Preface:

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as "T##A##S##C##P##." For example, Article 1, Section 1, Clause 1, will be coded as "A1S1C1" for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-04

Petitioner(s): Hiba Rashid (further referred to as "Hiba", she/her),

Representing N/A (current vice-president)

Respondent(s): Quentin Edmiston (further referred to as "Q", he/him),

Representing The Rise Up Party

Allegations (filed February 17th, 2021 at 9:29PM):

(1) Q violated A3S3C1 of the Election Code:
"All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party's involvement with Student Government and/or Student Government practice."

(2) Q violated A4S4C2 of the Election Code:
"Candidates must act in accordance with the Student Government Association governing documents."

Defense (filed February 22nd, 2021 at 9:30 AM):

"**FOR ALL IMAGES BEFORE 2017 - Statement by Quentin Edmiston**

I, Quentin Edmiston, am issuing my deepest apologies for my tweets as an adolescent, 13-year old minor. There is no excuse for using the N-word in any context. The use of that word is disgusting, unbecoming, and has no place in our society. I would also like to extend my deepest apologies to the LGBTQIAP+ community. In every stretch of the word, I am an ally. Regardless of intent, as a 22 year old adult, I look back at these comments and get sick to my stomach. What I see when I see these Tweets is not a reflection of me at 22-years old. What I see

is a hurt, broken, bullied child whose Iranian father had abandoned him; a child whose step-father had recently passed the year before; a child who was bullied for being both White and Middle Eastern.

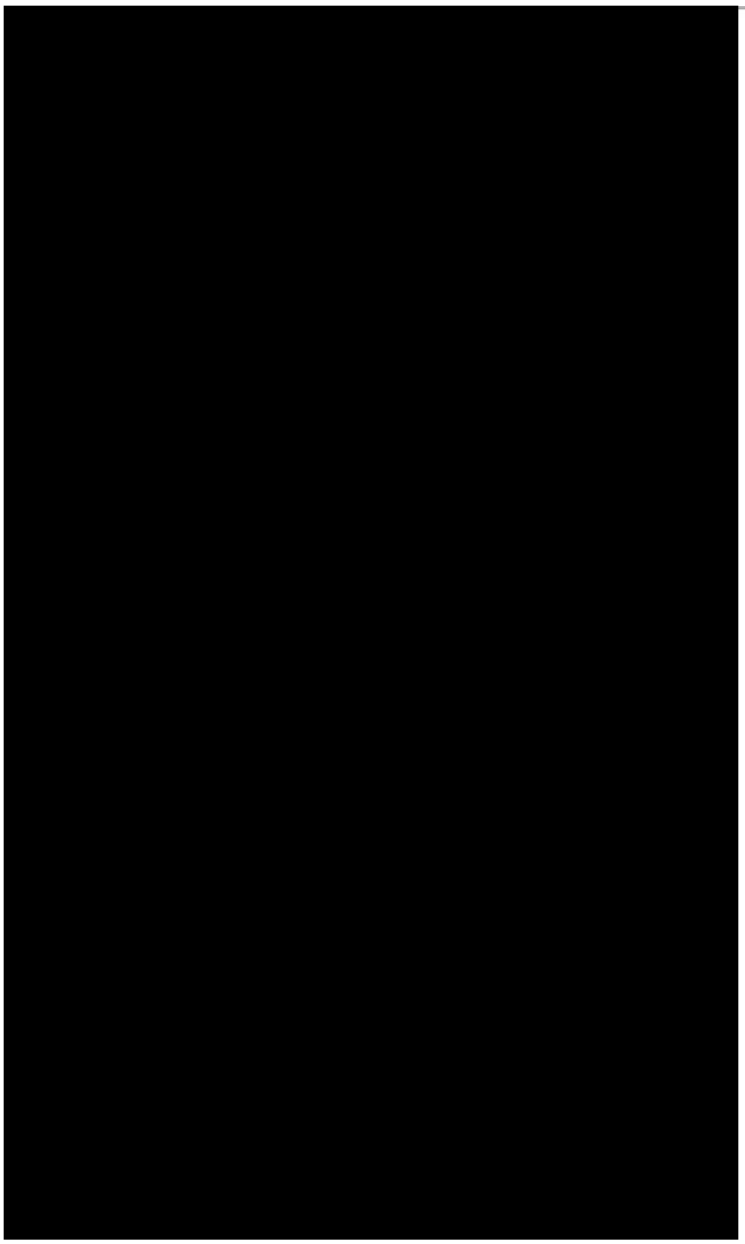
Growing up, I would be physically, emotionally, and mentally harassed, assaulted, and abused by extended family members for having Middle Eastern heritage. It was commonplace for my extended family and even those I went to school with to call my all sorts of racial epithets, slurs, etc,. The one that always stuck with me the most was when I would be called a "sand n****r". For a biracial child to be exposed to elements like these in a wildly conservative county such as Montgomery County, I understandably had a cultural and racial identity crisis in my adolescent years. I am not trying to excuse my usage of the N-word in these tweets, but rather ask for understanding to those reading this. I did not understand at 13 years old who I was, what I was, and where I fit in.

