

**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 #21-19**

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

Representing: N/A

**Respondent(s):** RiseUp (further referred to as Rise Up),

Representing RiseUp

**Allegations (filed February 26th, 2021 at 7:41 PM):**

(1) RiseUp violated A7S2C4 of the Election Code:

*“These are two separate violations which should be given separate punishments if found with merit.*

*1) The RiseUp Party violated the election code by giving away food without permission/permit, and without the proper safety precautions, during an event, regulations that are especially relevant during a pandemic.*

*The policy requires that students "serving" food at "events" (<https://uh.edu/covid-19/guidelines-protocols/event-guidelines/>) must follow the fire marshal's rules for serving food, which includes obtaining a proper permission/permit and a site reservation. Rise up obtained neither. None of the people in the post appear to be wearing hair restraints either.*

*2) The RiseUp party member featured in the video violated the Covid Guidelines by removing their face covering within 6 feet proximity to another person. “*

**Defense (filed February 27<sup>th</sup>, 2021 at 8AM):**

“Article 7, Section 2, Clause 4 does not at all have to do with anything regarding the case at hand, as it simply reads, “Violations of the Student Code of Conduct and University Policies

may be classified as Class A, B, or C, at the discretion of the Attorney General. Only the most egregious Student Code of Conduct or University Policy violations will merit a class A

classification, worthy of potential disqualification.” There was no need for this to be cited as a violation. Once again, as we’ve stated multiple times with past complaints that are incorrectly cited, the SGA judiciary is a sophisticated body that mimics the functions of a real legal court. In a court setting, misapplying the law leads to the case being dropped. We believe that this should be reflected in our SGA judiciary as well, since we do in fact model ourselves after the proceedings of a real court.

University Policy 1 is once again a false citation. This details the roles and responsibilities of temporary food dealers, as in registered caterers or contractors, or students registered by the University for a registered event. Our actions do not at all fall into these categories, therefore, we are not violating any food-related discrepancies. When Marcus went to serve the donuts, as he was in charge of giving them out, he applied the hairnet that he brought with him. We unfortunately did not publish any footage of Marcus with his hairnet on. But regardless, no one that spoke to us wanted to eat our donuts; we ate them ourselves. It is also important to note that even if Marcus had not prepared to serve food with a hairnet, we do not require hairnets to eat our own food. If any of this is to be challenged, we suggest a carefully considered and meritable refile. There should be no concern regarding this matter because of these facts.

University Policy 2 that regards the mask policy at UH specifically says that masks do not need to be worn when engaging in physical activity outdoors. Our members were engaging in physical activity outdoors, as they walked over a mile and a half across campus to Cougar Woods. It is important to note that they wore their masks the entirety of their trip as well, except Laura, who at times did have to readjust hers as it is previously mentioned in the rescinded complaint that was filed on us alleging us of not wearing masks that she has Asthma. The same code being cited against us allows for this in these cases (When doing so poses a greater mental or physical health, safety or security risk), as also touched upon in the rescinded statement.

Our masks do not sit as perfectly as we expected them to upon ordering, and as a result, we constantly must readjust them. To confirm this, in the provided evidence you will see Mia having to adjust it to keep it placed over her nose. At the moment captured in the presented

evidence that was shared as a screenshot of interest, Laura's mask slides off her face as she spoke, and she is in the same video seen quickly grabbing it and reapplying it. This will be presented in the same video evidence. The photo was simply taken at an inopportune time that is intentionally done to convey an invalid context.”

-RiseUp

**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.



riseupuh 54m



#RiseUp

Ask me a question

Type something....





