SGA/GSC Intercollegiate Athletics and Student Service Fee Referendum REVOTE
Spring 2018
Results

Do you authorize the University of North Texas to change the allocation of fees for the Student Body by increasing the Intercollegiate Athletics Fee by $6.25 per credit hour, in conjunction with decreasing the Student Service Fee by $2.00 per credit hour?

Total Vote Count: (2,366; 7% of total student population)

- Yes: 1307 (55.24%)
- No: 1059 (44.76%)

I hereby certify the results to be accurate as of Thursday, February 15, 2018.

Emily Vasquez, Election Board Commissioner

Thomas Hughes, Election Board Member

Josh Reynolds, Election Board Member

Ally Zarate, Election Board Member

Daniel Landry III, Election Board Member

Lyndie Jones, GSC President

Melissa McGuire, Election Board Advisor
On Friday, February 16, 2018, Kiera Geils submitted a formal complaint to the Election Board regarding the Spring 2018 Intercollegiate Athletics and Student Service Fee Referendum. A copy of the complaint is attached to this outcome. The Election Board Hearing took place on Monday, February 19, 2018 at 7:20 a.m.

Outcome:

By looking at Article 5, Section, 5 Subsection 1 Item G. No University, State, or public funds may be used by Candidates. For candidate campaigns, this includes the utilization of employee work time. No Candidate may solicit campaign assistance from an employee during the employee’s work hours. Referendum parties shall be limited to spending no more than $650 in state or student fee funds for campaign purposes. The board sees this as not a violation of the current bylaws and is two separate issues. The board does however recommend that this particular bylaw be clarified and more in depth.

[Signatures]

Evel Voce
Allison Zarrato
Shinya Oya
Daniel Lemley
1. **7:20 Kiera Geils's Hearing**
   a. Keira started to state her complaint in that the bylaw Article 5, Section 5, Subsection 1, Item G, No candidates may solicit campaign assistance from an employee during employee’s work hours. She is arguing that because they are funded in partial state and student fee funds, they failed to include their salary hours. Creating promotional materials and work time should be included in that. She is giving all the salary and her numbers from the salary that Wren Baker and other Athletics Employees make.
   b. An election board member asked a question about how she came to find this as a problem. And
      i. Kiera stated that she noticed the emails, promoting the referendum that Wren Baker used.

2. **Final Statement**
   a. She is stating that they went over budget with state and student fee funds, by their salaries making this go over budget.

3. **Closed Discussion and Deliberation**
   a. By reading the Bylaws and Article 5 Section 5 Subsection 1 item G. The board views that the Salaries and State/Student Fee Funds are two separate financial entities. The board can see that if the time that the party works for the referendum is included in the budget it is not feasible. The board sees it as not a violation and is two separate situations.
   b. The board was unanimous in that they don’t see this as a violation with the current bylaws however, does put their recommendation to have more clarity on this bylaw.

4. **7:43 ended the hearing**
On Friday, February 16, 2018, Nathan Goldsmith submitted formal complaint to the Election Board regarding the Spring 2018 Intercollegiate Athletics and Student Service Fee Referendum. A copy of the Complaint is attached to this outcome. The Election Board Hearing took place on Monday, February 19, 2018 at 8:00 a.m.

Outcome:

Article V, Section 5: Rules on Campaigns, Subsection 1: General Campaign Rules, A: “Referendum Parties shall take reasonable measures to ensure that every individual campaigning on behalf of or volunteering for the candidate/Referendum Party is aware of campaign regulations and guidelines.” John Hedlund, Melissa, McGuire, Dr. Elizabeth With, Dr. Neal Smatresk.

We feel that the sound and standing in front of the table is possibly questionable with the tabling rules and should have been informed. However, they feel that with insufficient evidence and not knowing how much they impacted the election it is not grounds for a violation.

Leadership has the right to Free speech and being able to voice their opinions as referendum parties. We as a board are not able to view when Dr. With solicit social media retweets, under current bylaws it states that referendum parties are able to campaign during business hours. Thus, not being a violation.

