

TO: All SMOB members

FROM: Gregorio Olivares Gutierrez, Mercury Staff Writer

DATE: 9/17/2024

SUBJECT: OFFICIAL APPEAL REGARDING SEPT. 13 SMOB DECISION TO REMOVE PETITIONER FROM EIC ROLE AT *THE MERCURY* STUDENT NEWSPAPER

Disclaimer: The petitioner hereby consents to the immediate publication of this appeal.

Petitioner's Note 1: It is the belief of the petitioner that all statements made herein are relevant to the specific process of the appeal. The petitioner requests that SMOB members be prepared to state precisely why any section must be discarded from consideration.

Overall Argument:

The petitioner, hereafter referred to as Olivares, stands by the statements made in their initial rebuttal to the accusations brought forward by Student Media Director Lydia Lum. Olivares, understanding that the Student Media Operating Board (SMOB) meeting could result in their immediate termination based on a Sept. 12 email sent by Lum, invited Mercury management and staff to listen in during the meeting. Staff used their live experience of the meeting in conjunction with notes they took live to create a news article titled "[Mercury EIC fired by UTD](#)." The aforementioned article includes a summary of the meeting. Additionally, Olivares' seven page rebuttal read aloud to SMOB and shared via Microsoft Teams chat is published for quick reference.

SMOB did not vote on whether or not Olivares violated any bylaws as alleged by Lum. The present SMOB body instead voted upon a motion for the petitioner's immediate removal as Editor-in-Chief (EIC). Olivares requests that SMOB rescind its Sept. 13 decision on three main grounds:

- 1) SMOB was not convened legally because of fundamental failures and major oversights in the student media bylaws. SMOB ought to first correct and update its own governing document before it makes unprecedented and unfounded

decisions regarding student leadership of student media organizations.

- 2) Olivares was not found guilty of any bylaw violations prior to removal from office. The most appropriate measure would be for SMOB to launch some form of investigative hearing to make an accurate and informed determination of precisely which bylaws were violated and how, with proof established through supporting documents and corroborating witness testimony
- 3) Either through accident or active malice, six of the 13 appointed SMOB members were unable to attend the Sept. 13 meeting. All six were students. Of the seven possible voting members, only two of the five students appointed to SMOB attended the meeting, and the Student Media leaders that are ex officio SMOB members were not afforded the opportunity to attend the meeting.

To marginalize students and shut out those who represent the three other branches of student media is an affront to the foundational goals of student media. The current SMOB board's actions have resulted in the first ever strike conducted by *The Mercury* in UTD history. If the SMOB board seeks any return to normalcy, then it ought to negotiate with student strike leaders.

It would be a shame for the 44 year legacy of *The Mercury* to come to an end because campus administrators elected to overrule student voices and enact cruel and unprecedented punishments against student leaders. There is no student newspaper under SMOB if attempts at censorship or legally unsound punishments against student leaders continue.

****The following is evidence and analysis submitted by Olivares for review****

Violation of Bylaws Regarding Appeal Thus Far

Fig. 1: § 2.1(j) of the current student media bylaws.

(j) The senior director shall remove himself or herself from the board when an appeal is brought forward to the board, as the senior director serves as the final step in the appeal process.

Fig. 2: §4.5(a) and §4.5(b) of the current student media bylaws

SECTION 4.5 REVIEW AND APPEAL

(a) The operating board shall serve as the first review of appealed operating decisions as are permitted under the various provisions of this chapter.

(b) The senior director is the final level in the appellate process.

Fig. 3: Appeal info. sent by Lum to Olivares on Sept. 16



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

800 W. Campbell Road, SU 24, Richardson, Texas 75080
972-883-6339 | studentmedia.utdallas.edu

Date: September 16, 2024
To: Gregorio Olivares Gutierrez
From: Lydia Lum, Director of Student Media
Copy: Student Media Operating Board
Subject: *The Mercury*

This memo serves to memorialize the decision of the Student Media Operating Board to relieve you of your position as editor of *The Mercury*, effective 8 p.m., Friday, September 13, 2024, by a vote of 3-1, with all present members of the Board participating.

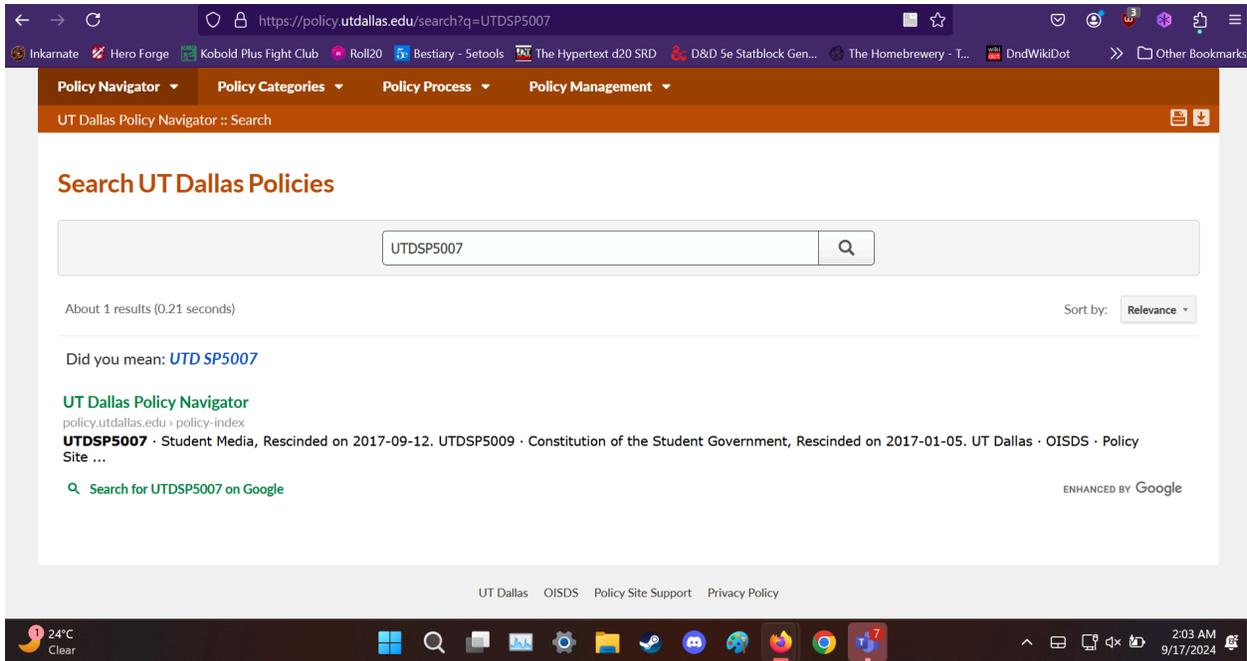
This decision was rendered in accordance with Section 2.9 of the Bylaws after notice and a hearing before the Board during which you were present and allowed to speak. You were also present while the Board voted.

You may appeal decisions of the Board to the Senior Director (Jenni Huffenberger) in accordance with Section 2.9(g) and 4.5(b) of the Bylaws. Any appeal must be received by 11:59 p.m. on Tuesday, September 17, 2024.

