

2018 Election Supervisory Board

In Res. Hains vs. Becker

ESB Resolution: 2018-011

Election Supervisory Board members Carlos Campos and Nrhari Duran authored the majority opinion of the board:

“In the matter of Colton-Mehraz facebook activity by executive alliance candidate Colton Becker concerning the Guneez-Hannah campaign.”

Whereas, During the runoff campaign period Colton Becker was a registered candidate with the Colton-Mehraz executive alliance, and;

Whereas, Candidate Colton Becker “love-reacted” a post by Rachel Sasiene on the social media platform Facebook, and;

Whereas, The essence of the post which was published on Facebook by Rachel Sasiene was to allege that the Guneez-Hannah campaign were complicit in anti-semitic rhetoric, and;

Whereas, Candidate Colton Becker’s “love-react” was recklessly complicit in and further disseminated the essence of the aforementioned Facebook post across the digital platform, Facebook, and;

Whereas, Section 4.13 of the Student Government Election Code reads:

“VERBAL HARASSMENT. Candidates, as well as their agents and workers, shall not engage in campaigning activities that subject students, faculty, or the administration to demeaning verbal harassment as determined by the University’s institutional rules.”

Whereas, Part b. subsection 1 of Section 13-204 of The University of Texas at Austin's Institutional Rules on Student Services and Activities defines Harassment as:

“.... hostile or offensive speech, oral, written, or symbolic, that.... is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the victim’s ability to participate in or benefit from the services, activities, or privileges provided by the University”

Whereas, The Guneez-Hannah campaign provided adequate evidence to demonstrate that the alleged harassment contained in the post resulted in an objectively hostile environment, and;

Whereas, Section 4.15 of The Campus Wide Election Code reads:

“Sec. 4.15 CONSEQUENCES OF A CLASS B OR C VIOLATION. If, after a hearing, the Election Supervisory Board finds a candidate, or a candidate’s agents or workers, has committed a Class B or Class C violation, the Election Supervisory Board may restrict the candidate, or the candidate’s agents or workers, from engaging in some or all campaign activities for some or all of the remainder of the campaign period. If an order is issued covering only part of the remaining campaign period, it shall take effect within twenty-four (24) hours so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.”

Therefore;

Resolved: The actions of Candidate Colton Becker, who “heart-reacted” a facebook during the campaign period warrant a Class B violation of Section 4.13 of the Student Government Election Code. The Board has ruled that Candidate Colton Becker is subject to a moratorium on March 22nd, 2018 from 1:00 pm cst - 5:00 pm cst.

In conclusion, the Election Supervisory Board submits its resolution on Thursday, March 21, 2018 with the majority of board members who were present at the meeting.

Affirmative Votes:

Alexandra George, Vice Chair
Nrhari Duran
Farhan Kassam Ali
Carlos Campos
Spencer Buckner

The ESB's minority votes disagree with the majority opinion in the matter of Colton Becker's violation of Sec 4.13 of the Common Code outlining verbal harassment. While the "liking" of a post made on behalf of a part of the Jewish community did occur, we do not believe it was done with intentions to harass the Guneez-Hannah campaign. Based off of the Supreme Court ruling in *Ibrahim v ESB* they clarified that "the tweet itself was a statement of support for the campaign by a University of Texas student. By liking the tweet, the campaign did not align itself so totally with the statement that it adopted every part of the message." We believe the same rule is applied to this specific case. Colton stated that the intent behind the "liking" of the post was to show solidarity. We believe that this is sufficient reasoning for his action. Although the interpretation of the post is questionable on its intention to harm the Guneez-Hannah campaign, we do not believe that Colton should be held responsible for the entirety of the post as he may have not aligned himself with the entire post.

Opinion authorized by:

Jennifer Valdez, Chair

Mariano Bracamontes Akle

Taylor Newman