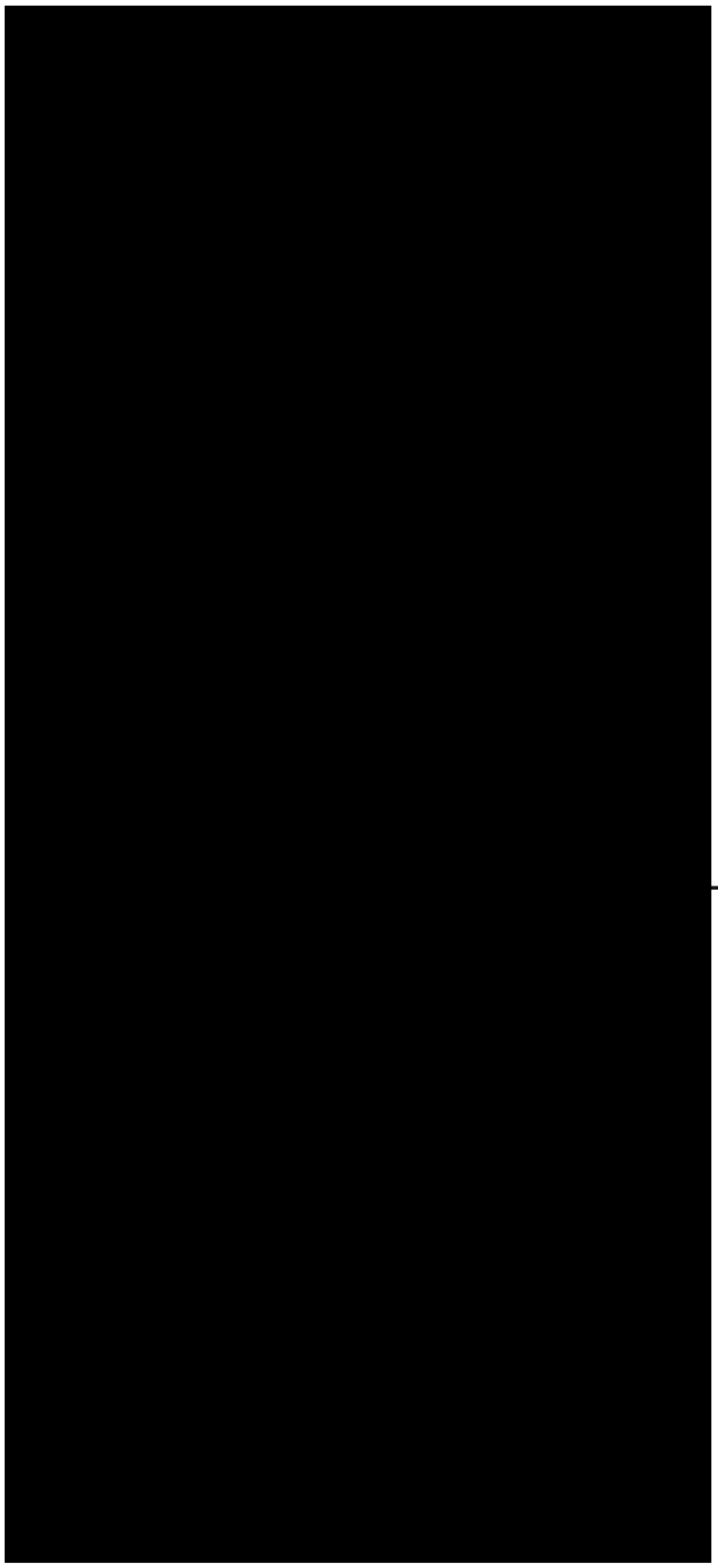
Thankfully, through years of counseling and soul-searching, I am proud of who I am at 22-years old and I now, as an adult, understand the veracity of the evil behind uttering words such as the N-word. In no way does this reflect my current character or anything I stand for. I came to the University of Houston, one of the most diverse universities in the country, for the possibility to be introduced to a variety of different cultures and ideas. As is common with most college students, I myself have changed my mindset. This is what makes childhood, *childhood*.