The final paragraph states that the decision may be appealed to the Senior Director. §4.5(a) expressly stipulates that the first phase of review is handled by SMOB. § 2.1(j) establishes that Huffenberger must remove herself during SMOB's appeal process. Huffenberger may have final say, the scope of what final say means is undefined in the bylaws. An appeal is made to the entire board per §4.5(a) instead of merely to Huffenberger. To suggest otherwise invites a direct violation of the bylaws as written.

Fundamental bylaw failure:

Fig. 3: [Screenshot of UTD policy navigation](#) with information regarding when UTDSP5007 was rescinded



Per the UTD policy navigator, [a compendium of UTD policy](#), UTDSP5007 was rescinded by student media on the 12th of September, 2017.

Fig. 4: [Screenshot of what UTDSP5007 was](#) prior to its removal. The screenshot is from a preserved version of the web page taken on the 23rd of July, 2015.

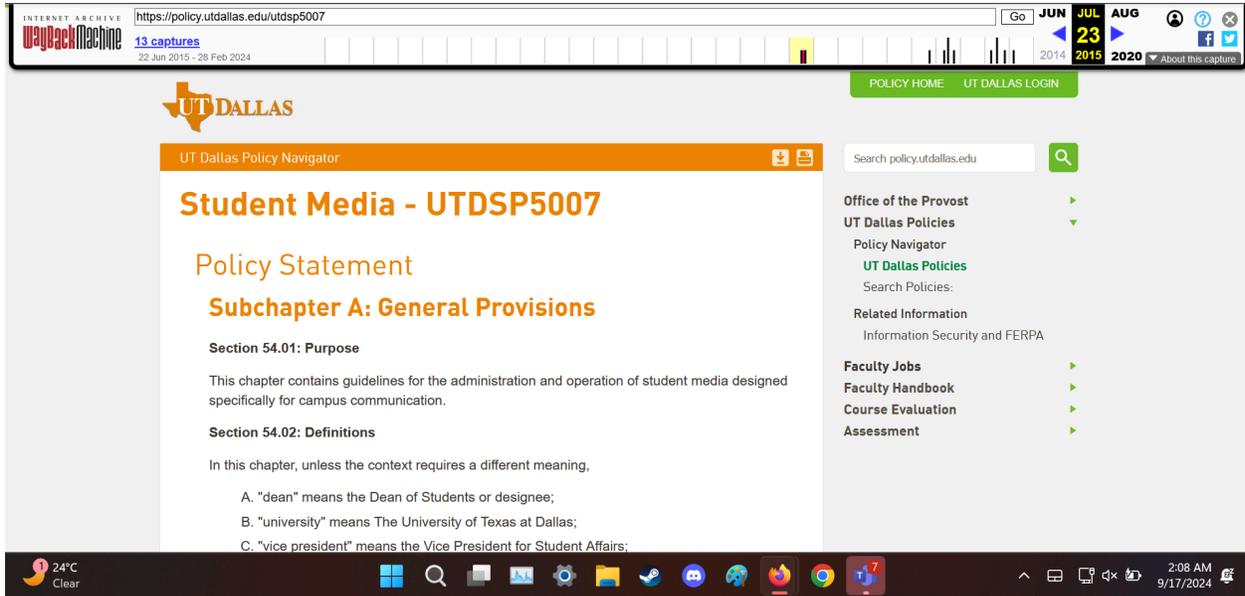


Fig. 5: Screenshot of the chair election process which is distinctly missing from current student media bylaws.

K. The chairperson of the board shall be elected from the membership by the voting members of the board.

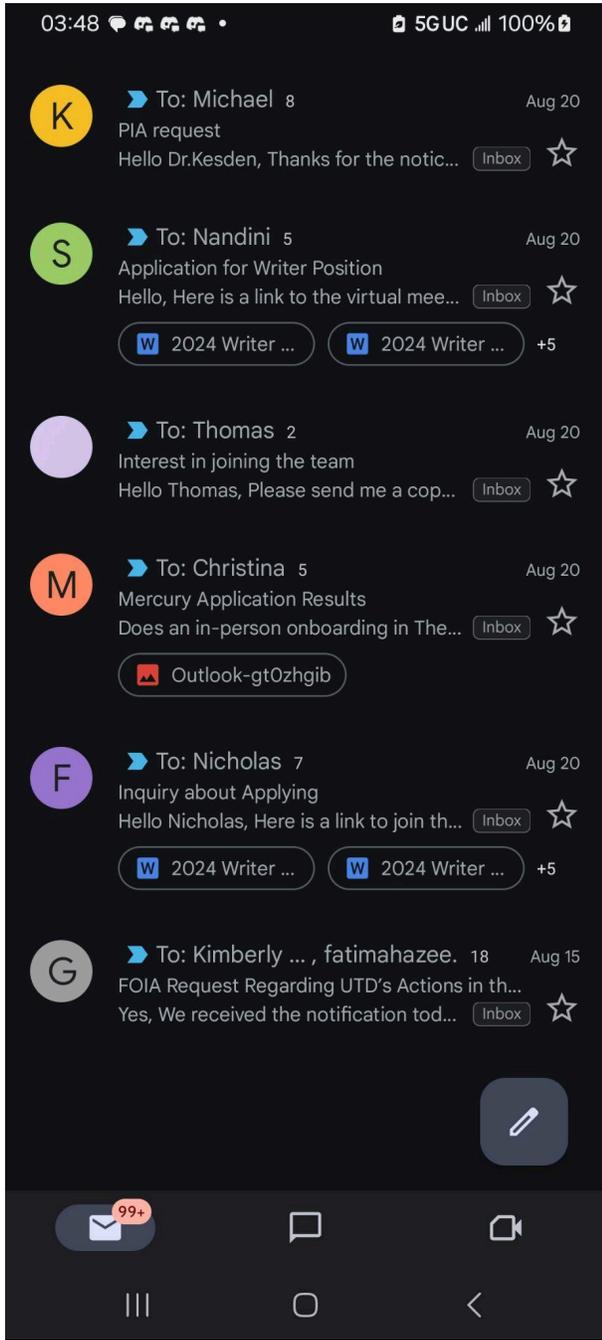
Fig. 6: Screenshot of what the adviser is permitted to do in regards to SMOB under current student media bylaws §3.8(f).