Article V, Section 5: Rules on Campaigns, Subsection 4: Rules on Election Board-Sponsored Campaigns, B: “Such material or vents shall not endorse any one candidate or item on the ballot, but shall give unbiased information about the election, candidates, and referenda.”

The board found that Dr. With and Wren Baker were not a part of the Election Board and are referendum parties. The election Board sponsored campaigns are hosted solely by the election board and Dr. With and Wren Baker are not a part of, thus not violating this clause.

Article V, Section 5: Rules on Campaigns, Subsection 1: General Campaign Rules, F: “Candidates and Referendum Parties shall assume responsibility for the accuracy and truthfulness of their statements and campaign materials.” [The graphic displayed by the referendum parties were misrepresenting the statements on the graphics] see attachment below.

The board doesn’t see that SGA is a referendum party, they feel that SGA should be un-biased and informative during referendum campaigning. However, they should be truthful in any statement and campaign materials, the board has decided that this clause was not violated by SGA.

Article V, Section 5: Rules on Campaigns, Subsection 1: General Campaign Rules, G: “No university, state, or public funds may be used by candidates. For candidate campaigns, this includes the utilization of employee work time. No candidate may solicit campaign assistance
from an employee during the employee’s work hours. Referendum parties shall be limited to spending no more than $650 in state or student fee funds for campaign purposes.”

The board looked over the budget provided by the Athletics department and it did not go over the $650 limit amount. There were lawn signs that were not included in the budget because they were purchased from foundation funds and not state or service fee funds. The board also found that the emergency status was authorized and conducted properly.

Article V, Section 5: Rules on Campaigns, Subsection 1: General Campaign Rules, C: “Candidates and Referendum Parties Shall abide by all University policy, which supersedes Election Board mandates and Election Code regulations.”

See the decision below in following violations.

Chapter 4, 05.015 Ethics, Procedures and Responsibilities, Section I: Standards and Principles of Ethical Conduct, G: Faculty and Staff members shall put forth honest effort in performance of their duties.

The board feels that one could say Wren Baker, John Hedlund, Athletics Department, Dr. Elizabeth With acted and advocated for their department and put in the honest effort in the performance of their duties.

Chapter 4, 05.015 Ethics, Procedures and Responsibilities, Section I: Standards and Principles of Ethical Conduct, J: A faculty or staff member shall act impartially and not give preferential treatment to any private or public organization or individual.

The board agreed in that Wren Baker, John Hedlund, Athletics Department, Dr. Elizabeth With, Dr. Neal Smatresk isn’t in a violation with private or public organizations because we see private and public organizations as external of the university. Ex. Habitat for Humanity or Planned Parenthood.

Chapter 4, 05.015 Ethics, Procedures and Responsibilities, Section I: Standards and Principles of Ethical Conduct, K: “Faculty and Staff members shall protect and conserve public property and shall not use it for other that authorized activities.”

We found that the complaint points of the described events with the mentioned people acted in an authorized manner and/or didn’t have anything to do with property. Ex. Soccer team is not public property. While maybe not favored about IMLeague databank it was authorized by Rec Sports. Social Media accounts as well are not public property.

Chapter 4, 05.015 Ethics, Procedures and Responsibilities, Section VII. Public Officials and Political Activities, A. Use of University Funds or Property: “It is a violation of State law for faculty and staff members, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply anything of value belonging to the
government that comes into their custody or possession by virtue of their office or employment.”

However, receiving a benefit division wide or to a department. Wren Baker and the 50,000 that is promised to Recreational Sports, is premature and doesn’t violate because he doesn’t stand to gain a personal benefit. The board also doesn’t feel that using the t-shirt giveaways, receiving emails, the release of the soccer team and the social media accounts of the athletic departments, Dr. With, President Smatresk didn’t receive any personal gain or benefit, thus is not a violation.