As a result, these aforementioned tweets have been deleted and removed from all records. I would like to thank the petitioners for bringing this to my attention. They needed to be removed. I will now ask that all possessions of these screenshots and mentioning of this case be sealed as this dispute is settled.

EXHIBIT A -

For my defense, I think it is extremely important to consider and compare precedent from a case very similar in nature to this one. I do want to point out that the chosen case of precedent DOES concern a current election official, and that my intent here is not to reawaken any trauma caused by her previous dealings with the accusation, nor is it to put forth a threatening aura, but rather is only being discussed because of its sheer relation to the complaint filed against me. I have nothing but the utmost respect for Ms. Chukwu, and appreciate her role and positive influence within the Student Government Association. With that all being said, I would like to politely remind the Election Commissioner and the Attorney General of how Ms. Chukwu's previous tweets were handled by former Attorney General, Cameron





When evaluating this complaint, AG Barrett stated:

"I do not want to be accused of bias, which is why I tried to, for the first time in our SGA's history, establish a reasonable set of criteria to evaluate complaints regarding people's past use of language. These include: (1) Was the person an adult when the language was used? (2) Was the person a UH student when the language was used? (3) Was the language directed at an individual or group affiliated with UH?

He then goes by stating:

"Chiamaka was not a UH student at the time. This was not targeted towards a UH student, and most importantly, she was a minor at the time which causes me to give her a large benefit of the doubt. To be clear: saying derogatory things to non-UH students is also not permissible, but saying these things to UH students causes the investigation to change as well as some marginal underlying analysis."

And then continues with:

"(1) This was said when Chiamaka was a young teenager which causes me to give her a large benefit of the doubt. (2) This does not appear to be directed at any one individual. A person generically venting on their social media is not an actionable threat of violence. I fully reject the petitioner's claim that "[Chiamaka's] actions show that she unfit to run for office..." Someone venting on their social media and making a hyperbolic statement as a young teenager does not make them any more or less unfit to run for student government than anyone else, especially nearly seven years later."

And concludes with:

"Once again, this was said while Chiamaka was a young teenager and **I do not feel it would be reasonable for me to hold the 21-22-year-old Chiamaka accountable for something her younger teen-age self said. This is a <u>standard I would apply to virtually any complaint of this nature</u>, assuming a reasonable timeframe (if the person turned 18 today and they called a group of people f-slur the day before, I would likely evaluate differently). I do not wish to establish a hard cutoff for when it is "ok" to use derogatory language because it is never ok. However, I believe there is a reasonable social-statute of limitations on being harshly judged on one's character for things they said, and seven years after turning 14/15 is past that statute of limitations in the eyes of the Attorney General of the SGA**."

To answer the former Attorney Generals Questions:

1. **Was the person an adult when the language was used?**
    - No, Q was 13 years old.

(2) **Was the person a UH student when the language was used?**

- No, Q was in middle school at the time. Specifically, Q was 13 years old (refer to fmr. AG Barrett's ruling on current AG Chuwku's campaign violation's in 2020)

(3) **Was the language directed at an individual or group affiliated with UH?**

- No, none of the individuals referenced are affiliated with UH. In addition, all parties involved have stated no harm by Q.

Quentin was not a UH student at the time. This was not targeted towards a UH student, and most importantly, he was a minor at the time which should allow him to have a large benefit of the doubt. Based off Title V, Article 1, Section 2, Clause 4, the ruling issued by fmr. AG Barrett is case precedent and thus should be included in the decision of this ruling. To subjectively not include fmr. AG Barrett's ruling re: Chiamaka Chukwu (2020) would be a grave mistake on the behalf of the Election Commission and would be a clear indication of a failure to uphold the Election Code and the By-Laws enacted by SGA.