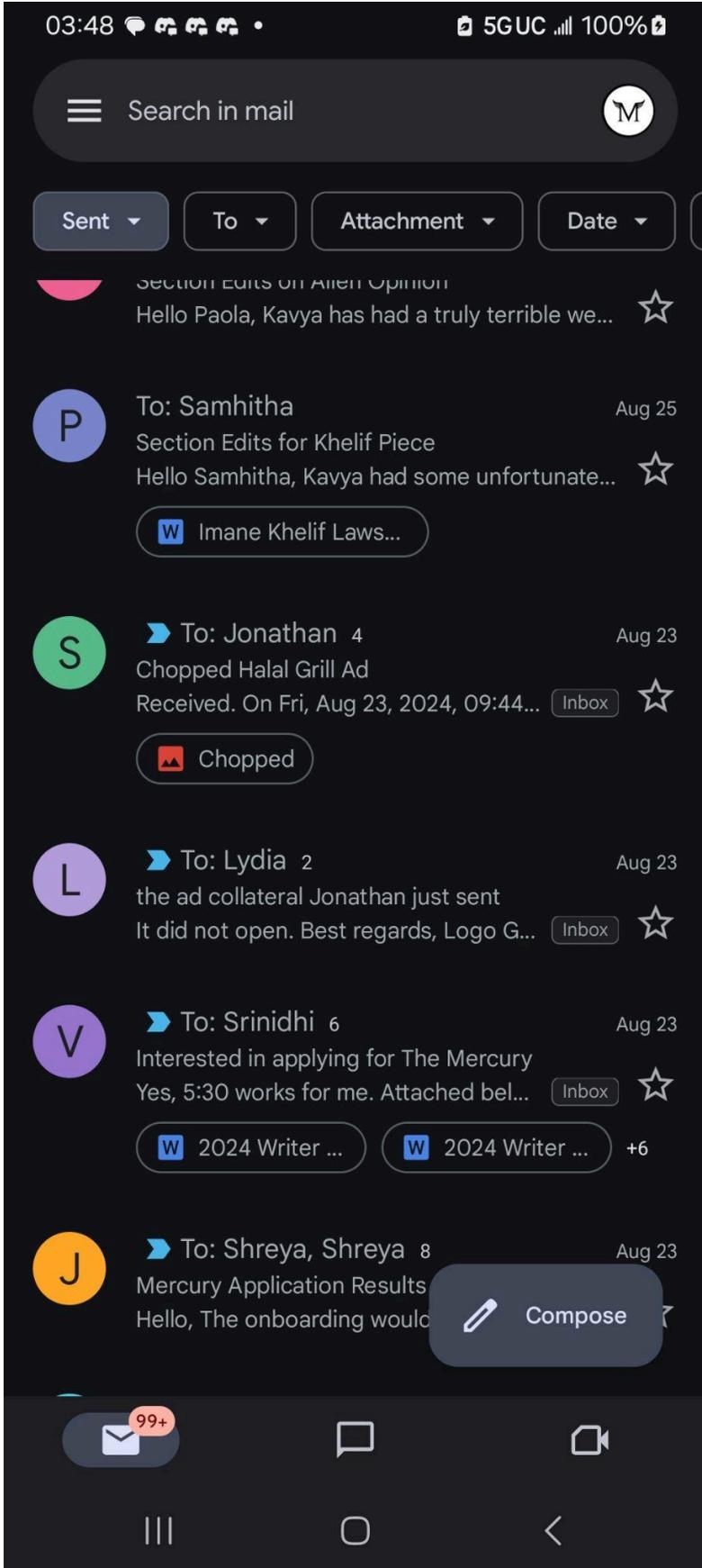
(f) The media adviser will call potential violations of publications policies to the attention of the operating board for action as described in Section 4.5.

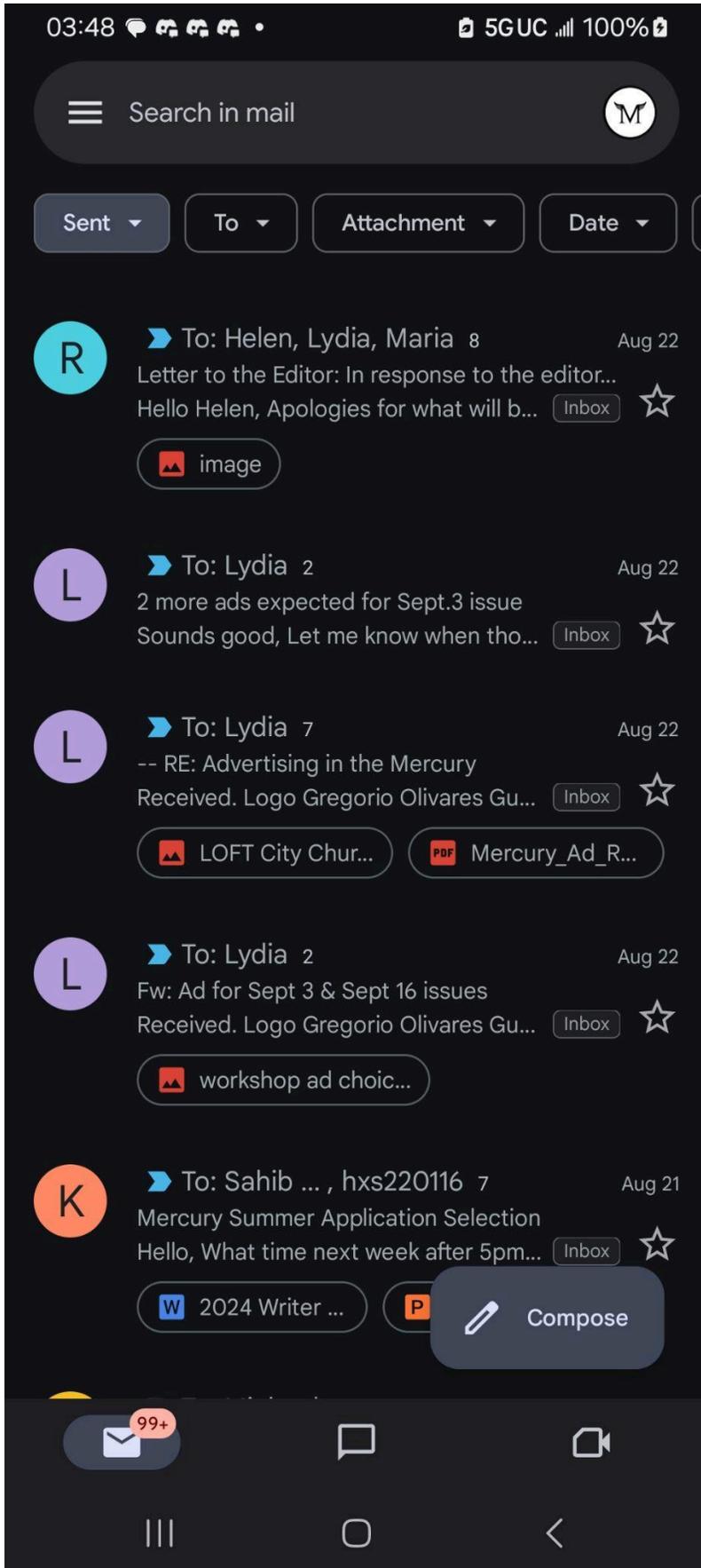
The previous student media operating board policy, which is the aforementioned policy rescinded in 2017, was overall a more precise and well prepared document which provided more specific provisions and stipulated how the chairperson for SMOB is selected. No such provision exists under the current SMOB bylaws; moreover, no replacement provisions were added which stipulate who can call meetings and in what mediums if any they may arise. As such, Lum's appointment as chair of SMOB is incongruous with the bylaws since no provisions governing chair selection exist, a major oversight within the document intended to govern four student publications. Moreover, since no provisions for a chairperson exist and no provisions regarding who may call a meeting to order exist, every SMOB meeting since the adoption of the current bylaws is in violation of the bylaws since they fail to provide the basic overview of meeting formation and chairperson selection.

Huffenberger's accusation of Olivares lying:

Fig. 7: Screenshot of emails sent by Olivares as Mercury EIC from Aug. 15 to 27.







