



Elections Complaint against FSL from March 9th, 2022

Chief Justice Hoversland delivered the Majority Opinion of the ASUW Judicial Council on March 13th, 2022, in which Associate Justices De Meillon, Otuya, Salazar, Sankey, and Schweisberger joined. Secretary Cloud did not partake in this decision.

Background

On March 9, 2022, the Judicial Council received a complaint alleging potential elections code violations, in the form of campaigning before it is permitted, by the Fraternity and Sorority Life (FSL) community. The facts of the case, as presented to the Council, are shown in Addendum A; Addendum B shows the evidence provided to back up such claims. When the Council received this complaint, they quickly notified the Presidents of the Interfraternity Council (IFC) and College Panhellenic Council (CPH), along with their ASUW representatives and professional advisor of these allegations and their right to request a hearing on the matter. The community jointly decided to request a hearing on the matter to defend themselves. The Council, exercising its right to “accept or deny the request” for a hearing under Article 4, Section 4.04, Subsection 1, Paragraph D of its own Rules and Procedures, met privately to discuss the matter and was subsequently joined by IFC President Carson Stinson on Zoom for a question-and-answer period to supplement the written answers he provided the Council (Addendum C). The Council would like to thank Mr. Stinson for appearing before us and answering the questions we had in a candid manner that helped us to better understand the situation at hand. After this, the Council discussed the following ruling.

Findings of the Council

The FSL community is listed as a one of ASUW’s strategic partners through the By-Laws. It is reasonable for a strategic partner to assist the ASUW in recruiting folks from its own community to run in the elections. ASUW already indiscriminately recruits students to run by tabling in the Union, among other methods. It is also reasonable for a group with similar interests on campus, such as the FSL community, to recruit its own members to run in an election to gain representation on a body that influences campus life and the student experience at the University.

Nowhere in the multitude of pages of ASUW’s working documents is campaigning defined. Because of that, the Council looked to the definition of campaigning from Oxford languages, which states that campaigning is to “work in an organized and active way toward a particular goal.” The Council also looked at the context of which the word was used in the By-Laws. Campaign materials are defined as “posters, banners, fliers, handouts and all other tangible materials used for a candidate’s campaign” and “social media, websites, and email.” The Council also found it reasonable that campaigning would include activities like tabling or giving speeches or presentations to large groups of people, including classes and student organizations because this is working towards the goal of promoting oneself or ticket to the larger student population to be elected to a



position within ASUW. It is unreasonable for the Council to expect that candidates will be the only ones with knowledge that they are going to run in the elections. Nonetheless, candidates have the duty to take every precaution to make sure that a larger audience is unaware of this intention until campaigning begins. If this knowledge was leaked prior to the applications closing, it may give candidates an unfair advantage and could even have the effect of discouraging further people from entering their name to run in ASUW elections. That is counter to all goals of the elections, and it is noted that the culture of ASUW in the past has allowed for word-of-mouth campaigning to occur at a degree that blurs the lines of campaigning. Hypocrisy has no place in ASUW and those submitting complaints should think twice and look in the mirror to examine if a similar complaint could be levied against them.

During the questioning of Mr. Stinson, the Council asked a series of questions to see what precautions were being taken to protect the information that he and Ms. Nelson were collecting. Mr. Stinson answered that no specific precautions were being taken, except that the form's submissions were not being shared any further than the two of them (Addendum D). The complaint specifically noted that ASUW's Vice President had seen a list of responses including six people on it. When asked about this, President Stinson said that he had received a response to the form that had an "annoying" name on it that was counterproductive to the information they were collecting. He took a screenshot of this and claimed to blur out the other data on the list and sent it to the President of the Sigma Chi Fraternity because the response claimed that the respondent was a member of that organization. It was then speculated that the screenshot may have been more widely circulated in a group chat of the fraternity, of which Vice President Anderson is a member. He also mentioned that they had not taken the time to read through the elections policy, couched in ASUW's By-Laws, or the Elections Code, which is posted on ASUW's website. This was a point of concern for the Council because even if the administrators of the form are not running in ASUW elections, the ASUW By-Laws state that "candidates will be held responsible for making their associated supporters aware of all election rules." This is taken by the Council to infer that supporters of campaigns must abide by the rules prescribed in Article 5 of the By-Laws and the Elections Code, as well; if not, candidates can be subject to sanctions.