Statement by Quentin Edmiston regarding Exhibit A -

I believe in cases like Ms. Chukwu and I's, amongst countless others growing up as pioneers in the age of social media, growth is something that should be welcomed and respected in certain contexts. As an immature and quite frankly, plainly ignorant teenager, I had a severely limited knowledge of the weight that slurs can hold. As I've gotten older and wiser, I've learned a lot about the difficulties and obstacles marginalized people have dealt with for generations and continue to face to this day, including hateful speech and microaggressions amongst other heinous treatment. I am running for the honor of representing individuals of all creeds, backgrounds and sexual orientations, and this is an opportunity I hold dear to my heart.

Exhibit B -

AG Barrett continues his rebuttal with the following:

To be clear: saying derogatory things to non-UH students is also not permissible, but saying these things to UH students should cause the investigation to change as well as some marginal underlying analysis.

FOR ALL IMAGES AFTER 2017 - Statement by Quentin Edmiston

In regards to the Lakers tweet, I was participating in a Twitter trend that gained popularity around that time, that looking back on, was distasteful and inappropriate. I accept responsibility for the tweet but I heavily denounce any malice, hate, or motive to subjugate prejudice towards the LGBTQIAP+ community. This was not slanderous in any way and was not created with homophobic intent, but was simply my addition to a popular Twitter meme. I reject the notion that this classifies as "discriminatory", as by definition, discrimination entails "making or

showing an unfair or prejudicial distinction between different categories of people", which is not present in this circumstance, and therefore ask that this charge be dropped as such.

I apologize and express extreme remorse because I see well and clear that it appears heinous when taken out of context. I have deleted the tweet and will seek to move forward, being more consciously aware of the social media trends or memes I take part in.

Attached below is reference to the meme discussed above, via knowyourmeme.com

Fellas, Is It Gay Meme

Status: Submission **Year:** 2007 **Origin** Twitter

▲ Spread

While "Fellas, is it gay" would be tweeted by numerous users over the next decade, it was not until August 2017 that the phrase became a viral phenomenon, reaching new levels of popularity after a tweet on August 10th, 2017. That tweet, Twitter[3] user @ilooklikelilbil tweeted "FELLAS: Is It Gay To Pray ? You're Getting On Your

Exhibit C -

I would like to introduce another case of precedent that holds relation to the complaint at hand. Last year, a complaint (#20-11) was filed against party members whose names have been withheld for confidentiality purposes. It cited a violation of A4(4)(9) of the election code, where two members of a party in the 2020 election used a derogatory slur in reference to other participants in a GroupMe chat a year before filing for candidacy. Like in this case, the members acknowledged and apologized for their ignorance.

The complaint brought forth in (#20-11) was deemed outside the jurisdiction of the student government association's governing body. The reasoning being that it is unconstitutional for SGA to place prior restraint on speech under rights granted by the Constitution of the United States of America. In addition, the alleged violation committed by the mentioned party members occurred over a year before either of the alleged violators announced their candidacy for elected positions within the Student Government Association, much like how the Lakers tweet came a long while before Quentin announced his candidacy.

While the case involves a differing cited clause violation compared to that of the complaint against Quentin, the case material is once again relevant in comparison to this case. Therefore, I believe that it should be considered in the final decision.

Exhibit D -

Finally I would like to express immense concern with the proclaimed clauses being marked as violated. A3(S3)(C1), in summary, states that "all candidates are held accountable to the provisions of this code, SGA Constitution and Bylaws and all other University policies... " The only chance this claim holds merit is if it was assumed and deemed true that Quentin violated university policy, as no specific or direct SGA guidelines that reference to his actions were brought forth in the complaint. By way of precedent involving the two mentioned cases, it has been established twice now that these actions do not constitute a violation of student codes in the eyes of the student government association. Therefore, there is absolutely no chance that Quentin violated this clause.

To continue, the second proclaimed violation of A4(S4)(C2) is made invalid as a result of the initial claim being proven to lack merit. The clause simply reads, "Candidates must act in accordance with the Student Government Association governing documents." This cannot stand on its own, as it displays absolutely no significance without the assumption that the previous clause, or any reputable clause, holds validity. Therefore, both articles claimed as being violated in fact hold zero merit.

