

2014 Election Supervisory Board

In Res Rady-Strickland

February 27th, 2014

Member Sharla Chamberlain delivered the opinion of the Board:

In the matter of Kori Rady and Taylor Strickland, candidates for Executive Alliance during the 2014 campaign season, heard on one count of violation of the universal application clause of the Student Government Election Code, and one count of violation of the prohibited unsolicited e-mail clause of the Institutional Rules on Student Services, Student Discipline and Conduct.

Whereas the Student Government Election Code Title II Chapter I Section 1.11 reads:

*UNIVERSAL APPLICATION. The provisions of **TITLE II** apply to **all entities participating in campus-wide elections.***

Whereas section 11-404 the Institutional Rules on Student Services, Student Discipline reads:

*(a) Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal laws, **the dean of students may initiate disciplinary proceedings** under subchapter 11–500 against a student who*

*(17) engages in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or The University of Texas System or uses an information technology resource for an illegal, threatening, or intentionally destructive purpose; prohibited conduct includes, but is not limited to, circumventing system or network security, committing copyright infringement, **transmitting unsolicited e-mail**, sharing a University-issued password, falsifying an e-mail header, and using resources for personal financial gain or profit;*

Therefore, it is the official opinion of the 2014 Election Supervisory Board to dismiss the complaint brought against Kori Rady and Taylor Strickland on the basis that the accused party did not violate the aforementioned clauses. Upon weighing the evidence provided, the Board unanimously agrees on the following points:

1. The accused Executive Alliance appropriately followed the guidelines put forth in an Advisory Opinion and guidance provided by the ESB regarding appropriate means of soliciting emails.
2. The accused Executive Alliance demonstrated a “direct connection” between campaign worker Josh Tang and plaintiff Danny Zeng through a registered student organization before sending the plaintiff a campaign-related e-mail.

The Board believes that the Executive Alliance acted within campaign guidelines when collecting the plaintiff’s email. Therefore the plaintiff incurs no punitive action.

It should be noted that in future years, the Election Supervisory Board may be more or less stringent on the definition of direct connection and the degree of consent required.

Ryan T. Lutz, Chair

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