

## Associated Student Government Judiciary



**ASGJ-2019-GE4**

**March 13, 2019**

*Associate Justice Justyce Yuille authoring for the Minority (4-1) opinion where the majority rules.*

### **I. Introduction**

The Majority has ruled on the election complaint designated ASGJ-2019-GE4, filed on March 6, 2019 by complainant Sophie Hill (“Complainant”). Complainant alleged that defendant Maria Calderon (“Defendant”), a candidate for ASG President, violated ASG Constitution Article VII, §3, Subs. C, D, E, and F via ASG Code Title VII §1, Sub D.b, which incorporates the Standard of Ethics (ASG Constitution Article VII §3) into ASG campaign rules and guidelines.

### **II. Facts of the Case**

Defendant and her ticket, Together We AR, posted a video to the Together We AR Instagram page<sup>1</sup> in which they parodied the rap song “Fresh Prince of Bel-Air”. The ticket lyrically described their journey to the University of Arkansas and their involvement in campus issues. The lyrics relevant to this complaint are as follows:

*In Northwest Arkansas, born and raised  
Shay, John, and Kirsten spent most of their days,  
Chillin' out, maxin', relaxin' all cool  
And always knowing Arkansas was their choice for school.  
When they got here, they did what they could  
Started being leaders in their neighborhood  
When they joined ASG they met Maria instead,  
She said “We gotta find a way to help this place get ahead”  
They started making plans together day after day  
Like the campus is too dark so they started Light the Way<sup>2</sup>*

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<sup>1</sup> Together We AR’s Instagram page is public and can be found at “@together\_we\_ar”

<sup>2</sup> Lyrics transcribed from audio and subtitles of the video titled “Fresh Prince Remix” located in the IGTV section of the @together\_we\_ar Instagram page. This portion of the song was transcribed to provide the full context of the lyrics in question.

Complainant alleged in the complaint form she submitted that:

"Maria Calderon's campaign (Together We AR) claimed that via campaign video Maria was responsible for starting the "Lighting the Way" tour. This is false because the Lighting Tour was started by Residents' Interhall Congress in 2011 under Housing and RIC both. This past year RIC and ASG both collaborated on the tour but Maria took full credit for starting it and leading it. She also campaigned at Delta Gamma chapter and also claimed that she started Lighting the Way. See Taylor Johnson under witness."

Complainant alleges Defendant violated subsections C, D, E, and F of ASG Constitution Article VII §3 ("General Statement on Ethical Conduct"):

C. ASG agents shall adhere to basic notions of civility and respect at all ASG meetings, events, or other interactions.

D. ASG agents shall not seek to further their own political or personal goals at the expense of the organization and/or its members.

E. No ASG agent shall deceive members of ASG or misrepresent the truth while acting in their capacity as an ASG agent in such a way that could influence how decisions are made or to the degradation of any of its members.

F. ASG agents shall not participate in any ASG activity which would place them in a position where there is or may be the likelihood of a conflict between a private interest and an interest of ASG.

Complainant, Sophie Hill, declined to be present at the hearing and refused to submit an opening or closing statement to the ASGJ. As she was given an opportunity to do both, she waived her right to appear. The ASGJ would like to note the difficulty in holding a productive hearing when one party is not present.

Complainant provided three witnesses that testified before the ASGJ: Hannah Barney, RIC Advisor; Sarah Werner, RIC member; and Maddie DeBucce, Secondary RIC Advisor. These witnesses testified as to the Resident Interhall Congress's (RIC) involvement in the Campus Lighting Tour and the #LightingtheWay initiative. These witnesses testified that RIC started the Campus Lighting Tour program in 2011; this was a program held each fall where volunteers walked the campus after dark to report issues and recommend improvements for lighting on campus. RIC did not hold this program in the Fall 2017 semester, and co-sponsored the program with ASG in Fall 2018.

Defendant provided two witnesses that testified before the ASGJ: Tommy Davis, campaign staffer, and Mary Skinner, Director of the Office of Student Activities. The Defendant also provided two written witness statements: one from J.P. Gairhan,

ASG President, and one from Carus Newman, ASG Chief of Staff. Tommy Davis testified as to the creation and intent of the lyrics in the “Fresh Prince Remix” video. Mary Skinner, J.P. Gairhan, and Carus Newman testified as to ASG’s involvement with the Campus Lighting Tour and the #LightingtheWay initiative. When the RIC did not hold the Campus Lighting Tour in the Fall 2017 semester, ASG sponsored a similar program. The following year, ASG began the #LightingtheWay initiative as a way to brand campus lighting issues. That same year, Fall 2018, ASG co-sponsored the Campus Lighting Tour with RIC.

The defendant’s testimony and the testimony of each party’s witnesses were taken into careful consideration by the ASGJ.

### **III. Discussion**

Complainant listed four violations of the ASG Standard of Ethics, Subsections C, D, E, and F. The ASGJ determined Subsection C does not apply to this alleged violation. Subsection C requires ASG agents to adhere to “basic notions of civility and respect.” Multiple witnesses for the Complainant said that at no time did they witness or hear mention of the Defendant acting without civility or respect. As the Complainant refused to appear at the hearing, the ASGJ could not ask her to clarify why she alleged this violation.