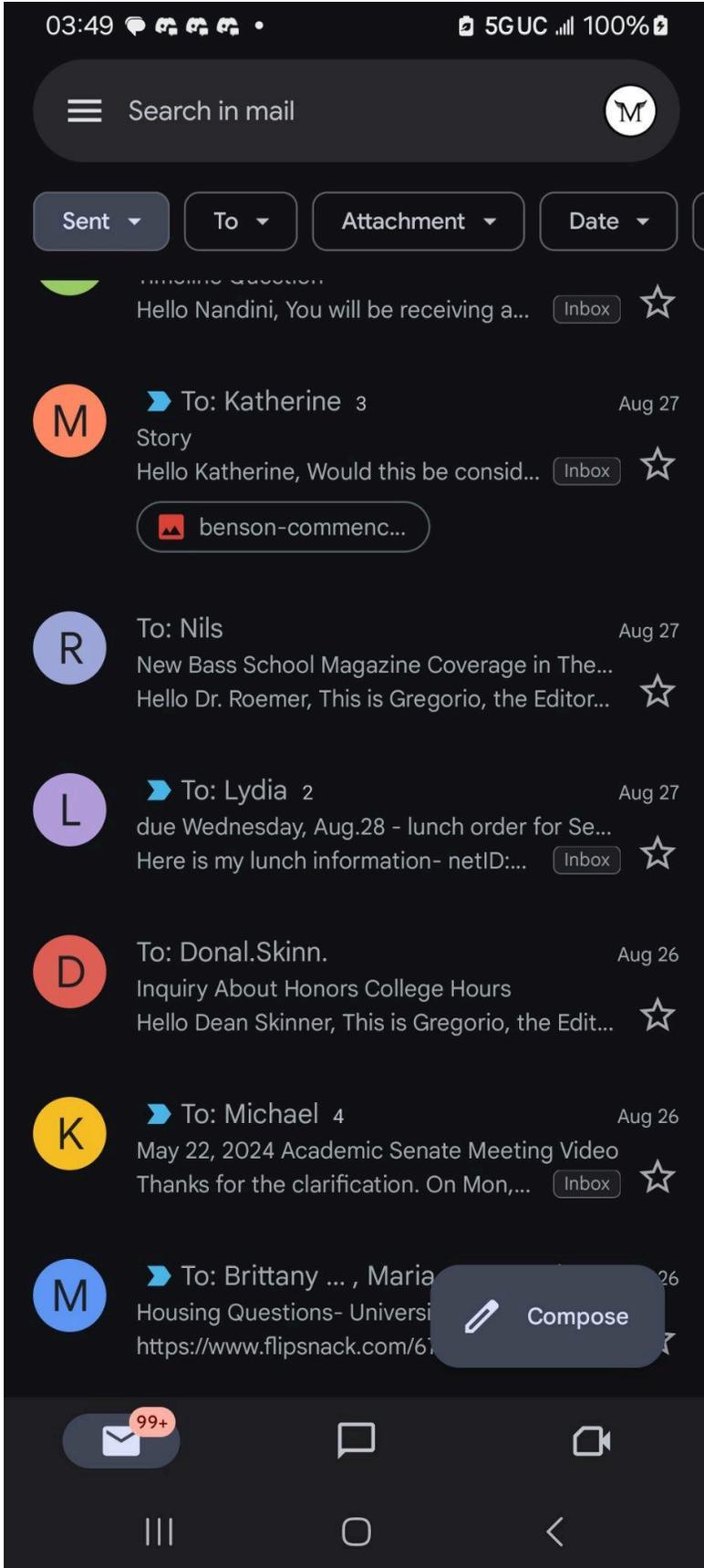
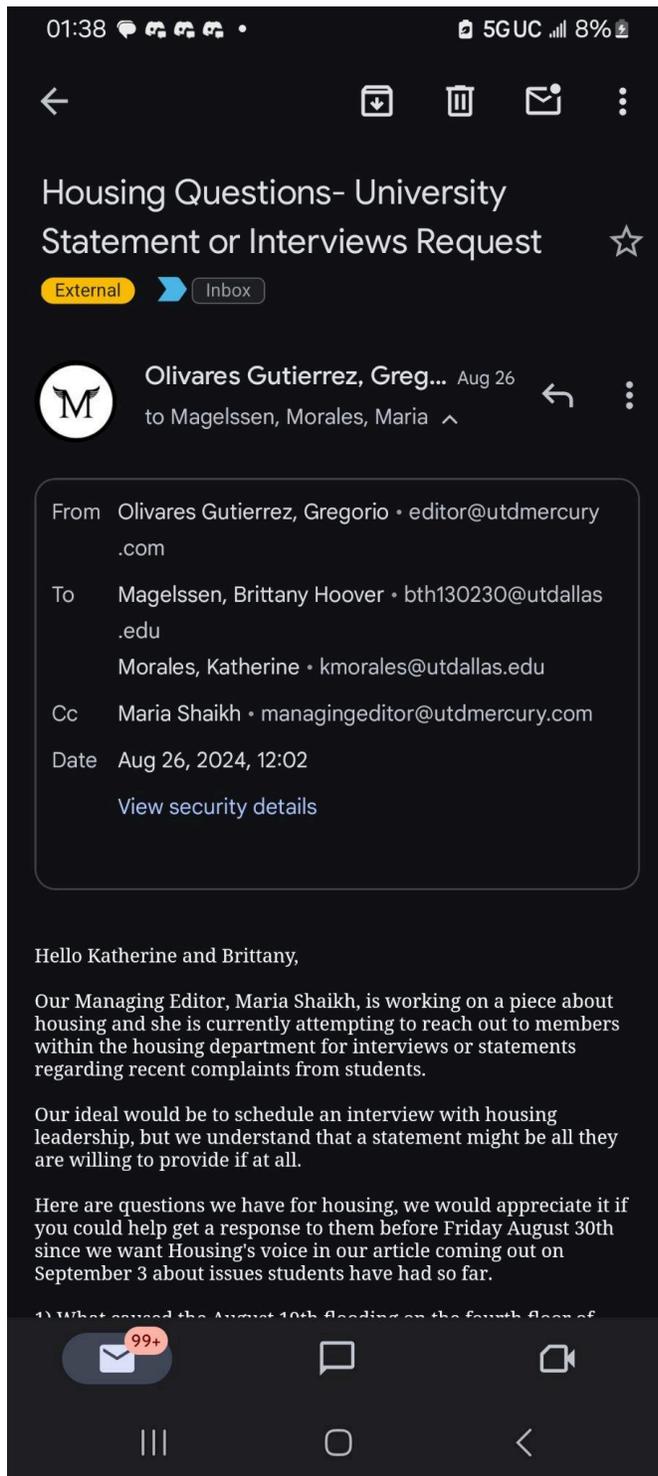


Fig. 8: Messages sent from Olivares to the Office of Communications; Matt Grief is not contacted by Olivares, contrary to Jenni's claim.





