

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 #21-16

Petitioner(s): A (further referred to as “A”, “they/them”),

Representing: NA

Respondent(s): RiseUp (further referred to as “NA”, pronouns),

Representing NA

Allegations (filed February 25th, 2021 at 2:26 AM):

(1) RiseUp violated the UH Branding Policy

<https://uh.edu/marcom/guidelines-policies/brand-management-licensing-trademarks/internal-use-basics/>

<https://uh.edu/marcom/guidelines-policies/brand-management-licensing-trademarks/internal-use-basics/dsaes-sl-brand-guide.pdf>

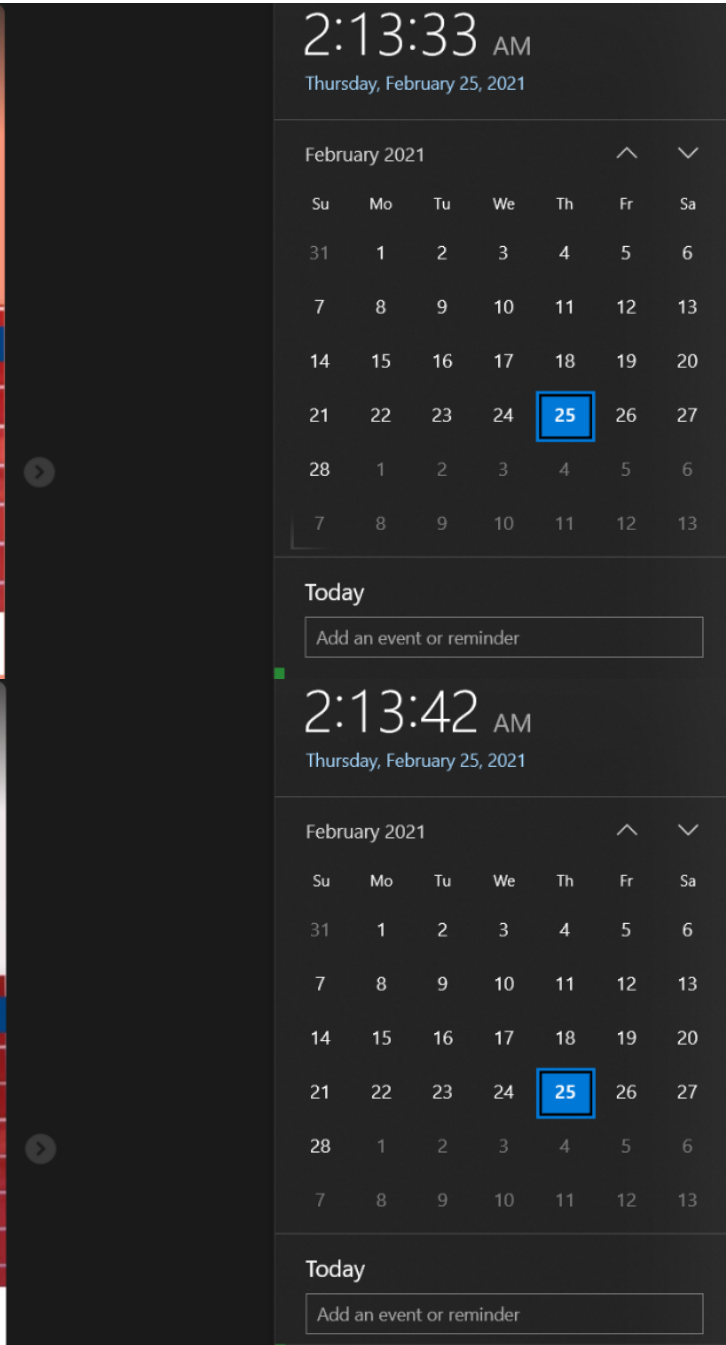
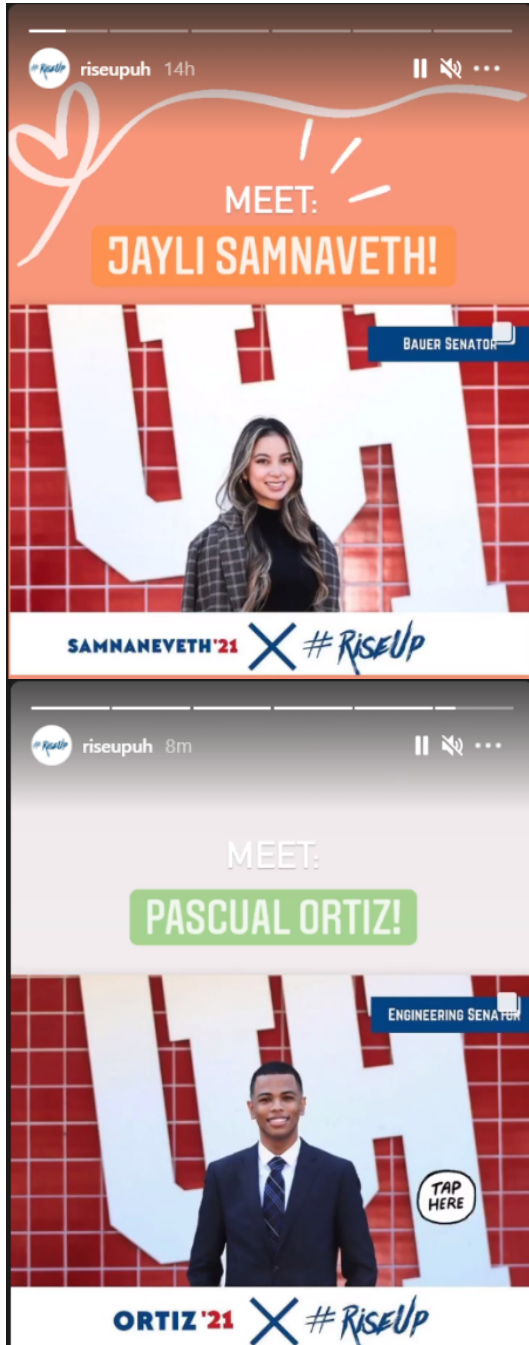
Defense (filed February 26th, 2021 at 8:23 PM):

