



THE STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY OF TEXAS AT AUSTIN

In Re: Lyu v. Rahman

JUSTICE BINDEMAN delivers the majority opinion. CHIEF
JUSTICE DURRANI, JUSTICE RICHARD and JUSTICE
MOORE join.
JUSTICE STADLER abstains.

**SUPREME COURT OF THE STUDENT GOVERNMENT
OF THE UNIVERSITY OF TEXAS AT AUSTIN**

No. 2016 SE – 006

Delivered September 20, 2016

This decision concerns a complaint received by this Court by one First Year Representative Candidate against another during the campaigning period.

Complainant Jason Lyu submitted an official complaint to this Court on September 19, 2016. His complaint alleges that Respondent Maher Rahman had placed a campaign flyer in an unauthorized campaigning location. During the hearing held on September 20, 2016, Complainant presented photographic evidence that Respondent had affixed a campaign flyer to a pole on the Southwest corner of the intersection of Dean Keaton and Whitis Avenue, near the Communications School. Respondent conceded that this was his campaign flyer and he had placed it there personally.

Pursuant to *Subchapter 13-500 of Campus Institutional Rules on Student Services and Activities* (hereafter “Campus Rules”), it is against campus policy to place any sign, which is defined as “any method of displaying a visual message to others,” in any location (other than specifically designated locations) without prior permission from the appropriate administrative body. Designated locations include campus kiosks and designated locations for tables and A-frames, which are small, portable self-supporting sign



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boards.¹ Respondent's flyer was not placed at an authorized location for the posting of flyers pursuant to the Chapter 13 Student Speech and Expression Regulations of Campus Rules.

This Court finds that Respondent Rahman placed a sign at an unauthorized location without prior permission. This Court also notes that while all candidates are expected to be familiar with and comply with any and all applicable campus rules and general laws while campaigning, Respondent personally received an email from a representative of the Court prior to posting the flyer, which advised Respondent to seek guidance from the proper administrators regarding the posting of campaign material. Respondent was also delivered a link to the student speech and expression regulations. Furthermore, Respondent was advised "pursuant to Campus Policy Chapter 13, Section 13-501 [...] you are not allowed to actually set up any sign outside of the designated reserved areas."

This Court finds that this unauthorized posting constitutes a violation of *Title 3 SEC. 4.17* of the Student Government Election Code.

SEC. 4.17 reads as follows:

"All electioneering activities of a candidate and/or his/her respective campaign staff must adhere to the parameters set forth by this code, the Student Government Constitution, University policy, system rules, state and federal law, and any other established policy applicable to the actions in question."

This Court determines that due to the specific advisement issued to the Respondent prior to the offense, the resulting penalty shall be more severe than it might otherwise be.

This Court thus assesses the offense as a Class A violation with a resulting 20% reduction in the Respondent's available campaigning funds. This is equivalent to a \$40.80 reduction in spending limit.

It is so ordered.

¹ This information as well as other information regarding student speech and expression regulations can be found at <http://catalog.utexas.edu/general-information/appendices/appendix-c/speech-expression-and-assembly/>.