

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

No. 2023-001

Plaintiff:

UH GLOBAL

v.

Defendant:

Activities Funding Board of the University of Houston

MOTION TO DISMISS DUE TO LACK OF STANDING

Introduction:

On the 8th of November 2023, the Court received a complaint filed by Mr. Harrison Martin, and Ms. Katie Tolman, active members of UH GLOBAL, a registered student organization (RSO), against the Activities Funding Board (AFB) of the University of Houston. The formal complaint was submitted to address the denial of access to requested funds for an event known as the “**Free UH Protest**” held on the 26th of October 2023. The initial funding request was submitted on the 10th of October 2023, with an original requested amount of \$650.00. The request was denied by the AFB, on the grounds that there was insufficient information presented during the request submission. AFB Chair Member, Mr. Brandon Hilliard, provided the following information from Section F of the **AFB Funding Guidelines** as their basis for the denial of funding:

F. Funds from student service fees may not be used to support a candidate for public office, the outcome of legislation, or any group acting as a "front" for either (groups or individuals participating in information exchange, presentations, or forums are not considered "fronts").

UH Global submitted an appeal to the original decision. A hearing was requested to address the appeal on the 25th of October 2023 and scheduled for the following business day, the 26th of October 2023. In order to address the claims presented by the AFB Chair on the grounds of insufficient information, Katie Tolman submitted an email with more detailed information about the event to be used during the hearing. The hearing was held via email correspondence between the AFB Hearing Committee Members, who, upon further analysis, voted to deny the appeal on a simple majority vote using Section F of the **AFB Funding Guidelines** as their basis for their denial.

Question Before the Court:

1. Per the evidence presented, has the AFB committed a blatant violation of university policy by blocking funding for this event and thus created an effort to restrict freedom of expression on campus by placing financial burdens on protesting students?

Court Analysis:

Please be advised that per the court's unanimous decision, we move to dismiss the appeal brought forth by UH GLOBAL against the AFB due to a lack of standing in their legal argument. For there to be standing in this case, the plaintiff must show that the actions committed by the AFB have done the following:

1. Committed a blatant violation of University Policy.
2. Restricted Freedom of Expression by placing financial burdens on protesting students.

Upon further review of the evidence presented, we look to Section F of the **AFB Funding Guidelines** for our legal argument addressing University Policy. Section F states that “Funds from student service fees may not be used to support a candidate for public office, the outcome of legislation, or any group acting as a "front" for either”. We find that the AFB, after addressing all evidence presented by UH GLOBAL, was correct in their understanding of this section as the legal basis for their denial of the appeal. The event was a peaceful protest against the University of Houston’s response to the implementation of SB17, which is the “outcome of legislation” as found in Section F. AFB Chair Brandon Hillard stated that every appeal is taken with serious consideration, and there was an insufficient amount of information presented at both the time of the original funding request, and to the Hearing Committee that would indicate that this event was not political in nature, and therefore fell under the violation of Section F, denying UH GLOBAL their funding request.

Second, the Court will address the claims that the AFB has restricted the freedom of expression by placing financial burdens on protesting students. We look to the definition of “expressive activity” found in Section III, item D, in the **UNIVERSITY of HOUSTON MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**:

D. Expressive activity: Any non-curriculum-related rally, parade, demonstration, stationary structure or display, concert, or other expressive activity, including literature distribution.

The University of Houston and the AFB upheld their legal responsibilities to allow freedom of expression to occur at the “**Free UH Protest**”. At no point was UH GLOBAL prevented from

executing and holding the event on their desired date of the 26th of October 2023, and the court sees this presented argument as having no legal standing. According to the evidence presented by the plaintiff, the event began at around 10 AM and closed at around 2 PM. There was no official itinerary for the event, but the plaintiff stated that they were able to complete the “**Free UH Protest**” without any disruptions from the University of Houston. The argument regarding the “placing of financial burden on protesting students” has no merit, as the funding request to the AFB followed proper procedure. The denial, appeal, and hearing process that led to the final denial of these funds does not mean that the University of Houston is creating an environment that is restrictive to the freedom of expression of students, but merely upholding the current **AFB Funding Guidelines**. In this case, the funding request for the event violates one of the sections found under the guidelines, and the AFB has presented evidence supporting their decision, therefore the original decision stands.

In conclusion, we, the Court, find that there is a lack of standing on the legal argument presented by UH GLOBAL against the appeal denial by the AFB. We uphold the denial by the AFB and move to dismiss the case presented.

Concurring Opinion by Justice Medrano

I agree with the Court that AFB made the correct decision to deny funding to UH GLOBAL for their “**Free UH Protest**”. I agree with the conclusion that Section F of AFB's **Funding Guidelines** directly applies to the situation at hand. I write separately to highlight the grievances I have with the policies and procedures taken by AFB on this matter, as well as the discrepancies and further issues I find with the forms submitted on behalf of UH GLOBAL for their event. Furthermore, I feel the question brought before the Court has much deeper and far more important concerns.

