

# **University and SGA Policy and Rule Clarifications**

## **Purpose**

The SGA Election Code is a document amended across decades worth of administrations with differing mindsets and philosophies with each amendment. Consequently, parts of the SGA Election Code can be confusing, ambiguous, and somewhat contradictory. University Policy can also be confusing especially for newer candidates. This document is meant to inform candidates and election actors but is by no means an all-encompassing analysis of the Election Code and/or University Policy. This is also not meant to be used as a reference for future complaints. Please feel free to file a complaint if you believe a candidate's actions violate rules, potentially despite this document if you feel you have a convincing argument.

## **Clarifications**

### **SGA Election code, Article 3, Section 6, Clause 5:**

*“A candidate for Student Government Association President may select a Vice Presidential running mate to run for election as specified in Article V, Section 2 of the Student Government Association Constitution.”*

#### **Meaning:**

The Student Government amended the Constitution to allow candidates to run as President without a Vice-President. This means if a candidate runs as President without a Vice-President, they would compete against all other Presidential/Vice-Presidential pairings. Should an individual running for President without a Vice-President win, they would need to appoint a Vice-President through a Senate confirmation along with the rest of their executive cabinet.

### **SGA Election code, Article 4, Section 2, Clause 9:**

*“No candidate will utilize any materials or resources provided by the University (excluding sanctioned university postings and resources provided by the election commission) or Student Organizations for the purposes of campaigning or housing campaign materials, despite receiving prior permission or not:*

- a) This does not include student organization social media for the purposes of a single instance social media platform of endorsement. Any campaign activities on Student Organization social media outside of a single endorsement post per-platform is prohibited (for instance, if an organization has a Facebook and an Instagram, they may post the same endorsement post on both platforms, but no more);*
- b) No university-sponsored (department, division, office, etc.) social media will be used for the purposes of campaigning.”*

**Meaning:**

Candidates cannot, in any way, use materials, funding, storage spaces, or any structural benefits of student organizations or departments in order to bolster or otherwise benefit their campaign. This includes, but is not limited to: storing campaign materials in their storage spaces, using their marketing materials or incentive programs to get votes, using system or membership access to recruit candidates or solicit votes, etc. This does not include candidates or parties utilizing university spaces for the purposes of party meetings. However, a candidate must use spaces which are open to all students either through plain availability or by reservation. Candidates may not use university reservation spaces for the purposes of broad recruiting. This includes social media to an extent. You may, by way of official endorsement, have organizations endorse you on their social media, but you may only post these endorsements once per organization per platform. For example, if an organization has a Facebook and a Twitter, they may post their endorsement of you once on each platform, but any further mentions of your campaign on their platforms will be considered a violation. You may not, in any way, use department or department-adjacent social media to advertise your campaign.

**SGA Election code, Article 4, Section 3, Clause 1:**

*“All physical or online campaign materials must be accompanied by the name of the individual(s), candidate(s), and/or party responsible for funding, producing, and distributing the material.”*

This hasn't been enforced in recent years, but financial transparency is important, and it's important we enforce all rules despite the historical nature of their enforcement. This means on **ALL** physical campaign materials, you need to indicate the agents who produced, funded, and distributed the material. This is as simple as (in small, but readable text), indicating “funded by: [insert funder], produced by: [insert producer], distributed by: [insert distributor].” More than likely the distributor will be yourself or your party. Under producer, you need to list the company or name or the entity(s) that physically printed your materials. If you used PrintDirtCheap to order fliers, you need to indicate PrintDirtCheap produced your fliers. For the funded by section, you will likely need to list yourself or your party name. However, on a candidate/party's donor forms, they must list the individuals and/or external organization(s) which gifted them campaign funds and/or materials.