riseupuh 51m





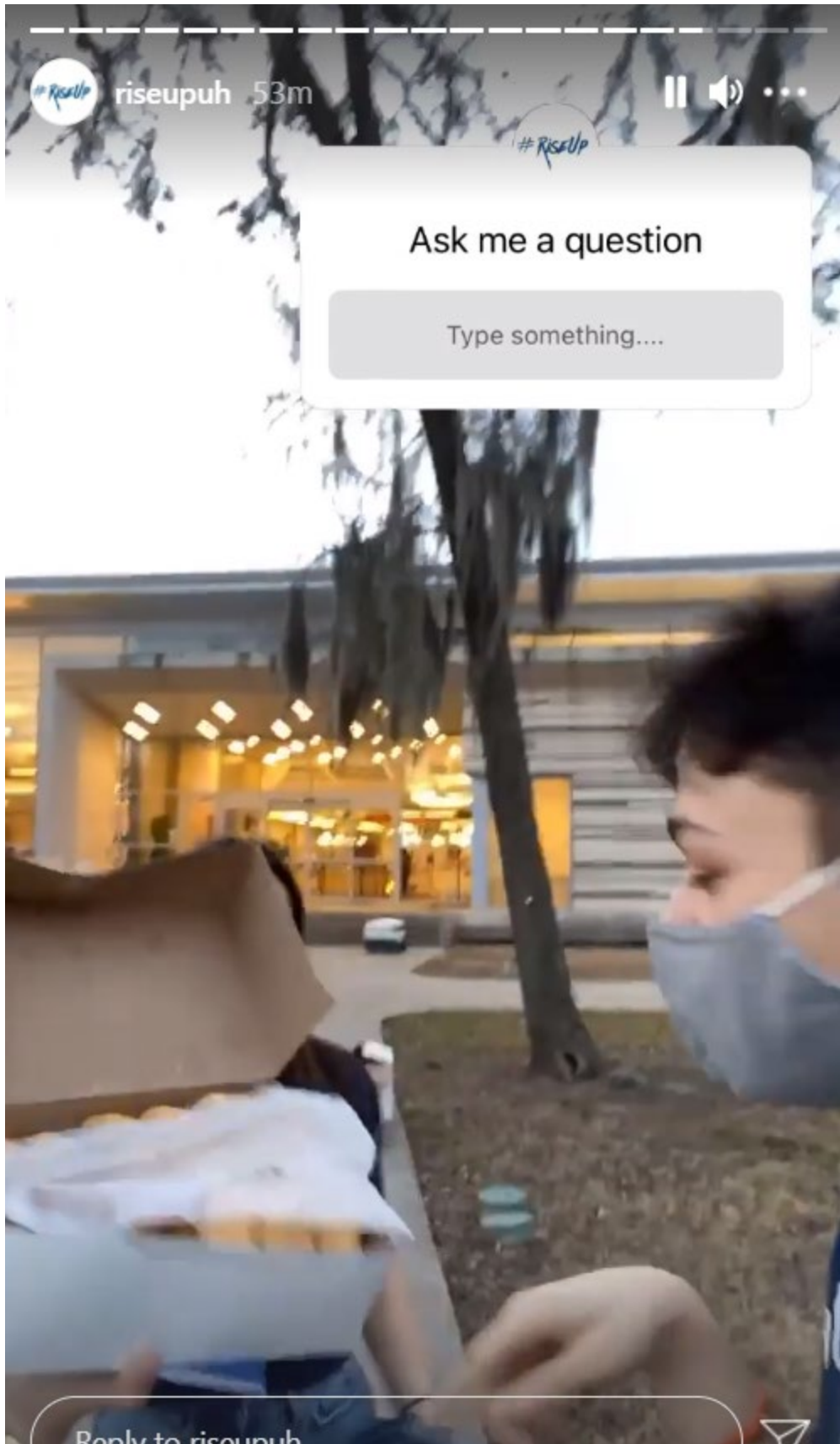
riseupuh 53m



#RiseUp

Ask me a question

Type something....



Reply to riseupuh







riseupuh 39m



#RiseUp

Ask me a question

Type something....



Reply to riseupuh...



**Decision (February 27th, 2021 at 11:01 PM):** A's complaint HAS merit and this IS a violation of the Election Code.

**Sanction:** The sanction is a Class B violation with a 15-minute ban on campaigning from 12 to 12:15PM on Monday.

**Further Analysis:**

The food distribution allegation is an extreme stretch. They are just taking a photo in the evidence presented. The burden is on the petitioner to prove that RiseUp distributed food. Due to the fact that the party was never seen serving the food this lacks merit.

The mask portion of the complaint is worthy of consideration. They do appear to be violating the mask mandates. Even if this is an incredibly small violation of the mask policy, it is necessary to enforce it.

**Conclusion:**

It should be noted for RiseUp that the next Class B sanction will upgrade to a Class A sanction.

To be clear a ban on campaigning means not posting on social media, website, handing out flyers and speaking to classes to name a few.

It should be noted that petitioners need solid evidence of wrongdoing rather than a few screenshots that do not prove anything. The masks need to be worn as you will be student leaders if elected and should take the pandemic seriously.

**Delivered to the Chief Election Commissioner:** February 27<sup>th</sup>, 2021 at 11:56PM