

Preface:

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as “T##A##S##C##P##.” For example, Article 1, Section 1, Clause 1, will be coded as “A1S1C1” for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-12

Petitioner(s): Elliot Carter (further referred to as “Elliot”, he/him),

Representing Rise Up

Respondent(s): Navid Hasan (further referred to as “Navid”, he/him),

Representing N/A

Allegations (filed February 23rd, 2021 at 12:51PM):

(1) Navid Hasam violated A3S3C1 of the Election Code

“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.”

And...

(2) Student Code of Conduct (1,1.1) (1,1.6)

“1 Students are subject to applicable federal, State, and local laws; University of Houston System rules, regulations, and policies, including those set forth in UH System Administrative Memoranda.”

“Any conduct that is a potential violation of the University’s Sexual Misconduct Policy or Discrimination and Harassment Policy will be exclusively processed, investigated and addressed pursuant to those policies and not this Student Code of Conduct, except as provided herein If the Office of Equal Opportunity Services (EOS) has reasonable cause to believe that a student’s presence on University premises or at a University-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of any member of the University community or to property, EOS may

request the issuance of an interim suspension pursuant to the Interim Suspension section of this Student Code of Conduct. A student may appeal the issuance of an interim suspension in accordance with Section 12. If a student is found to be in violation of the University's Sexual Misconduct Policy or Discrimination and Harassment Policy, and the student wishes to appeal any sanction(s) imposed by the Dean of Student's Office, the student's appeal shall be brought pursuant to the appeal section of this Student Code of Conduct. Similarly, if the complainant wishes to appeal any sanction(s) imposed by the Dean of Student's Office against the student, the complainant's appeal shall be brought pursuant to the appeal section of this Student Code of Conduct"

Defense (filed N/A):

No defense statement was filed--

Course of Investigation: I examined the Petitioner's evidence and reached out for a defense statement. No defense statement was filed. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.



Comments



Quentin Lamotte: #RiseUp party

Disclaimer: the lack of a bio and picture is due to the fact the Election Commission did not receive a bio or picture from Quentin or the #RiseUp party even after being given additional time. Yes, we could edit this section and simply make one up but it would not be fair to the candidates that submitted their information on time especially considering Quentin and #RiseUp were given additional time.

Edited · 2h



johnwin.gram BE FOREAL... 😭😭

2h 5 likes Reply



ilangelman wait, are u guys admitting in back to back posts that there are no guidelines or rules regarding announcing candidates and the deadlines of their photo submission?

2h 5 likes Reply



tobiascronstrom Awwwwww shit

1h Reply



navidkhasan LMAO

48m Reply



Decision (February 23rd, 2021 at 9:02PM): Elliot s complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis: I do not believe that the use of the term “LMAO” constitutes bullying or harassment. Though it was made in poor taste, it is not a direct infringement of anyone’s dignity or integrity in this election. The Student Code of Conduct (1,1.1) (1,1.6) explicitly references the discrimination and harassment policy, which is defined on the website as,

“Discrimination is treating an individual or members of a protected class less favorably because of their membership in that class or having a policy or practice that has a disproportionately adverse impact on protected class members. Discrimination may involve prohibited activities based on an individual’s race, color, sex, genetic information, religion, age, national origin, disability, veteran status, sexual orientation, gender identity or gender expression.”

Harassment includes, but is not limited to, epithets or slurs, negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes and display or circulation (including through e-mail) of written or graphic material in the learning, living or working environment.”

I do not believe the singular use of “LMAO” is indicative of discrimination against the party, nor do I believe it meets the definition of harassment because it is neither a joke, threat, stereotype, or slur.

Conclusion: I push all parties in the election to try to remain respectful and professional to restrict the amount of tension and party politics during the election.

Delivered to the Chief Election Commissioner: February 23rd, 2021 at 9:20PM