I felt that this was important to mention, as the student government association is a sophisticated ruling body. In a real-life court setting, if a case is brought forth with invalid claims of violations of law, or even impartial arguments, that case is entirely scrapped. I believe this should hold true in our governing body as well. If a complaint of this nature is to be brought forward, it should display meritable examples of violations of code, if not, it should not be taken seriously. Issues of importance warrant precise care in their formulation.

Closing Statement:

Within this statement of defense, we believe there are several ironclad rebuttals for the presented accusations, any of which, if considered, would invalidate this complaint. We hope that analysis of this statement of defense is both vigorously and properly considered. If there are any other issues, questions or concerns, please contact Quentin Edmiston directly. "

- Q

Course of Investigation: I examined the Petitioner's evidence and reached out for a defense statement. I analyzed the respondent's defense statement as well. I went through the Election Code and identified if a violation was present. The investigation and contemplation process was very extensive and many factors were evaluated. After this I had enough to come to a decision.

Decision (February 22nd, 2021 at 11:00PM): Hiba's complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis:

ANALYSIS OF THE DEFENSE STATEMENT IN ORDER OF ORIGINAL FILING:

Apology: I greatly appreciate Q's apology and empathize with his experiences as an oppressed minority in America as well as his experiences with past hardship. I would like to mention that despite the outdated nature of these tweets, they still remain problematic and insensitive, and I do believe it to be important to hold the individual accountable for actions in 2020, if not those from 2013-2015; the conclusion will state what potential initiatives could be construed as taking accountability.

(A.) The office of the Attorney General does not have any obligation to uphold past supreme court rulings. Therefore, I disregard Q's reference to Chiamaka's case as well as the criteria established by past AG's. Also- Chiamaka's membership in the LGBTQ+ community means that the interpretation of these comments are assessed differently from Q's, as she is a part of it and he self identifies as an ally.

(B.) Though I believe the Laker's tweet to be distasteful and extremely tone deaf, I do not find it directly harmful to the LGBTQ+ community. Though this is a personal interjection, as a member of the group toward which this could be directed, I felt bothered, but not explicitly threatened. I am aware that this tweet was a trend, however I do not believe that just because something is a trend, that it is permissible. I dismiss this piece of evidence but do so with the hope that this humor be no longer entertained by any prospective or current SGA member.

(C.) Again- I do not work under the scope of the past administration and/or supreme court, but the present, and therefore don't believe this precedence to be relevant. Even then, A3S3C1 clearly states that running candidates need to follow the Student Code of Conduct established, therefore claiming that Q's "first amendment rights" would be suppressed if he were to be found in breach of election code, would not be in line with what was agreed upon implicitly by running for candidacy.

(D.) The piece of legislation that Hiba was referring to when discussing A4S4C2 was in regard to the UH Constitution's Anti-Discrimination Statement that is required to be present by the University of Houston under all RSO constitutions. The reference she was making was clear as I had mentioned it in my initial email to the respondent.

A3S3C1/A4S4C2: The reason that I am not weighing this legislation against the respondent is due to the fact that Q was very young when these tweets were published, and therefore, it is most reasonable to provide Q with some leniency in regard to the inappropriate comments. Had these comments been made more recently or when Q was an adult, this complaint would likely result in a different consensus. I provide Q with the benefit of the doubt that he would not engage in the aforementioned behavior today, and especially not as a prospective UH President.

Conclusion: It is incredibly important to emphasize that the Attorney General's office is an independent entity and is responsible to remain compliant only with the current legislature upheld by the Student Government Association. I don't rely on past Supreme Court precedence for any reason as the criteria "established" by past AG's is not law, just a recommendation.

If any other occurrence be brought to the office of the Attorney General, it will likely lead to disqualification or a hefty suspension of campaigning. We reserve the right to adjudicate instances of derogatory language as a singular branch of the court.

In addition- I urge Q to issue an apology on behalf of his past behaviors. I believe that potential voters as well as the Rise Up campaign team ought to be aware of these comments. I also think that an apology and keeping this a non-sealed case would give Q an opportunity to solidify that his beliefs are actively in opposition with homophobia and racism.

Delivered to the Chief Election Commissioner: February 23rd, 2021 at 1:20AM