As a strategic partner, it is important to note that the FSL community may not financially endorse candidates when campaigning begins, but they do have the right to publicly endorse candidates of their choosing, as prescribed by Article 5, Section 5.05, Subsection 5, Paragraph E of ASUW's By-Laws. While President Stinson said that the purpose of creating the Google form in question was to poll the community's interest in running in ASUW's elections and get an accurate tally of the reach that their recruiting has touched, the Council was able to access the form and the questions on it as referenced in Addendum E. While endorsements were not the explicit nature of the form, the questions on the form were contrary to its stated purpose.



Ruling

We begin this ruling by noting that the Council unanimously voted to exercise its right to deny a hearing to the FSL community. We felt that holding a hearing would have been redundant and unnecessary. Additionally, with elections being such a short process we felt that scheduling a time for a hearing for all parties to participate would be more of a burden on the process and be counterintuitive to the process. The fruitful conversations and openness of the IFC President sufficed for us and we appreciated that willingness to cooperate and tell the whole truth.

As for any violations of the elections policy, the Council failed to find any with the knowledge and evidence at hand. This is not to say that none could occur in the future. The Council was concerned by the lack of precautions taken by Presidents Nelson and Stinson in containing the scope of the list. This was made apparent with the incident involving ASUW's Vice President and his fraternity. Word of mouth spreads rapidly and seeing names on the form and people informing chapters of those running do have the chance for the FSL community to have unfair advantages in these elections before campaigning can officially begin. As noted, the Council did not feel that the questionnaire aligned with the intent of the form. The Council has ruled that gathering the names of those intending to run is unnecessary to the purposes of the form and is the riskiest information that can be shared and escalate to the level of campaigning. **The Council instructs the FSL community to delete the form in its current nature and revamp it to not include the names of the respondents; as such, the FSL community should take the necessary protections to ensure the information gathered on the old form cannot be shared or accessed.** Even with the other questions, the community is able to get statistics on their participation rates as a whole. These statistics can be used to further recruit its members to run or do further outreach and push information on how to sign up for running in elections.

Additionally, the Council would like to note the importance of the strategic partnership between ASUW and the FSL community. This partnership should include communication between the two to complement each other's efforts to recruit candidates, not compete. **We would urge the two sides to work together and would strongly recommend that the leaders of the FSL community do better to understand the ASUW elections process and the rules that govern it.** This could come in the form of meeting with the ASUW executive branch or business office, reading the working documents, and/or attending the candidate workshop to ensure their candidates are not in jeopardy of sanctions. No further sanctions are being placed at this time by the Council, but the possibility of misuse of the gathered information could warrant the use of further action by the Judicial Council.

It is so ordered.



Addendum A

Facts

The Fraternity Sorority Life is circulating a flyer to their members with a link to apply for ASUW elections but to also complete a form stating your chapter, etc and that you are running so that FSL has a running list of candidates. ASUW's By-Laws Section 5.06 1C states that "No candidate will be eligible to begin campaigning until the Elections Committee has received the candidate's application and the filing deadline has passed." In addition, the Elections Code Rule 1b states "Candidates are not able to begin campaigning until after they attend the candidate workshop session. i. Candidates who are unable to attend the candidate workshop session will be required to schedule a makeup session after the mandatory session. The candidates will only be able to begin campaigning after their makeup session." If this list is circulated to others or students have access to this list, the FSL candidates have a potential unfair advantage over other candidates in the ASUW elections and the integrity of the ASUW elections would therefore be compromised. The ASUW Vice-President stated that he saw a screen-shot list of at least 6 names of FSL members running so multiple people appear to have access to this list.