“The codes being cited refer to the logo as an issue to copyright when it is being digitally distributed. By the logic of the petitioner, students wearing the UH logo on their shirts in photos are in violation of this code, students that were to take a video and walk by a public space on campus with a logo in sight would be in violation of this policy. The UH Logo in this circumstance has been applied to a UH-owned facility at their discretion. If we were to digitally recreate the logo into these posts, that would be a violation, however, this did not occur here. Ruling in favor of the petitioner here would create a problematic precedent, as suddenly, anyone posting photos in UH licensed clothing, or in the presence of UH facilities, would be subject to punishment. The time of the incident, meaning, the moment the claimed violation occurred, would be when the photos were taken without the discretion of the University. This was well before the (3) day limit on filing complaints. If, for some reason, the argument becomes that the violation, in fact, occurred when it was posted to social media, the (3) day rule still applies, as the petitioner provided screenshots of REPOSTS of older posts supposedly in violation. Once again,

the initial posts documented in the evidence were STORIES, not the initial posts. Therefore, this complaint is invalid.”

-Rise Up

Course of Investigation: I examined the Petitioner’s evidence and reached out for a defense statement. I analyzed the respondent’s defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.



Decision (February 26th, 2021 at 10:47 PM): A’s complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis:

Candidates should purposefully and consistently refrain from using UH branding at all. This isn’t a violation because practically it would be difficult to justify its use. This is a very narrow

decision. I urge students to stay away from the use of the UH logo as marketing material. Single use candidate photos may be considered permissible due to the grey area in election code.

Example: An individual is taking LinkedIn pictures for future jobs, if they were to take photos in front of UH, they would not be considered in breach of any policy, but if they used a UH logo to promote a product, then that is not allowed, and they could get sued.

Conclusion:

This is very much a reach. The students are not trying to claim the logo for themselves. Because this is an election for the campus, it is reasonable to believe that there is going to be the logo somewhere. While we encourage students to refrain from using the branding, we believe punishing them would be extreme due to the nature of the election. This does not merit punishment.

Delivered to the Chief Election Commissioner: February 27st, 2021 at 11:50PM