

**SUPREME COURT OF  
THE UNIVERSITY OF HOUSTON  
STUDENT GOVERNMENT ASSOCIATION**

[No. 2020-0001]

February 10, 2020

*Per Curiam Decision.*

Complaint #20-11 presented the Court with a complaint filed by “Party A”, (names redacted for confidentiality) against “Party B”, two competitors in the 2020 University of Houston Student Government election. “Individual A”, representing “Party A”, alleged that certain individuals running on the “Party B” ticket violated Article 4(4)(9) of the Election Code, which reads:

*“No candidate will be involved in or have a history of involvement in physical or emotional abuse of any kind within or outside the context of the Student Government Elections. This includes, but is not limited to physically abusive behavior, emotionally abusive behavior, sexual abuse, sexual harassment, etc.”*

The alleged violation occurred when two students running in the 2020 SGA election used a derogatory slur in reference to other participants in a GroupMe chat approximately one year from the date of filing. The Court was provided evidence of the use of the slur and the respondents acknowledged and apologized for their past language. The facts of the case are not in dispute.

The issue underlying the Complaint #20-11 is freedom of speech and the ability of a governing body to limit or restrict speech. The Court unanimously finds that it is unconstitutional for the Student Government Association to place prior restraint on speech under rights granted by the Constitution of the University of Houston Student Government Association and the Constitution of the United States of America, so long

as that speech is not libelous, slanderous, defamatory, containing imminent threats of bodily harm, or within the scope of acting as an official agent of the organization. The clause in dispute, Article 4(4)(9) of the Election Code, may still be enforced should there be a candidate who has been charged by the university for actions that the clause addresses. Further, the court would encourage the Senate to place additional standards mandating compliance for all officers, elected or appointed, throughout their terms within the spirit of Article 4(4)(9) of the Election Code. By doing this, all officers of the Student Government Association will always be required to be compliant with the spirit of the clause.

The alleged violation of members of "Party B" occurred over a year before either of the alleged violators announced their candidacy for elected positions within the Student Government Association. Because speech of those outside official capacities of the Student Government Association cannot be regulated by the Student Government Association, The campaign ban placed against members of the "Party A" is hereby reversed.

Summary: The Court finds the use of prior restraint on speech in order to enforce Article 4(4)(9) of the Election Code unconstitutional. All sanctions placed on candidates and parties in the 2020 election that invoke Article 4(4)(9) of the Election Code are hereby reversed. The Court condemns past bigotry, racism, and all forms of abusive speech, but decides the judgment of candidates' past behavior, words, and actions should be made by the voters of the University of Houston community.

***It is so ordered.***

Elliot Kauffman, Associate Justice  
Mike Floyd, Associate Justice  
Eddie Muñoz III, Associate Justice  
Sakethram Desabhotla, Associate Justice  
Lena Craven, Associate Justice  
Benigno Solis, Associate Justice  
Stepheni Torres, Associate Justice