**SGA Election Code, Article 3, Section 3, Clause 1:**

*“All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party's involvement with Student Government and/or Student Government practice.”*

**Meaning:**

As a candidate, you are held accountable to all university and student government policy and procedure. In past years, and in nearly every election, candidates file complaints regarding opponents allegedly breaking University policy and/or the Student Code of Conduct, and invariably, part of their defense is “you’re just the Attorney General/Court, and you cannot determine if someone broke University Policy and/or the Student Code of conduct because you’re not a University Administrator” (or to that effect). This was added to the Election to make it clear: by way of being a candidate, you are agreeing to the SGA’s adjudication process. This agreement extends to potential infractions of University Policy and/or the Student Code of conduct. The Department of Justice’s and the Court’s interpretations of University Policy and the Student Code of Conduct matter are relevant and are consequential **ONLY** within the bounds of an individual’s status as a candidate in the Student Government’s elections and/or Officer within Student Government.

**UH Student Code of Conduct Section 3.21 Photographing or Videotaping:**

*“Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person’s consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security surveillance filming, or recording that is authorized by law enforcement or authorized University officials.”*

**Meaning:**

This provision comes up year to year on occasion and is often sighted unreasonably in certain circumstances. I, Cameron Barrett (Attorney General), met with the Dean of Students regarding this policy in order to inform my interpretation. You may film/video/record people if they are in public spaces. However, some spaces where you are prohibited from filming/recording people include, but are not limited to: their private place of residence, restrooms, private meeting rooms, etc. You are prohibited from filming/recording people even if you intend the filming/recording to be used as evidence in a complaint, if the individual(s) in question have a reasonable expectation of privacy. This does not extend to the clipping of private messages (commonly done by taking a screen shot of said texts/messaging). The University does not have a clear privacy or conduct policy regarding social media and personal messaging. Therefore, should an individual file a complaint with screenshots of messages as evidence, their act of screenshotting private messaging will not be considered a violation.

**UH MAPP 13.01.01 Freedom of Expression, Section VII, Part F “Literature/printed materials must not promote non-permitted commercial activities”:**

*“Registered student organizations may reserve information tables located in the Phillip G. Hoffman (PGH) Building Breezeway, the Agnes Arnold (AH) Building Breezeway, and the Student Center Information tables in between the Student Center South and the Student Center North for the purpose of distributing literature/printed materials or for other permitted activities. Designed representatives of registered student organizations wishing to reserve these*

*information tables must request the use of space through the Conference and Reservation Services Office. Amplified sound of any type is prohibited in the PGH Breezeway, the AH Breezeway, Student Center Information tables in between the Student Center South and the Student Center North.*

*This section does not apply to literature/printed material distribution related to a vote for or against a candidate for elective University of Houston Student Government Association (SGA) office or for or against a proposition on a ballot at an SGA election. Such distribution by registered University of Houston students may take place in areas immediately adjacent to SGA polling locations and must comply with the rules cited in the SGA Election Code.”*

**Meaning:**

The second half of this University Policy is cited sometimes by candidates as a justification for them essentially being “exempt” from all University advertising/literature distribution rules. However, this only applies to the individual candidates handing out flyers in outdoor spaces. You do not have a right to distribute literature in any building you’d like, and you do not have a right to advertise as a candidate in any way you want. There are many rules regarding approved advertising which you must follow. This section merely gives some latitude regarding an SGA candidates ability to hand out flyers outdoors without needing to go through the inconvenience of reserving a tabling space.

**Conclusion**

I hope these few election clarifications were informative in your goal to be elected. The goal of this document is to help you avoid accidentally breaking the rules due to inexperience in the election process and/or lack of familiarity with SGA and/or University rules and procedures. This is by no means an encompassing list of all policies and procedures you must follow as a UH Student and/or SGA candidate, so feel free to reach out to me by email or phone should you have any additional need to clarify rules regarding the Election Code or University Policy. Also, it is perfectly fine to disagree with my interpretation of these rules and procedures. If you feel you have a strong case for a complaint which runs counter to my interpretations, please file it. I did get co-approval from my Deputy-Attorney General Kaitlyn Austgen, Chief Justice Kate Dentler, and Chief Election Commissioner Beka Harricharran. However, all four of us are willing to hear reasoned and logical retorts to these interpretations without taking it personally.

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