

**JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS
OF THE UNIVERSITY OF NEVADA**

Frost v. Greb

Filed: 19 April 2022

Decided: 26 April 2022

Direct Judgment

Acting Chief Justice Madeline Marino, Associate Justice Kayla Snowden, and Associate Justice Zane Taylor, in the absence of Associate Justice Rachel Stamps, issue the following **unanimous decision** of the Judicial Council:

Director of Elections Dawson Frost filed a charge sheet with the Judicial Council requesting a direct judgment regarding alleged violations of SAS VII.702.13(b)(10), (c)(2), (d)(5), and (e) - ***VIOLATIONS OF ELECTIONS CODE, CANDIDATE'S PACKET. OR UNIVERSITY GUIDELINES***, against ASUN Special Elections Candidate for the College of Business, Clayton Greb. Those sections read:

SAS VII.702.13(b)(10)

“Potential violation of an election rule announced by the Residence Hall Association or Department of Residential Life, Housing and Food Services.”

SAS VII.702.13(c)(2)

“Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers which advertise functions, meetings, events, or existence of ASUN sponsored student groups and publications.”

SAS VII.702.13(d)(5)

“Claiming an endorsement of an individual, group, or party without consent. Candidates should, but are not required to, obtain endorsements in writing.”

SAS VII.702.13(e) - ***VIOLATIONS OF ELECTIONS CODE, CANDIDATE'S PACKET. OR UNIVERSITY GUIDELINES***:

No official rule was cited here, but Frost alleges Greb did not file a copy of campaign material within Pack Life for monitoring, violating SAS VII.702.13(e)(3) which reads:

“Failing to submit a copy of all campaign materials (i.e., printed materials, digital assets, website URLs, social media accounts, social media ads, etc.) prior to distributing, publishing, or posting the campaign material.”

In support of the charge, Frost submits the following:

“Clayton Greb has committed 4 elections violations. 1. Clayton's marketing materials use the image of Alphonse, President Sandoval, Luna, and Wolfie. I have been contacted by Athletics who have expressed that they do not wish for the mascots to be used in this way. Using the mascots and President Sandoval in marketing materials could be interpreted as claiming an endorsement without consent. See attached photos of materials. This violates Chapter 701, Section 13, Subsection d.5 of the Statutes of the Associated Students. 2. Clayton also did not submit marketing materials on the Printed and Digital Campaign Materials Disclosure form on Pack Life prior to posting these. This violates Chapter 701, Section 13, Subsection e.2 of the Statutes of the Associated Students. 3. Clayton put up stickers on posters in the residence halls without properly following the residence hall processes to hang flyers or stickers. Marissa Arnold, Coordinator for Student Leadership & Activities at Residential Life, Housing and Food Services, reported the violation at 2:52 PM. This violates Chapter 701, Section 13, Subsection b.10 of the Statutes of the Associated Students. 4. The stickers were put on posters created by RA's in Nye Hall and defaced these posters, which violates rules about interfering with or defacing other university postings. Marissa Arnold submitted the attached photos of the stickers on posters in Nye Hall. This violates Chapter 701, Section 13, Subsection c.2 of the Statutes of the Associated Students.”

Frost further notes social media posts were removed when requested, but physical materials were not removed after reminders from the Center for Student Engagement. Frost further alleges that the Residence Hall Association elections policy was covered with candidates, which Greb was in attendance at. Postings in Residential Halls must be approved by the office overseeing Residence Halls, stickers that were stuck on Residence Hall posters created by Residence Life staff were alleged not to be approved.

Further email correspondence to ASUN and the Center for Student Engagement detailed that Greb did not have permission from Nevada Athletics nor the office of University President Brian Sandoval to use the likeness of the figures, furthering the violation of SAS VII.702.13(d)(5)

Greb affirmed that he received an email from Pack Life confirming the submission of posting materials but was not able to provide what was properly submitted. Greb further claimed that he provided stickers to peers that may have been posted in Nye Hall on Residential Life posters, but affirmed that he did not post them to the Residence Halls. Greb resides in a residence hall on campus and claims that the posting of stickers must have “gotten out of hand.”

Greb states that he was not aware that he could not use photos with university figures since it was approved for posting by the Center for Student Engagement. Greb further states that he believed it would be in the spirit of the University to include images of University figures.

Attorney General Schein called special attention to the elections code provisions that seek to give equal opportunity to all candidates and provide an equal playing field for all candidates and not swing the election to favor one candidate over another. Schein further called into question the use of the business cards featuring photos of Sandoval and University mascots. The cards continued to be handed out and placed around campus. Greb alleged the cards were further handed out to friends and posting could have gotten out of control as Greb claimed happened with the stickers in Residence Halls. Schein stated that candidates are still responsible for where candidates' postings get placed and are responsible for ensuring potential parties to their campaign that they are to follow the ASUN Elections Code.

Greb claimed to have ordered about 1,500 business cards and gave them to peers and was not aware that some of them would be placed in areas that are not authorized for posting in ASUN elections. Greb claimed to the best of his knowledge that he was not the one to place the cards in various locations across campus.

Schein pointed to the conduct of campaigns and agents of campaigns and Schein found it applicable to Greb's situation since he was the candidate to give out elections materials that did get posted and that Greb is responsible for informing his peers of campaign rules.

Interpretation of the Judicial Council

The following is the determination of the ASUN Judicial Council for each of the four violations:

Violation 1, the creation of campaign materials that may constitute an endorsement: **The ASUN Judicial finds Greb guilty of this violation.** The Judicial Council believes when a candidate creates materials with the likeness of prominent university figures, it would garner votes and potentially swing an election.

Violation 2, a lack of submission of campaign materials to Pack Life: **The ASUN Judicial Council finds Greb guilty of this violation.** The Judicial Council did not receive proper proof from Greb of what exactly was confirmed to be submitted to Pack Life when asked, leaving the burden of proof leaning strongly in Frost's favor.

Violation 3, posting of campaign materials without regard to RHA policy: **The ASUN Judicial Council finds Greb guilty of this violation.** The Judicial Council remains consistent to upholding RHA policies that were not adhered to by Greb after full notification of policy at the Candidate's Meeting.

Violation 4, intentional defacing of RHA materials: **The ASUN Judicial dismisses this violation as it was not seen as intentionally malicious to impact the outcome of elections.** While it is irresponsible of Greb to not inform peers, now considered agents of his campaign by being asked to hand out materials for him, this violation could be the result of a lack of knowledge by the candidate on ASUN policy, as has been demonstrated in past cases.

The ASUN Judicial Council, finding Greb guilty of three of the alleged four violations issued by Frost, order Greb to **issue an apology to Nevada Athletics, University President Brian Sandoval, and the Residence Hall Association for each violation. Further, Greb must issue a public apology to be issued to the Nevada Sagebrush and read into the public record by Greb at the Senate of the Associated Students.** Further, **the ASUN Judicial Council levies a fine of \$30 to be paid to ASUN Central Station, \$10 for each violation Greb is found guilty of.**

Dated: 26 April 2022

Signed:

Madeline Marino, Acting Chief Justice

Kayla Snowden, Associate Justice

Zane Taylor, Associate Justice