When Olivares was explaining that *The Mercury's* Policy Compendium contained specific regulations regarding conflicts of interest because they saw the rules outlined by the bylaws as insufficient, Huffenberger yelled over Olivares to falsely claim

that they had reached out to Matt Grief. The last interaction Olivares had with Grief was during the "[Big Momma](#)" ground breaking ceremony wherein Olivares took a photo of Grief as Grief engaged in the groundbreaking ritual alongside other administrators. The email sent to the Office of Communications, which was presumably later forwarded to Grief by the Office of Communications, directly states that Maria Shaikh is the writer working on this piece. Below are *The Mercury's* rules regarding conflicts of interest.

Excerpt from The Mercury Policy Compendium

"1.1.6- Ethics

1.1.6.A- Conflict of Interest

- a) The Mercury defines a conflict of interest as a situation in which a Mercury member is in a position in which they could derive personal benefit from actions or decisions made in their official capacity as reporters.
- b) Mercury staff must declare conflicts of interest in stories they are contributing to and should avoid involvement in stories dealing with friends and family members.
- c) Through words or visuals, staff members should not work on or make coverage decisions about family members or persons with whom they have financial, adversarial, romantic, sexual and/or close personal relationships, including fellow staff members, unless exceptional circumstances apply (e.g., if the Editor-in-Chief is charged with a crime such as Class B Criminal Trespass, the paper should report on it. The Editor-in-Chief would be prohibited from participating in the editorial process of the associated news piece).
- d) Mercury staff may not cover a campus organization of which they are a member, or participate in any news, editorial or business decisions regarding that organization.
- e) Mercury staff may provide story leads about organizations to which they belong to other Mercury reporters. Mercury staff should be transparent and report their memberships and campus activities to their supervising editor, preferably at the start of the semester or employment period or throughout the year as new memberships/conflicts of interest develop.
- f) Political involvement, including off-campus public office and service in community organizations, should be considered carefully to avoid compromising both the publication and the

person. It is important to preserve the concept of a journalist as an independent observer and fact finder. Mercury staff involved in specific political action, especially in a leadership role, should not be assigned to cover that involvement. Political affiliation/participation, excluding protected information such as voting behavior, should be disclosed when relevant to an assignment to the Editor-in-Chief and Managing Editor.

g) Other employment and volunteer work should not conflict with Mercury staff's responsibilities to the publication. Mercury staff must report any other employment to the Editor-in-Chief to avoid any conflicts of interest with assignments or other staff editorial or business responsibilities or influences. Likewise, to avoid a conflict of interest, a staffer should not have similar positions on two or more campus news, public information or public relations media or organizations: i.e., Mercury staff may not also be employed at or contributors to school-specific newsletters, the campus-wide news center and/or other similar organizations directly affiliated with UTD and its marketing endeavors. Work done for other off-campus media groups should not compete with the coverage of *The Mercury* or it similarly becomes a conflict of interest. *The Mercury* management team must define what can be considered competition on a case-by-case basis"

Of special note, §1.1.6.A(c) was utilized for the coverage remaining Mercury management did for the September 16th special issue of *The Mercury*.

Olivares would love to get greater insight into how the Office of Communications shares the queries we give them, so if Huffenberger has the email Grief received with Mercury questions, then we would love to see it submitted as evidence.

The relevance of this section comes from Huffenberger's decision to hurl the heavy accusation of lying without providing substantive proof of her claim beyond mere words. Such a figure is unfit to make an impartial decision on the status of this appeal, and as such Olivares beseeches SMOB to finalize their decision within the first phase of review or provide appropriate

corrections to the bylaws so that a fair and impartial appeal may be processed.

Cost Overruns; printing figures

Fig. 9: Cost of printing *The Mercury* at different page and issue counts, courtesy of Midway (*The Mercury's* printing company).

Quote
for
University of Texas at Dallas
Mercury

February 28, 2023

Midway Press, Ltd. will provide the following printing services:

- Paper: 27.6# Newsprint
- Finished size: 12" x 22.75"
- Color: 4/4
- Proofs: Digital Proof
- Binding: Untrimmed and Unbound
- Mailing: Not Included
- Finishing: Strap tied and skid packed
- Delivery: Not Included: Local Delivery: \$150.00

	1,000	1,500	2,000	2,500	3,000	M's
4 pages	\$814.80	\$838.96	\$863.73	\$888.50	\$913.87	\$ 54.52
6 pages	\$952.45	\$982.06	\$1,013.48	\$1,043.69	\$1,073.29	\$61.63
8 pages	\$996.00	\$1,032.86	\$1,067.91	\$1,103.56	\$1,139.82	\$71.31
10 pages	\$1,144.36	\$1,186.67	\$1,227.16	\$1,269.46	\$1,309.96	\$82.80
12 pages	\$1,190.32	\$1,235.65	\$1,283.40	\$1,329.34	\$1,376.48	\$93.69
14 pages	\$1,673.57	\$1,740.15	\$1,808.86	\$1,875.97	\$1,944.15	\$135.00
16 pages	\$1,718.83	\$1,788.81	\$1,858.79	\$1,927.66	\$1,997.64	\$139.97

The information Lum shared with SMOB (i.e., 2,000 copies at 12 pages costing about \$900; the actual price of such a run is about \$1,283) regarding what the average Mercury issue print run costs is entirely incongruous with the pricing *The Mercury's* printing company shared. There is less than a \$100 difference between printing 3,000 and 2,000 copies of a 12 page issue. Olivares requested the following figures from Midway to both understand how much it cost *The Mercury* to print and what it would cost to print a separate newspaper at the exact same

specifications. The variance in cost is nearly negligible and with these figures in mind, Olivares recommends that future student publications on campus maintain the fluctuating printing numbers to meet student demand even if it continues to grow dramatically as the Summer 24 period indicated in which the May 20, July 15 and Aug. 19 issues all broke records both in general and for their respective time periods in regards to pick-up rate. Lum was alarmed by the average cost of printing the paper. Olivares' direction to follow the standard Mercury publishing scheme placed the paper at approximately \$200 over cost had we instead printed 2,000; a sum that could be recuperated within a single cycle. A cost that has already been recuperated by acting editor-in-chief Shaikh's decision to run an 8 page 1,500 copy issue. If Lum, who oversees *The Mercury* budget while prohibiting Mercury staff from viewing the budget, is so alarmed by a standard and easily overcome cost variance, then she clearly needs much greater supervision when it comes to *The Mercury's* budget.

This alarmism and failure to do the bare minimum of contacting Midway for these numbers, which Olivares received within minutes of calling them, strikes a deep sense of uncertainty in Olivares when it comes to Lum's ability to properly oversee *The Mercury* budget. Lum's fiscal negligence is a threat to the effective use of student fee money and the revenue *The Mercury* brings in with its ads.

If Lum continues to refuse to share budgetary information with student leaders, then Olivares recommends that SMOB launch an inquiry and demand a line item breakdown of the finances for each student organization since Lum's choice to keep students in the dark is a direct threat to the longevity and prosperity of student media.

Olivares cannot even begin to fathom where the \$900 figure Lum shared came from since in 2023 *The Mercury* was already paying \$300 more than that under the specifications she listed, and inflation has only continued to increase prices since then.

Statements from Student Media Students

Statement 1: AMP's Official Statement on Lydia Lum- By Sasha Wu, Editor-in-Chief of AMP

"AMP's experience with media advisor Lydia Lum has been defined primarily by financial profit over all else. She has provided nothing in terms of her duties as media advisor to guide our publication, and in fact would have provided a better environment for the publication to flourish had she not been here at all.

