



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 10 April, 2020
Majority Decision issued 13 April, 2020

Unanimous Decision

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

Petitioner Veronica Carbonell brought this writ on April 8, 2020 at 9:44 P.M. in review of the Florida International University Student Government council Modesto A. Maidique Campus Elections Code and Constitution.

ISSUES:

1. Whether Senator and Speaker of the Senate Mr. David Nivia violated the Election Codes by campaigning in a restricted medium.
2. Petitioner Veronica Carbonell, a member of the Model United Nations Team raised the issue that Mr. David Nivia used this medium--a MUN Whatsapp Groupchat where he spoke about Ms. Rose Ingraham's policies regarding allocating less funding towards Model UN. Mr. David Nivia stated that these policies are considered "public record". In essence, it is deemed as "campaigning" against

- Ms. Rose Ingraham, and the ROAR! Party.
3. Petitioner Veronica Carbonell claims that this specific medium is strictly an academic group chat as defined by the Elections Board's email sent on April 7th.
 4. Ms. Michelle Rosario is a member of the group chat and her position as Program Director of MUN, constitutes her as a teacher/instructor, therefore creating this group chat strictly academic.
 5. Whether Mr. Nivia also violated the Code of Ethics of the SGA-MMC Statutes by using his influence as a SGA-official to campaign.

FACTS:

1. According to the Elections Code, Section 6.03(a) Campaigning(i) "Defined as the marketing of a person, candidate, political party or group through promotional material, be it tangible or online, or through word of mouth, that encourages students to vote for that person, idea, candidate, political party or group."
2. According to the Elections Code, section 6.08 Violations (i) "Tier One: defined as Minor Offenses, which include but are not limited to improper disposal of campaign materials, actively campaigning in classroom settings, failure to follow the university posting policy."
3. According to Article VIII Code of Ethics, section 8.02 Regulations (l) "No Justice, Senator, member of the Executive Branch or Elections Commissioner shall allow personal interest to influence a vote."

4. According to the Elections Board on 04/07/2020 at 8:00 P.M. defines academic group chats as: "any digital media format that includes a teacher or teacher associate (i.e. TA, LA, RA) within the chat itself, or was created with the primary intention of discussing the academic material of the class that all participants have in common."

DECISION:

Chief Justice N. De La Osa for a unanimous opinion (4-0)

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have jurisdiction over the SGC-MMC Constitution, Statutes, Elections Code 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 SGC-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

In consideration of the facts, the court under the jurisdiction of the Constitution and MMC- statute has the authority over cases that violate the constitution and violates any constitutions or laws within the sovereignty

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."

of SGA.³ The Supreme Court of FIU SGC-MMC also has the authority to, “Rule to censure or remove SGC officials and/or group(s) of officials upon the outcome of a hearing.”⁴

As stated in the facts, Senator and Speaker of the Senate, David Nivia, sent a message to a whatsapp group chat. The groupchat, containing 70+ members at the time, primarily consisted of members of the Florida International University Model United Nations program and affiliates/acquaintances of the members. The message was one detailed a past action Ms. Rose Ingraham took during budget deliberations. Mr. Nivia informed the group chat that Ms. Ingraham, during the 2019-2020 budget deliberations, voted to decrease the funding of Model United Nations.

To maintain consistency through the 2020 SGA-MMC election cycle, the Court followed the definition of “academic group” as given by the SGA-MMC elections board. On April 7th, 2020, during an 8pm meeting, the Elections Board defined to all candidates that an academic group chat constitutes “any digital media format that includes a teacher or teacher associate (i.e. TA, LA, RA) within the chat itself, or was created with the primary intention of discussing the academic material of the class that all participants have in common.” The Elections Board made it clear that campaigning in the aforementioned forum is a clear violation of the elections.

As mentioned in the facts, the Model UN program holds a quasi-class position, being that it is primarily an extracurricular SGA-funded program, but it also has a class

section set up for members to enroll in. The petitioner argues that because Ms. Michelle Rosario is in the aforementioned chat, it's an academic group chat. The Court rejects that argument. Michelle Rosario is the Senior Program Coordinator for Strategic Initiative at SIPA. She administratively coordinates several programs at SIPA, although she serves specifically as the Director of the Model UN program. The class' instructor on record is Dean John Stack of the School of International and Public Affairs. The teaching assistant on record at the time of the writ being filed is Lorenzo Benen. Neither of these individuals are in the group chat that the petitioner raised. In retrospect, Ms. Michelle Rosario's position does not technically make her an instructor. Additionally the court further finds after investigation that this group chat is not an academic chat because it was created for the purpose of “fun” conversations and non-MUN related information; there is an already existing group chat that was purposefully created for the academic purposes of discussing course material and announcements. The Court therefore rules that it does not constitute as an academic group chat as per the definition set forth by the Elections Board.

Thus, the Court orders that no further action need be taken against Mr. David Nivia after an investigation and review of the surrounding facts and supported evidence. The Supreme Court's unanimous decision is to dismiss this case.

³ Constitution- SGA 11 Article V §. 4(A)

⁴ SGA Constitution Article V Section 5(A)(6)