The ASGJ determined Subsection D does not apply to this alleged violation. The “organization” referenced in subsection D is the Associated Student Government. The ASGJ heard no argument as to why the Defendant’s statements while campaigning would be detrimental to ASG. As the Complainant refused to appear at the hearing, the ASGJ could not ask her to clarify why she alleged this violation.

The ASGJ determined Article VII, § 3, Sub. E is the only section listed in the complaint that has the potential to apply to this alleged violation.

The ASGJ determined Subsection F does not apply to this alleged violation. The “ASG activity” that Complainant appears to be referring to is the Defendant campaigning for ASG office. It does not follow that the ASG Standard of Ethics would prohibit an ASG agent from campaigning for an ASG office. As the Complainant refused to appear at the hearing, the ASGJ could not ask her to clarify why she alleged this violation.

The majority of discussion for this complaint was in regard to Subsection E. The initial topic raised during this hearing was the lyric *“Like the campus is too dark so they started Light the Way.”* The operative issue is the word “they”, specifically the antecedent that the pronoun refers to. Both Defendant and witness Tommy Davis testified that they believed this lyric was referring to the ASG organization as a whole. Sarah Werner and Maddie DeBucce testified they believed it was referring to the Together We AR ticket. The Majority agrees that this lyric explains the Together We AR ticket’s involvement in the #LightingtheWay initiative, rather than the whole ASG organization.

The Majority's crucial determination is the relationship between the Campus Lighting Tour program and the #LightingtheWay initiative. Complainant appeared to be confused about the significant difference between the two. She wrote on the complaint that the Defendant claimed that she (the Defendant) "was responsible for starting the 'Lighting the Way' tour...This past year RIC and ASG both collaborated on the tour but Maria took full credit for starting it and leading it." To be clear, there is not, and never has been, a "Lighting the Way Tour". The Campus Lighting Tour has always been advertised and called the Campus Lighting Tour while it was an RIC program and while it was a collaboration between RIC and ASG. The #LightingtheWay initiative is separate from the Campus Lighting Tour.

The Campus Lighting Tour is a specific event that has a set date, time, and purpose. #LightingtheWay is a branding initiative to raise awareness about campus lighting issues more generally. While the Campus Lighting Tour was advertised with the #LightingtheWay slogan, the ASGJ determined that they are separate. As Director of Campus Safety, the Defendant was involved in the planning, branding, and promotion of both the #LightingtheWay slogan and accompanying events. The Defendant did not claim to have started the Campus Lighting Tour. The Defendant also testified that while she was working with RIC to help plan the Fall 2018 Campus Lighting tour, witness Sarah Werner, who serves as RIC Vice President, and complainant Sophie Hill, who serves as Director of Sustainability for RIC, were not present at any planning meetings. The Defendant also noted that ASG funded all monetary costs associated with the Campus Lighting Tour.

The Court would also like to note the Complainant wrote in her complaint "[Defendant] also campaigned at Delta Gamma chapter and also claimed that she started Lighting the Way. See Taylor Johnson under witness." Taylor Johnson did not appear as a witness before the ASGJ. As the Complainant refused to appear at the hearing, the ASGJ could not ask her to clarify why she made this allegation.

#### **IV. Conclusion**

It is the conclusion of the Minority, that there is not a clear and distinct difference between the Campus Lighting Tour and the #LightingtheWay initiative, besides the name. Either way, the Defendant did not create Light the Way because she stated Light the Way was not created by herself during the hearing, but the lyrics explicitly state otherwise. Although the Defendant partnered with RIC to develop a successful event, there is a distinction between partnering and creating. At the hearing, one of the Defendants' Witnesses testified explaining the purpose of the video, which was to increase the support of the Defendants' ticket and the ASG organization. When questioning the Defendant about the lyrics, the Defendant stated the purpose of the video was to not increase the support and votes from ASG members, which is the undergraduate students that watched the video, but to increase the support for ASG as a whole, which does not correlate with the testimony of her witness. The Defendant is in violation of deceiving ASG members for her own political gain. Acknowledging the fact that every undergraduate student is an ASG member, I conclude that the Defendant deceived the ASG members that watched the video on social media due to the false statement that she created Light the Way. If anything, the Defendant did not create this event, but expanded on the purpose of this event.

## **V. Decision**

The ASGJ voted with a Majority vote (5-0) that Maria Calderon did not violate ASG Constitution Article VII, § 3, Sub. C

The ASGJ voted with a Majority vote (4-1) that Maria Calderon did not violate ASG Constitution Article VII, § 3, Sub. D.

The ASGJ voted with a Majority vote (4-1) that Maria Calderon did not violate ASG Constitution Article VII, § 3, Sub. E.

The ASGJ voted with a Majority vote (5-0) that the Maria Calderon did not violate ASG Constitution Article VII, § 3, Sub. F.

The ASGJ finds that no election violations occurred. As the decision was ruled in favor of the majority, the Majority rules. The decision stands as is.

IT IS SO ORDERED

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**Authored by Assoc. Justice Justyce Yuille**

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