Chapter 4, 05.015 Ethics, Procedures and Responsibilities, Section VII. System Property and Services, B. Misuse of Authority: “It is a violation of State law if a faculty or staff member, in reliance on information to which he or she has access in his or her official capacity and which has not been made public:

The board feels that there is no evidence on insider information being used to help or benefit another acquired pecuniary interest.
1. **8:05 am Nathan Goldsmith’s Hearing**
   a. The question to our advisor was if we as the Election Board are able to interpret state law, or university policy
      i. Our advisor stated only if this is affecting the election and the election process
   b. We went over the email received from Barret and Lisa stating information about the SSF referendum.

2. **8:11am Nathan Arrived**
   a. Nathan began to elaborate Article 5, Section 5, subsection 1, Item G saying that it was forced in the senate meeting. Feeling as if the administration was taking control of the student government.
   b. The election board that handled this from the beginning and fell in dead week and fell in a 3 and policy states and written off and no activity can happen in school
   c. He is accusing the timeline of the first run through with this referendum and how the handling of the timeline during dead day and finals week.
   d. He continued with stating the violations of non-speech free zones, and how bringing this up for a re-vote is illegal, emergency status the calendar and hearing, candidates and election code meetings. He also stated that state law and university policy supersedes our bylaws. He states that the administration misused authority and property. That ethics were violated and administration has taken a hands-on approach with the student government

3. **The board started asking questions**
   a. The board asked how he can prove that or if he has any proof that they went over $650?
      i. Nathan stated that the information was untruthful and rushed through
   b. The board member asked, “is there a dollar sign that they went over?”
      i. Nathan stated in the material that was used graphic designer, media, however he didn’t give a full detail amount.
   c. A board member asked about “his understanding and him putting SGA aside and looking at election code and pertaining to SGA, from what they are hearing is this is beyond election code and hasn’t necessarily violated election code they are curious to see the understanding between this and looking or other outlets to his grievances”
      i. He plans to search other outlets and understands that some of these accused violations could have an effect or influence the outcome.
   d. The advisor and the board stated that aside from his accusations does he understand that we as a board are here to interpret the election code and what affects the election and election process. “Board Member” said “Aside from the question and using federal and state law.”
   e. The board member asked “Can you say that what you are accusing is violating election code?

4. **The last statement for Nathan to speak**
a. Nathan stated employee’s campaigning and miss utilization of state and student fees. He went into more depth of the bonds and university athletic stadium.

5. The Board then had a closed discussion
   a. The board discussed on how he has brought a lot of evidence. In the bylaw Article 5, Section 8, Subsection 2, Item B, it states that Evidence shall be provided when appropriate. He didn’t provide sufficient evidence and the board agreed that they wanted to allow more time to get more information.

6. The Board called him in for more questioning
   a. Do you have evidence that states Coach John Hedlund released the soccer team to table in the Union?
      i. He showed a picture of the soccer team tabling that was not time stamped and pictures of them tabling standing in front of the table, yelling at people to vote yes
   b. Why do feel that is a violation?
      i. He stated yes this is a Misuse of Authority, the team falls under their authority in suspending practice and violating free speech zone. Whether or not is was for or against their free will and their duty was to promote flyers for the referendum.
   c. Can you elaborate Dr. Melissa McGuire and tabling evidence for the athletics?
      ii. With athletics and their tabling, Nathan found it odd Melissa hosted the tables for them. These sessions are normally $125 dollars for a session and that would make the exceed their budget. They also left information at the table when they were don’t with tabling.
   d. Would you be comfortable showing the time stamp on the photos and follow up can you see why we want to see the time stamp?
      iii. There is no audio but they were yelling at the union people saying to vote yes
   e. Can you elaborate Dr. With using social media to solicit yes posts
      iv. The question if there is only one referendum party that is being directed by Wren Baker and Elizabeth With, students are looking at you to be unbiased and is felt very biased that doesn’t mean to say, “Vote Yes” now.
         1. He really wants to stress about Article 5 Section 5, Subsection1, item A.
      v. Dr. Elizabeth With and Wren Baker are part of the referendum party and they utilize their authority to push it down to the athlete’s level. All while abiding by all university policy and under campaign and in which supersedes this policy
   f. Can you just clarify what IMLeague is?
      vi. And they do fall under your authority and giving t-shirt and things and needed to pass them out. In the intermural sports, there is a database and IM leagues and the mast email. Misusing and misappropriation of authority.