Firstly, UH GLOBAL's claim that their event was strictly apolitical, therefore falling outside the restrictions of **Section F** in AFB's **Funding Guidelines**, is erroneous in nature. In oral arguments, UH GLOBAL's representative, Mr. Harrison Martin, claims the event was organized to give the students of UH a voice and platform to raise and express their grievances with the university's over-compliance with Texas' SB17, a Bill that banned university-sponsored DEI programs. The evidence suggests otherwise. SB17 was marketed to be the subject of the protest and there was no mention of any other reasons for assembly on their flyers, social media, or any other modes of promotion for the event. Mr. Martin made the claim that the event was simply an "open forum" in which students could address *any* grievances they had with the university at the time. This was not marketed as such. I find this claim to be but a front for the fact that this event was to be political. Mr. Martin also claims since UH GLOBAL was not "**support[ing] a candidate for public office [or] the outcome of legislation**" that their event fell out of the

restrictions of Section F. I agree that UH GLOBAL was never directly or indirectly supporting a candidate for public office, but they were in fact protesting the outcome of legislation, therefore being a flaming example of an event that is intended to affect the "outcome of legislation". I'd also like to add that Mr. Martin had made the claim that there was a violation of freedom of expression on the university's part. I see not an inkling of a violation and find this to be a case of falsely crying wolf. All this is reason enough to deny funding, but AFB also granted consideration to this event despite the funding request being submitted a mere 16 days prior to the event taking place despite AFB's **Funding Type Policies** asking "**an authorized member of the registered student organization [to] make a request for advance payment of an event at least six (6) weeks before the event is scheduled to take place via Get Involved.**" UH GLOBAL had failed to do this, thus I hold that AFB reserves the right to deny funding based solely on this failure.

Secondly, while AFB had the right to deny funding for all the reasons outlined above, there is a much graver matter at hand regarding the policies and procedures taken by AFB with this case. Under AFB's **Funding Type Policies**, AFB *requires* an authorized member of the registered student organization to "**participate in a scheduled AFB hearing.**" While the policies do not state whether or not the hearing is to be conducted in person or via some online platform, Mr. Brandon Hilliard, AFB's Chair and representative for this case, shared with the Court that these hearings do typically take place in person. I grant that since the policies do not require the hearing to occur in person an RSO is not entitled to an in-person hearing, however, AFB utterly failed to execute proper due process on this matter holding a 'de facto' hearing via email with the voting members. I find this to be absolutely appalling and find the hearing board to be in direct violation of their own policies. It was alluded to in oral arguments and emails provided that AFB had been struggling with the workload put upon them and that there was some disorganization because of it. I grant not the slightest bit of grace for the hearing board, nor AFB as a whole, as their self-proclaimed purpose is to "**allocate funding to University of Houston Registered Student Organizations (RSO) for the purposes of maximizing programming at the University of Houston (UH).**" AFB has failed to fulfill its stated purpose and has failed UH GLOBAL in providing proper avenues to funding for events. This may be the first and only instance of this occurring, but we are left in the dark on whether or not similar 'de facto' procedures have taken place with other organizations and have simply gone unchallenged. But I am not here to speculate.

Thirdly, another matter came to mind while discussing this case with my colleagues. AFB claimed that part of the reason for their denial was the lack of a description and additional information that was of great importance to the decision-making process as Mr. Hilliard said in oral arguments. I find *both parties* to be at fault on this matter since UH GLOBAL failed to provide anything but the bare minimum information required on the funding request form. I can see how Mr. Hilliard and the voting members had many inquiries surrounding this event due to

the lack of information. By the same token, if the information is so pivotal to the decisions made by the hearing board, I ponder the question, why aren't they required on the form in the first place? AFB failed to stress the importance of this information in the initial submission of the form and UH GLOBAL failed to provide any slight idea of what the event was about. **I would suggest that AFB amend its forms to make this pivotal information *required* as to avoid any further cases of inquiry of this kind on these matters.**

Fourthly, Mr. Hilliard claimed part of its reasoning for denying funding was because of the fear that the event would turn violent and would set a bad precedent for future funding requests. I find no merit in this claim. Members of the hearing board came to this fallacious claim due to the lack of information provided on the funding request forms. I have already commented on this matter. Nothing in the evidence provided even slightly indicated that this event would turn violent, nor did UH GLOBAL call for the incitement of any violence. Mr. Hilliard also provided in oral arguments that the closeness of voting day played a role in their decision to deny funding. I find denial on this basis to also be baseless. I compel AFB's hearing board to not judge a book by its cover in regards to the cases brought before them before denying funding to an RSO.

Finally, I take issue with AFB's overly vague clause of **Section F** which states that funding may not be allocated to support "**the outcome of legislation**". Section F is far too broad to be evenly applied and puts every funding request that has a political undertone immediately in a gray area of whether the event falls into the realm of politics or can be construed as supporting the outcome of certain legislation. In our highly partisan politics, it would seem as though everything has become political whether we like it or not. I also find the latter half of Section F to be equally problematic stating, "**Funds from student service fees may not be used [for] any group acting as a 'front' for [candidates running for public office or a group attempting to affect the outcome of legislation] (groups or individuals participating in information exchange, presentations, or forums are not considered 'fronts')**." Because of this, these parts of Section F can be stretched every which way to deny funding to an RSO if it has any slight relation to politics or if the hearing board deems an activity a 'front'. **I suggest that AFB amend Section F to be more concise in its language so as to not be abused by future hearing boards, and to avoid further controversy in cases like these.** This requires a balance to be struck between respecting an RSO's 1st Amendment rights and the university's commitment to staying apolitical.