

Complaint 58-SE-04

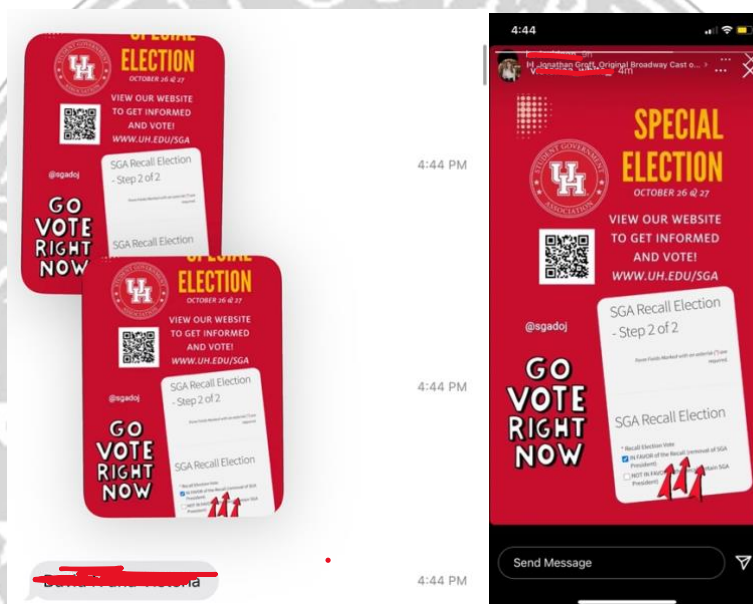
Petitioner(s): Anonymous Petitioner

Respondent(s): Executive Assistant White

The following allegations were filed 10/26/2021 at 4:44PM):

Article 4, Section 2, Clause 1: *A member of the Student Government Association may not participate in or assist an organization in campaigning on behalf of their cause.*

The following evidence was provided by the petitioner:



I reached out to for a statement of defense to these allegations. He was given 5 hours to complete this, with a deadline of 3pm on 10/27/21.

The following defense statement was provided by the respondent:

The Recall Special Election Code drafted by Attorney General Hutcherson is simply a university organization document. This code by no means supersedes the Constitution of the United States of America, the Constitution of the State of Texas, US Federal Law, or the laws of the State of Texas. The First Amendment of the Constitution of the United States of America guarantees my right to freedom of speech and freedom of expression, while also barring laws that abridge my freedom of speech and freedom of press. There is a witch hunt occurring for those “in favor” of recall, while those not in favor have been unchecked in their campaigning thus far. I am extremely uncomfortable with the way my social media is being stalked by the Department of Justice and the SGA account via President Darbin. I am disheartened at the way the Recall Special Election Code has been exercised, the vagueness in the definition of campaigning, the suppression of my voice – even against slander, and the blatant violation of my First Amendment

right. I am asking for fairness in sanctioning, for my right to due process to be recognized, and for the Department of Justice to reflect on what their motivations are in this recall and what end game they are trying to achieve.

Course of Investigation: I examined the Petitioner's evidence and reached out to the Respondent for a defense. I went through the Special Election Code and identified if a violation was present.

Decision October 28, 2021 at 3:16am: Petitioner's complaint **HAS** merit, and this **IS** a violation of the Special Election Code.

Sanction: This is Assistant White's first violation of the Special Election Code. Due to this, she is suspended from 10/28/21 – 11/1/2021. She may return to work and represent the Student Government Association on 11/2.

Conclusion:

I would like to be very clear that the Attorney General and the Justice Department have more important things to do with our free time than go on a "witch-hunt" of those who are in favor of (or against) the recall. We take offense to the assumption that any member of the Justice Department is interested enough in anything the Executive Assistant is doing personally (or even professionally) to "stalk" her social media accounts. The only reason the SGA DOJ page may have shown up in her views is because I verified the validity of evidence sent to me – something I have done with **EVERY** complaint.

The Attorney General disallowed campaigning to protect the victims within this organization from direct harassment while campaigning within the UH community. I ask that the Executive Assistant reflect on the following:

1. Would the Executive Assistant have preferred members of this organization and the student body were allowed to openly attempt to discredit her and other cabinet members feelings and experiences under the guise of campaigning? Or would speech of that type have needed to be a violation?
2. If so, what sanction would the violations have, considering by her definitions SGA documents are only organizational and "by no means supersede the Constitution of the United States of America, the Constitution of the State of Texas, US Federal Law, or the laws of the State of Texas"?

Respectfully,



Nadiia Hutcherson

Attorney General

This complaint will be shared and made public on SGA website for transparency and archival purposes.