



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 11, 2024

To: Student Media Operating Board Voting Members

From: Lydia Lum, Director of Student Media

Subject: Removal of *The Mercury* Editor-in-Chief

Summary

In advance of our September 13, 2024, Student Media Operating Board (SMOB) meeting, I am providing you with *The Mercury* editor-in-chief Gregorio Olivares Gutierrez's violations of SMOB bylaws, which he became obligated to follow when he was appointed as editor-in-chief by SMOB in April 2024 (effective May 1, 2024).

I refer to SMOB's bylaws, Section 2.9: Removal from Office:

(b) Conduct that may be subject to disciplinary action includes, but is not limited to, the following:

(1) Failure to maintain work performance standards as outlined in the job description and handbook for each publication. These include, but are not limited to:

- (a) Neglect of duties or failure to meet standards of efficiency, accuracy and productivity.*
- (b) Omitted/does not apply*
- (c) Refusal to follow instructions, procedures, or guidelines.*
- (d) Omitted/does not apply*
- (e) Failure to cooperate with supervisors or co-workers; and*
- (f) Disruptive conduct*

A brief breakdown of Gregorio's violations are as follows:

Violation 1: Holding a second appointment as a student employee (Section 2.9, a/c), which is prohibited under Section 2.4, Student Newspaper Editor, part b. Currently, Gregorio is a Peer Advisor (PA) in University Housing, a role that provides monthly pay, free housing and a meal plan. He began the PA role on August 5, 2024.

Violation 2: Mercury cost overruns (Section 2.9, c/e/f). Both the August 19 and September 3 editions of *The Mercury* were overprinted at Gregorio's direction and without adviser consultation or knowledge. Per *The Mercury* budget, which the director



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

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

manages, we print no more than 2,000 copies/12 pages each per issue. Printing cost overruns attributed to Gregorio total approximately \$1,400.

Violation 3: Bypassing advisor involvement (Section 2.9, a/c/e/f). I was informed by Gregorio in late July that *The Mercury* student management team would “keep private” its stories on which they were working. Additionally, Gregorio has worked around/bypassed me on other business activities—including the printing process and budget deficit addressed above. On background: the purpose of my involvement at staff meetings is to offer advice. This is the same role that other U.S. public university media advisers have when supervising student-led, student-run media and a practice that has been in place at UTD for 15 years.

Based on the above violations of SMOB bylaws, I am recommending that SMOB vote to remove Gregorio from the newspaper editor position effective immediately.

Background

- 1) **Second job appointment.** I learned of Gregorio’s PA role in late August. On September 4, I emailed him stating he had violated the SMOB bylaws by holding two UTD jobs. I told Gregorio I would grant him until close-of-business Friday, September 6, to let me know if he wanted to continue as *Mercury* editor. He did not respond. Our exchanges since have been about myriad other topics; I assume Gregorio either remains undecided or has chosen to resist compliance. I am confident he fully comprehends SMOB bylaws and is aware he is not permitted to hold both jobs.

Further, Gregorio paid a drop-in visit to my campus office on Monday, July 29, days before he was to begin his PA job. He asked how SMOB adds or changes its bylaws. I was curious, too, so I added this question to my discussion items with Dr. Chad Thomas, former director of Student Media, who is still employed by UTD and the division of Student Affairs. After meeting with Dr. Thomas, I pinged the following to Gregorio on Teams:

“Gregorio, you asked about SMOB and whether and how they pass, revise and/or cancel bylaws. Because this Operating Board is stand-alone, they don’t have to get permission from anyone, according to Chad, to add, drop, change bylaws. Other UTD operating boards are different. Turns out it is as simple as SMOB introducing a potential new bylaw (or changing an existing one) via Robert’s Rules I think providing background and rationale for the new bylaw or bylaw revision or whatever would likely result in a board vote rather quickly rather than study something for months and months – depending on subject matter of course.”



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

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

- 2) **Cost overruns.** To remain in budget—a task managed by me, as required per my duties as Student Media director—each *Mercury* issue should cost UTD about \$900 or less to print (2,000 copies at 12 pages each). Because of Gregorio’s unapproved spending, *The Mercury* is now financially “in the red.” Our total cost overrun is approximately \$1,400.

I was unaware Gregorio had overspent when he ordered additional copies of the August 19 issue until the invoice came to me on August 28. The \$1,488 bill for 2,600 copies alarmed me and caused me to immediately calculate the impact. When our Midway Press account executive, Doug Jeffrey, emailed Gregorio (and cc’d me) on August 29 in run-up to production weekend for the September 3 issue, he asked Gregorio about page count and number of copies. I responded, “Thank you for looping me in, Doug, and let me know quantity in particular.” I did not hear from Doug or Gregorio. Following production, I again asked for the number of newspaper copies for the September 3 edition. Gregorio replied “2,600 copies for 12 pages.” The second \$1,488 invoice has since arrived.

If spending had been left unchecked, I would be forced to cancel 5-6 *Mercury* print issues between now and May—a potentially huge loss in sorely needed advertising revenue, not to mention a loss of experience to the students who aim to work for the newspaper.