Every point of interest she has brought to us is contingent on how we can reduce costs or increase revenue; of particular note, she has constantly harried the management team over her ambitions for AMP to print advertisements in our publication, which would undermine the integrity and culture the magazine has built as a space for student voices without a commercial agenda whilst simultaneously violating section 4.1(c) of the Student Media Operating Board Bylaws – which expressly states that "AMP may not accept advertising." This has been the most consistent refrain in her communications since she officially took on the role of media advisor in the summer, contrary to her abuse of the bylaws in regards to Gregorio Olivares Gutierrez's termination as editor-in-chief of the Mercury.

Further, while Lum insists upon attending our management meetings – where she spends half the meeting pitching ads instead of letting us discuss operations as a team – she has offered next to no constructive guidance on the content, form, or production of the magazine. Although she requested pdf copies of the first magazine we produced this semester "for critique" in advance of the distribution of the magazine, she openly admitted in the following weeks to have not even read the full magazine (even after distribution of print copies, a week after she requested the digital files), and gave no feedback on how we could improve anything other than the pictures on the food review. She does, however, unprofessionally disparage the decisions and guidance of her colleagues behind closed doors – in particular, she has called into question the careful and caring hand of the interim student media advisor in the year the media advisor position was vacant, Jonathan Stewart, who notably did provide salient and detailed critiques of the magazine to benefit the quality and extent of our contributors' creative expressions. The foremost of her criticisms are in regards to

the allocation and use of finances, which only reaffirms her single-minded focus on funds.

Additionally, her statements regarding the management staff are always in terms of capital. After a restructuring of the AMP payroll system that would allow for significant savings in comparison to previous issues, the team requested of her that the lower-level positions of the management team – which received substantially reduced pay in past semesters to accommodate budgetary issues brought on by the previous payroll system – be restored the higher pay those in the positions enjoyed for the majority of AMP's lifespan. This was rejected, and all requests to know specific budgetary information have been stonewalled without any clear reason cited. At the same time, she views those same lower-level positions as especially important for training purposes and unique learning opportunities due to an expectation of longevity in their roles with the magazine in the coming years, betraying a value placed in what our staff offers UTD and the publication in spite of her refusal to reinstate adequate pay.

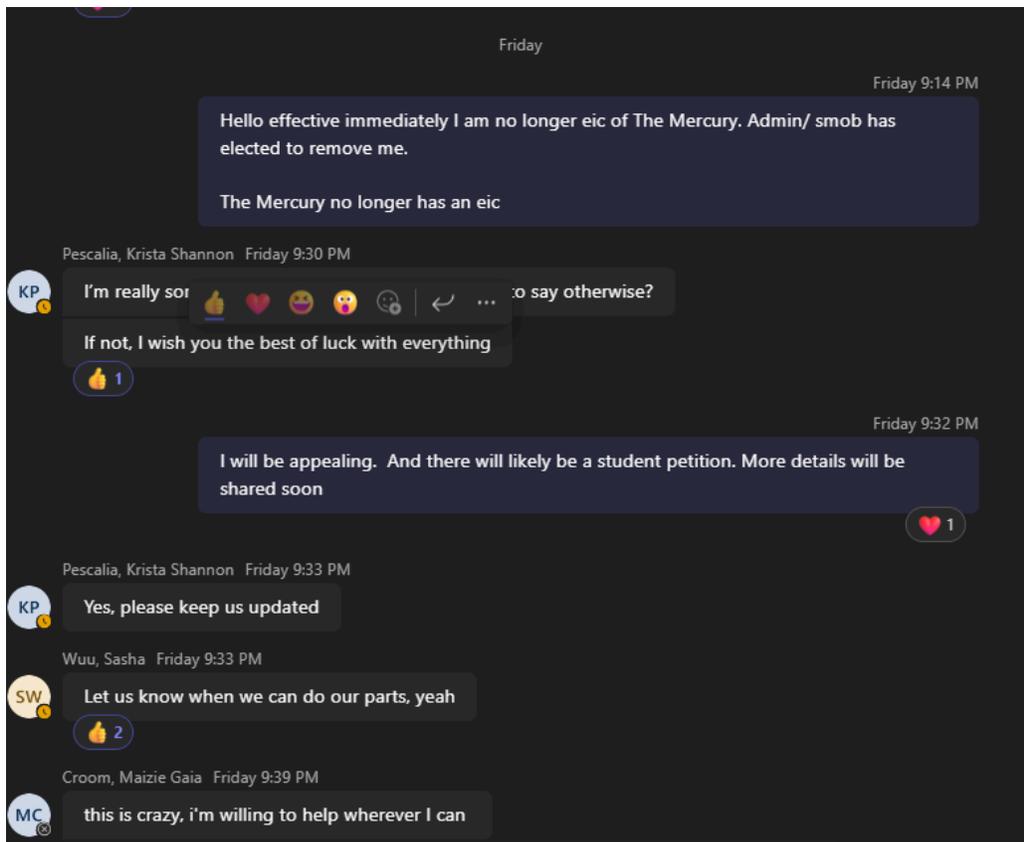
Lum's presence is unhelpful at best, actively obstructive at worst, and in many ways hypocritical, and – if Gutierrez is not reinstated after his appeal – AMP stands in full support of Gutierrez and the remaining staff of the Mercury in their strike following Lum and the UTD administration's act of blatant retaliatory censure against the Mercury's fervent dedication to championing the student voice."

Statement 2: Experience of Anika Sultana, Mercury Graphics Editor

"Though Lydia's interactions with management members in the office have been intended to be amicable, her overbearing presence in the office and her demand to be present within all meetings—including banal meetings, where we discuss visual layout for the newspaper and discuss internal developments like hiring efforts—is imposing and daunting. The Director of Student Media is a position set in place for the Director to give advice; Gregorio has come to her for advice and asked her for guidance for unprecedented circumstances, like placing a disclaimer in the paper and repeatedly asking her for budget

numbers so that *The Mercury* could gauge the upper limit for people we could hire in the writers, graphics, and photography departments. Other members of management and myself are of the opinion that we do not feel comfortable speaking or even being present in the office, but we put our fears aside to remain professional and considerate when Lydia injects herself into our time in the office. Furthermore, her critiques thus far have been incomplete, superficial, and non-constructive. To management's understanding, Lydia has admitted that she has not read our 07.15 issue and our 08.19 issue in full length. Her critiques seem to operate on the idea that we, as a management team, do not understand the basics of newspaper functionality and design. How could we hold management positions if we did not have a certain degree of experience and knowledge to begin with?"

Statement 3: Statements from student media leaders regarding how Lum informed them about their meeting and presence. All student media leaders are official *ex-officio* members of SMOB.



it also feels weird that lydia didn't give me the time/link to the smob meeting, instead she just let me know it was happening and that it wouldn't concern radio. she even read my message asking for more info about the meeting (although I wouldn't have been able to go because of another meeting happening at the same time) and ignored it lol

!! 1

Friday 9:45 PM

Croom, Maizie Gaia 9/13/2024 9:43 PM

it also feels weird that lydia didn't give me the time/link to the smob meeting, instead she just let me know it was happening and that it...

