

The complaint centers on an Instagram video posted by the Respondent, in which he wore a ForwardFSU shirt, and inputted the words “Party Affiliation: Can I join?”. The allegation raised was that the message contained coercive or defamatory content related to the ongoing election process.

Under SBS §710.6(D)(2), a violation occurs when a candidate or campaign representative disseminates campaign material that contains defamatory content against another candidate or entity.

§710.6(D)(2): “ Posting, utilizing, or distributing, either electronically or physically, campaign material that is publicly defamatory against a candidate for an elected office of the student body, or is defamatory against any person or entity within the content of a campaign material.”

Additionally, SBS §710.4(G) establishes the burden of proof for all alleged violations, requiring clear and convincing evidence to substantiate a finding of responsibility. This means that the evidence must produce a firm belief or conviction in the trier of fact that the alleged violation occurred to defame another entity.

While the Respondent did post a video containing the copied message, there is insufficient evidence to demonstrate that the content of the video was defamatory in nature as defined by SBS §710.6(D)(2). The message, though assertive, does not contain any statements that directly target, malign, or damage the reputation of a specific candidate or entity.

Moreover, while the video could be interpreted as persuasive or directive, the context and language do not clearly meet the statutory threshold of defamation or harassment under the Student Body Statutes. The available evidence does not rise to the level of clear and convincing proof required by SBS §710.4(G) to confirm a violation.

Based on the information reviewed, the alleged conduct does not constitute a violation of SBS §710.6(D)(2). Although the Instagram video does contain election-related content, with the party logo, the evidence presented fails to meet the clear and convincing standard of proof required to substantiate a finding of responsibility under SBS §710.4(G).

Accordingly, the alleged violation is hereby **dismissed**.

If you do not agree with the decision, it is within your right to appeal to the Electoral Commission to have it reviewed up to the Supreme Court. All students will have the option to present their case directly to the elections commission, choose a third-party to represent them, or be appointed a law student by the Supreme Court to represent their case before the Elections Commission.