Addendum B


FSL for ASUW and Senate

NEW YORK TIMES BESTSELLER

WHY RUN?

- REPRESENT FSL ON STUDENT GOVERNMENT
- GET A SAY IN IMPORTANT MATTERS WITH THE UNIVERSITY
- FIND RESPONSIBLE USES FOR STUDENT FEE DOLLARS
- WORK TO BETTER CAMPUS LIFE.


ASUW INFO ✓



DATES TO NOTE:

- FEBRUARY 23RD: ASUW 2022 ELECTION APPLICATIONS OPEN
- MARCH 2ND, 9TH, 10TH, AND 21ST: TABLING IN THE UNION TO FIND CANDIDATES TO RUN IN ASUW ELECTIONS
- MARCH 21ST: APPLICATIONS CLOSE AT 4:30 PM
- MARCH 21ST: THE MANDATORY CANDIDATE ORIENTATION FOR ALL INDIVIDUALS RUNNING IN ASUW ELECTIONS WILL BE HELD AT 6:00 PM IN THE UNION SENATE CHAMBERS.
- APRIL 6TH: THE PRESIDENT AND VICE PRESIDENT DEBATE WILL BE HELD AT 6:00 PM IN THE UNION BALLROOM
- APRIL 12TH: VOTING BEGINS AT 8:00 AM
- APRIL 15TH: VOTING CLOSES AT 12:00 PM

INTENT TO RUN ✓



QR CODE TO APPLY!
**PLEASE FILL OUT BOTH FORMS



Addendum C

Answers submitted by IFC President Stinson to written questions by the Council

1. *Who created the Google form?*
 - a. IFC President Stinson and CPH President Nelson.

2. *What purpose was the form created for?*
 - a. To poll the FSL community about their interest in running for ASUW positions out of curiosity.

3. *Who all has access to the information submitted to the Google form right now? Is it being shared?*
 - a. Only myself and President Nelson have access to the Google form and the names of applicants on the form are not being shared.

4. *What will the information obtained through the Google form be used for and what is it currently being used for?*
 - a. The information obtained from the form is purely out of curiosity and it was not our intention to use it for anything other than a simple pole of the community.



Addendum D

A screenshot of the Google Docs sharing settings interface. The top section is titled "Add editors" and contains a search bar labeled "Add people and groups". Below the search bar, two users are listed: "Abby Nelson" (abbyen1301@gmail.com) with the role "Owner" and "carson Stinson (you)" (stinsoncarson@gmail.com) with the role "Editor". A blue callout box is overlaid on the right side of the "Add editors" section, containing the text "Change link sharing options" and "Click anywhere in the 'Get link' box". Below the callout box is a "Done" button. The bottom section is titled "Get link" and shows the sharing restriction "Restricted Only people added can open with this link" with a "Change" link below it. A "Copy link" button is located on the right side of the "Get link" section. A "Got it" button is also visible at the bottom right of the callout box.

Add editors

Add people and groups

Abby Nelson
abbyen1301@gmail.com *Owner*

carson Stinson (you)
stinsoncarson@gmail.com *Editor*

[Send feedback to Google](#)

Change link sharing options
Click anywhere in the "Get link" box

Done

Get link

Restricted Only people added can open with this link

[Change](#) [Copy link](#)

Got it



Addendum E

FSL and ASUW Intent to run tally

To make sure that we get an accurate tally of FSL members running for ASUW positions, please fill out this form and let us know what you are running for.

[Sign in to Google](#) to save your progress.
[Learn more](#)

* Required

Name *

Your answer

Chapter *

Choose

What on ASUW are you running for? *

Your answer

Did you fill out your intent to run form on ASUW website already

Yes

No

Submit

Clear form

Never submit passwords through Google Forms.

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Google Forms