How did she communicate this to everyone (I am still a staff writer and the merc is writing about it)

Pescalia, Krista Shannon Friday 9:46 PM

KP

this is what she said to me "Hi — there's a Student Media Operating Board mtg tmrw Friday on Teams but it's highly unusual business matter. You won't need to attend. If SMOB members want mini-update on UTD TV, I can fill them in (2 minutes or shorter). I will try to soon schedule a "real meeting" to let you & other StuMe outlet chiefs give board members "real" updates. Thanks!"

Croom, Maizie Gaia Friday 9:46 PM

MC

I received the same message at 9pm last night, just with radio instead of utd tv

Wuu, Sasha Friday 9:48 PM

SW

"BTW, there's a Student Media Operating Board mtg tmrw on Teams but it's highly unusual business matter. You won't need to attend. If SMOB members want mini-update on AMP, I can fill them in (2 minutes or shorter). I will try to soon schedule a "real meeting" to let you & other StuMe outlet chiefs give board members "real" updates."

Pescalia, Krista Shannon Friday 9:49 PM

KP

"you wont need to attend" is interesting

Wuu, Sasha Friday 9:51 PM

SW

Gregorio told me last night that she was trying to get them fired but obviously i was never informed of how to attend the meeting

also yeah, 9:04pm

Croom, Maizie Gaia Friday 9:53 PM

MC

I asked Lydia this at 3:30 and got ignored even though teams showed that she read it long before the meeting started

"Hi Lydia! Can I get the link to the meeting? I might have a conflicting event (we're doing the last of the radio orientations at 5:30), but if I'm able to attend I would like to!"

Wuu, Sasha Friday 9:54 PM

SW

so basically none of us were reasonably provided a means to attend

despite the presentation of the meeting as something we could optionally sit in on

Statement 4: Interaction between Lydia and Radio UTD student leader in which Lydia ignores student leader request

Thursday

Lum, Lydia Thursday 9:08 PM

LL
Hi — there's a Student Media Operating Board mtg tmrw Friday on Teams but it's highly unusual business matter. You won't need to attend. If SMOB members want mini-update on Radio UTD, I can fill them in (2 minutes or shorter). I will try to soon schedule a "real meeting" to let you & other StuMe outlet chiefs give board members "real" updates. Thanks!

👍 1

Friday

Friday 3:34 PM

Hi Lydia! Can I get the link to the meeting? I might have a conflicting event (we're doing the last of the radio orientations at 5:30), but if I'm able to attend I would like to!

Type a message

🔗 😊 @ + ➤

Statement 5: Experience of Fiyin Olajide, Mercury Copy Editor

"When it came to providing critique for the September 3 issue, Lydia had no major copy editing issues to report. This statement surprised me because I had looked through the issue the previous Wednesday before our Friday meeting and caught more post-publication mistakes in the September 3 issue than in the previous one, such as an error with the date of flooding in the First day floods at Capella Hall story—and an incorrect date is a significant error for a story such as that one, especially since this was a front page story. This is just one error of many, and it calls into question how attentively Lydia is reading our issues; if there are no major copy editing remarks, there is no way for me to improve my work, and this leaves me with no feedback following a 30-minute critique where my presence was required, but there was nothing relevant said pertaining to my role."

Statement 6: The "[Editorial: Reinstate Gregorio as EIC now](#)" which was written by the remaining Mercury editorial board comprised of Maria Shaikh (Managing Editor), Aimee Morgan (News Editor), Paola Martinzes (Life and Arts Editor), and Kavya Racheeti (Opinion Editor)

"Gregorio Olivares Gutierrez' unfair removal from his position is a death knell for The Mercury"

On Sept. 13, the Student Media Operating Board voted to remove Editor-in-Chief Gregorio Olivares Gutierrez from his position after three alleged violations of Student Media bylaws. These violations were presented to the board by current Student Media Adviser Lydia Lum. *The Mercury's* management team believe that Olivares's firing was done under petty stipulations, handled unprofessionally and above all else, signals *The Mercury's* inevitable collapse.

We, *The Mercury's* management team, disagree with every violation Lum presented against Olivares in the meeting. The first violation Lum discussed was Olivares' double stipend pay and perceived lack of communication around whether he was permitted to hold two stipend "student employee" positions. In addition to his position as editor-in-chief, Olivares is also a peer adviser under UTD Housing, a position he took on publicly after studying the Student Media bylaws and UTD policy on "student employee" vs. "student role" positions and consulting Jenni Huffenberger, senior director of marketing and student media, on how cross-departmental stipends worked. Huffenberger, who was interim director of student media at the time, did not tell Olivares that cross-departmental stipends were prohibited.

Having worked with Olivares personally, we can attest to his rigorous attention to detail and consistently by-the-book decision making. When Olivares applied to be a peer adviser, he informed Mercury management that he studied UTD policy extensively and did not find a prohibition against it. During summer 2024 when Mercury management and Student Media administration conflicted over stipend policy, Olivares took it upon himself to study the relevant policies, communicate extensively with Huffenberger and determine what was and was not permissible financially. What Huffenberger suggested was Olivares intentionally obfuscating his double stipends is a dramatically incorrect interpretation of the situation and Olivares' character.

The second violation Lum discussed was that Olivares was overrunning the budget by ordering 2,600 print issues for the Sept. 03 edition of *The Mercury*. However, Olivares was not made aware there was a hard limit of 2,000 issues per cycle and was following the precedent set and taught by former Editor-in-Chief

Fatimah Azeem and former Distribution Manager Andre Averion, who would print more physical issues in the beginning of the semester and between 1,000 and 1,500 issues near the end to respond to changing readership trends. Additionally, when Lum told him he had overrun the budget and thus had to limit the size and issue count of the ensuing two editions to recuperate costs, Olivares immediately complied. Mercury management attests that Olivares has been asking Lum repeatedly for access to *The Mercury's* budget numbers, so he can make better-informed hiring and print purchasing decisions. Lum's refusal to provide the numbers and Olivares' ensuing mistake – if following precedent can be called a mistake – is not his fault.

The final bylaw Lum discussed was that Olivares has made her job as *The Mercury's* adviser impossible by not permitting her to attend every single Mercury meeting or letting her view Mercury content prior to publication. When Lum brought this concern up to Mercury management on Aug. 23, we immediately invited her to every meeting except our biweekly pitch meetings, even creating a new post-pitch meeting so Lum could understand the content we would be working on. Despite this – and despite Lum's frequent interactions with Mercury members in the office, and Olivares' regular meetings with Lum where he asked her for advice and acted on her suggestions – Lum said she was being shut out of *The Mercury*, and Huffenberger suggested Olivares was being belligerent toward or stonewalling Lum.

Not only do we disagree with the validity of the violations that resulted in Olivares' removal, we find the meeting was conducted incredibly unprofessionally. The tone used by SMOB members like Huffenberger and communications professor Janet Johnson toward Olivares felt nothing short of bullying. Huffenberger raised her voice at Olivares to call him a liar several times, while Johnson raised her voice and interrupted Olivares several times. In a board that includes professors and UTD administrators, it is ironic that the most professionalism shown in that meeting was from Avery Bainbridge, a student member of SMOB.

