

**RE: SMOB Appeal RE: Removal of Gregorio**

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**From** Huffenberger, Jenni <jennib@utdallas.edu>

**Date** Tue 9/17/2024 4:17 PM

**To** Olivares Gutierrez, Gregorio <Gregorio.OlivaresGutierrez@UTDallas.edu>; Lum, Lydia <Lydia.Lum@UTDallas.edu>; Bainbridge, Avery <Avery.Bainbridge@UTDallas.edu>; Johnson, Janet <Janet.Johnson@UTDallas.edu>; Sweet, Kevin James <Kevin.Sweet@UTDallas.edu>; Romine, Davy Laurence <Davy.Romine@UTDallas.edu>; Pal, Nikita <Nikita.Pal@UTDallas.edu>; Thakkar, Yash Bharat <Yash.Thakkar@UTDallas.edu>; Wu, Sasha <Ethan.Wuu@UTDallas.edu>; Croom, Maizie Gaia <Maizie.Croom@UTDallas.edu>; Pescalia, Krista Shannon <Krista.Pescalia@UTDallas.edu>

Gregorio,

This acknowledges receipt of your appeal of the decision by the Student Media Operating Board on September 13, 2024, to remove you from the position as Editor in Chief of *The Mercury*.

In accordance with Section 2.9 of the SMOB Bylaws, which pertains to Removal from Office, the Board reviewed the information pertaining to the provisions you are alleged to have violated, you were provided with an opportunity to be informed of the evidence against you, and an opportunity to rebut it and to present evidence on your own behalf.

A rehearing by the Board of the same issues and evidence is not the proper step when appealing their decision to remove someone from office. Subsection (g) of that same section makes this clear: "Action of the board on matters such as this may be appealed to the senior director under Section 4.5."

Pursuant to Section 2.9(g) and section 4.5, I will take your appeal under consideration and notify you of my decision in this regard.

I have removed some from this response because they are not involved in the process.

Jenni Huffenberger

**Jenni Huffenberger**

Senior Director for Marketing Communications

Student Affairs

The University of Texas at Dallas, MA '18

(972) 883-2244

Student Affairs, *You Belong Here*.

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**From:** Olivares Gutierrez, Gregorio <Gregorio.OlivaresGutierrez@UTDallas.edu>

**Sent:** Tuesday, September 17, 2024 11:03 AM

**To:** Lum, Lydia <Lydia.Lum@UTDallas.edu>; Huffenberger, Jenni <jennib@utdallas.edu>; Bainbridge, Avery <Avery.Bainbridge@UTDallas.edu>; Johnson, Janet <Janet.Johnson@UTDallas.edu>; Sweet, Kevin James <Kevin.Sweet@UTDallas.edu>; Romine, Davy Laurence <Davy.Romine@UTDallas.edu>; Pal, Nikita <Nikita.Pal@UTDallas.edu>; Thakkar, Yash Bharat <Yash.Thakkar@UTDallas.edu>; Wu, Sasha <Ethan.Wuu@UTDallas.edu>; Croom, Maizie Gaia <Maizie.Croom@UTDallas.edu>; Pescalia, Krista Shannon <Krista.Pescalia@UTDallas.edu>

**Cc:** Schwartz, Devin <Devin@utdallas.edu>; Kesden, Michael <kesden@utdallas.edu>; Fitch, Gene <gene.fitch@utdallas.edu>; Morales, Katherine <kmorales@utdallas.edu>

**Subject:** SMOB Appeal RE: Removal of Gregorio

Hello,

I hope this email finds you well.

Attached is my official appeal in accordance with §4.5 of the Student Media bylaws. Moreover, I have attached *The Mercury's* policy compendium as well. Per §4.5(a) of the Student Media bylaws, this appeal is being submitted to the SMOB board for review as "The operating board shall serve as the first review of appealed operating decisions as are permitted under the various provisions of this chapter." I do not appreciate Lydia Lum's instructions that the appeal be sent directly to Jenni Huffenberger as doing so would invite a direct violation of the Student Media bylaws while circumventing this deliberative body entirely.

I have included all officially appointed SMOB members which I am aware of despite attempts to keep these official appointments undisclosed. If any official SMOB member is missing, then I request that this appeal be shared with them in full as they have the same right to review this appeal as any other member of SMOB, ex-officio or otherwise.

SMOB bylaws mandate that "an editorial staff person from a local newspaper" be provided with a seat as an ex-officio member of SMOB. I as the petitioner am of the understanding that no such member has been appointed by the Vice President of Student Affairs, Gene Fitch. To avoid this current bylaw violation, I request that efforts immediately begin to appoint such a member since per §2.1(h) of the student media bylaws, this is not an optional role unlike the variability of the broadcast board member, a position which also remains vacant. I have a few business cards I could share with Fitch if the Office of Student Affairs is struggling to connect with local news organizations.

I request and will request during any hearings held that the SMOB board explain every instance in which it chooses to discard information submitted as part of this appeal: with specific evidence, policy links, and citations provided as applicable.

While I am not an official signatory or cosigner of the ongoing Mercury strike, I am one of the strike leaders and am authorized to negotiate on behalf of UTD's striking student journalists.

CCed on this appeal message are the president of student government, the speaker of the academic senate, the vice president of student affairs, and the media relations associate vice president.

I look forward to further communications with this deliberative body.

Regards,  
Gregorio Olivares Gutierrez  
Mercury Staff Writer  
Former Editor-in-Chief  
Political Science and Philosophy Major