upon the alleged party’s receipt of the Decision Letter authored by the Election Committee.
2. The Committee required the alleged party share a statement of private apology to each of the other candidates.
 - a. The wording of the apology was left to the discretion of the alleged party, but it was required that the Judicial Council possess monitoring and accessibility rights to the statement as it is sent or presented to the other parties in the election. The only language stipulation was that the alleged party must apologize for any unconstitutionally communicated.