7. Closed Deliberations and Discussion
b. First section and the women soccer team and being dismissed to table, if they are violating what is stated.
   i. They feel that the sound and standing in front of the table is possibly questionable with the tabling rules and should have been informed. However, they feel that with insufficient evidence and not knowing how much they impacted the election it is not grounds for a violation.
   ii. Is this disrupting the normal activities of the University?
      1. They don’t feel this is disrupting the normal activities of the University.

c. Is leadership able to tweet their opinions and interpreting that with Dr. With and President Smatresk social media
   i. Leadership can promote or support someone/something if he/she feels and it isn’t wrong. Is this a violation in the bylaws or is this just ethical question?
      1. Leadership has the right to Free speech and being able to voice their opinions as referendum parties. We as a board are not able to view when Dr. With solicit social media retweets, under current bylaws it states that referendum parties are able to campaign during business hours. Thus, not being a violation.

d. Election Board Sponsored Campaign
   i. As for Dr. With and Wren Baker, the board sees that it not a violation because they are not a part of the election board they are the referendum party.

e. Accuracy and truthfulness of their statement and materials
   i. Provided the ability to be un-baised, we feel as SGA has had a position of being un-biased and informative in campaigning this referendum. The “per credit hour” and the text font size was more in elaborated in depth with the discussion at Senate. The board doesn’t see that SGA is a referendum party and they should be truthful but this isn’t a violation because they are not a referendum party.

f. The use of Public funds and state and service fees
   i. The funds were not a violation, the athletics department has provided the materials that they have purchased in a budget included. The only thing that wasn’t included in this budget was lawn signs that were used in a foundation account not State or Student Fee Funds. The emergency status was not violated and discussed from the Vice President that she did approve the Emergency Status and was proceeded properly.

g. The question of being ethical with the use of such outlets to campaign the referendum
   i. The board found that it is under John Hedlund’s discretion to release the team.
   ii. Honest effort and truthfulness
      1. The board feels that they did their best to advocate for students and the department
h. Private and public organization or individual
   i. The board doesn’t feel that this is a violation in private or public organizations because we didn’t see there was any public or private organizations. Ex. An external organization that was involved

2. The board recollected at 1:45pm
   a. Item K and members shall protect and conserve public property and needs to be authorized...
      i. John Hedlund, has the ability to release the team because they are not public property, IMLeagues isn’t property and even if it did it would have been authorized. The athletic department employees, Dr. With, and President Smatresk social media account’s isn’t property and doesn’t fall under this policy.
      ii. The event with Superpit T-shirts were authorized to have the event, the board found that the students who put their emails down authorized saying to receiving an email
   b. Section E of the university policy violation of state law for faculty and staff members, action with the intent to obtains a benefit or with intent to harm another...
      i. Wren Baker and the $50,000 that is promised to Recreational sports, the board felt that this was premature judgment and isn't violating because he doesn't stand to gain a personal benefit. The board also feels that the use of T-shirt giveaways and receiving emails is not a violation.
      ii. As for John Hedlund and the soccer team; the board felt that the use of letting the soccer team go to table is not a personal benefit. Thus not violating any bylaw.
      iii. The board also felt that the multiple Athletic departments, Dr. With, President Smatresk didn’t receive any gain or benefit from the government personally so it is not violating.
   c. Section A it is a violation of state law is a faculty of staff member, in reliance on information to which he or she has access in his or her official capacity and which has not been made public
      i. The board feels that there is no evidence on insider information being used to help or benefit another acquired pecuniary interest.