

Preface: bully navid

(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 #21-17

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

Representing Rise Up

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

Representing N/A

Allegations (filed February 26th, 2021 at 5:28PM):

(1) Navid violated A3S3C3 of the Election Code: (re-adjusted due to a perceived error)

“Candidates who are members of a party are held individually accountable to the provisions of this code, although parties as a whole may be penalized for violation of this code.”

And- the bullying and harassment policy at UH

“2.4 Harassment – – Subjecting an individual on the basis of her or his membership in a Protected Class to unlawful severe, pervasive, or persistent treatment that constitutes:

- Humiliating, abusive, or threatening conduct or behavior that denigrates or shows hostility or aversion toward an individual or group;
- An intimidating, hostile or abusive learning, living or working environment, or an environment that alters the conditions of learning, living or working; or
- An unreasonable interference with an individual’s academic or work performance.”

Defense (filed February 26th, 2021 at 6:19PM):

“My comment "crazy how they switch up" was in reference to Elliot stating that the tweets he retweeted did not represent his beliefs. If you look back on Elliot's defense statement for his initial comments, he stood by what he retweeted. As a candidate running for a public office, I believe that your Twitter gives a relatively good picture of who you are and what you stand for, hence my comment. It is disheartening to see the content Elliot supported and endorsed on his

page, and my intention was to simply bring awareness to these views, as we all have a right to inform voters who they are voting for. These comments do not represent our university nor who we are as people, and to be running for office at one of the diverse schools in America whilst holding these views should definitely be brought to the attention of voters.

If Elliot Carter and RiseUp truly believe what I said constitutes harassment and bullying, then they should relook how the comments from members of their party have brought hurt to POC, the LGBTQ+ Community, and other disadvantaged groups, especially during these times of social injustice. ”

-Navid Hasan

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.



navidkhasan 21s

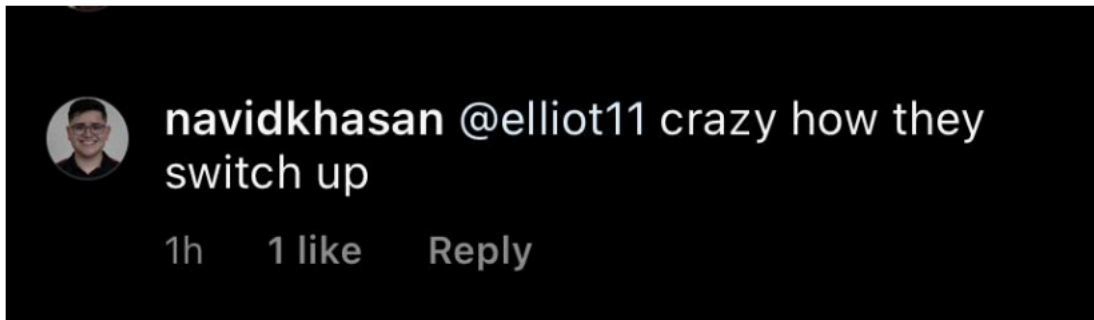


**translation: @riseupuh
stands for
homophobia,
transphobia, racism,
etc etc**



@riseupuh

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Decision (February 27st, 2021 at 11:00PM): Srijith’s complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis: It is not under the jurisdiction of the attorney general to prosecute individuals for their personal opinions of other candidates. The candidate is not directing, or projecting hate based on the individual, but projecting their opinions of what they perceive to have been hateful speech.

Ex: In countries where hate speech is banned, one individual is not criminally tried for calling another a racist, but rather would be tried if they were actively BEING racist (or using speech indicative of racial insensitivity).

I would also like to add that the University of Houston policy on harassment is hyper specific to speech that denigrates individuals based on their position in a “protected class”, which is defined as “ A class of persons who are protected under applicable federal or state laws against discrimination and harassment on the basis of race, color, sex (including pregnancy), genetic information, religion, age, national origin, disability, veteran status, sexual orientation, gender identity or status, gender expression, or any other legally protected status.” (<https://www.uh.edu/equal-opportunity/anti-discrimination/policies/>).

Due to the fact that Elliot and Rise Up are not being approached negatively on the basis of their identity in a “protected class”, this does not satisfy a violation.

Conclusion: I discourage this kind of behavior, as I do not believe it to be productive, and I urge candidates and parties to act as professionally as possible. This instance is beyond the jurisdiction of the attorney general because it does not blatantly discriminate or bully or harass students based on University Policy.

Delivered to the Chief Election Commissioner: February 27th, 2021 at 11:45PM