This hostile behavior is not surprising, as Mercury has been dealing with pushback from UTD administration since our coverage of the May 1 encampment and arrests, including the demotion of our former adviser Jonathan Stewart, who Huffenberger and then

Lum succeeded; Lum's prohibition of Mercury members from attending student media conferences; removal of Mercury papers from kiosks; and Huffenberger's unilateral restructuring of stipends that harmed multiple management members. While these things are not necessarily intentionally punitive, they have soured the relationship between Mercury and UTD administration – a relationship that Olivares has worked consistently to mend, to little avail.

We disagree with the mean and pointed remarks made by SMOB attendees about Olivares's character and any intentionality behind the violations – assuming, charitably, that enough evidence even exists to suggest a violation. While Olivares came to the meeting with proof – including messages, emails and recordings – of his compliance with UTD and Student Media policy, SMOB did not allot time to review any of the corroborating documents nor present proof he had committed a violation. If Olivares is expected to muster enough proof to prove his compliance, SMOB has effectively inaugurated a "guilty until proven innocent" model of governing Student Media, whereby any student media member can be challenged and dismissed unless they have carefully cataloged every example of their innocence.

Olivares has, by all metrics, has been nothing but an excellent Editor-in-Chief in his short four-month tenure. Under his leadership, relationships with organizations on and off-campus, students, faculty members, Student Government and others are the best they have been in living memory. Our print and digital outreach and reader engagement statistics have shattered our previous records. *The Mercury's* current management team is the most functional and effective team in living memory, and internal operations are smoother than ever thanks to the sweeping organizational reforms he spearheaded. His dismissal makes it clear that despite management and staff's overwhelming support and love for Olivares, SMOB values punishing perceived insubordination more than rewarding revolutionary successes.

Olivares' removal indicates *The Mercury* is in a death spiral – that the publication's collapse or defanging into irrelevance is inevitable. During the Sept. 13 meeting, Johnson asked several questions with dangerous implications. When discussing Olivares' employment as a PA with Housing as well as editor-in-chief, she

derisively asked him whether he had explicitly asked Huffenberger if he could seek employment at Housing. Olivares' actual conversation with Huffenberger, where he asked about cross-departmental employment and the specific wording of UTD's student employment policies, did not satisfy Johnson despite being a perfectly reasonable way to learn whether he could take a position with Housing or not. Johnson then insisted Olivares should have spoken explicitly with Lum about ordering more than 2,000 issues per cycle despite the established precedent under Azeem and Averion – a precedent Olivares was trained in and had no reason to question until now. Johnson's insistence on hyper-specific conversations suggests that the Editor-in-Chief must painstakingly clear every decision by the adviser or they can be punished for a bylaw violation, and that acting according to precedent or general direction is impermissible. More broadly, SMOB's decision to remove Gregorio establishes the draconian precedent that any bylaw violation – no matter how innocent, accidental, easily remedied or ill-defined – demands immediate removal instead of an opportunity for remediation based on a mere suggestion from the alлегer, not proof.

The Mercury is not alone in facing administrative pressure. Student leaders and advisers whose publications criticize their university, or even cover frivolous topics that still paint the university in a poor light, face various forms of [attack](#). Publications attempting to cover the nationwide wave of political campus protests, including UTD's own May 1 encampment, have received police and administrative stonewalling in what the [Freedom of the Press Foundation](#) said is an attack on press freedom. *The Mercury* has similarly faced silence from administration, forcing us to crowdfund \$3,000 for communications and comments from campus administrators about May 1, as well as more punitive measures like the demotion of our former adviser, Jonathan Stewart, after our May 20 print publication. Once an editor-in-chief is removed – especially on flimsy reasoning and as part of a broader pattern of administrative repression against student journalists, as with Olivares – no subsequent editor-in-chief is safe. They can either bow down to administration's wishes, which include throttling investigations, coverage of activism and free expression, or find themselves similarly deposed for nebulous

violations with no meaningful opportunity to redeem themselves. Management and staff members' confidence in creating what they want erodes, leading to self-censorship and milquetoast, forgettable content. The surrounding community's trust in the publication's truthfulness and independence wanes, leading to declining readership and hostility toward student interviewers and investigators. After doggedly rebuilding our relationships throughout the UTD community, *The Mercury* refuses to submit to a lonely, insecure, useless fate.

The Mercury's management team and all co-signatories of our strike statement demand the following:

1. For Olivares' immediate reinstatement as Editor-in-Chief.
2. For SMOB to amend its procedures so that anyone in violation of a Student Media bylaw is given an opportunity for remediation instead of immediate dismissal.
3. For the Editor-in-Chief position at *The Mercury* to be democratically elected by official Mercury members rather than appointed by SMOB.

If SMOB does not meet these demands, *The Mercury* will cease publication after the Sept. 16 issue and seek to create a new, online-only publication independent of administrative oversight to continue our mission of serving news to the UTD community."

As of 5:20 a.m. on Sept. 17, the petition begun by remaining Mercury members has reached over 900 signatories since it was posted this weekend. The [most recent list](#) can be found here and on [The Mercury](#) website while on strike.

Conclusion

The Mercury's management and staff are on strike for the first time ever with the promise that they will create their own student newspaper completely independent from campus administration unless all of their demands are met. It would be truly independent instead of merely the charade of editorial independence under which *The Mercury* operated. The loss of over 40 talented, creative and passionate student journalists, photographers and artists would leave *The Mercury* permanently crippled especially since student leaders

would be taking their knowledge of how *The Mercury* operates with them.

Olivares' recommendation is that SMOB arrange an emergency meeting chaired by a non-voting student leader, such as the president of Student Government, who is familiar with this body's rules of order since it seems no current administrative or faculty member of SMOB is familiar with them. This meeting should not only work to address and meet all three major student demands, but it should also immediately begin work addressing and correcting the deep issues at the core of the bylaws.

An independent investigation should also be launched into the finances of student media since Lum has provided incorrect information regarding printing costs and continued to prohibit students from knowing the full Mercury operating budget leading to an alarming lack of fiscal transparency, the student body deserves to know what their student fees are actually being used on within the Student Media office.

Student leaders have continued to be punished by administration as they receive threats of withheld stipends and removal from their positions. Lum has "suggested" to Mercury staff that they should no longer be in the Student Media office, and as of Sept. 16 Lum claimed that Student Affairs gave the order to suspend all official Mercury email accounts, accounts which went into suspension around noon on Sept. 16. This period in Student Media history is the most apparent and callous attack against a free student press in recorded UTD history.

SMOB must either fix itself and compromise with students, or it will permanently lose *The Mercury* because of consistent erroneous and misinformed decrees from campus administration.

Olivares reaffirms their rejection of the three bylaw violations Lum brought forth, and recommends that SMOB, or if it is incapable, groups such as Student Government or the Academic Senate, take immediate action to begin investigating the major issues plaguing every aspect of Student Media. UTD students deserve more than whatever this paltry circus is.

Student Media bylaws in section 4.5(d) states that an appeal should be heard within two class days of this filing; id est, Sept. 19.

I await your response,
Gregorio Olivares Gutierrez
Mercury Staff Writer
Former Editor-in-Chief
Political Science and Philosophy Major