On September 3, I emailed Midway Press saying that Student Media would pay our bills, of course, but that the September 16 and September 30 issues each would be limited to 1,600 copies to get our costs under control. I also emailed Gregorio explaining what I did and why.

- 3) **Bypassing advisor management.** Since I began my position with UT Dallas in July, Gregorio has discouraged his student media peers (and me) from doing my job. Gregorio has tried and failed to convince his peers (and me) that I should neither attend nor advise at routine planning meetings of the *Mercury* management team.

This concerns me because it’s part of my job duties and because Dr. Thomas attended these meetings for more than a decade without any such resistance. Additionally, the interim director immediately before my arrival also regularly attended student management team meetings for *The Mercury* and the other three student-run media outlets.

During a weekly 1:1 meeting with Gregorio on August 23, I told him I intended to start attending some regular *Mercury* management meetings.

He responded: “I’ll tell management.”

I replied: “I can speak for myself but thank you.”

He told me my “pre-publication advising was unnecessary, that *Mercury* was doing fine,” and that *Mercury* had plenty of lawyers to help them.”

“We do not even know what your job duties are, Lydia,” Gregorio said.



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

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

(On follow up after this meeting I emailed the students a list of bullet points from my job description.)

Later that day, I spent about two hours with *Mercury* student managers and editors delivering part of my post-production critique. I didn't get far before disclosing how it was near-impossible to do my job, and near-impossible to offer a fully informed critique because I needed to understand how a story became a story in the first place. During this exchange one editor said, "I see both viewpoints," meaning my viewpoint, but also whatever the group's viewpoint was behind-the-scenes.

Another editor asked, "Lydia, you want to attend management meetings and advise? And that's it?"

I replied: "Yes, and no one has to follow my advice."

I observed that Gregorio appeared visibly angry that his peers had opinions different from his. Despite this, the group agreed that I would attend routine management meetings involving planning and brainstorming, including post-pitch meetings.

Since then, I have attended *Mercury* meetings on August 30 and September 6. I left before they ended, because my workload is heavy enough that I don't have time to confer about *Mercury* content choices, even if I wanted to. (To be clear: I don't).

Gregorio's "order" against me has had another unfortunate side effect. During the above-mentioned exchange, I told *Mercury* leadership that I could not make informed choices, either, about who to send on out-of-town journalism education conferences such as the Associated Collegiate Press/College Media Association, because aside from what was published, I had no idea who did what, or how, among student managers and staff.

I am aware that Student Media relies on these conferences due to the lack of journalism and mass media courses offered at UTD. I am here in-house—with extensive journalism experience—and while some students seem eager for what I can provide to assist them, I am painfully aware of being prevented from the ability to do my job.

When I told the entire group how this "info freeze" was impeding my judgment in potentially sending a group to a late October collegiate media conference, Gregorio shouted, "We are nascent! We are nascent!" Meaning, he did not feel *The Mercury* could produce quality journalism unless they got expense-paid trips from UTD. This was only a few hours after he insisted to me that "Mercury was doing fine."



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

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

Below, please see the SMOB bylaw about my job, from Section 3.8, Media Adviser:

- (a) *The director of student media serves as the primary media adviser and is responsible for general oversight of the material, programming, business affairs and operating procedures of all UTD student media;*
- (b) *The media adviser may be consulted on all matters pertaining to the material, programming and business aspects of all student media and shall advise on the appropriate course of action based on sound professional practice;*
- (c) *The media adviser shall attend all staff meetings and training sessions conducted by UTD student media in an advisory capacity.*
- (d) *In addition, the media adviser shall:*
 - *Assist the newspaper editor, magazine editor, radio station manager and TV station manager in interviewing, selecting and training of all staff, volunteers and contributors;*
 - *Work with outside vendors to ensure that all contract provisions and agreements are kept;*
 - *Account for all expenditures and collections;*
 - *Oversee the distribution of the newspaper in conjunction with students and professional staff;*
 - *Provide adequate facilities, equipment and supplies as funding allows;*
 - *Set advertising rates and subscription prices;*
 - *Fix the publication dates and production and programming schedules in consultation with the newspaper editor, magazine editor, radio station manager and TV station manager;*
 - *Supervise the care of the physical property used by the staff; and*
 - *Authorize computer use and access of facilities.*

Conclusion

Based on the above experiences, I conclude that Gregorio's behavior is willful. I believe it's unlikely he will accept me as *Mercury* adviser given his counterproductive decisions and frequent adversarial remarks in my presence. I do not believe that additional intervention attempts will produce a change in performance and therefore recommend immediate removal.



THE UNIVERSITY OF TEXAS AT DALLAS

Student Media

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

In Gregorio's absence a new candidate/s will be interviewed by SMOB in a timely manner. I am confident his peers can divide responsibilities and share the load in the short-term.

Respectfully submitted,

Lydia Lum
Director of Student Media
UT Dallas