



2019 – 2020

STUDENT GOVERNMENT ASSOCIATION
STUDENT GOVERNMENT COUNCIL - MMC

MAJORITY OPINION OF THE SUPREME COURT

NOTICE: The following document represents the majority opinion of the Supreme Court of the Student Government Association of Florida International University's Modesto A. Maidique Campus and constitutes a binding decision on all parties concerned within this decision.

STUDENT SUPREME COURT OF FLORIDA INTERNATIONAL UNIVERSITY – MMC

FILED REVIEW – S.C.001 (Spring 2020)

Decided 1 April, 2020

Majority Opinion issued 13 April, 2020

Opinion

Chief Justice DE LA OSA, N. delivers the opinion of the Court, in which Associate Justices PEREZ, J., ROSARIO, M., RODRIGUEZ, K., and REAL, M join.

Petitioner Karla Perez -SGC-MMC Business Senator -on behalf of the Operational Review Committee chairperson of the Florida International University's Student Government Association at the MMC Campus, brought

this writ on March 30. 2020 in review of the Florida International University Student Government council Modesto A. Maidique Campus Statues.

ISSUES:

1. ORC Chairwomen, Karla Sofia Perez, raises the questions of what an Entity vs Organization is, what is the difference when it comes to ORC, if there is any difference
2. Does the committee decide whether or not to audit or does it have to be voted by the Senate? Both?
3. What is understood as an audit and what information are, we allowed to request and which one we aren't.

FACTS:

1. According to MMC-Statutes. Article III § 3.05(F)(i)(1) The purpose of the Operational Review Committee (ORC) shall be to audit entities that are directly funded by the Student Government Association through the student Activities and Services (A&S) fees to ensure that they are being used properly in accordance to the University-Wide Finance Code.
2. According to MMC-Statutes. Article III § 3.05(F)(i)(2) This committee holds the power and responsibility to investigate all organizations and/or entities, including the SGA that are questioned and/or

challenged by Student Government Officials as well as the entire FIU student body concerning the use or misuse of A&S monies.

3. According to MMC-Statutes. Article III § 3.05(F)(i)(3) This committee shall have the power to write legislation about an already investigated organization or entity in regard to how the entity used or misused A&S monies. It will then be used as a guide or piece of evidence for yearly budget hearings and deliberations.

OPINION:

Chief Justice N. De La Osa for a unanimous court,

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have jurisdiction over the SGA-MMC Constitution, Statutes, and all other governing documents, and the upholding of each. Such being the case, and in order to fully discuss the issues in question, The Court must first recognize the SGA-MMC Constitution as the supreme law, as is stated within the Constitution's Authority and Sovereignty.¹ Additionally, it must also be noted that the same is also made clear on the first page of the governing Statutes. ²

¹Authority (III) – “In conformance with the aforementioned laws and codes, this constitution is the supreme law of SGA.”

² ” Through the authority of the SGA Constitution, the Student Government Council – Modesto A. Maidique Campus hereby establishes its statutory policies and procedures.”

In consideration of the facts, the court under the jurisdiction of the Constitution and MMC- statues has the authority to “A petition for legal review, to be defined as a request for the evaluation of SGA laws to determine constitutionality and/or consistency with other laws”.³

In Reference to the first question organization and entities are both synonymous. An organized group of people within a hierarchy (structure). Entity could be used to express an organization in a broader term

In reference to the second question, ORC has the power and authority to audit organizations without it being presented or voted on by the senate. The senate may make recommendations to audit an organization but do not make the final decision.

In reference to the third question, Auditing is defined as the on-site verification activity, such as inspection or examination, of a process or quality of a system, to ensure compliance to requirements. Some audits have special administrative purposes, such as auditing documents, risk, or performance, or following up on completed corrective actions.

The bounds by what the auditing process should not consist of, no information that goes beyond what is reasonably feasible, no information beyond what is required by compliance requirement this includes personal information or medical information as it is protected by Florida privacy laws and HIPPA.

It is the Supreme Court’s overall recommendation that a single auditing procedure should be established for all future

audits in order to achieve consistency and fairness when auditing organizations that receive A&S fees funding.

³ Constitution- SGA 11 Article V §. 3(E)(2)