



THE STUDENT GOVERNMENT SUPREME COURT  
THE UNIVERSITY OF TEXAS AT AUSTIN

**Advisory Opinion: Spamming on Social Media**

JUSTICE JEON delivers the opinion. CHIEF JUSTICE  
BIRENBAUM, JUSTICE DARROW, JUSTICE NGUYEN, and  
JUSTICE SLAGLE join.

**SUPREME COURT OF THE STUDENT  
GOVERNMENT OF THE UNIVERSITY OF TEXAS  
AT AUSTIN**

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Delivered September 23, 2018

The Court is issuing an advisory opinion regarding spamming on various means of social media, such as Facebook groups and GroupMe chats.

More specifically, the Court seeks to clarify and define the reach of Student Government Election Code §4.7, which states:

ELECTRONIC MEDIA. All campaign materials must be in compliance with University regulations governing the use of electronic media.

The relevant Institutional Rules and Regulations can be found in Chapter 11 on Student Discipline and Conduct, which states, in part:

§11-404. General Misconduct

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

(13.) Unauthorized Use of Institutional Technology - 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



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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.

The Court finds that the nonexhaustive nature of the list of violations above implies that similar violations, such as “transmitting unsolicited” electronic messages of other kinds, i.e. “spamming”, are also in violation of §11-404(a)(13), and in turn, Student Government Election Code §4.7.

The Court also emphasizes that any information technology, including social media, owned or *controlled* by the University or The University of Texas System is subject to the same regulation. This includes, but is not limited to, Facebook groups with University employee as administrators or moderators, Facebook groups that require a utexas.edu email to access, or group chats that are owned and/or regulated by a University employee. It must be noted that “University employee” indicates someone who owns or regulates such information technology with the intention of controlling and/or monitoring the contents of the medium.

Additionally, although spamming regulations, in particular, apply only to information technology owned or controlled by the University, note that this does not imply other rules only apply to information technology owned or controlled by the University. For example, a candidate may still be sanctioned for verbal harassment due to hostile comments posted on a student-owned GroupMe or Facebook group.

It is so ordered.